PROLEGOMENA TO A KANTIAN THEORY OF MORAL JUDGMENT

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Abstract

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In this dissertation, I draw insight about what constitutes a good theory of moral judgment from Aristotle and, in particular, from John McDowell’s appropriation of him in “Virtue and Reason.” Articulating a set of desiderata for a theory of moral judgment, I consider whether Kant has the resources from which we could construct a similar theory of moral judgment while also retaining what I take to be advantageous aspects of his moral theory more generally. I turn to an examination of recent work in Kant’s theory of theoretical judgment – in particular, the work of Béatrice Longuenesse in Kant and the
Capacity to Judge – in order to find out what, for Kant, guides and makes possible theoretical judgment. Finding that theoretical judgment has at its core a teleological impulse to judge, I then show how this insight both can and cannot be applied to the case of moral judgment.
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productive years that were ahead), watched our children for me while I worked, commented again extensively and thoroughly on late drafts of the whole thing, and – to top it all off – did much of the grunt work in the footnotes, bibliography, and formatting (when it was easier for him to do this while I took care of aforementioned children). These gifts go beyond emotional support; I could not have done this without him. I know he’s glad I’m finished.

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I would like to dedicate this project to my mother and father, and to John, Jack, Daniel, and any others to come.
CHAPTER 1

DESIDERATA FOR A THEORY OF MORAL JUDGMENT

The opening chapters of Aristotle’s *Nicomachean Ethics* contain an admonition not to seek more precision from ethical inquiry than it can give:

Now fine and just actions, which political science investigates, exhibit much variety and fluctuation, so that they may be thought to exist only by convention, and not by nature. And goods also exhibit a similar fluctuation because they bring harm to many people; for before now men have been undone by reason of their wealth, and others by reason of their courage. We must be content, then, in speaking of such subjects and with such premises to indicate the truth roughly and in outline, and in speaking about things which are only for the most part true and with premises of the same kind to reach conclusions that are no better.\(^1\)

Nonetheless, his account of virtue in that text describes a kind of knowledge that reliably guides the virtuous agent to do the right thing in particular circumstances. The best judge of fine and just action, Aristotle says, is the one who has virtue.\(^2\) This, in turn, is because


\(^2\) Ibid, 1094b29-1095a12.
what we have when we have the virtues is a habit of deliberately and knowingly choosing a mean between excess and defect – and we choose this mean state because we prefer it or desire it as the right thing to do in these circumstances. Virtue, then, is a special kind of knowledge; John McDowell has called it “uncodifiable,” picking out in his analysis the reasons why even though virtue is knowledge it does not lead the virtuous agent to the delineating of rules that would generate the right course of action in every – or even any – situation. Instead, we must be content, when theorizing, with outlines of virtue, and we must focus our attention, if we want to become virtuous, on finding a virtuous agent, following his example, and putting virtue into practice.


4 Myles Burnyeat describes at length how we might come to have the knowledge (i.e., virtue) that Aristotle and McDowell describe in “Aristotle on Learning to be Good,” in A.O. Rorty, ed., Essays on Aristotle’s Ethics (Berkeley, California: University of California Press, 1981), pp. 69-92. Burnyeat argues that we begin by performing actions that we take to be fine or just, following as we do the example of those who are already fine or just. We in this way practice the virtues; and according to Burnyeat, “Aristotle is not simply giving us a bland reminder that virtue takes practice. Rather, practice has cognitive powers, in that it is the way we learn what is noble or just.” (Ibid, p. 73.) We are able to learn what is noble or just through practice because we have “an ability to internalize from a scattered range of particular cases a general evaluative attitude which is not reducible to rules or precepts.” (Ibid, p. 72.) In this way, we acquire first the that: reliably picking out which actions are noble and just. One who is learning to be good and who progresses along the path to virtue will move from merely imitating noble and just acts – what Burnyeat calls having the that – to understanding why such actions are noble and just – having the because. By practicing things that are noble and just, we come eventually to have knowledge of noble and just things. As Burnyeat explains, “You need a good upbringing not simply in order that you may have someone around to tell you what is noble and just – you do need that… - but you need also to be guided in your conduct so that by doing the things you are told are noble and just you will discover that what you have been told is true. What you may begin by taking on trust you can come to know for yourself. This is not yet to know why it is true, but it is to have learned that it is true in the sense of having made the judgment your own, second nature to you – Hesiod’s taking to heart. Nor is it yet to have acquired any of the virtues, for which practical wisdom is required…that understanding of ‘the because’ which alone can accomplish the final correcting and perfecting of your perception of ‘the that.’ But it is to have made a beginning.” (Ibid, p. 74.) We internalize the knowledge that what is virtuous is what is enjoyable, much in the way, Burnyeat says, that we might come to learn that skiing is enjoyable – “only by trying it myself and coming to enjoy it. The growth of enjoyment goes hand in hand with the internalization of knowledge.” (Ibid, p. 76.) One who has learned that virtuous actions are enjoyable for their own sake is ready to be
Virtue, for Aristotle, is in this way – i.e., mysteriously and yet reliably – action-guiding. In this dissertation, I will see whether Kant describes in his very different ethical theory a kind of knowledge that is in its way action-guiding. In other words, I will outline a Kantian theory of moral judgment: an account of how, as ethical agents, our principles guide us to do the right thing. I will spend the rest of this chapter showing why such an account might be both a difficult and a philosophically important account to develop.

1. Moral virtue, practical wisdom, and moral imagination in Jane Austen

When we turn to Jane Austen’s novels, we find on display what most would take to be an Aristotelian, rather than a Kantian, conception of morality and virtue. Karen Stohr has argued that what Austen’s heroines exemplify is the combination of practical educated : he is ready to learn the why or the because of virtuous actions. (Ibid, p. 78.) In other words, he is ready for Aristotle’s Ethics. (Ibid, p. 81.) “Since it is the articulation of a mature scheme of values under the heading of the good, it will itself provide new and more reflective motivation for virtuous conduct. That is why Aristotle can claim…that the goal of the study of ethics is action, not merely knowledge: to become fully virtuous rather than simply to know what virtue requires.” (Ibid, p. 81.)

Jeanine Greenberg argues that Fanny Price, for example, exemplifies Kantian morality through her possession of the virtue of courageous humility, which Greenberg argues is central to Kant’s moral theory. Leaving aside the question of whether this virtue is central to Kant, I find Robert Louden’s response to Greenberg devastating: he argues that without finding in Austen’s novel a direct discussion of duty and the moral law, we simply cannot know whether Fanny Price is the embodiment of a specifically Kantian morality. See Greenberg, “Courteous Humility in Jane Austen’s Mansfield Park,” Social Theory and Practice 33 (2007), pp. 645-666 and Robert Louden, “‘Firm as a Rock in Her Own Principles’ (But Not Necessarily a Kantian),” Social Theory and Practice 33 (2007), pp. 667-678. Perhaps rather than trying to figure out whether Austen’s characters – or any others – are Kantian, it would be more productive to take well-drawn characters like Austen’s and try to see whether Kant can account for the moral phenomenology we find there.
wisdom and the moral virtues that we find in Aristotle’s *phronemos*. Drawing on examples from *Sense and Sensibility*, Stohr draws out the way in which Jane Austen’s heroines – Stohr focuses on Elinor Dashwood – have both the moral virtues and practical wisdom, and so bring to light the important connections between the two. As Stohr explains,

Aristotle held that that practical wisdom is necessary for the exercise of the moral virtues and that conversely, the moral virtues are necessary for the exercise of practical wisdom. The justification for the first of these two claims is clearest in the context of Aristotle’s doctrine of the mean. Since what counts as a virtuous action depends on features of an agent’s circumstances, she must be able to identify right action along a highly variable continuum of action and feeling. Right action is a moving target, and so it requires an exercise of judgment to know what counts as virtuous here and now. Moral virtues are not blind habits precisely because they require practical wisdom for their exercise.\(^6\)

And similarly,

The second claim, that moral virtue is necessary for practical wisdom, is based on the premise that habituation into the moral virtues affects our evaluation of ends, along with our ability to act in light of those ends. What a person finds worthwhile is shaped by her upbringing and reflected in her emotional attachments. The child brought up in habits of generosity comes to see helping others as a worthwhile human end and her attachment to that end affects her view of the world. It is by now a standard thesis in virtue ethics that properly directed emotions are essential for virtue, not simply because emotional responses are valuable in themselves, but also because they play an important role in cognition. Emotional responses make certain things salient in certain contexts, and what things are made salient depends on what one views as worthwhile. Attachment to the right ends—the very thing acquired through habituation into moral virtue—makes practical wisdom possible.\(^7\)


\(^7\) Ibid, p. 380.
What is more, Austen’s heroines also have something else that enables the exercise of practical wisdom: “a certain kind of cleverness,” or moral imagination.\(^8\) Stohr explains the need for moral imagination thusly: “Since it is possible for an agent to be attached to the right ends but still not know how to act in a way expressive of that attachment, the exercise of practical wisdom requires something more.” The moral virtues form our attachments, and practical wisdom gives us knowledge of our ends, but we still need “something more” in order to act morally. Moral imagination describes the agent’s ability to see, when it comes down to it, the right way to do the right thing.

Jane Austen’s novels, Stohr shows, give us a highly detailed picture of what it is like for an agent to have or not have moral imagination. Some of the characters in *Sense and Sensibility* lack moral imagination, which, as we would expect, leads to moral failings. Elinor Dashwood, by contrast, has the virtues together with practical wisdom as well as the moral imagination necessary to instantiate her principles. She is, for example, capable of understanding when to remain in control of one’s emotions (either because of propriety or in order better to serve the needs of someone else) and when to display what one is feeling. Although she feels very deeply the pain of thinking she has lost Edward, she does not go into hysterics. As Stohr describes her,

> Her success at restraining her emotions when propriety demands it does not prevent her from either having intense emotions or from expressing them when appropriate. The key is that she is capable of guiding the expression of her emotion according to her correct judgments of what particular situations demand

\(^{8}\) Ibid.
from her, and her ability to do so is essential to her capacity to act in accordance with the dictates of practical wisdom.\(^9\)

But turning to Marianne Dashwood and Mrs. Jennings, Stohr writes,

Elinor’s behavior throughout the novel is in sharp contrast to that of Marianne and Mrs. Jennings. Despite being in possession of good moral principles, neither is routinely capable of acting in a way that reflects what they correctly hold to be valuable. Their failures, I suggest, are traceable to defects in their respective abilities to exercise moral imagination effectively.\(^10\)

On Stohr’s account, Mrs. Jennings is a woman with both good principles and a kind, loving heart.\(^11\) Stohr explores how Mrs. Jennings’ goodness complicates our impression of her; for though she is an obviously good woman, she also causes a great deal of pain to those around her. Stohr thinks that this is due to a lack of moral imagination:

A useful way to explain her failings is to say that Mrs. Jennings suffers from an impoverished moral imagination. Insofar as she imagines the effects of her actions on others at all, she does so only minimally, and she doesn’t attend to any evidence that would disconfirm her views of her remarks as being generally well-received. As she is not malicious, we must suppose that she simply doesn’t notice the responses she provokes in others—fails to see embarrassment in their faces or in their voices. Impervious to embarrassment herself, she is unable to appreciate its manifestation in others. The embarrassment of others does not touch her otherwise considerable sympathies because she cannot put herself in the position of the target of her raillery.\(^12\)

Similarly, Marianne Dashwood, though described by Austen as virtuous in many ways, is also said to be “everything but prudent.”\(^13\) Her emotions, which are not directed at the

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\(^9\) Ibid, p. 383.

\(^10\) Ibid, p. 383.


\(^12\) Ibid, p. 385.

\(^13\) Stohr quotes Austen here; see Stohr, p. 388.
wrong things but are too intense nonetheless, keep her from behaving as she ought in many circumstances. As Stohr says, “It is evident in the novel that Marianne’s emotional responses are marked by immoderation and excess. The problem is not merely that she feels things too deeply; her strong passions pose obstacles to good moral behavior, despite her explicit commitment to morality.”14 Marianne is lacking not just in prudence but in moral imagination, Stohr argues, insofar as her own strong emotions lead her to make judgments based only on initial, superficial impressions of situations and of people, and to take those impressions to reveal the truth about the person or situation she is confronting.15 And so, despite her good principles and kind heart, Marianne is not fully virtuous. Stohr concludes of both Mrs. Jennings and Marianne, “Neither can see the world properly because seeing the world properly requires the appropriate exercise of moral imagination, which neither Mrs. Jennings nor Marianne can manage. And since seeing the world properly is a precondition for acting properly in it, it is no surprise that their actions so often miss the mark.”16

In his own brief discussion of Austen’s heroines, Herbert McCabe describes those heroines as having “good sense.” Elizabeth Bennett and Anne Elliot are, at bottom, prudent insofar as they are sensible: “Elizabeth Bennett is shown as having and growing in good sense, in contrast both to the silliness of her younger sisters, who think of nothing

15 See Stohr, p. 392.
16 Ibid.
beyond present pleasures and, on the other hand, to the pedantry of her elder sister Mary…Anne Elliot is, of course, centrally concerned with…making use of the counsel of others.”

McCabe speaks of prudence rather than moral imagination; yet it seems clear that both he and Stohr are pointing at the quality in a moral agent that enables her to see the right way through to the right thing to do, whatever term they are using.

We can turn to a slightly different terminology for yet another way to describe this quality: the moral agent needs good judgment, where judgment is understood as involving the work of the imagination as it brings together general principles with particular situations. This formulation makes it clear that the ability we are pointing to requires more than mere instrumental calculation and is central to the practice of the virtues. Austen’s heroines show us how important it is to be able to respond to salient features of a particular situation, in the light of good moral principles, but in a way that, as McDowell would say, is uncodifiable.

2. Moral worth and the rightness of acts

What is at stake is how we move from moral principles to their instantiation, or how we come to see the right thing to do in any given situation. And certainly doing the right thing is something that, as moral agents, we want to achieve. What Jane Austen’s

novels dramatize for us, with their intricate portraits of various characters, is exactly how hard it is to generate a moral theory that can fully explain moral judgment in particular situations. But our moral lives are built out of decisions, such as whom to marry, that are intensely particular. Indeed, the question of whom to marry – or not marry, or which religious order to join, or which school to attend, job to take, or political or economic organization to promote – will have vast repercussions for one’s moral life, yet it is a decision that can in no way be generalized. This is why Aristotle advises us to find a virtuous agent and try as far as possible in our own lives to be like him; no set of rules could guide in the way that the example of the phronemos can.

Kant’s early critics took him to be concerned with giving us an account of the right thing to do; indeed, Kant himself counts the question “What should I do?” as one of the three questions that express the interests of reason. In his criticism of Kant, Hegel was among the first of Kant’s critics to argue that Kant’s apparent answer to this question

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18 Gilbert Ryle argues that Jane Austen’s novels remind us of Aristotelian approaches to ethics insofar as Austen refuses to draw pictures of characters in black and white, opting instead for gradations of various character traits that are phenomenologically true to life and that show us how many ways it is possible to fail at being fully virtuous, and how complex a character the virtuous agent herself is. See Gilbert Ryle, “Jane Austen and the Moralists,” in Critical Essays on Jane Austen, ed. B.C. Southam (New York: Barnes and Noble, Inc., 1968), pp. 106-122.

19 In the Canon of Pure Reason at the end of the first Critique, Kant says, “All interest of my reason (the speculative as well as the practical) is united in the following three questions: 1. What can I know? 2. What should I do? 3. What may I hope?” (Kant, Critique of Pure Reason (trans. P. Guyer and A. Wood (Cambridge: Cambridge University Press, 2000)), A805/B833) He explains that the first question is speculative, the second practical, and the third both speculative and practical. At this point, Kant also says that the second question is not transcendental and therefore is not subject to critique. But he also responds with the answer, “Do that through which you will become worthy to be happy.” (Kant, A809/B837) He follows this with a discussion of the just proportioning of happiness to morality in what he here calls the ideal of the highest good. In the Logic, Kant mentions these three questions and adds a fourth: “What is man?” This question is addressed by anthropology and its answers have ramifications for moral theory. See Immanuel Kant, Logic, trans. Robert S. Hartman and Wolfgang Schwarz (New York, Dover Publications, Inc., 1974), pp. 28-9.
– the categorical imperative – is devoid of content and so cannot be the answer we were looking for.\(^\text{20}\) In its focus on the lawlike nature of moral action, Kant seems to overlook the ways in which the moral life actually unfolds for a finite moral agent.

In her influential book *Acting on Principle*, however, Onora O’Neill presents an interpretation of Kant’s ethics in which the categorical imperative functions not as a rule that specifies content but rather as a test for whether a maxim is morally worthy. An agent must accordingly bring with her to the categorical imperative a maxim that she already has in order to test this same maxim for moral worth.\(^\text{21}\) In other words, without a maxim to test, the categorical imperative is worthless. O’Neill’s interpretation of the categorical imperative as a test avoids the problem of content altogether insofar as to ask

\(^{20}\) On this point, see, for example, Karl Ameriks, *Kant and the Fate of Autonomy* (Cambridge: Cambridge University Press, 2000), pp. 310-17. Ameriks explains, “For Hegel, this is to say that the very *content* of Kantian morality absurdly rests on a test that is too empty to prescribe any significant specific form of action without also unacceptably permitting practically any other form of action.” (ibid., p. 310) Hegel also, Ameriks shows, criticizes the possibility and the motivation of Kantian morality. Of Hegel’s criticism, Ameriks writes, “the content of morality…is also something of a standoff. If the tests for usage of the categorical imperative are taken to exclude any reference to empirical matters, or even the general concepts, given in the later formulations, of man as an end in himself and a member of the kingdom of ends, then of course Kantian morality has an abstractness that contrasts with the detailed prescriptions of *Sittlichkeit*. This fact is of limited significance, though, since the use of these exclusions, common as it is by Hegel, is manifestly unfair. What Hegel can argue is that even if considerable content were derivable in a nonarbitrary manner from the categorical imperative (something that is not clearly achieved in the *Metaphysics of Morals*), it still would seem clear that an ethos, since it must exist precisely as a functioning guide, will remain more specific and more recognizable by people at large than a typical formal construction of duties devised by a Kantian. But the crucial point here is that this superior concreteness can be a real advantage only if the content is *correct*. At this point, rather than lapsing into social relativism, as he is all too often charged with having done, Hegel tends to fall back on bounds set by pure morality: our commitment to *Sittlichkeit* is to be restrained by a Kantian respect for man as an end in himself. In this way Hegel can properly criticize ancient slave culture as well as the similarly objectionable *Sittlichkeit* of some modern societies, but only at the price of relying on what seem to be the very abstract principles he meant to transcend.” (ibid., pp. 313-4.)

the categorical imperative to provide content for us is to miss the point of Kant’s theory – namely, that it determines the moral worth of acts that we bring to it.

But if this is all that Kant’s theory gives us, it is surely lacking in some important ways. As O’Neill herself explains in the last part of her book, on Kant’s theory we can encounter situations where moral worth and the rightness of acts come apart. This might happen when an agent is for some reason ignorant of the right thing to do, and so no test of the maxim that she does have reveals its moral impermissibility insofar as that maxim leaves out altogether key morally relevant features of the situation. O’Neill gives as examples an agent who fails to discharge a debt because he has forgotten about it, or a teacher who does not see her favorite pupil’s bullying for what it is but as “high spirits.” O’Neill views this result as acceptable in *Acting on Principle.*

In a more recent paper, “Experts, Practitioners, and Practical Judgment,” O’Neill turns to Kant’s essay “That May Be True in Theory But Is of No Use in Practice” to analyze the role of theory in practical judgment. She draws heavily on the insight that practical judgment, far from being an instance of subsuming a particular under a universal, involves enacting a universal in a case in which no particular has yet been given. This unique feature of practical judgment – which distinguishes it from theoretical judgment, both determining and reflecting – is often obscured by the use of examples in moral theory, where we do in fact, on reflection, have both a particular and a universal.

22 I am here leaving aside altogether the question of what happens when we have two or more maxims that equally determine our action.
When we are trying to decide what to do, however, we do not yet have the particular; and for this reason, we should thinking of ourselves as *enacting* rather than *applying* universal principles.

What is more, O’Neill argues that in the “Theory and Practice” essay, Kant draws out a point that is central to his moral theory, namely (as O’Neill puts it) that “in practical judgment, including moral judgment, *all* that we have is theory, combined with (more or less adequate) understanding of the context of action based on theoretical judgment—determinant, reflective, or both—about the particular situations we face.”²³ This is because when we are judging what to do, the particular action that would normally fill the place of the particular in judgment does not yet exist—and so all that we have to go on is our theory. And prescriptive theories, O’Neill writes, always underdetermine action. Though in some instances, the right thing to do is immediately apparent—O’Neill cites the example of not embezzling money—no theory, by its nature, is going to be able to give us a fully determinate answer to the question, What should I do?²⁴

The categorical imperative test, functioning as it does as the central principle in Kant’s moral theory, necessarily leaves the question of *how we come to see the right thing to do* to one side. Looking only to the categorical imperative test, then, we will find


²⁴I should note that this is true of all theories, and not just Kant’s.
out how to test maxims that we do have; but we will not find out how those maxims are generated in the first place.

And yet – moral worth and the rightness of acts, we recall, can come apart when we are ignorant in some way of the right thing to do, culpably or not; but surely what we want is for this never to happen. Consider Elizabeth and Darcy’s attachment to each other in *Pride and Prejudice*. The two lovers come to see that they had been mistaken in their assessment of one another. Had Elizabeth, for example, continued to see Darcy as prideful, she would have been doing the morally worthy thing in finding that as a reason for not marrying him; but what she needed was not to be ignorant of the full nature of his character in order to make the right decision with regards to him.²⁵ Her willingness to

²⁵ This is not to overlook the fact that Darcy, too, had to change: “I have been a selfish being all my life, in practice, though not in principle. As a child, I was taught what was right, but I was not taught to correct my temper. I was given good principles, but left to follow them in pride and conceit. Unfortunately an only son, (for many years an only child,) I was spoiled by my parents, who, though good themselves, (my father, particularly, all that was benevolent and amiable,) allowed, encouraged, almost taught me to be selfish and overbearing, to care for none beyond my own family circle, to think meanly of all the rest of the world, to wish at least to think meanly of their sense and worth compared with my own. Such I was, from eight to eight and twenty; and such I might still have been but for you, dearest, loveliest Elizabeth! What do I not owe you? You taught me a lesson, hard indeed at first, but most advantageous. By you, I was properly humbled. I came to you without a doubt of my reception. You shewed me how insufficient were all my pretensions to please a woman worthy of being pleased.” (Austen, *Pride and Prejudice* (New York: Alfred A. Knopf, 1991), p. 349) Note, in this passage, that the younger Darcy knew what to do but failed to do it; Kant can explain this phenomenon well through his account of the propensity to evil. See, for example, Immanuel Kant, *Religion within the Boundaries of Mere Reason* (trans. G. di Giovanni, in *The Cambridge Edition of the Works of Immanuel Kant: Religion and Rational Theology*, ed. Wood and di Giovanni (Cambridge: Cambridge University Press, 1996)), 6:29-32. The humility that Darcy speaks of is also something that Kant would embrace, as Karl Ameriks and Jeanine Grenberg, for example, have noted. For a discussion of how Kant’s intellectual humility involved a Rousseau-influenced insight that human beings are fundamentally equal (against an “entrenchment of privilege”), see Karl Ameriks, “Kant, Human Nature, and History after Rousseau,” in *Kant’s 'Observations' and 'Remarks': A Critical Guide*, ed. S. Shell and R. Velkley (Cambridge: Cambridge Univ. Press, 2011). Quotation is from the Word document draft, p. 17.
change her mind in the light of new information is what makes her character virtuous, and we hope that we, too, would be able to see when to change as she does.

3. The significance of acting from duty

One of Kant’s primary aims as he presents his ethical theory is to present morality in its purest form, i.e., unencumbered by the particular details of specific situations in which humans find themselves. This leads him to focus on the concept of duty: the performance of an action simply because the moral law demands it and not because we are inclined to that action. And so, infamously, we have the following passage from the *Groundwork* in which Kant describes a misanthrope giving to charity: “suppose that now, when no longer incited to it by any inclination, he nevertheless tears himself out of this deadly insensibility and does the action without any inclination, simply from duty; then the action first has its genuine moral worth.”

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26 Immanuel Kant, *Groundwork of the Metaphysics of Morals*, in *The Cambridge edition of the works of Immanuel Kant: Practical Philosophy*, trans. and ed. Mary J Gregor (Cambridge: Cambridge University Press, 1996), 4:398. Barbara Herman discusses this at length in *The Practice of Moral Judgment*. Her analysis is simple: we must notice that what Kant is doing is describing, first, a sympathetic man who performs actions only from inclination, and then the same man who, now in different circumstances, acts without inclination and only from the motive of duty. The point of the example is to draw out why acting merely from sympathy is morally problematic, not to show that, as Herman puts it, “only when there is no inclination to a dutiful action can it have moral worth.” Herman also discusses at length why it is that we should find fault with acting from mere inclination. See Barbara Herman, *The Practice of Moral Judgment* (Cambridge, Massachusetts: Harvard University Press, 1993), pp. 2-22. The quotation is from page 18.
Kant focuses his attention, then, not on the rightness of acts but on moral worth, which he grounds in the ability of the will to determine itself according to pure practical reason. In order for a will to determine itself according to pure practical reason, it must be able to abstract from all “matter” of its action and take as its principle “the conformity of actions as such with universal law.” To take such a principle as the principle of one’s action is to act from respect for the moral law as such, or from duty. By definition, a will that takes duty as its principle of action does not ground the principle of its action in any contingent end: Kant says in the *Groundwork* that

an action from duty has its moral worth not in the purpose to be attained by it but in the maxim in accordance with which it is decided upon, and therefore does not depend upon the realization of the object of the action but merely upon the principle of volition in accordance with which the action is done without regard for any object of the faculty of desire.28

And in the *Critique of Practical Reason*, he even more forcefully distinguishes between the matter and the form of maxims, arguing that unless the will can be determined simply by the form of the maxim, it cannot be thought of as determined by pure practical reason:

The matter of a practical principle is the object of the will. This is either the determining ground of the will or it is not. If it is the determining ground of the will, then the rule of the will is subject to an empirical condition (to the relation of the determining representation to the feeling of pleasure or displeasure), and so it is not a practical law. Now, all that remains of a law if one separates it from everything material, that is, every object of the will (as its determining ground), is the mere form of giving universal law. Therefore, either a rational being cannot think of his subjectively practical principles, that is, his maxims, as being at the same time universal laws or he must assume that their mere form, by which they

27 Kant, 4:402.
28 Ibid., 4:400.
are fit for a giving of universal law, of itself and alone makes them practical laws.  

Hence the apparent one-sidedness of Kant’s theory grows out of his insistence that a will has moral worth only if it is determined by maxims whose status as practical laws derives from their form and not from their matter. What follows from this position in the Foundations of the Metaphysics of Morals is a lack of concern for contingent ends or purposes. And in the Critique of Practical Reason, Kant makes it clear that contingent ends can never be what determines a morally worthy action.

Kant works out the moral theory that he does not because he sees no value in particular contingent ends, but because he considers it of utmost importance to found ethics in the non-contingent, i.e., universal and necessary, work of reason. In the Groundwork, for example, he deliberately moves from common-sense moral judgments to their source in duty, arguing that this source is both untainted by particular inclinations and utterly perspicuous to any rational agent. Both of these aspects of duty are


30 Thus we have passages such as the following: “The categorical imperative, which declares the action to be of itself objectively necessary without reference to some purpose, that is, even apart from any other end, holds as an apodictically practical principle” (Groundwork, 4:415), or “It has to do not with the matter of the action and what is to result from it, but with the form and the principle from which the action itself follows; and the essentially good in the action consists in the disposition, let the result be what it may.” (Ibid, 4:416.)

31 As Kant writes, “Thus, then, we have arrived, within the moral cognition of common human reason, at its principle, which it admittedly does not think so abstractly in a universal form but which it actually has always before its eyes and uses as the norm for its appraisals. Here it would be easy to show how common human reason, with this compass in hand, knows very well how to distinguish in every case that comes up what is good and what is evil, what is in conformity with duty or contrary to duty, if, without in the least teaching it anything new, we only as did Socrates, make it attentive to its own principle; and
important to Kant insofar as he takes himself to be outlining the work of a human being 
quae a being with reason: it is important that any human being could in principle follow the commands of duty and – what is more – could come to legislate those commands for himself. This is in part why, for his part, Kant pushes prudence to one side: he considers prudence to be a purely intellectual capability, a sort of cleverness that as such could not be required for the moral life. Cast in this light, Kant’s grounding of morality in reason should certainly have some understandable appeal, even as it leads him to outline a theory that has received more than its share of criticism.

And it has received that criticism precisely because the categorical imperative seems, to many readers, so far removed from everyday life as to be useless. Even once we interpret it as a test and not as a principle that specifies action on its own, we are still left wanting more: and this, of course, is just because the test does not tell us which maxims to plug into it, or how to find the “right” maxims.

that there is, accordingly, no need of science and philosophy to know what one has to do in order to be honest and good, and even wise and virtuous.” (Groundwork, 4:404)

Indeed, it is remarkable the extent to which Kant portrays prudence in a negative light and juxtaposes it to the commands of morality. In the Groundwork, he names it as the skill that enables us to achieve our own happiness, grouping it under the commands of the assertoric hypothetical imperatives. He defines prudence as “skill in the choice of means to one’s own greatest well-being,” neutral language so far as it goes, but then elaborates thusly in a footnote: “The word ‘prudence’ is taken in two senses: in the one it may bear the name of ‘knowledge of the world,’ in the other that of ‘private prudence.’ The first is a human being’s skill in influencing others so as to use them for his own purposes. The second is the insight to unite all these purposes to his own enduring advantage. The latter is properly that to which the worth of even the former is reduced, and if someone is prudent in the first sense but not in the second, we might better say of him that he is clever and cunning but, on the whole, imprudent.” (Groundwork, 4:415-6, including fn) It seems clear both that Kant’s denigration of prudence comes to a great extent from his elimination of one’s own happiness from the domain of the moral law, and that a broader understanding of prudence – prudence as good sense, or properly functioning moral judgment, akin to practical wisdom itself – is a phenomenon that a Kantian should want to be able to account for.
Nonetheless, there might be something that we can do to try to reduce the indeterminacy in our Kantian moral theory. In her discussion of Kant’s “Theory and Practice” essay, O’Neill singles out Kant’s point that adding principles to a theory can help to bring it into line with practice.\(^\text{33}\) It could be that we can fill out our moral principles without jeopardizing the way in which those principles are grounded in reason. What is more, and as I hope to show, filling out our account of practical judgment as well might also help us understand how agents come to see and do the right thing.

4. *Virtue as an uncodifiable perceptual sensitivity*

Rather than focusing on principles, Aristotle’s ethical theory focuses on character.\(^\text{34}\) Someone who is virtuous has, as part of her firm and unchanging character, a


\(^{34}\) In “Kant After Virtue” from *Constructions of Reason*, Onora O’Neill makes the point that it is more helpful to distinguish between Aristotle’s views and Kant’s not insofar as one theory is a virtue ethic and the other isn’t – as O’Neill shows, virtue is central to both philosophers – but insofar as Aristotle focuses on character while Kant focuses on principles (where this difference lies in what each takes to be fundamental; again, Aristotle also makes principles part of his theory, while Kant leaves room for character). O’Neill says, “Kant’s fundamental notion is that of the morally worthy principle that provides guidelines not only for matters of outward right and obligation, but for good characters and institutions as well. His position is action-centered and can allow for agent-centered ways of thinking; but its basic framework is not specifically agent-centered.” (In O’Neill, *Constructions of Reason* (New York: Cambridge University Press, 1990), p. 162.) Coming at things from a different (but not necessarily conflicting) point of view, Karl Ameriks points out that Kant, too, has things to say about character when he discusses the relationship between the good will and character in “Kant on the Good Will.” Ameriks shows how Kant’s view of the good will is one that “equates the good will with the proper and complete individual character” – “to have a good character for Kant is to have one’s whole character be good, and good in a way that, like the character itself, does not derive from anything else.” What is more, “this suggests that to have a good will is precisely to have the kind of principles that would be right for any situation one could be in.” (In Ameriks, *Interpreting Kant’s Critiques* (New York: Oxford University Press, 2003), pp. 201-2.)
kind of knowledge that enables her to choose deliberately the right thing to do. Aristotle emphasizes that the right thing to do will vary, within the limits of virtue, from situation to situation – e.g., what is courageous in one instance may well be foolhardy in another. Her virtue gives the agent the ability to be sensitive to the demands of particular situations, to perceive the virtuous act among many vicious ones, and to choose it accordingly.

John McDowell characterizes the ability of the Aristotelian virtuous agent to act rightly as an uncodifiable perceptual sensitivity. He defines virtue as a perceptual capacity that grants to the virtuous person “a reliable sensitivity to a certain sort of requirement which situations impose on behaviour.”35 The virtuous person sees what is to be done; hence his perception constitutes a sort of knowledge (it “is not the outcome of a blind, non-rational habit or instinct”36); and this knowledge is sufficient for virtue insofar as “on each of the relevant occasions, the requirement imposed by the situation, and detected by the agent’s sensitivity to such requirements, must exhaust his reason for acting as he does.”37 McDowell explains that because such sensitivity functions as an explanation for the virtuous agent’s action, the sensitivity can accordingly be identified

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Others have written about the role of character in Kant’s moral theory and about his extensive analysis of what it is to be a human being in his anthropology. See, for example, Robert Louden, *Kant’s Impure Ethics* (New York: Oxford University Press, 2000); Patrick Frierson, *Freedom and Anthropology in Kant’s Moral Philosophy* (Cambridge; Cambridge University Press, 2003); and Patrick Kain, “Prudential Reasoning in Kant’s Anthropology,” in *Essays on Kant’s Anthropology* (Cambridge: Cambridge University Press, 2003), pp. 230-65.


36 Ibid.

37 Ibid, p. 52.
with virtue: “the concept of the virtue is the concept of a state whose possession accounts for the actions that manifest it. Since that explanatory role is filled by the sensitivity, the sensitivity turns out to be what the virtue is.”

McDowell argues against a picture in which “acting in the light of a specific conception of rationality must be explicable in terms of being guided by a formulable universal principle.” On the Aristotelian view, a model of rationality that explains virtuous behavior as thoroughly codifiable fails to capture something important about our experience of virtuous action: since any particular situation may present multiple considerations of which only one carries particular moral salience, the virtuous person must be able to respond creatively – and hence uncodifiably – to any situation in which she finds herself. What the virtuous person has that cannot be codified, McDowell

38 Ibid. As Barbara Herman explains at the beginning of Moral Literacy, “One of the great successes of revitalized virtue theory has been to shift philosophical attention away from the mechanics of a rule-based practical syllogism to the ways in which the conditions for moral judgment involve the complexities of a developed moral character. Having a virtuous character, we see different things, or see them in ways that have different practical significance, than we would if our character were vicious or in some lesser way defective. And because of the way we come to see what we see, we are moved to act.” She cites McDowell in a footnote. Barbara Herman, Moral Literacy (Cambridge, Massachusetts: Harvard University Press, 2007), p. 1.

39 McDowell, “Virtue and Reason,” p. 58. See also the following passage: “We tend to assume that the knowledge [in question] must have a stateable propositional content...Then the virtuous person’s reliably right judgements as to what he should do, occasion by occasion, can be explained in terms of interaction between this universal knowledge and some appropriate piece of particular knowledge about the situation at hand; and the explanation can take the form of a ‘practical syllogism’, with the content of the universal knowledge, or some suitable part of it, as major premise, the relevant particular knowledge as minor premise, and the judgment about what is to be done as deductive conclusion.” As I have already mentioned, contemporary commentators, including Onora O’Neill and Barbara Herman, do not interpret Kant as having this kind of a theory, with the categorical imperative functioning as the universal and the particular situation at hand as the minor premise, nor do I think McDowell thinks Kant’s ethical theory works like this. In Chapters 4 and 5 I will work through a more nuanced view of what moral judgment, for Kant, is like. In the meantime, I should also note that it is not clear that the version of judgment McDowell sets himself against is one that really explains how judgment according to rules would go; as Herman points out in Moral Literacy, “Not that it is so obvious how, even given fixed laws, judgment is to proceed.” (Herman, p. 1 fn1.)
argues, is a conception of the good life that she brings to bear in each particular situation she encounters.\textsuperscript{40} Her perception of reasons for action is thus structured by her conception of the good life, and she acts virtuously insofar as she is able to see and be motivated by the ways in which those reasons reveal themselves as connected to and salient within various particular circumstances. Her actions, therefore, cannot be understood without reference to her conception of the good life. So the kind of knowledge virtue requires is a perceptual capacity that transcends codification: it requires an awareness of reasons for action that are situated within a general picture of the good life for human beings.

The agent’s conception of the good life is therefore a motivating force in her moral life; it is the kind of knowledge that both changes her ability to see what should be done, enabling moral discernment, and gives her the desire to do it, motivating her to do the right thing. But the manifestation of the good life in the agent’s behavior is not something that can be codified. What the good life is becomes apparent in the right thing to do, and vice versa. One can step inside the virtuous agent’s life and understand why she has done what she has done and what makes it the right thing to do, but one cannot understand it from the outside.\textsuperscript{41}

\textsuperscript{40} See McDowell, “Virtue and Reason,” pp. 66-67.

\textsuperscript{41} Karl Ameriks has pointed out to me that the spatial terminology here is interesting and already points to an analogy between theoretical and moral judgment. Theoretical judgment, for Kant, cannot make knowledge claims outside of space and time; similarly, moral judgment operates within a domain outlined by practical reason. What this domain looks like will be my topic in later chapters. At any rate, as I already point at the end of this chapter, there are important differences between Kant and Aristotle about the intelligibility of moral action: Aristotle thinks that one must be virtuous in order fully to understand
5. *The framework of moral judgment*

Aristotle’s theory, and McDowell’s appropriation of it, situates the ethical agent’s actions within a broader framework – her conception of the good life – that is supposed to render that action intelligible even while attending to its particularity. In other words, the agent acts with knowledge, i.e., with a reason, that gets its intelligible character from her conception of the good life for a human being, and she is motivated to that act in a way that also derives from her conception of the good life and so is not separate from her reason for acting. This is what happens when desire and reason work together as Aristotle and McDowell describe.\(^{42}\) Furthermore, what brings together and guides both desire and reason is the end for which the agent acts: the good life. Aristotle’s theory is in this way a teleological one, and it is in light of her telos that everything else in the life of a virtuous agent becomes intelligible. Turning to a traditional image, we can compare how this works to the way that an oak tree both generates and is generated by an acorn: the good life guides the agent’s actions, even as her actions make apparent to her and to others what the good life is.

As we have just seen, both Aristotle and McDowell explain that, given this analysis of virtue, virtuous actions and the motivations to them can only understood from virtue, while Kant (with his emphasis on humility; see above, n. 25) thinks that any agent with (even non-ideal) practical reason should be able to make sense of its dictates.

\(^{42}\) This is also true of Hegel’s theory of right action.
within the perspective of virtue, where what they mean by understanding involves a full appreciation and embracing of the virtuous act.\textsuperscript{43} One has to step inside the framework, confront a particular situation alongside the virtuous agent, and see from within her view of what the good life looks like and how this action fits in it, in order to understand fully why she chose this action. Indeed, really understanding the virtuous agent’s actions means desiring them in the way that she desires them. This is why Aristotle says, “it is not the man who does these things that is just and temperate, but the man who also does them \textit{as} just and temperate men do them.”\textsuperscript{44}

Hegel’s \textit{Phenomenology of Spirit} presents us with another way of understanding action teleologically, one that is self-consciously critical of Kant’s moral theory. For Hegel, like Aristotle, the end of an action is what drives it. On his view, Kant’s moral theory leads to an alienation of the ends of action from action itself. Hegel thinks that the end of an action not only cannot be separated from the action but also cannot even be separated from the agent and the agent’s particular interests. In other words, on Hegel’s view, what it means to be an agent, or in his terminology, to be “self-consciousness”, just is to act for the sake of an end that is not distinct from one’s reason for being in the first place. Though those reasons for being are also not distinct from universal standards, Hegel’s emphasis on the agent’s action leading, not to alienation, but to return to himself, means that his theory stands in many respects in sharp contrast to Kant’s. I take it that

\textsuperscript{43} Even philosophizing about virtue is something that only someone on the path to virtue can do; see Aristotle, \textit{Nicomachean Ethics}, 1095a2-11.

\textsuperscript{44} Aristotle, \textit{Nicomachean Ethics}, 1105b6-7.
this is one way of understanding what Hegel is up to in the *Phenomenology* as he articulates the notion of *Sittlichkeit*, a social ethos which is fully rational but in which an agent’s ethical acts are fulfilling rather than alienating. 45

Hegel’s view is self-consciously critical of Kant; it is also in its way heavily influenced by Aristotle, and it shares with Aristotle in part an emphasis on virtue and character that can only exist and be understood from within an ethical framework. This is how both Hegel and Aristotle theorize about ethics in a way that is sensitive to the demands of particular situations; the point is simply that, within the framework, particular situations take on a certain look that reveals to the virtuous agent what the right course of action is in such a way that she desires to pursue it.

6. *Universalism and Particularism*

Another way to put the dispute between contemporary appropriators of Kant and those who appropriate Aristotle is to describe the former as universalists and the latter as particularists. As Onora O’Neill explains in *Towards Justice and Virtue*, “universalists orient ethical reasoning and judgement partly by appeal to certain universal principles

45 Kant, who thinks that the good will is never in reality our will, does not envision morality as progressing to the point where it is fully harmonized with nature in the way that Hegel describes. For Kant’s views on moral progress, see, for example, Ameriks’ discussion of the good will in Interpretation of Kant’s *Critiques*, especially pp. 206-11, and Allen Wood’s discussion of moral progress in *Kant’s Moral Religion* (Ithaca: Cornell University Press, 1970), pp. 226-48.
that are to hold for all lives and across all situations,” while particularists “seek to anchor ethical claims by appeal to the actual practices or traditions or patterns of judgment of particular communities or, more radically, without looking beyond the particular sensibilities, attachments of judgments of individuals in particular situations.”

Importantly, however, O’Neill argues against the perpetration of this dichotomy, the pitting of justice against virtue. She examines how justice and virtue were once seen as complimentary in thinkers from Plato to Aristotle to Christian ethicists, and she hypothesizes that the current divorce of justice from virtue – and division of ethics into universalists and particularists – results, not from anything essential to justice or virtue, but from a loss of the foundations for ethical thought. But the dichotomy between

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46 Onora O’Neill, Towards Justice and Virtue, p. 11.


48 She notes that MacIntyre argues, in After Virtue, that the modern intellectual crisis leaves us with particularism as our only option; O’Neill finds MacIntyre’s historicist approach weak. She writes, “One quasi-Hegelian explanation has been put forward by Alasdair MacIntyre, who surmises in After Virtue that the changes we associate with modernity disrupted a once-coherent moral order that had revolved around the particular claims of traditions of virtue, among whose ruins our present lives are led. MacIntyre’s explanation starts from the controversial assumption that traditional thinking about the good life and virtue had been particularist. He then aims to explain the divergence between justice and virtue by pointing to social changes that undermined particularist understandings of ethics…MacIntyre offers an account of the divergence of virtue and justice; but not a particularly convincing account. In the first place, he requires us to read premodern ethical thinking as solidly particularist although the evidence is, to say the least, quite mixed. Much here depends on insisting on a particularist reading of Aristotle and on playing down the degree to which Christian and post-Christian culture and life has been suffused with the universalist claims of Christian and post-Christian doctrine. Secondly, by neglecting the continuities of universalist thinking it casts a rather feeble light on the reasons why thinking about justice has been transformed. Justice has acquired new importance in modern societies because its scope and tasks expanded and changed with the emergence of strong states and with the increasing differentiation of Church from state, of state from society, and of society from economy.” (pp. 26-7) By contrast, O’Neill thinks that particularism is uniquely modern, and that universalist approaches to ethics can carefully and successfully be combined thenuance and specificities of virtue to yield a place for both justice and virtue within one theory.
justice and virtue, between universalism and particularism, could be overcome, O’Neill thinks, if we address the crisis that led to the divorce in the first place. She writes,

The common fate of discussions of justice and of virtue has been a loss of those supposed metaphysical or religious certainties on which the whole of ethics had been overtly or tacitly based. The unexplained divergence in the way the two domains of ethics are now discussed may reflect the mere reality that neither is firmly anchored… There is little to be said on behalf of inclusively universal principles, including those of justice, unless they can be based on convincing practical reasoning, which either sustains or replaces justifications once based on metaphysical or religious certainties. There is little to be said on behalf of particularist conceptions of the virtues unless convincing reasons can be found, which show why appeals to shared traditions or to individual sensibilities justify ethical claims…

…Ultimately accounts of both domains of practical reasoning need to answer charges of arbitrariness.\(^{49}\)

O’Neill’s own account of practical reasoning, which sets as a standard for such reasoning that it be “informed by principles all in the relevant domain can follow,”\(^{50}\) forms the basis for her analysis of a constructivist system in which justice and virtue are complimentary.

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To this extent, Onora O’Neill objects to particularist interpretations of Aristotle, pointing out that he has not always been read this way. She writes, “Although Aristotle denied both the unity and the transcendence of the good, traditional interpretations read him too as universalist rather than particularist. The Aristotle of tradition was committed to an historically invariant account of proper human functioning, hence of the Good for Man, and hence of the inclusive standards both of virtue and of justice, whose observance would constitute that good. Stoic and Christian thinkers could appropriate and adapt a universalist reading of Aristotle, in which a perfectionist account of the Good oriented not only good character (hence virtue) but the Natural Law (hence justice).” (Onora O’Neill, Towards Justice and Virtue (Cambridge: Cambridge University Press, 1996), p. 15) She also notes in a footnote that there is incoherence lurking in this historicist appropriation of Aristotle: “The line of thought behind this nostalgia is questionable. The very historicism which this type of particularism insists upon puts the possibility of claiming that their views of past ethical traditions can be accurate in question.” (p. 27, fn.) In “Kant After Virtue,” O’Neill points out that MacIntyre, for example, has more in common with Kant than with Aristotle when he leaves the good for man as indeterminate as he does. (O’Neill, Constructions of Reason, p. 159)

\(^{49}\) O’Neill, Towards Justice and Virtue, pp. 36-7.

\(^{50}\) Ibid, p. 50.
I mention O’Neill not to critically analyze her position, but because her account represents a way in which some contemporary appropriators of Kant, including Barbara Herman, seek to present Kant’s account of ethics. Herman and O’Neill, for example, are interested not in reconciling Kant with Aristotle (or better, with particularist interpretations of Aristotle) but, rather, in finding in Kant a universalist approach that is not susceptible to the usual criticisms of formality and that draws heavily on the place of virtue in Kant’s system, and in this way seeks to overcome the universalist/particularist divide.

7. Barbara Herman and Kantian moral judgment

This approach has been taken by O’Neill and others because they accept the charge that, if we are going to construct an appealing Kantian theory of practical judgment, we need to explain how a Kantian agent can also be sensitive to the demands of particular situations in the way that the Aristotelian and Hegelian agents are. Indeed, we can concede to the particularists that Aristotle and Hegel have already shown us what a theory of moral judgment probably needs to look like – that is, the agent’s reason for action, her ends, have to be such that she can understand those reasons as being instantiated within particular situations. In other words, her reasons cannot be so abstract that she could not possibly understand what it would mean to instantiate them. Thus, they have to be brought close to the particular details of individual actions in such a way that they are not really separate from those details, as Aristotle and Hegel have described.
This requires, as we saw from our discussion of Jane Austen, an appropriately sophisticated account of moral judgment.

Barbara Herman has focused her work in part on showing how the instantiation of Kantian moral principles – the bringing together of the universal principle with the particular moral situation – occurs. In *The Practice of Moral Judgment*, she introduces what she calls Rules of Moral Salience: rules that an agent has as part of the normal course of character development, and that enable her to bring to the categorical imperative test relevant maxims; in her words, the Rules of Moral Salience are “the descriptive moral categories that permit the formulation of maxims suitable for assessment by the CI [categorical imperative] procedure of judgment.” The Rules of Moral Salience are intended to show us how thick moral concepts and the phenomena that correspond to them enter into the Kantian agent’s judgment and are tested by the categorical imperative procedure. Herman believes that the Rules of Moral Salience can help us understand moral progress on the Kantian account. What happens, she thinks, when moral progress is made, is that the Rules of Moral Salience are perceived to be lacking or incorrect, and that the individual or group who comes to this realization will accordingly adjust her or their Rules of Moral Salience and bring these new rules instead to the categorical imperative procedure. Herman argues that Kant’s Formula of Humanity – always treat the person of another as an end, and never as a means – is central to the generation of the Rules of Moral Salience, and that adjustments to the Rules

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51 Herman, *The Practice of Moral Judgment*, p. 84.
of Moral Salience often involve adjustments in whom we consider to be a moral agent to be treated as an end-in-herself.\textsuperscript{52} The Rules of Moral Salience are, as “an interpretation, in rule form, of the respect for persons (as ends-in-themselves) which is the object of the Moral Law,” the schema of the Formula of Humanity, and to this extent Herman believes herself to have gone far towards articulating how Kant’s moral theory comes to have content and to take ends into consideration. Bringing ends into the Kantian agent’s picture, Herman thinks, can show us how Kantian moral judgment takes place in a way that responds sufficiently to the particular phenomena with which the moral agent is confronted.

In her new book \textit{Moral Literacy}, Herman goes even further towards explaining the role of ends in Kantian moral judgment with the introduction of the concept of moral literacy and the subsequent introduction of Kantian obligatory ends of virtue. She Takes on the Aristotelian insight that character is central to moral judgment, rather than rules; as she describes the view, “Having a virtuous character, we \textit{see} different things, or see them in ways that have practical significance, than we would if our character were vicious or in

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52 She uses as an example the moral progress made as women and minorities came to be seen as the moral agents they are, and treated appropriately. (\textit{The Practice of Moral Judgment}, pp. 88-89.) Pauline Kleingeld discusses the evolution of Kant’s own views on race, arguing that by the 1790’s, he was coming to embrace a more egalitarian and properly universalist view; see Pauline Kleingeld, “Kant’s Second Thoughts on Race,” \textit{The Philosophical Quarterly} 57 (2007), pp. 573-92. Kleingeld argues that the presence of racism in Kant’s earlier ethical writings render him an inconsistent universalist (rather than a consistent inegalitarian), and that the racism makes itself felt, not at the level of Kant’s most abstract universal principles, but at the schematization of those principles – just as we would expect to find, given Herman’s analysis of the Rules of Moral Salience (as schemata). And just as Herman argues, these Rules can change when we come to see that we have been interpreting our foundational principles incorrectly. See Kleingeld, pp. 584-5. Kleingeld notes that changes at this level are significant, just as Herman’s examples show them to be.
\end{quote}
some lesser way defective. And because of the way we come to see what we see, we are moved to act.” Combining this insight with an approach that does not leave behind Kantian principles and objectivity, she generates the notion of moral literacy, which she describes as akin to literacy in reading or other domains: it is an intentionally learned skill (unlike language acquisition) that is responsive in a creative way to the principles that guide it. Nonetheless, and crucially, it is a skill that is possible for any human to learn, not just the already virtuous. As Herman explains, “it is a basic, learned capacity to acquire and use moral knowledge in judgment and action”; “It suggests a subject matter and a standard of competency that is presumptively the same across various moral communities. It is a (nearly) universally available skill, yet one that cannot be deployed except in a local idiom”; and finally:

Insofar as it is a capacity for knowing and doing, involving the symbolic manipulation of information as the condition for expressive action, moral literacy is a bridge notion that permits crossing from facts to reasons… The analytically suspect separation between motive and value will not be found in explanations of the character of the morally literate agent.

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53 Herman, _Moral Literacy_, p. 1. Emphasis mine. She also finds fault with moral theories based solely on character, noting that “In making room for character, however, other issues emerge. One might be concerned that judgment that relies on character may have a tendency to be normatively static, especially when it involves the development of special perceptual capacities. Character-based judgment is good at explaining how an agent ‘gets it right,’ and why, in getting it right, there is no separate question of motivation. But the task of moral judgment often requires the resolution of perplexity in circumstances where part of getting it right requires being able to recognize and evaluate unfamiliar moral phenomena.” (Ibid, p. 2.) I would perhaps go a step further, and note that classical virtue theory can often have difficulty explaining the phenomenon of moral conversion. A theory in which something external to the agent—something objective, such as a universal moral law—is central can more easily do a better job of explaining how the agent could come to see something that she missed. As Herman is quick to acknowledge, though, these criticisms are meant somewhat superficially, and are not intended as an indictment of all character-based theories.

54 Herman, _Moral Literacy_, pp. 80-81.
This last point, a refusal to separate motive and value, turns out to be key for Herman. In Chapters 4 and 5 of this dissertation, I will explore Herman’s analysis of the role of ends in Kant’s moral theory, showing how she rejects the usual interpretation of a maxim as a means-end relation distinct from the principle to which it must respond, thereby blocking one common criticism of Kant, i.e., that moral motivation is mysterious and disconnected from the particular phenomena in front of a moral agent. In this way, Herman points to a Kantian analysis of moral judgment that helps us understand how a Kantian agent sensitive to what is salient in her particular circumstances.

8. Moral principle

The Aristotelian account of moral judgment that I sketched is teleological; the ends that an agent has are the reasons that guide her action, and she is guided above all else by a final end, the desire for happiness, human flourishing, or the good life. For Kant, importantly, what guides an agent must be something other than a contingent end: it must always be the moral law that lies at the heart of an agent’s actions. Introducing ends into Kant’s theory, then, must involve showing how these ends are related to – which means for Kant, derived from – the moral law. Herman is sensitive to this constraint, and I will draw out how she navigates it, always faithful to Kant’s own texts.

55 Again, reminding ourselves of Plato’s imagery in the Symposium and other texts can be helpful for seeing what this looks like.
In a criticism of Herman, though, Sally Sedgwick points out that Herman might not be sensitive enough to the role of *objectivity* – or, better, the *invariability* of the moral law\(^{56}\) – in Kant’s moral theory, with all of the metaphysical baggage\(^{57}\) about universal laws and transcendental freedom that it brings along with it.\(^{58}\) To the extent that Herman fails to feel the full force of objectivity in Kant’s theory, Sedgwick thinks, Herman also fails to grasp fully those criticisms of Kant that find the moral law to be empty. The point here is essentially that, in order for the moral law to have content, it cannot be a metaphysically neutral law. The example that Sedgwick uses is Herman’s account of two different kinds of parenting, one in which crying is seen as a normal and necessary part of pushing through separation anxiety to independence, and one in which such crying indicates psychological trauma to be avoided; Herman says that these two cases represent merely two different instantiations of a universal law (presumably, to be a good parent), while Sedgwick argues that insofar as in fact these cases involve different conceptions of what it means to be a human being, they also involve underlying metaphysical assumptions about personhood that are independent of Kant’s theory. The anthropological perspective through which the moral law is instantiated always brings along with it metaphysical


\(^{57}\) Whether or not the baggage is worth carrying is, of course, up for debate. Herman thinks it isn’t. O’Neill argues in *Towards Justice and Virtue* that the intellectual crisis of modernity requires us to accept that we must found ethics on something other than metaphysical or religious foundations; she chooses a constructivist approach to practical reason as her starting point. See O’Neill, *Towards Justice and Virtue*, pp. 31-7. What I focus on is the role that metaphysical foundations play in Kant; assessing whether we should accept those foundations can be left for after we have a better understanding of what they are and what their role is.

\(^{58}\) Sedgwick, “‘Letting the Phenomena In’: On How Herman’s Kantianism Does and Does Not Answer the Empty Formalism Critique.” Presented at the Pacific APA, 2009.
assumptions about persons, nature, God, and the like that are not themselves derived from or grounded in the moral law. Another way to put the point is to say that we learn, in the course of reflection, that we had more universal suppositions than we had initially realized. And as Sedgwick notes, this is Hegel’s criticism of Kant in full force: that

this thesis of the invariability of the moral law collapses under pressure…this version of the critique calls into question the purported formalism of the law. It draws our attention to background assumptions that must be in place to guide the law’s application. In exposing these assumptions, the critique aims to shake our confidence in the law’s universal and necessary validity.\(^{59}\)

Sedgwick allows that Herman’s reasons for taking a route that emphasizes Kant’s empiricist side rather than his theory’s formalism are that such a route avoids much of the metaphysical baggage that most contemporary appropriations of Kant find problematic. The problem, Sedgwick thinks, is that in taking such a route Herman has also eschewed – without meaning to – the objectivity that Kant’s emphasis on formalism makes possible. As Sedgwick sees it, “Herman seems convinced that the worry about a gap between the realms of reason and experience, or between the faculties of reason and desire, is misplaced. A proper or ‘enlarged’ reading of Kant, she urges, appreciates the extent to which his system ‘lets the phenomena in’ and is thus not a mere formalism.”\(^{60}\) She continues,

But while Herman persuasively demonstrates that there is a sense in which…the Kantian gap between reason and nature is not as wide as is commonly supposed, she follows Kant in keeping the gap wide open in another sense…If we are to

\(^{59}\) Sedgwick, “Letting the Phenomena In,” p. 6.

\(^{60}\) Ibid, p. 7.
insure the ultimate objectivity of the supreme practical principle, if we are in other words to secure its necessary and universal validity, we need to insist that its basis is pure reason rather than experience.\textsuperscript{61}

Sedgwick’s language is quite strong here, as she speaks of needing to “insure” objectivity, which may not be a position we can aim for.\textsuperscript{62} Nonetheless, whatever the status of the foundations of Kant’s moral philosophy, the fact remains that instantiating it requires making at least some metaphysical assumptions. As Sedgwick explains, “the essays in Herman’s collection presuppose an interpretation of the categorical imperative…The problem with not giving us a more contentful account of the law is that Herman thereby makes it appear that a thesis that should be hard to defend is easy to defend.”\textsuperscript{63} Even if we do not get into the question of the source and status of the moral law, then, the very interpretation of the categorical imperative also brings with it the need to make, and perhaps explain, our deeper assumptions. Only when we do this can we also begin to defend both the substantiality and the objectivity of Kant’s moral theory.

9. \textit{Brief outline of the project}

In order to respond to this particular problem, I want to come at the problem of how to construct a Kantian theory of moral judgment from a different direction: via

\textsuperscript{61} Ibid., p. 7.

\textsuperscript{62} See Karl Amerik’s discussion of the “fact of reason” in “Is Practical Justification in Kant Ultimately Dogmatic?” (MS).

\textsuperscript{63} Sedgwick, “Letting the Phenomena In,” p. 11.
Kant’s theory of theoretical judgment. I want to analyze the relationship between a teleological impulse at the core of Kant’s theory of judgment and the objectivity he finds to be central to sensibility. This will show how the two aspects – lawfulness or objectivity, and teleology – fit together.

My dissertation will proceed in two main stages. First, I want to examine how teleology is present in acts of theoretical judgment, especially where that judgment involves particular objects. This investigation into Kant’s theory of theoretical judgment will draw heavily on the work of Béatrice Longuenesse, and it will comprise the work of chapters two and three. Next, I will take the results of those two chapters and bring them to bear on Kant’s moral theory, discussing first how ends generally find a place in Kant’s theory, and then how that place helps us to see what enables moral judgment about particulars.

10. The strengths of universalist approaches

In *Towards Justice and Virtue*, O’Neill presents common criticisms of both universalist and particularist approaches to ethics. We have already considered the usual charges against the universalist approach; one strength, however, that the universalist approach has and that the particularist approach lacks is the ability to articulate reasons for action across traditions. As O’Neill explains,

In our world an inability to account for cross-cultural reasoning ultimately has fierce practical consequences. Many contemporary societies are culturally plural;
nearly all have significant and varied relations with other, differing societies…

From the perspective of their critics, particularists who ground restricted ethical principles in ‘our’ traditions indulge a cozy but dangerous nostalgia for a world now lost, and refuse to engage with the world we actually inhabit. More radical particularists, who ground ethics on individual sensibility or perception, may bravely do without the nostalgia, but will still have little of use to say about interaction with those whose sensibility differs.64

O’Neill takes communicability as her starting point for an account of practical reason; what I want to do is try to find out whether we can develop an account of moral judgment that explains how principles and particulars come together without, as particularist accounts do, sacrificing the intelligibility of that judgment to non-virtuous bystanders.

64 O’Neill, Towards Justice and Virtue, p. 20.
CHAPTER 2

THE FRAMEWORK OF THEORETICAL JUDGMENT

In Chapter 1, I explained how one apparent weakness of Kant’s ethical theory arises from its emphasis on universal principles, which can seem in an important sense to be without content. Kant focuses his attention on what he calls the form of the maxims that underlie action, arguing that the moral worth of an action is determined by the extent to which the maxim that guides it is universalizable. He insists that in order to determine this, we must abstract from the “matter,” or particular content, of our maxims – hence the charge levied by critics from Hegel to present-day particularists, that Kant’s ethics is devoid of the sort of content that could be relevant to determining what to do in individual situations.

In particular, we saw in that chapter that competing ethical theories, especially those of present-day particularism, focus their attention instead on the way in which virtuous agents are “perceptually sensitive” to the ethically relevant features of the situations in which they find themselves. In what will turn out to be a crucial formulation, both Aristotle and, following him, McDowell, characterize this sensitivity as
a kind of knowledge: knowledge which is, because of its creative character and
attnement to particular details, *uncodifiable*. This means that the virtuous agent, even
though she clearly counts as acting rationally, is not merely taking universal principles
and applying them to the situation in which she finds herself; rather, because the
knowledge in question is uncodifiable, no abstract principle could fully capture what the
agent knows, and is motivated by, in acting as she does. Furthermore, both Aristotle and
McDowell argue that what enables the agent to see what she should do is not a set of
abstract rules but her “conception of the good life” as it is brought to bear on the situation
at hand. And so, because Kant insists on abstracting from both the details of the
particular situation as well as any conception of the ends (in the sense of “goals”) of
action, it might seem that he is unable to understand virtuous action as what it really
appears to be: a direct response to the deliverances of a perceptual faculty that makes one
immediately sensitive to ethically relevant features of one’s environment.

I don’t think this is true, and I think the key to understanding Kant’s own version
of perceptual sensitivity and the uncodifiability of virtuous action lies in examining his
broader theory of judgment as developed in the First and Third *Critiques*. Kant’s ethical
theory has been criticized for being concerned with universal principles that seem
disconnected from particular situations. But the problem of how purely formal principles
can be brought to bear on experience is precisely the problem Kant addresses in his
analysis of *theoretical* judgment. This is what Kant is doing as he undertakes to give an
account of how what he calls pure concepts – those that are not derived from experience
– can apply with validity to the objects of experience. But if he can succeed in that task
in his discussions of theoretical judgments – that is, if he can show how universal principles and the objects of experience come together in a meaningful way that already meets some of the charges levied against him above – then we may be quite far on our way towards giving a Kantian account of how this happens in instances of practical judgment, as well.

*Introduction*

1. *Clarifying the problem and its solution*

As I mentioned in Chapter 1, McDowell has argued that the moral agent’s conception of the good life is central to her ability to see in any given instance the right thing to do. One way to understand what this means, I suggested, is to consider the relationship between an acorn and an oak tree. The oak tree both generates and is generated by the acorn; similarly, the agent’s concept of the good life for her generates and is generated by her judgments in particular instances. This is what it means to give a teleological account of right action. Another way to put this is to say that what it means to be a person with practical reason, on McDowell’s Aristotelian account, is both to have a view about the good life and to act in the light of that view.

We can, however, ask also about what it means to be a person with theoretical reason. Kant would answer that to be a person with theoretical reason is to seek a systematic account of the world, with individual acts of theoretical judgment guided by
that seeking. In other words, on Kant’s account, systematicity generates and is generated by individual acts of judgment. This is one way of putting Béatrice Longuenesse’ interpretation of Kant in *Kant and the Capacity to Judge*. Kant’s complex justification for his view about what it means to be a person with theoretical reason, or, better, about the project that we as persons with theoretical reason are driven to undertake, constitutes the heart of his work in the first *Critique*.

2. *Being a person with theoretical reason in the world*

Kant’s first *Critique* addresses the problem of how it is possible for experience to give us knowledge of the world. In addressing this problem, Kant is responding to several philosophers roughly contemporary with him: among them, Leibniz, whose monadology and idealism Kant claims intellectualizes the appearances and denigrates what is given in sense perception; Locke, whose empiricism tries to explain knowledge genetically, building it up out of impressions had in experience combined by the mind; and Hume, whose skeptical stance results from arguments showing how experience as conceived by empiricists cannot result in knowledge. Kant feels the force of Hume’s skepticism, but thinks also that it is obvious, especially given the successes of

mathematics and physics, that we do have knowledge of the world; and he attempts, by redefining and analyzing what experience is, to explain how such knowledge is possible.\textsuperscript{2}

John McDowell tackles a similar set of issues in \textit{Mind and World}; turning for a moment to his approach to them can help us begin to get a handle on what Kant is doing. In \textit{Mind and World}, McDowell claims that modern philosophers – beginning with the tradition in which Kant found himself – find themselves struggling with “an inchoately felt threat that a way of thinking we find ourselves falling into leaves minds simply out of touch with the rest of reality, not just questionably capable of getting to know about it.”\textsuperscript{3}

On McDowell’s diagnosis, both rationalists like Leibniz and empiricists like Locke\textsuperscript{4} and Hume fall prey to this threat: we have idealists who take the bait and leave the world behind, content for thought to fall out of touch with something outside of it; and empiricists whose positions it is almost impossible to keep from falling into skepticism about the possibility of knowledge.

\textsuperscript{2} For discussions of Kant’s definition of experience, see, e.g., Karl Ameriks, \textit{Kant and the Fate of Autonomy}, p. 58 and Karl Ameriks, \textit{Interpreting Kant’s Critiques} (Oxford: Oxford University Press, 2003), p. 5.

\textsuperscript{3} John McDowell, \textit{Mind and World} (2\textsuperscript{nd} ed., Cambridge, Massachusetts: Harvard University Press, 1994), xiii.

\textsuperscript{4} Locke, though generally grouped with empiricists, has many aspects to his thinking that are atypical of empiricism, including the role of the mind in constituting knowledge. Kant seems to see this, and though he criticizes Locke’s genetic account of experience and knowledge, his focus on the unity that underlies experience might be drawn from a similar insight in Locke, who saw that impressions had to be unified or brought together by the mind for purposes of comparison, abstraction, and reflection. I speak in terms of rationalism and empiricism just because, to some extent, McDowell also divides things that way, though he would certainly agree that the individual philosophers in the tradition are far too complex for such a simplistic grouping to be fully adequate.
McDowell, like Kant, is not willing to give up on the view that “experience must constitute a tribunal, mediating the way our thinking is answerable to how things are, as it must be if we are to make sense of it as thinking at all.” He describes his project in *Mind and World* as the attempt to “exorcize a general conceptual difficulty” that keeps us from understanding how thought can be answerable to an independent world and still be thought: “how there could be such a thing as responsiveness to rational constraints as such.” The conceptual difficulty arises because of a tendency to distinguish the rational (thought) from what constrains it (the world) as though these two aspects constituted two non-intersecting realms. McDowell aims to alleviate this tendency through his analysis of what experience is: experience of the world involves an inextricable combination of receptivity (what the world contributes) and spontaneity (what we contribute), such that this experience is always at least nascently rational even as it is experience of the world. Thus the philosophical worry about how the world can rationally constrain thought dissipates as long as we remember that the combination of receptivity and spontaneity in experience is an *inextricable* combination. His argument throughout *Mind and World* is simply that in order for his picture to get off the ground, receptivity and spontaneity


\[7\] Ibid.
cannot be more than notionally pulled apart, nor can one be considered reducible to the other.\textsuperscript{8}

McDowell’s point is an avowedly Kantian one: that without what he calls “experiential intake” from the world – intuitions, to use the Kantian term – thought would be empty: it would not have \textit{empirical content}. As McDowell, interpreting what he takes to be Kant’s crucial premise, says close to the beginning of \textit{Mind and World}, “the very idea of representational content, not just the idea of judgments that are adequately justified, requires an interplay between concepts and intuitions, bits of experiential intake. Otherwise what was meant to be a picture of the exercise of concepts can depict only a play of empty forms.”\textsuperscript{9} What McDowell is trying to show is that thinking (representational content) does not make sense unless thought is “supplied” with content by “experiential intake”: “Thoughts without content – which would not really be thoughts at all – would be a play of concepts without any connection with intuitions, that is, bits of experiential intake.\textsuperscript{10} It is their connection with experiential intake that supplies the

\textsuperscript{8} See, for example, McDowell, \textit{Mind and World}, p. 9: “We can dismount from the seesaw if we can achieve a firm grip on this thought: receptivity does not make an even notionally separable contribution to the co-operation.”

\textsuperscript{9} McDowell, \textit{Mind and World}, p. 6.

\textsuperscript{10} The idea that thought, in order to have content, must have that content supplied from experience is one that Kant argues for throughout the First \textit{Critique} as he argues for his thesis of transcendental idealism, which restricts the valid application of the categories to objects given in space and time. This is surely an idea that an absolute idealist would reject. McDowell, coming much later in the philosophical tradition, seems to take the idea as an obvious one, and he distances himself from the more metaphysical side of Kant, including the thesis of transcendental idealism.
content, the substance, that thoughts would otherwise lack.”\textsuperscript{11} Without the experiential intake, these thoughts would not be thoughts of or about the world at all.

3. \textit{The good life for theoretical reason: judgment and systematicity}

Kant, like McDowell, responds to his contemporaries by changing the game a bit. In the \textit{A} Introduction to the first \textit{Critique}, he begins with the claim that “Experience is without doubt the first product that our understanding brings forth as it works on the raw material of sensation.”\textsuperscript{12} His task in the first \textit{Critique} is to analyze the parts of experience within the context of the whole of it, that is, to analyze the work of sensibility and the understanding as they relate to judgment.

I will show how Kant analyzes theoretical judgment in a way that has similar strengths to McDowell’s account of moral judgment in “Virtue and Reason.” Kant shows us that we are able to know things about particular objects precisely because experience of those objects does not consist in a disjointed set of impressions on which we impose concepts (a view that would make it difficult to understand how the concepts gave us knowledge of the objects). Instead, experience of objects already involves judgments about those objects, and our impressions – in Kant’s terms, intuitions – are the kinds of

\textsuperscript{11} Ibid, p. 4.

things that are well-formed and ripe for conceptualization. Experience, Kant argues, is made possible by what he calls a transcendental unity of apperception: a unity that is present in the apprehension of intuitions and which makes possible the discursive application of concepts. This unity, in turn, constitutes experience because it is an impulse towards judgment. The active impulse that guides judgment also makes possible all our experience, just as the good life makes possible the apprehension of the right thing to do for the moral agent. Both accounts, then, explain how an agent knows particulars by appealing to a broader activity in which the agent is engaged.

The impulse towards judgment that makes experience possible, according to Kant, is an impulse to understand the world in a systematic way. But just because an impulse towards systematicity is what guides experience, this does not close off the possibility of creative understanding and application of concepts in the way that we saw McDowell’s virtuous agent is able to be creative. Rather, when we explore Kant’s analysis of judgment fully, we see that his restriction of knowledge to objects given in space and time has profound implications for the possibility of systematic knowledge, and that this restriction also shows us where creativity and uncodifiability have their place in judgment for Kant.

Analyzing receptivity and spontaneity – or, now in Kant’s terms, sensibility and the understanding\textsuperscript{13} – to show the role of each in experience will thus give us an

\textsuperscript{13} I am here glossing over differences between McDowell and Kant; the main differences between them are readily apparent, as Kant’s work is metaphysical in a way that McDowell’s simply isn’t: Kant’s more metaphysical understanding of what it means for knowledge to be universal and necessary also leads
understanding of what it is that makes experience possible. Over the course of the next two chapters, I want to explore Kant’s analysis of experience at length in order to gain a better picture of how it could be that an impulse towards judgment makes experience possible. Just as what it means to be a virtuous agent, for McDowell and Aristotle, is to have a concept of the good life that guides your actions, so what it means to be a person with theoretical reason, for Kant, is to have experiences guided by an impulse towards judgment, or towards a systematic understanding of the world. Furthermore, I will show how the systematicity in question is the systematicity of a framework within which we understand what happens in experience rather than, say, a system of abstract rules that on the face of it have little to do with what happens in experience. In what follows in this chapter, then, I will consider in turn Kant’s analysis of the unity that underlies receptivity and spontaneity. This will put us in a position in Chapter 3 to uncover how this unity is an impulse towards judgment, as well as to explore the role of uncodifiability in Kant’s theory.

to his transcendental idealism, a restriction of that knowledge to objects given in space and time, and perhaps even more strongly, the view that objects in themselves are not spatial or temporal. McDowell’s work simply does not embrace these points. For McDowell’s rejection of this aspect of Kant’s view, see, for example, Mind and World, pp. 41-5 and pp. 95-104. For an interpretation of Kant’s transcendental idealism as epistemological rather than metaphysical, see Henry Allison, Kant’s Transcendental Idealism (2nd ed., New Haven: Yale University Press, 2004), and especially his discussion of the “two-worlds view” on pp. 42-49.
The role of sensibility in experience

1. The way objects are given in sensibility

Kant calls the faculty of receptivity sensibility. When Kant introduces this term in the First Critique, he is struck by the way that objects are presented to us: namely, he thinks, within the framework outlined by Newtonian physics. What intrigues him is the question of how it is possible for us to be able to predict the way objects behave in space and time, and especially, that we take our predictions to hold universally and necessarily. When we perceive objects, we perceive them in a certain orderly way that enables us (ultimately, of course, with the help of the understanding) to make sense of what it is that we see. Kant thinks this must tell us a lot about what sensibility is like. The primary aspect of Kant’s analysis of sensibility that I want to focus on is the unity of space and time and the way that this unity also indicates the all-inclusiveness or globality of these intuitions.

In the opening paragraphs of the Transcendental Aesthetic, Kant explains briefly the role of intuition in judgment. As he famously says there, “In whatever way and through whatever means a cognition may relate to objects, that through which it relates immediately to them, and at which all thought as a means is directed as an end, is

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14 At least, Kant’s own starting point is with Newton’s physics. It is not clear, though, that Kant’s position stands or falls with the truth of Newtonian physics, especially if we take a regressive approach to arguments for transcendental idealism; see, e.g., Karl Ameriks, “Kant’s Transcendental Deduction as a Regressive Argument,” in Interpreting Kant’s Critiques, pp. 51-66.

15 This is Ameriks’ term.
intuition.” In other words, it is through intuition that our thought relates to – or more simply, is of – objects. What is more, we can have intuitions of objects “only insofar as the object is given to us; but this in turn is possible only if it affects the mind in a certain way.” The matter of intuition is what is given to us in sensation; but the way that it affects our mind is called the form of the intuition. Our faculty or capacity for receiving objects, the way that we receive them, is called sensibility; and the forms of sensibility are space and time. Objects are only given to us via sensibility, or in space and time, as these are our only forms of intuition.

Kant’s analysis of space and time in the Transcendental Aesthetic of the First Critique aims to clarify why we should think that it is through the singular principles of space and time that the world is presented to us. The core of Kant’s analysis of space in the Transcendental Aesthetic runs as follows. (1) Kant first argues against a Leibnizian view of space, which holds that the concept of space is a framework that we construct for the purposes of understanding objects, and is accordingly less real than the objects in space. Kant, instead, argues that space and time are a priori, or prior to the objects that appear in them. (2) Then, on the premise that we cannot think of there not being space,

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16 Kant, Critique of Pure Reason, A19/B33.
17 Ibid, A19/B33.
18 This is a brief recap of the Metaphysical Exposition.
19 The language of something being more or less real is Leibniz’.
20 This argument, the so-called first A priori argument, has received considerable attention in the secondary literature. Notably, Henry Allison and Daniel Warren disagree about whether the argument is a tautology and what Kant intends to prove at this point. The passage about which Warren and Allison disagree is the following: “For in order for certain sensations to be related to something outside me (i.e., to
though we can think of it as empty, he states that space “is therefore to be regarded as the
condition of the possibility of appearances, not as a determination dependent on them.”

(3) Kant next focuses on space as an intuition: first, that it is single, “and if one speaks of
many spaces, one understands by that only parts of one and the same unique space.” In
other words, the parts of space can only be represented as limitations of the single
intuition of space: “And these parts cannot as it were precede the single all-encompassing
space as its components (from which its composition would be possible), but rather are
only thought in it. It is essentially single; the manifold in it, thus also the general concept
of space in general, rests merely on limitations.” Crucially, Kant draws the following
conclusion from this: “From this it follows that in respect to it an a priori intuition (which
is not empirical) grounds all concepts of it.”

(4) Finally, we have the claim that “space

21 Kant, A24/B39.


23 Ibid.

24 Ibid. He also concludes, “Thus also all geometrical principles, e.g., that in a triangle two sides
together are always greater than the third, are never derived from general concepts of line and triangle, but
rather are derived from intuition and indeed derived a priori with apodictic certainty.” Allison notes that
Kant’s discussion of geometry in the Transcendental Exposition can be separated off from his claims about
the transcendental ideality of space; the point is that “the transcendental ideality of space is only a
necessary and not also a sufficient condition of geometry, construed as a synthetic a priori science of
space...the denial of the latter does not entail the denial of the former.” Also, “the argument from
gometry only moves to ideality by way of an appeal to the a priori and intuitive character of the

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is represented as an infinite given magnitude.”25 Because it contains within itself an infinite number of ways that it can be measured and divided, it must not be a concept but an intuition.26, 27

Putting this exposition in terms that refer more directly to judgment, we could also say that space is a unified, global framework that precedes discursivity. This captures what Kant means when he says that the parts of space “cannot as it were precede the single all-encompassing space as its components (from which its composition would be possible), but rather are only thought in it. It is essentially single; the manifold in it…rests merely on limitations.”28 The terminology of a framework captures the thought that space, while single, is at once well-formed and global, such that the things that appear in space – and only the things that appear in space – are the kinds of things that representation of space. As a result, if this can be established independently, then the ideality argument can proceed without any appeal to geometry. But the whole point of the Metaphysical Exposition is to show that the representation of space has just this character. It follows, therefore, that the argument for ideality can bypass completely the Transcendental Exposition or any considerations about the nature of geometry. In fact, the most that such considerations could provide is independent support for the contention that the representation of space is a priori and intuitive, which still leaves the task of demonstrating that space itself is transcendently ideal.”  Allison, pp. 116-8. See also Karl Ameriks, “Kant’s Transcendental Deduction as a Regressive Argument,” esp. pp. 52-3.


26 This last point is based on the claim that “no concept, as such, can be thought as if it contained an infinite number of representations within itself.” (Ibid, B40)

27 Commentary on this part of the Aesthetic has tended to name the arguments that Kant numbers, calling the first two “A priori” arguments, and the last two “Intuition” arguments, after the aspects of space that Kant focuses on in each. In part because I want to distance myself from many of the details both of Kant’s arguments and of the commentary on it, and in part because I do think that naming the arguments can lead to interpretations that see the arguments as distinct from each other in ways they might not be, I will not myself use this terminology. For interpretations of the Aesthetic that especially focus on the arguments’ relationships to each other, see Henry Allison, Kant’s Transcendental Idealism, and Daniel Warren, “Kant and the Apriority of Space.”

28 Kant, A25/B39.
we can know. And to say that space precedes discursivity is just to emphasize that, as an intuition, it is not itself a set of impressions combined into a concept, but is instead that which makes such a combination possible. This is what it means for space to be the condition of the possibility of our experience. But these points are a bit premature,\textsuperscript{29} and become increasingly clear as Kant continues his analysis.

2. \textit{The transcendental ideality of space}

When we turn to the next section of the Aesthetic, the Transcendental Exposition, we find Kant arguing that because space is an a priori pure intuition of the kind he has just described – a singular, global framework that precedes discursivity – space must be transcendentally ideal, i.e., it must be only our way of experiencing objects and not something that attaches to the objects “as they are in themselves”. What needs explaining, Kant thinks, is how space could be an \textit{a priori} pure intuition in the way that we have described, and yet also be the condition of the possibility of the empirically real objects that appear in space. He writes,

\begin{quote}
Now how can an outer intuition inhabit the mind that precedes the objects themselves, and in which the concept of the latter can be determined \textit{a}
\end{quote}

\textsuperscript{29} Indeed, Beatrice Longuennesse is among the commentators who have picked up on the fact that Kant himself claims that the results of the Transcendental Deduction should lead to a re-reading of the Aesthetic. (See Longuennesse, \textit{Kant and the Capacity to Judge}, p. 213.) The meaning and significance of these initial arguments in the Aesthetic becomes clear only after we realize that the unity of space, which in part indicates that it must be transcendentally ideal, is the same as the transcendental unity of apperception. When we become aware of this latter point, then we see more fully what it means for space to be well-formed and ready for conceptualization.
priori? Obviously not otherwise than insofar as it has its seat merely in the subject, as its formal constitution for being affected by objects and thereby acquiring immediate representation, i.e., intuition, of them, thus only as the form of outer sense in general.30

When Kant makes this point, he is rejecting Newton’s metaphysical analysis of space while retaining other aspects of the Newtonian view. Newton held that space was the condition of the possibility of the existence of objects, and indeed, that anything that exists, exists in some way in relation to space (including God, from Whom Newton thinks space emanates eternally and of necessity).31 Kant thinks that if space were like this, we would be left open to the skeptical counter-point that we could not possibly know such a thing through experience.32 But, as we have seen, Kant thinks we can know things about space and about the objects that appear in space, and that we can explain such knowledge if space is the condition of the possibility, not of the existence of objects, but of the appearance of them, that is, if space is the condition of the possibility of our experience. The result of Kant’s new analysis of experience is a way of accounting for knowledge we have of objects that we experience.

A corollary to this point, Kant argues, is that we can have no knowledge of the way things are apart from our experience of them, which is always spatial. Space, as the

30 Kant, B41.


32 That is, Hume’s skepticism shows that we cannot generate universal or necessary knowledge from experience as Hume analyzes it.
form of our outer sense, is the condition through which we experience objects; but it is also only the form of our outer sense, and nothing more. In other words, just because space is in one sense empirically real – it really is the structure through which objects present themselves to us in experience – it must in another sense be transcendentally ideal, i.e., we can only account for its metaphysical standing and our knowledge of it if it is only the form of our outer sense, and not something that, as Kant puts it, attaches to the objects in themselves.

Thus Kant, like McDowell, does not deny the empirical reality of the things that we see. He also recognizes the need, however, for us to account for how it is that things that we see always appear in the lawful way that they do. What he argues is that everything necessarily appears within the framework constituted by space, and that this framework has a certain nature – i.e., it is an a priori pure intuition. But because space and time are a priori pure intuitions, and are the frameworks within which anything appears to us, we must also say that they are transcendentally ideal, or that our knowledge of objects of experience does not extend to knowledge of objects as they are in themselves.
Spontaneity in receptivity

1. Unity in the Transcendental Analytic

In this section, I will be giving a constructive interpretation of the Analytic, and in particular of the Transcendental Deduction, with an eye towards explaining how it is that the unity that makes experience possible is an impulse towards judgment. My interpretation will be very quick, as getting into the finer points of the Deduction is not my aim in this project, and most of those finer points do not have any bearing on the broader point I want to make. I spend time discussing the Deduction in any detail at all because, without doing so, the phrase “impulse toward judgment” would remain largely empty.

To some extent, I follow the lead of Longuenesse in this section as I give my interpretation. Other commentators obviously have other interpretations that approach the Deduction in various ways. See, for example, Dieter Henrich, “The Proof Structure of Kant’s Transcendental Deduction,” Review of Metaphysics 22 (1969), pp. 640-59 and Dieter Henrich, “Kant’s Notion of a Deduction,” in Kant’s Transcendental Deductions, ed. Eckart Förster (Stanford: Stanford University Press, 1989), pp. 29-46; in the first, Henrich establishes his influential reading of the Deduction which shows how the Deduction proceeds in two steps: as Henrich explains, “The result of the proof in section 20 is therefore valid only for those intuitions which already contain unity. That is: wherever there is unity, there is a relation which can be thought according to the categories. This statement, however, does not yet clarify for us the range within which unitary intuitions can be found.

“The restriction of the proof in section 20 is then discussed in that part of section 21 which makes reference to section 26. Here it is announced that the restriction just made in section 20 will be overcome in the paragraphs of section 26, i.e., the second part of the deduction will show that the categories are valid for all objects of our senses (B 161). And this is what actually takes place. The deduction is carried out with the help of the following reasoning: wherever we find unity, this unity is itself made possible by the categories and determined in relation to them. In our representations of space and time, however, we have intuitions which contain unity and which at the same time include everything that can be present to our senses. For indeed the representations of space and time have their origin in the forms of our sensibility, outside of which no representations can be given to us. We can therefore be sure that every given manifold without exception is subject to the categories.” (Henrich, “Proof Structure,” pp. 646-7)

In the second paper, Henrich argues that we need to consider the historical origins of “deductions,” in particular, their use not only in logic but in jurisprudence, where a deduction was a style of writing intended to justify a claim or usage. Henrich argues that it is this kind of deduction that Kant was writing.

Henry Allison, in Kant’s Transcendental Idealism, pp. 159-201, draws on Henrich’s writings on the Deduction (among others), but he argues that the two steps of the Deduction show, first, that the categories in the first step “serve as rules for the thought of an object of sensible intuition in general, that is, as discursive rules for judgment…By contrast, the aim of the second part of the Deduction is to establish the applicability of the categories to whatever is given under the conditions of human sensibility.” (Allison, p. 162) Allison also argues that Kant does not achieve the aim of the Deduction until the subsequent Schematism chapters.

Paul Guyer, “Transcendental Deduction of the Categories,” in The Cambridge Companion to Kant, ed. Paul Guyer (Cambridge: Cambridge University Press, 1992), pp. 123-60) on the other hand, argues that it is only with the Analogies of Experience and the Refutation of Idealism that the aims of the Deduction are achieved. What is more, Guyer argues that there are two possible aims of the Deduction: either to show that the categories are conditions of the possibility of knowledge of objects, rather than of subjective representations, which fall outside the scope of the Deduction; or to show that the categories are “necessary conditions of self-consciousness itself, or what Kant calls ‘apperception,’” and then to suggest “that they are a fortiori also conditions for the representation of any objects through the medium of subjective states of which we are self-conscious.” (Guyer, pp. 126-7.) The Analogies establish the former claim, while the Refutation of Idealism establishes the latter.
Finally, Karl Ameriks argues that “it is necessary and profitable to understand the deduction as moving from the assumption that there is empirical knowledge to a proof of the preconditions of that knowledge.” (Karl Ameriks, “Kant’s Transcendental Deduction as a Regressive Argument,” in *Interpreting Kant’s Critiques*, pp. 51-66.) Ameriks argues in favor of reading the Deduction as a regressive argument, one that shows how “knowledge ‘really flows’ from a particular representation.” (Ibid, p. 54) Ameriks says of his approach, “The major departure of this interpretation is that it takes the Critique to accept empirical knowledge as a premise to be regressively explained rather than as a conclusion to be established. Peter Strawson, Jonathan Bennett, and Robert Paul Wolff have insisted at length that such an argument is undesirable, uninteresting, and not representative of Kant’s best intentions. They all represent the transcendental deduction as basically aiming to establish objectivity, i.e. to prove that there is an external and at least partially lawful world, a set of items distinct from one’s awareness, and to do this from the minimal premise that one is self-conscious. Whereas these interpretations see the transcendental deduction as showing that one can be self-conscious only if there is an objective world of which one is aware, my interpretation takes Kant essentially to be arguing that for us there is objectivity, and hence empirical knowledge, only if the categories are universally valid.” (Ibid, p. 55.) It will become clear that I find this reading persuasive. His interpretation, Ameriks notes, is essentially characterized by taking Kant to be arguing from the fact that we have empirical knowledge (i.e., experience) to the conditions of the possibility of that knowledge, rather than taking Kant to be giving “an argument deducing empirical knowledge from consciousness and its conditions,” (Ibid, p. 59) such that a skeptic would be satisfied with Kant’s Deduction.

For her part, Longuenesse’s interpretation – as we will see – involves bringing out the complementarity of the two versions of the Deduction. Longuenesse argues that the Analytic as a whole involves combining two models of the understanding: a discursive-reflective model, or “the discursive subordination of empirically formed general concepts,” (Longuenesse, *Capacity to Judge*, p. 33); and an intuitive-constructive model, characterized by the synthesis such as we find in mathematics, with “its a priori generation of multiplicities.” (Ibid.) Longuenesse writes, “Each of these two models should be called upon, in one way or another, to regulate our very perception of appearances, so that the eventual relation of a priori concepts to empirical objects may be thinkable.” (Ibid.) Synthesis is privileged in the A Deduction; reflection in the B Deduction. Noting that there are problems with the mathematical model – in particular, it is hard to see how a model proper to mathematics and its ideal objects can help us understand how the understanding relates to objects given in experience – Longuenesse also writes, “And yet, there are good reasons why we should follow Kant’s advice, and view the A Deduction as a useful complement to the B Deduction. First of all, granting the exposition of the ‘threefold synthesis’ in the A Deduction the attention it deserves means considering the transcendental deduction on its proper terrain, which is Kant’s confrontation with the empiricist conception of perception and its objects – specifically, with Hume’s skeptical empiricism. Second, the mathematical model of construction, which Kant opposes to the empiricist model of the association of sensible representations, plays a key role in this confrontation, becoming more prominent as one progresses from the first to the third of the ‘synthesis’ expounded in A.” (Ibid, pp. 33-4.) Her own view of the structure of the B Deduction, then, is that the first few sections “take up the ‘threefold synthesis’ and its relation to the unity of apperception, which are the bulk of the argument in A, and from there, move to the main argument of the B Deduction: step one, the role of logical functions of judgment in relating representations to objects; step two, the ways in which these logical functions relate to objects given in sensibility.” (Ibid, p. 72.)
It is with the transcendental deduction that we first really understand the extent to which the global frameworks of space and time – and hence the things that appear in them – are well-formed for judgment. In the transcendental deduction, Kant establishes that what he calls the categories – the a priori functions of unity in judgment – apply with validity to objects given in experience.\(^3\)

Kant’s discussion of the understanding in the Analytic is important for our purposes insofar as he argues:

(1) that there is a global unity guiding experience that is contributed by us and that makes possible the work of the understanding on what is given by in experience;

(2) that this global unity also makes possible our forms of sensibility;

(3) and finally that, as Longuenesse has shown, this global unity is best described as arising from a teleological impulse that guides all cognition.

Consider, for example, some of the following ways in which Kant speaks of the understanding in the opening portions of the Transcendental Analytic. Already in the opening section “On the Transcendental Clue for the Discovery of all Pure Concepts of the Understanding,” Kant focuses on the nature of the understanding as a “faculty of judging” in which “many possible cognitions are thereby drawn together into one.”\(^3\)

Because we “cannot partake of intuition independently of sensibility,” Kant argues, and

\(^{34}\) One of the primary aims of Longuenesse’ book is to show that Kant deliberately and persuasively argues in the First Critique for the categories that he names as an exhaustive set of the way concepts are combined in judgment, or as functions of unity in judgment. See especially Longuenesse, p. 5.

\(^{35}\) Kant, Critique of Pure Reason, A69/B94.
so the “understanding is therefore not a faculty of intuition,” but is instead discursive, the work of the understanding is always mediated either by the intuition of the object or a concept of it, and is not related directly to the object itself. The concepts by means of which the understanding cognizes are functions (as opposed to affections of sensibility), or “the unity of the action of ordering different representations under a common one.” Kant goes on to describe how “in every judgment there is a concept that holds of many,” i.e., all concepts apply or can apply to many different representations, and then he says that “All judgments are accordingly functions of unity among our representations, since instead of an immediate representation a higher one, which comprehends this and other representations under itself, is used for the cognition of the object, and many possible cognitions are thereby drawn together into one.” Finally, Kant makes explicit the relationship between the role of the understanding as a faculty of judgment and the functions of unity in judgments:

We can, however, trace all actions of the understanding back to judgments, so that the understanding in general can be represented as a faculty for judging. For according to what has been said above it is a faculty for thinking. Thinking is cognition through concepts. Concepts, however, as predicates of possible judgments, are related to some representation of a still undetermined object. The concept of body thus signifies something, e.g., metal, which can be cognized through that concept. It is therefore a concept only because other representations

36 “Now the understanding can make no other use of these concepts than that of judging by means of them. Since no representation pertains to the object immediately except intuition alone, a concept is thus never immediately related to an objects, but is always related to some other representation of it (whether that be an intuition or itself already a concept). Judgment is therefore the mediate cognition of an object, hence the representation of a representation of it.” Ibid, A68/B93.

37 Ibid, A68/B93.

38 Ibid, A69/B94.
are contained under it by means of which it can be related to objects. It is therefore the predicate for the possible judgment, e.g., ‘Every metal is a body.’ The functions of the understanding can therefore all be found together if one can exhaustively exhibit the functions of unity in judgments.\(^{39}\)

To say that a judgment is a function of unity is to say that its aim is to bring concepts together for the purpose of understanding how they relate to each other and to a broader body of knowledge, i.e., to unify our knowledge of experience in a way that will render experience as intelligible as possible. What Kant is describing in these opening sections of the Analytic, then, is an impulse towards unity that underlies the work of the understanding, and he sets as his task in the rest of the Analytic the further discovery to of the nature of that impulse, and the demonstration of its role in the proper application of the categories to objects of experience.

In the transcendental deduction of the categories, the importance of the unity at the heart of the work of the understanding becomes even clearer. Kant’s argument in the B version of the deduction can be interpreted as proceeding in two main steps. First, he establishes that ―the manifold in a given intuition…necessarily stands under categories‖\(^{40}\) in Sections 15-21. Then in Sections 22-26 Kant shows that “all synthesis, through which even perception itself becomes possible, stands under the categories, and since

\[^{39}\text{Ibid, A69/B94. This part of Kant’s argument in the Transcendental Analytic is central to Longuenesse’s understanding of the First Critique as a whole. In an attempt to take Kant at face value and not argue away the role of the logical function of the understanding in judgments and the subsequent derivation of the categories from the table of judgments, Longuenesse also emphasizes the role that judgment as a function of unity plays in Kant’s arguments in the Analytic.}\]

\[^{40}\text{Kant, Critique of Pure Reason, B143.}\]
experience is cognition through connected perceptions, the categories are the conditions of the possibility of experience.” 41 In the first part of the Deduction, Kant establishes that the categories apply with validity to an already unified, singular intuition. But in the second half, he shows that they apply to anything that can be represented in space and time, including anything given in mere perception. 42 Because of the role of the transcendental aesthetic and its conclusions in the second half of the deduction – points to which I will turn in greater detail later – I want to focus for now on the first half, where Kant sets for himself the task of explicating the unity that underlies the activity of the understanding.

2. The role of unity in the first half of the deduction

In Section 15, during a discussion of combination and a setting up of the problem to be solved by the deduction, Kant already gives center stage to the unifying activity of the understanding. He argues there that combination of the manifold of representation is necessarily the work of the understanding, i.e., that “all combination…is an action of the understanding, which we would designate with the general title of synthesis in order at

41 Ibid, B161.

42 For this interpretation of the structure of the deduction, see Ameriks, “Kant’s Transcendental Deduction,” pp. 63-64. Again, there are other interpretations of the structure of the deduction and of the relationship between the two parts of it; as I discussed in fn 98 above, recall especially Allison, Kant’s Transcendental Idealism, who thinks that the first part of the deduction establishes the validity of the categories for anything that can be thought, while the second part establishes their validity for anything that can be even merely perceived.
the same time to draw attention to the fact that we can represent nothing as combined in the object without having previously combined it ourselves.”\textsuperscript{43} Furthermore, Kant goes on to say that “one can here easily see that this action must originally be unitary and equally valid for all combination, and that the dissolution (analysis) that seems to be its opposite, in fact always presupposes it.”\textsuperscript{44} Kant then states that the “concept of combination also carries with it the concept of the unity of the manifold. Combination is the representation of the synthetic unity of the manifold.”\textsuperscript{45} What is more, because this unity is what makes the manifold possible, it cannot arise from it. He concludes, “We must therefore seek this unity…someplace higher, namely in that which itself contains the ground of the unity of different concepts in judgments, and hence of the possibility of the understanding, even in its logical use.”\textsuperscript{46}

Kant finds this unity in the transcendental unity of apperception, the “I think that must be able to accompany all my representations.”\textsuperscript{47} His argument in Section 16 focuses on explicating the nature of this “I think”: why it must be able to accompany all my representations, and how it is different from empirical apperception or self-consciousness. Kant initially makes two main points: first, that any representations that “did not belong to a self-consciousness” simply could not be understood as being my

\textsuperscript{43} Kant, Critique of Pure Reason, B130.
\textsuperscript{44} Ibid, B130.
\textsuperscript{45} Ibid, B130-1.
\textsuperscript{46} Ibid, B131.
\textsuperscript{47} Ibid, B131.
representations; and second, that we must not understand this self-consciousness in as an empirically constituted self-consciousness, insofar as it is prior to and makes possible any empirical analysis of representations. Finally, and most importantly, Kant distinguishes the “principle of the necessary unity of apperception” from the original synthetic unity of apperception: the latter is fundamental because ours is a discursive and not an intuitive intellect, so that the unity of the original combination of the manifold—the original synthetic unity of apperception—itself makes possible the necessary unity of apperception or mere self-consciousness (the tautologous and so empty self-consciousness simply of the formal I=I). As Kant says,

Now this principle of the necessary unity of apperception is, to be sure, itself identical, thus an analytical proposition, yet it declares as necessary a synthesis of the manifold given in an intuition, without which that thoroughgoing identity of self-consciousness could not be thought. For through the I, as a simple representation, nothing manifold is given; it can only be given in the intuition, which is distinct from it, and thought through combination in a consciousness. An understanding, in which through self-consciousness all of the manifold would at the same time be given, would intuit; ours can only think and must seek the intuition in the senses. I am therefore conscious of the identical self in regard to the manifold of the representations that are given to me in an intuition because I call them all together my representations, which constitute one. But that is as much as to say that I am conscious a priori of their necessary synthesis, which is called the original synthetic unity of apperception, under which all representations

48 “For the manifold representations that are given in a certain intuition would not all together be my representations if they did not all together belong to a self-consciousness; i.e., as my representations (even if I am not conscious of them as such) they must yet necessarily be in accord with the condition under which alone they can stand together in a universal self-consciousness, because otherwise they would not throughout belong to me. From this original combination much may be inferred.” (B132.)

49 That is, as a self-consciousness constructed over time as one reflects on one’s experiences. Another way of putting the point would be to say that this is not a psychological or introspective self-consciousness, but it is, rather, a transcendental unity that makes experience possible, and as such, is not itself part of experience.
given to me stand, but under which they must also be brought by means of a synthesis.\(^{50}\)

Kant’s point here is that the necessary unity of apperception, or mere self-consciousness, might have content for an understanding that intuits, i.e., one that generates its own intuitions and does not have need for something to be given to it in sensibility. But this is not sufficient for an understanding such as ours, which, as has been pointed out, is discursive. Our understanding, therefore, cannot find content merely in itself, but must combine what is given to it in the manifold of representations through sensibility before it can have something to think about. Not mere (formal) self-consciousness, then but an *original combination* – the synthetic unity of apperception – characterizes our understanding.

Kant establishes that the synthetic unity of apperception is “the supreme principle of all use of the understanding” in Section 17 of the deduction. He writes there,

> An object…is that in the concept of which the manifold of a given intuition is **united**. Now, however, all unification of representations requires unity of consciousness in the synthesis of them. Consequently the unity of consciousness is that which alone constitutes the relation of representations to an object, thus their objective validity, and consequently is that which makes them into cognitions and on which even the possibility of the understanding rests.\(^{51}\)

\(^{50}\) Ibid, B135-6.

\(^{51}\) Ibid, B137.
The synthetic unity of apperception is the principle of – that which makes possible – the use of the understanding insofar as (1) all objects are unified manifolds of intuition, i.e., have already been united by the synthetic unity of apperception in a way that makes it possible for the understanding to think about them; and (2) the synthetic unity of apperception occurs in one consciousness, so that not only the object but consciousness itself is unified in thought, such that it is able to think about the object. In other words, both parts of the I think that must be able to accompany all my cognitions – that I am thinking, and that I am thinking – are significant for Kant’s arguments in the deduction.\textsuperscript{52} He illustrates this point as follows:

Thus the mere form of outer sensible intuition, space, is not yet cognition at all; it only gives the manifold of intuition \textit{a priori} for a possible cognition. But in order to cognize something in space, e.g., a line, I must \textbf{draw} it, and thus synthetically bring about a determinate combination of the given manifold, so that the unity of this action is at the same time the unity of consciousness (in the concept of a line), and thereby is an object (a determinate space) first cognized.\textsuperscript{53}

Both the unity of consciousness – that it is one consciousness that draws the line – and the activity of drawing, an analogy here for thinking, which brings to light an object in space, are necessary for the cognition of that object.

\textsuperscript{52} I am indebted to seminars with Daniel Warren at the University of California, Berkeley for this point.

\textsuperscript{53} Ibid, B147-8.
In Section 19, Kant draws out further the nature of the unity that underlies judgments. What he wants to do, he says, is to get at what underlies not specific kinds of judgments, but “the relation of given cognitions in every judgment.”\textsuperscript{54} He concludes,

I find that a judgment is nothing other than the way to bring given cognitions to the \textbf{objective} unity of apperception… I do not mean to say that these representations \textbf{necessarily} belong to one another in the empirical intuition, but rather that they belong to one another \textbf{in virtue of the necessary unity} of the apperception in the synthesis of intuitions, i.e., in accordance with principles of the objective determination of all representations insofar as cognition can come from them, which principles are all derived from the principle of the transcendental unity of apperception.\textsuperscript{55}

Kant goes on, in the rest of this section and in the rest of the Deduction, to argue for the objective validity of the categories on the basis of the transcendental unity of apperception’s function as the principle of all judgment. But what I want to draw out of this reading of the first part of the Transcendental Deduction is simply the role of what Kant calls “original combination;” as he says in Section 16, “From this original combination much may be inferred.”\textsuperscript{56} We can, we have seen, conclude three important things from Kant’s analysis of the original combination that defines the original synthetic unity of apperception: first, that the original combination is an \textit{act}, the \textit{synthetic} unity of apperception; second, that it is important that it is an act that belongs to a single unified consciousness, as an act; and finally, that the \textit{purpose} of this act is to make it possible for,

\textsuperscript{54} Ibid, B141.
\textsuperscript{55} Ibid, B142.
\textsuperscript{56} Kant, Critique of Pure Reason, B133.
as Kant says in the passage I quoted above, individual judgments “to bring given cognitions to the **objective** unity of apperception.”

3. *The transcendental aesthetic and the second half of the deduction; or, the role of the imagination in judgment*

As I mentioned above, the deduction can be divided into two parts. In the first part, Kant establishes that the categories apply with validity to what is given in an already unified intuition. In the second half, Kant relies on the results of the Transcendental Aesthetic to show that the categories apply with validity to any possible intuition, including those of mere perception (i.e., those that do not yet have the unity of an object of judgment). This is possible because space and time themselves are forms of our intuition, i.e., *forms of the mind*, and as such the global unity of space and time *does not derive from the senses*. What Kant argues is that since all unity, *including the unity of space and time*, is the product of the understanding, there is nothing that can be given in space and time that falls outside the scope of the understanding. What is essential to this point is to have established the global unity of the intuitions of space and time. As Ameriks notes, “It is thus the universality of space and time, not the unity of
consciousness as such, which is invoked to guarantee the ‘universal validity’ of the categories for us.”

In her discussion of sensibility in *Kant and the Capacity to Judge*, Béatrice Longuencesse points out that Kant himself tells us that the results of the Transcendental Deduction should lead to a re-reading of the Aesthetic. One of her key insights is that the forms of intuition are potentially such that they can be actually apprehended by the imagination and reflected under concepts. What Longuencesse sees is that Kant’s transcendental derivation of the forms of sensibility actually depends on a key relationship between sensibility and understanding, one in which the imagination is an “action of understanding on sensibility.” Our forms of intuition are susceptible to conceptualization by the categories precisely because they themselves “are made possible by acts of a priori synthesis.”

In her analysis of the B Deduction, then, Longuencesse focuses her attention in part on the role of the *synthesis speciosa*, or “figurative synthesis.” Longuencesse argues that in the second half of the B Deduction, Kant’s aim is “to radicalize his procedure by reinterpreting, in light of the demonstration he has just provided, the manner in which

57 Ameriks also notes that this makes the deduction depend on the transcendental ideality of space and time. Ameriks, “Kant’s Transcendental Deduction as a Regressive Argument,” pp. 64-5.

58 Longuencesse writes, “I shall argue that Kant’s doctrine of figurative synthesis completes the Transcendental Deduction of the Categories in the B edition by providing a reinterpretation of the ‘manner in which things are given to us’ – in effect, a rereading of the theory of space and time expounded in the Transcendental Aesthetic.” Longuencesse, pp. 208-9.


60 Longuencesse, *Capacity to Judge*, p. 215.
things are given to us, that is, the forms of intuition expounded in the Transcendental Aesthetic. He wants to reveal in these forms the manifestation of an activity that only the Transcendental Deduction of the Categories can make explicit.”\textsuperscript{61} The activity she is referring to is the figurative synthesis or synthesis speciosa; Kant also calls this the transcendental synthesis of the imagination in Section 24 when he claims that “a faculty for determining sensibility \textit{a priori}, and its synthesis of intuitions, \textbf{in accordance with the categories}, must be the transcendental synthesis of the \textit{imagination}, which is \textit{an effect of the understanding on sensibility} and its first application (and at the same time the ground of all others) to objects of the intuition that is possible for us.”\textsuperscript{62} What Longuenesse shows is that the arguments that demonstrate the singularity and immediacy of space and time in the Transcendental Aesthetic,

arguments in favor of the \textit{intuitive} rather than the \textit{discursive} nature of our representations of space and time, become, in section 26 reasons to assert that these intuitions are made possible by acts of a priori synthesis. And the a priori

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\textsuperscript{61} Ibid, p. 213. Henry Allison makes a similar point in his interpretation of these passages in Kant’s Transcendental Idealism. He emphasizes there that part of the point is that space is \textit{given}, but given in such a way that it is ripe for thought – and that this is because of the active role of the imagination in the apprehension of space.

\textsuperscript{62} Kant, Critique of Pure Reason, B152. Italics added. For Allison’s discussion of this passage, see Allison, Kant’s Transcendental Idealism, p. 187. He defends what he sees as a properly Kantian interpretation of the imagination against commentators (such as Strawson and Sellars) who see here in Kant a budding Wittgenstein. On Allison’s view, it is important when reading these passages not to collapse the work of the imagination, the understanding, and what is given in sensibility one into another. Instead, Allison, faithful to Kant’s transcendental idealism with its emphasis at once on the objectivity of empirical knowledge and the restriction of that knowledge to objects given in space and time, takes pains to hold apart each aspect of the conditions of the possibility of experience. As Allison says, “In spite of the close affiliation between the imagination and the understanding affirmed in the B-Deduction, Kant retains the division of labor between them: the task of the imagination is to synthesize and of the understanding to bring this synthesis to concepts.”

\end{flushright}
synthesis that generates space and time as a priori intuitions, also generates the conformity of the manifold of empirical intuitions to the categories. 63

And as Kant himself says in section 26,

Thus even the **unity of the synthesis** of the manifold, outside or within us, hence also a **combination** with which everything that is to be represented as determined in space or time must agree, is already given *a priori*, along with (not in) these intuitions, as condition of the synthesis of all **apprehension**. But this synthetic unity can be none other than that of the combination of the manifold of a given **intuition in general** in an original consciousness, in agreement with the categories, only applied to our **sensible intuition**. Consequently all synthesis, through which even perception itself becomes possible, stands under the categories, and since experience is cognition through connected perceptions, the categories are the conditions of the possibility of experience, and are thus also valid *a priori* of all objects of experience. 64

And as he helpfully puts it in a footnote,

In such a way it is proved that the synthesis of apprehension, which is empirical, must necessarily be in agreement with the synthesis of apperception, which is intellectual and contained in the category entirely *a priori*. It is one and the same spontaneity that, there under the name of imagination and here under the name of understanding, brings combination into the manifold of intuition. 65


64 Kant, *Critique of Pure Reason*, B161.

65 Kant, *Critique of Pure Reason*, B162. I am here assuming the success of Kant’s argument at this point, overlooking myriad difficulties in it for the sake of drawing out what I take to be his main point, that the transcendental unity of apperception is the condition of the possibility of experience. Allison, for example, thinks that the success of Kant’s argument ultimately hinges on the success of the individual arguments in the Schematism and the Analytic of Principles, where Kant works out schemata for the individual categories. See Allison, *Kant’s Transcendental Idealism*, pp. 200-01.
Longuenesse emphasizes that the activity of the imagination here described is “prior to the actual production of any discursive judgment, hence prior to the reflection of any concept and a fortiori to the subsumption of intuitions under the categories.”\textsuperscript{66} It is only because of this that space and time are intuitions and not concepts, thereby retaining their own independence as the forms of sensibility through which objects are given.\textsuperscript{67} That is, it is important that this synthesis is distinct from any concepts of the understanding, as Kant also notes in the footnote at B161:  

In the Aesthetic I ascribed this unity merely to sensibility, only in order to note that it precedes all concepts, though to be sure it presupposes a synthesis, which does not belong to the senses but through which all concepts of space and time first become possible. For since through it (as the understanding determines the sensibility) space or time are first \textbf{given} as intuitions, the unity of this \textit{a priori} intuition belongs to space and time, and not to the concept of the understanding.\textsuperscript{68} Some of these difficult pieces of text regarding the role of the figurative synthesis can be made more clear if we keep in mind above all else the fact that Kant takes himself to have established the transcendental ideality of space and time in the Aesthetic. This is because many of the difficulties surrounding this text have to do with holding together both the

\textsuperscript{66} Longuenesse, \textit{Capacity to Judge}, p. 216. The priority is a logical priority, and not necessarily a temporal one. Kant is not here interested in the empirical genesis of concepts but in explaining their transcendental basis.  

\textsuperscript{67} I should note that I am here emphasizing for the moment the distinctions between the various faculties, particularly with an eye towards at once retaining the sense in which empirical objects are empirically real even while showing how our apprehension of them, on Kant’s account, depends on the various layers of ways in which we apprehend them. But emphasizing the distinction between the faculties by no means is meant to overlook the ways in which they are interrelated; indeed, as I hope to show by the end of this section, the interrelation – the point of interrelation – is key.  

\textsuperscript{68} Kant, Critique of Pure Reason, B161fn.
active role of the imagination on space and time as itself a condition of the possibility of their being given as intuitions and the *givenness* of objects in space and time. Recall that, in establishing the transcendental ideality of space, Kant is struck by the empirical reality of space and of the objects that appear in space, that is, he is struck by the fact that objects really are outside of us and one another in space, but that both space and these objects are intelligible to us. He ends up concluding that space is the form of our sensibility, the condition of the possibility of anything appearing to us, as a way in which we encounter objects. Thus it is the very fact that objects and the space in which they appear are empirically real, and yet intelligible, that brings to light the underlying unity not only of concepts but of the intuitions to which they apply.

Allison makes a similar point in his analysis of the role of the imagination relative to both sensibility and the understanding. As he explains, the shift Kant makes from speaking of space and time merely as *given* intuitions in the Transcendental Aesthetic, to now speaking of them as themselves synthesized by the imagination, is not strictly speaking a discrepancy in Kant’s discussion, but a change that comes as a result of an increasing awareness of *how* space and time are given as we move into the Transcendental Deduction. The job of the imagination, Allison argues, “is to synthesize

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69 As he says, in a discussion of the footnote at B160-1, “If, as is usually done, one focuses on the first sentence, the note seems to suggest a fundamental revision of the theory of sensibility outlined in the Aesthetic. Rather than simply being ‘given’ as they initial picture suggested, the actual intuitions of space and time as ‘formal intuitions’ are now seen as constituted by a synthetic activity. In the most radical version of this reading, space and time become *entia imaginaria*. If one considers the note as a whole, however, a quite different picture emerges. First, Kant strongly suggest that the apparent discrepancy between the present account, which emphasizes the necessity of the imaginary synthesis, and that of the Aesthetic, which is silent on the matter, is to be attributed to his manner of presentation rather than to a change in doctrine. Since Kant’s concern in the Aesthetic was to isolate sensibility in order to determine its
[what is given in the manifold of intuition] and of the understanding to bring this
synthesis to concepts.” He explains that this distinction means that “the activity of the
imagination is not itself directly conceptual…Instead, it is more appropriately described
as ‘proto-conceptual’…The basic point is that the imagination has the task of unifying the
sensible data in a way that makes possible its subsequent conceptualization, without itself
being a mode of conceptualization.” As Allison continues in his interpretation of the
Deduction, it becomes clear that drawing this distinction has implications for how we
understand the relationship between the unified intuitions of space and time, the unifying
activity of the imagination, and the functions of unity in judgment. Part of Kant’s aim in
the Deduction is to show that each is a manifestation of the transcendental unity of
apperception; Allison ultimately thinks Kant accomplishes this by showing how the
transcendental synthesis of the imagination is necessary for the determination of space

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particular contribution to cognition, he had to ignore at that point the necessity of a synthesis for
determinate representations of space and time (formal intuitions). Accordingly, this methodologically
necessary omission is now being rectified. Second, when Kant says that in the Aesthetic he attributed this
unity to sensibility ‘in order to note that it precedes all concepts,’ he is not denying the dependence of the
imaginative synthesis on the categories. As the text makes clear, the concepts Kant there had in mind were
those of space and time, not the categories. Third, when Kant states at the end of the note that ‘the unity of
this a priori intuition belongs to space and time, and not to the concept of the understanding,’ he is neither
retracting the initial claim that the representation of a unified space or time results from a synthesis,
through which they are ‘first given as intuitions,’ (formal intuitions), nor contradicting the dependence of
this unifying synthesis on the categories. Once again, the point is rather that the imaginative synthesis is
itself constrained by space and time as forms of intuition, which is just what §24 requires. Accordingly, it
is no accident that Kant refers the reader back to §24.” (Kant’s Transcendental Idealism, pp. 192-3.)
Allison’s refers throughout his explanation here to the distinction that he draws between space and time as
forms of intuition and as formal intuitions; for this distinction, see Allison, pp. 112-6.

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70 Ibid, p. 188.

71 Ibid, p. 188.
and time and so for the empirical apprehension of object, which in turn is governed by categories “functioning as a ‘rule of apprehension.’”

4. Review of ground covered

We are now in a position to explain more fully the most central elements of Kant’s analyses of experience and judgment in the first Critique and begin to suggest how they might apply to the construction of a theory of practical judgment.

Kant’s project, we have seen, contains a new analysis of what experience itself is. This analysis has several levels. The first sign that we’re dealing with a different conception of experience from that of traditional empiricism comes in both the A and B Introductions to the First Critique. As I have already mentioned, Kant begins the A Introduction with the claim that, far from being constituted by bare impressions on which the understanding works, experience is itself already a product of the understanding, which has processed what was given to sensibility. And shortly before the Transcendental Deduction, Kant identifies the understanding as the “faculty for judging.” “We can…trace all actions of the understanding back to judgments, so that the understanding in general can be represented as a faculty for judging.” Experience,

72 See Allison, Kant’s Transcendental Idealism, pp. 195-6. Again, though, Allison thinks the Deduction is only concluded with the individual arguments that follow it in the Analytic. See ibid, p. 201.

73 Kant, Critique of Pure Reason, A69/B94.
instead of providing the material for judgment, is rather constituted by judgments.\textsuperscript{74} In the B Introduction, Kant is even more explicit about the role the understanding plays in experience, hinting already that a primary task of the first \textit{Critique} will be to tease apart the contributions sensibility and understanding each make in cognition:

But although all our cognition commences \textit{with} experience, yet it does not on that account all arise \textit{from} experience. For it could well be that even our experiential cognition is a composite of that which we receive through impressions and that which our own cognitive faculty (merely prompted by sensible impressions) provides out of itself, which addition we cannot distinguish from that fundamental material until long practice has made us attentive to it and skilled in separating it out.\textsuperscript{75}

This teasing-apart continues in the Transcendental Aesthetic and Transcendental Analytic, sections of the first \textit{Critique} which focus on the contribution to cognition made by sensibility and the understanding, respectively. It turns out, as we have seen, that the pure intuitions of space and time, our forms of sensibility, or the framework within which all sensible objects appear to us, are themselves made possible by an underlying unity – what Kant calls the “synthetic unity of apperception” – that is the principle of the pure concepts of the understanding as well. This is the key step in the Transcendental Deduction for showing how it is possible for synthetic \textit{a priori} concepts to apply with validity to what is given in space and time.\textsuperscript{76}

\begin{footnotes}
\item \textsuperscript{74} Ibid., A1.
\item \textsuperscript{75} Kant, Critique of Pure Reason, B1-2.
\item \textsuperscript{76} “Thus even \textit{unity of the synthesis} of the manifold, outside or within us, hence also a \textit{combination} with which everything that is to be represented as determined in space must agree, is already given \textit{a priori},
Kant’s project thus results in a discovery of an underlying principle that brings unity to a judgment in which two or more concepts or intuitions are compared. What Kant argues is that the *same* principle of unity is the principle of the pure concepts of the understanding and of our forms of intuition (space and time). What *looked like* two heterogeneous elements, sensibility and understanding (or intuitions and concepts), are in fact governed by the same principle. This result is based in part on the results of the Transcendental Aesthetic, namely that space and time are the singular forms of our intuition and hence transcendentally ideal, such that the unity that underlies them is *in us*. And so the synthetic unity of apperception, which functions as a principle both for sensibility and for the understanding, is thereby the principle by which concepts can be united with intuitions.

The principle that unites sensibility and understanding, then, also governs the use of the understanding in relation to sensibility, guaranteeing the possibility of the along with (not in) these intuitions, as condition of the synthesis of all *apprehension*. But the synthetic unity can be none other than that of the combination of the manifold of a given *intuition in general* in an original consciousness in agreement with the categories, only applied to our *sensible intuition*. Consequently all synthesis, through which even perception itself becomes possible, stands under the categories, and since experience is cognition through connected perceptions, the categories are conditions of the possibility of experience, and are thus also valid *a priori* of all objects of experience.” Ibid., B161. I am primarily indebted to conversations with Karl Ameriks for this point.

As Kant says, “The same function that gives unity to the different representations *in a judgment* also gives unity to the mere synthesis of different representations *in an intuition*, which, expressed generally, is called the pure concept of understanding. The same understanding, therefore, and indeed by means of the very same actions through which it brings the logical form of a judgment into concepts by means of the analytical unity, also brings a transcendental content into its representations by means of the synthetic unity of the manifold in intuition in general, on account of which they are called pure concepts of the understanding that pertain to objects *a priori*.” Ibid., A79/B105. Longuensesse makes much of what follows: “In such a way there arise exactly as many pure concepts of the understanding, which apply to objects of intuition in general *a priori*, as there were logical functions of all possible judgments in the previous table: for the understanding is completely exhausted and its capacity entirely measured by these functions.” (Ibid.)
deployment of pure concepts by the understanding in response to what is given in experience. In other words, the intuitions presented by sensibility to the understanding are already \textit{ready} for the deployment of concepts; this feature of what appears to us in space and time, i.e., that it is always \textit{well-formed}, is central to Kant’s argument for the transcendental ideality of space and time. But this in turn means that the deployment of pure concepts in the face of the infinitely many aspects of experience need not be utterly mysterious. Instead, all we need to see is that the pure concepts of the understanding and the forms of sensibility together constitute a framework within which any particular judgment can be made; as Kant says near the conclusion to the Second Analogy, “we can extract [pure] concepts from experience only because we have put them into experience, and experience is hence first brought about through them.”\textsuperscript{78}

Finally, because space and time are unified \textit{global} intuitions, the framework of experience is also a global framework – i.e., any possible experience for us must occur within this framework.\textsuperscript{79}

\textsuperscript{78} Kant, \textit{Critique of Pure Reason}, A196/B24, translation altered. Cf. Kant’s complaint that Hume’s skepticism arose from the fact that “it never occurred to him that perhaps the understanding itself … could be the originator of the experience in which its objects are encountered” (Ibid., A95/B127).

\textsuperscript{79} As a side note for now, we can already notice that the globality of space and time could make us worry, however, about the possibility of practical judgment of the sort that a truly moral worthy action would require – i.e., a free judgment resulting in a free act. If space and time as the conditions of the possibility of experience are global, then this does not leave open the possibility of the experience of a free (i.e., uncaused by natural causes) act in space and time. Kant thinks that his transcendental idealism – the restriction of our knowledge to objects of experience, with the acknowledgement that there could be things, such as noumenal or free causation, that are outside experience and hence not objects of theoretical knowledge for us – is necessary to meet the demands of morality for freedom. I will discuss this further in later chapters.
If a similar kind of framework can be constructed for practical judgment then that could go very far towards showing us how the principles of practical reason come to be instantiated in what is given in sensibility. Such a framework, similar to that sketched above for theoretical judgment, would need to be one in which some kind of a principle of unity informs the experience of objects and makes possible the work of practical reason in experience.

What will help even more with the project of constructing a framework for practical judgment is to show what it means for the unity that underlies theoretical judgment to be governed itself by a teleological impulse, the impulse toward judgment. We must consider more fully, that is, what it means for the categories to be functions of unity in judgment. It is to this part of Longuenesse’s work that I want to turn in the first half of the next chapter.
The teleological impulse of judgment

1. Introduction: Why Longuenesse’ view matters for practical judgment

In *Kant and the Capacity to Judge*, Béatrice puts forward an interpretation of Kant that centers on taking seriously Kant’s claim that the table of the functions of judgment is key to understanding the theory of judgment that Kant presents in the First *Critique*. Her words:

Neither the argument of the Transcendental Deduction of the Categories, that is, the demonstration of the role of the pure concepts of the understanding in any representation of an object, nor the System of the Principles of the Pure Understanding, can be understood unless they are related, down to the minutest details of their proofs, to the role that Kant assigns to the logical forms of our judgments, and to the manner in which he establishes the table of categories or
pure concepts of the understanding according to the ‘guiding thread’ of these logical forms.¹

This is obviously an exhaustive as well as controversial project. For our purposes, however, I want to isolate what I take to be her key insight in order to see whether it can tell us anything about how practical – and not just theoretical – judgment works.

What Longuenesse takes from Kant’s remarks in the Table of the Functions of Judgment is that the understanding can be characterized as a capacity to judge. In a paper responding to criticisms from Henry Allison and Sally Sedgwick, she helpfully explains,

[Kant] justifies defining the understanding as a capacity to judge in the following way. The understanding is a capacity for concepts. But we form concepts only for use in judgments. And all forms of judgment carry possible forms of syllogistic inference. The understanding then, or the intellect as a whole – our capacity to form concepts, combine them in judgments, infer true judgment from true judgment in syllogistic inferences – our understanding is nothing other than a ‘capacity to judge’ (Vermögen zu urteilen).²

She goes on to explain that all of the activity of the understanding, including the power of judgment [Urteilskraft] that involves either the subsumption of a particular under a universal or the discovery of a particular for the universal that we have (determining and

¹ Longuenesse, Kant and the Capacity to Judge, p. 5.
reflecting judgment, respectively), can be traced³ to the basic capacity of the understanding for judgment.

Portions of Longuenesse’ book are less controversial than others;⁴ indeed, A.W. Moore has made a similar claim in a very different project when he writes that “there is a nisus in all of us, more fundamental than any other, towards rationality.”⁵ Moore makes this claim in the course of appropriating Kant’s ethical thought; he is speaking, that is, of practical rationality, and of the possibility of the exercise of freedom. It is the same kind of insight, though, that Longuenesse has with regards to theoretical judgment: namely, that the impulse to form judgments lies at the heart of what makes judgment possible.⁶ Where Longuenesse’ claim becomes controversial is in the way that she proceeds to

³ The language of “tracing back” the various operations of the understanding to the capacity to judge is Longuenesse’s; she argues that although the capacity to judge is not sufficient to understand how the understanding operates in all the ways that it is, it is necessary. See Longuenesse, “Responses,” p. 93.

⁴ Henry Allison, for example, says that he can take some of her view on board: “I very much like the idea that the action of the understanding in affecting sensibility is to be viewed as oriented towards the goal of conceptualization and judgment. Where I begin to part company with Longuenesse is her insistence that the understanding at this juncture [in the B Deduction] is best construed as the capacity to judge…I do not see how a mere ‘capacity to judge’, which Longuenesse also describes as a ‘possibility or potentiality for forming judgments’, can do anything, including affect or determine inner sense. If this is to [be] made intelligible, it must be taken to mean that an act of understanding consists in an exercise of this capacity, which I take to be Kant’s actual position and to be fully compatible with a characterization of this act as one of spontaneity.” (Henry Allison, “Where Have All the Categories Gone,” Inquiry 43 (2000), p. 77) Longuenesse responds to this criticism by drawing out Kant’s unique form of innatism, an epigenetic account of the formation of the categories and the forms of sensibility, where the capacity for judgment is always present (and is, in that sense, innate) but is occasioned by the actual experience of objects in sensibility. See Longuenesse, “Responses,” p. 93.


⁶ In a passage summarizing the A Deduction, she also describes this impulse as a conatus: “To borrow a term from Spinoza and Leibniz, one might speak of an actual conatus, a continual effort, to shape the representation of what affects us in order to exercise our judgment.” Longuenesse, Kant and the Capacity to Judge, p. 208.
interpret the role of the forms of sensibility and the categories with regards to judgment and the capacity to judge.

At the beginning of Chapter 2, I glossed Longuenesse’s insight as the view that what it means to be a person with theoretical reason is to seek as systematic account of the world. Just as a virtuous agent’s conception of the good life generates and is generated by her moral acts, so too, what it means to have theoretical reason is to seek a systematic account of the world, an impulse that both generates particular acts of judgment and is clarified in those acts itself. Turning to a more in depth look at Longuenesse’s view will help to fill out what this means. We will also be able to see whether the controversial portions of Longuenesse view could, if taken on board, result in devastating criticisms for our own purposes.

In this chapter, then, I want to explore Longuenesse’s position at length in order to draw out what it means for there to be a teleological impulse at the center of all cognition that guides judgment. I will begin by outlining Longuenesse’s interpretations of parts of the first Critique – the B Deduction, the A Deduction, and the concept of the transcendental object. I will then consider various criticisms of Longuenesse in order to show that a careful reading and articulation of her interpretation should avoid collapsing Kant’s transcendental idealism into absolute idealism. Finally, I will conclude with a few remarks that she gives on moral judgment by way of transition to the second half of my project.
2. *The categories and the teleological impulse of judgment*

Longuenesse’s analyses of judgment in the first *Critique* can help us understand how the Kantian framework outlined in Chapter 2 is one in which judgment is guided by a teleological impulse and what, exactly, this teleological impulse is. Longuenesse outlines the way in which sensibility and the understanding are two aspects of a single framework in which judgment occurs, showing as she proceeds how the activity of judgment itself has as its end the discursive articulation of what is given by the manifold of intuition. Her argument that this is how we should understand the analysis of the conditions of the possibility of cognition in the first *Critique* depends heavily on her interpretation of the Doctrine of the Elements, and, in particular, her conclusion that the categories “have a role to play as it were at each end of the activity of judging.”\(^7\) The application of the categories as universal concepts is itself the end of the teleological impulse of judgment; to understand why this is so, Longuenesse argues, we need to understand the relationship between the analytic unity that makes possible the functions of judgment and the synthetic unity that makes possible the application of categories to an object of intuition.

The relationship is one of identity. Longuenesse reminds us that Kant writes in the Metaphysical Deduction, “The same understanding, through the same operations by

\(^7\) Beatrice Longuenesse, *Kant and the Capacity to Judge*, p. 196. Henry Allison criticizes this claim, and in this section I draw heavily on Longuenesse’ response to him. Allison calls the sense in which, on Longuenesse’ account, the categories are present in the initial moment of judgment “Pickwickian.” See Allison, p. 69.
which in concepts, by means of analytic unity, it produced the logical form of a judgment, also introduces a transcendental content into its representations, by means of the synthetic unity of the manifold in intuition in general.”

Longuenesse explains,

‘By means of analytic unity’ means: by means of a unity reached by way of analysis. Judgment is a synthesis (of concepts) by means of analysis (of the sensible given). Categories are concepts of the synthesis of intuition necessary for the analysis of this same intuition that allows concepts of objects to be formed and synthesized in judgments. So, if you like, the full process is: synthesis (of intuition) for analysis (into concepts) for synthesis (of these concepts in judgment). The categories universally represent the unity of the original synthesis of intuition for analysis for synthesis (of concepts).

She argues that getting clear on what the analytic unity of the functions of judgment is helps also to clarify how it is that the categories are present at both ends of judging.

To see how this works, we also need to consider Longuenesse’ gloss of the argument of section 26 of the Deduction illustrates her point; she says that the main argument is:

(1) Every synthesis of apprehension presupposes the forms of space and time; (2) now, these forms, being themselves unified intuitions, are under the transcendental unity of apperception, which is the source of the categories; (3) therefore, every synthesis of apprehension, by the mere fact that it presupposes the forms of space and time, is capable of being thought under the categories.

As she points out, “The burden of proof in this reasoning is borne above all by the major premise (2), that is, by the affirmation that space and time are under the original unity of

8 Longuenesse, “Responses,” p. 94. The quotation is from Kant, *Critique of Pure Reason*, B105.

9 Longuenesse, Kant and the Capacity to Judge, p. 214.
apperception."¹⁰ That is, in order to gain an understanding of why the categories apply with validity to objects of experience, we need also to have a proper understanding of the nature of the forms of sensibility – that is, we need to appreciate fully “the affirmation that space and time are under the original unity of apperception.”¹¹ But this brings us back to the arguments in the Transcendental Aesthetic that established the transcendental ideality of space and time. Longuenesse accordingly continues her own argument by reminding us that the unity of space and time is a global unity, and then she writes that “These same properties that, in the Transcendental Aesthetic, are arguments in favor of the intuitive rather than the discursive nature of our representations of space and time, become, in section 26, reasons to assert that these intuitions are made possible by acts of a priori synthesis.”¹² She concludes, “And the a priori synthesis that generates space and time as a priori intuitions, also generates the conformity of the manifold of empirical intuitions to the categories.”¹³ Just as we saw above in Chapter 2, then, the globality of space and time is central to understanding why it is that appearances in space and time are subject to the categories – that is, the intuitions of space and time are “one and unlimited,”¹⁴ and we can now also see that the synthesis that makes possible these intuitions for us – the synthesis that generates their unlimited unity – is the same

¹¹ Ibid.
¹² Ibid.
¹⁴ Ibid.
synthesis that generates the categories. And it is the fact that one and the same synthesis is present both in the apprehension of space and time (and objects in them) and in the application of the categories as functions of judgment that the categories can be said to be present at each end of judging, or, put differently, that we can rest assured that what is given in space and time is ripe for conceptualization.

What this means is that at the heart of Kant’s argument for the validity of the application of the categories to objects given in space and time is the activity of synthesis, a unifying impulse that is oriented towards judgment itself. The categories are present in the synthesis of the manifold of intuition as what guides that synthesis. They are also present in the actual subsumption of a determined object under a rule.¹⁵ And what generates the categories is the capacity to judge.

¹⁵ See Longuenesse, “Responses,” p. 97: “In the Prolegomena Kant asks: what is it that allows me to subsume what is initially a mere logical connection of my perceptions under the category of cause? And he answers: I have explained this in the Critique of Pure Reason. Now what he has explained in the Critique of Pure Reason, as far as the concept of cause is concerned, is that the very experience of an objective succession is possible in the first place only under the supposition that ‘something else precedes, according to a rule’. In other words, it is possible only under the presupposition that objects are ‘in themselves determined with respect to the logical function of hypothetical judgment’, namely subsumable under some concept of causal connection. This is how the concept of cause – the ‘concept of an object, by means of which its intuition is considered as determined with respect to the logical form of a hypothetical judgment’ – guides the synthesis of our perceptions for the experience of an objective succession. This synthesis eventually makes possible the analysis of the repeated experience into a hypothetical judgment. If one adds to the empirically tested hypothetical judgments the anticipations made possible by the application of mathematical methods, in the context of the unity of experience as a whole (the unity of our experience of appearances in one space and one time) one eventually comes to the conclusion that a particular connection of empirical events is ‘in itself determined with respect to the form of hypothetical judgment – an event is ‘in itself determined’ (as an empirically given event) under the antecedent, another is ‘in itself determined (as an empirically given event) under the consequent of a hypothetical judgment – and one subsumes the connection under the concept of cause.”
3. Further elaboration: Judgment as an activity

The reason Longuenesse – and, presumably, Kant – finds it important to devote extensive time to each of the proofs in the first Critique is because at each step we gain an increased awareness of how the categories of the understanding operate on what is given in sensibility in the activity of judgment. For example, Longuenesse argues that the A Deduction, with its discussion of comparison, abstraction, and reflection, contains a lengthy analysis of what comes very quickly in the opening sections of the B Deduction. In the A Deduction, Kant speaks in the language of empiricism, dwelling at length on the role of comparison, abstraction, and reflection in concept formation. On the empiricist account, the mind is presented with distinct impressions; it then compares, reflects on, and abstracts from these impressions in order to form and deploy concepts. In her interpretation of Kant, Longuenesse argues that the activities of comparison, abstraction, and reflection are central to Kant’s thought as well. Part of Kant’s unique appropriation

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16 She writes, “The term ‘comparison’ and the operations it signifies have been almost unanimously overlooked by Kant’s commentators. This negligence may be due to the seeming banality of this term. But I believe that its neglect also stems from a reading of Kant that deliberately privileges the determination of the empirical by the a priori (i.e., by the categories and by mathematical concepts), to the detriment of the reflective relation between the intellectual forms and the sensible. And finally, the term ‘comparison’ is so closely linked to British empiricism in many readers’ mind that, upon encountering it in a text of Kant’s, one tends to read it as a residue of precritical empiricist temptation.” (Longuenesse, Kant and the Capacity to Judge, p. 112.) She goes on to argue that, although the concept of comparison is central to the empiricist tradition, it also plays a role in the rationalist tradition as well, making the point that “What distinguishes empiricism is less the importance it grants to the act of comparison than its conviction that this act applies to ideas whose origin is ultimately always sensible and empirical. But whether empiricist or rationalist in inspiration, any investigation of the act of thinking in judgment emphasizes the comparison of ideas, which generates the discursive combination of concepts.” (Ibid, pp. 112-3.) Turning her attention to Kant, Longuenesse writes, “Indeed, the first original feature of Kant’s notion of ’comparison’ consists in his distinction between different representational ‘locations’ for the act of comparison. In the Amphiboly chapter he maintains that the comparison of concepts in the
of these terms, however, lies in the extent to which he argues that these activities must always be oriented towards and guided by judgment; and it is this new understanding of the activities of comparison, abstraction, and reflection that ultimately defines Kant’s Critical view of the role of the understanding in experience.\textsuperscript{17} According to Longuenesse’ reading of Kant, what makes comparison, abstraction, and reflection possible is the teleological impulse at the core of judgment itself. Her own presentation of these activities can, then, highlight the way in which judgment in turn is also an activity oriented teleologically.

In the section of her book titled “Concept Formation through Comparison, Abstraction, Reflection,” Longuenesse lays out the steps by which one can see how Kant thinks the transcendental structure of judgment makes these activities possible. Though she is relying on passage from the \textit{Logic} for her discussion, her analysis adds detail to her picture of Kant’s theory of judgment, and it is worth presenting it at length:

(1) First, Longuenesse argues that “the comparison of sensible representations that gives rise to concept formation is a search for common marks. As such it is

\textit{understanding needs to be carefully distinguished from the comparison of objects given in sensible intuition.}” (Ibid.) Longuenesse focuses on the latter kind of comparison.

\textsuperscript{12} The passages she is discussing are from Section 6 of the \textit{Logic}, where Kant is giving the origin of the logical form of concepts. Note, then, that what is at stake is not the empirical generation of concepts in time, but what makes it possible formally for concepts to apply to any possible object. See Immanuel Kant, \textit{Logic}, pp. 99-100: “Thus it is not for general logic to investigate the source of concepts, not how concepts as presentations arise, but solely how \textit{given presentations become concepts in thinking} – whatever these concepts may contain, something taken from experience, or something thought out, or something gathered from the nature of the understanding.”
inseparably linked to the two other ‘acts of the understanding,’ namely reflection and abstraction.”

(2) She goes on to present Kant’s example in which he discusses the comparison of, reflection on, and abstraction from sensible representations in order to form the concept of a tree. But, she argues,

the chronological presentation of these operations is implausible. The ‘comparison’ of trunks, leaves, etc., which takes stock of their differences, is not temporally prior to ‘reflection’ and ‘abstraction.’ Rather, it presupposes efforts to reflect the similarities among the elements compared and abstract from (leave out) their dissimilarities. Reflection and abstraction are not operations that follow comparison and are dependent on it; rather, each depends on the others and all proceed simultaneously.

She next draws an even stronger conclusion: “Indeed, only insofar as comparison is conjoined with the two other operations can it be geared from the outset toward universal representation, that is, the production of a concept… Universalizing comparison is a comparison of universal marks which are generated by the very act of comparison.”

(3) Longuenesse then reminds us that

the ‘rule of apprehension’ is the schema. To compare representations in order to form concepts is therefore to compare schemata. And to compare schemata, by means of the three joint acts of comparison, reflection, and abstraction, is first of

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18 Longuenesse, Kant and the Capacity to Judge, p. 115.
21 Ibid.
all to *generate* these schemata. Thus the schemata result from the very acts of universalizing comparison of which they are the object.\(^{22}\)

(4) Finally, she argues that schemata are only able to result from the acts of universalizing comparison of which they are the object because the sensible manifold for which the schemata function as a rule of apprehension is itself *able* to be apprehended according to a rule:

The ‘rule of apprehension’ of which the concept is the universal representation is both immanent to the sensible, singular representation, and generated by the act of comparison. Comparing representations in order to subsume them under a ‘unified consciousness’ means *generating* the awareness of a rule of apprehension. But the very possibility of such an awareness supposes that the sensible representations *lend themselves* to such a rule.\(^{23}\)

(5) Longuenesse’s final conclusion here is as follows:

the act of comparison is guided by the *Vermögen zu urteilen*, that is, by the capacity to *form judgments*...A felicitous formulation of this point was given by Steckelmacher when he said that concepts are generated by ‘an act of judging carried out silently.’...But if one admits that a ‘silent’ and ‘incompletely achieved’ act of judging presides over concept formation itself, then one must conclude that the forms of judgment, in which ‘achieved’ concepts will be combined, must regulate even the comparison of those representations ‘only in themselves universal,’ the rules of our sensible apprehension, and first contribute to the very *generation* of these rules, ultimately reflected under discursive concepts combined in judgments.\(^{24}\)

\(^{22}\) Ibid, pp. 116-7.

\(^{23}\) Ibid, p. 118.

\(^{24}\) Ibid, pp. 121-2.
What Longuenesse has drawn out in her analysis is the way that the schemata for determining judgments are generated by the act of judgment itself. Comparison, abstraction, and reflection, she argues, are not activities that take place independently of one another, nor are they independent of the rules or schemata that enable judgment; instead, as we apprehend objects in the process of judging, we simultaneously generate rules by which we judge those objects. This possibility depends, of course, on the objects themselves being ripe for conceptualization—which in turn depends, we have seen, on the forms of our sensibility also being governed by the same unity that governs the use of the understanding. In her response to Sally Sedgwick’s criticisms, Longuenesse clarifies her position even further: she points out, as we saw above with regards to the categories, that there are two different ways in which schemata are present in the apprehension of objects, namely, as schemata of categories, which are what guide the apprehension of the manifold, and as empirical schemata, the result of the former, initial action of the understanding on the manifold of intuition.25

But these passages also illustrate for us again the nature of the transcendental unity that makes experience possible: as an activity that aims at judgment, at the generation of rules for the purposes of understanding what is given in intuition, it is a teleological activity, or an impulse towards judgment.

4. The transcendental object in the A Deduction

How does this work, exactly? In particular, if the transcendental unity that makes experience possible generates the rules for understanding objects as well as the sensible apprehension of objects, have we thereby slipped into absolute idealism – with our faculty for judging generating what it judges? In other words, on Kant’s account, what led to the thesis of transcendental idealism in the first place was in part the empirical reality of space and time and the objects given in them; it was this feature combined with the lawfulness and intelligibility of the forms of intuition that called for an explanation. Have we lost the integrity of the objects given in experience?

And what is more, at what, exactly, is the teleological impulse of judgment aimed?

The answers to these two questions come together when we turn to a consideration of the role of the transcendental object of judgment in the A Deduction. Longuenesse explains first that “Kant indicated the place of sensible intuition right in the logical form of judgment itself, by means of the term ‘x’ – a sensible intuition that provides the cement holding the concepts together.” She draws out the ways in which Kant’s analysis of different kinds of judgments always keeps the transcendental object as

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the object of the judgment,\textsuperscript{27} and points to a passage in which Kant “goes so far as to say that every concept, regardless of its position in the judgment, is nothing but a \textit{predicate} of the object = x thought in the judgment.”\textsuperscript{28} She concludes, “Thus one should look beyond the grammatical form of the judgment for the form proper to the activity of thinking itself, a form in which all concepts are related, as predicates, to what alone is ultimately the subject of any judgment: the object = x.”\textsuperscript{29}

What makes his position about the object of judgment unique to Kant is the complex status of the transcendental object. Longuenesse argues for a somewhat startling interpretation:

To consider the concepts combined in judgment as the predicates of a subject, which ultimately refers to the individual thing not explicitly represented in the grammatical form of the judgment, is not a particularly original position…But what is original about Kant’s position is the thesis that neither the concepts, nor the object = x to which they are related, are independent of the act of judging, or prior to it.”\textsuperscript{30}

\textsuperscript{27} She cites key passages from the \textit{Logik} (Ak. IX, 111) as well as the \textit{Reflexion} (4634 (1772-76), Ak. XVII, 616) where Kant analyzes the difference between analytic and synthetic propositions. As she says, “In both texts, he relates the combination of concepts to the object represented by the term ‘x’ to which the concepts can be attributed, whether the judgment is analytic or synthetic.” Ibid, p. 107.

\textsuperscript{28} Ibid. The passage she quotes is the following from the \textit{Reflexion}: “We cognize an object only through the predicates we express or think of it. Prior to this, those representations we find in us can be counted only as materials [\textit{Materialien}], not as cognition. Consequently, an object is only a something in general [\textit{nur ein Etwas überhaupt}] we think through certain predicates that constitute its concept [\textit{was wir uns durch gewisse Prädikate, die seinen Begriff ausmachen, gedenken}]. In every judgment, therefore, there are two predicates we compare to one another. One, which constitutes the given cognition of the object, is the logical subject, and the other, which is compared with it, is called the logical predicate.” See Longuenesse, p. 107.

\textsuperscript{29} Ibid, p. 108.

\textsuperscript{30} Ibid, p. 108.
And this is because our knowledge is restricted to objects in space and time, and nothing outside of space and time can be an object for us. This key Kantian point is what leads to the complex status of the transcendental object.

Beginning with the second half of Longuenesse’s point, then, that the object \( x \) is not prior to the act of judging, she explains that “the object represented by the term ‘\( x \)’ in the logical form of judgment is itself, according to Kant, dependent upon the act of judging that relates predicates to it.”\(^{31} \) She further explains that there are “three different but correlated components of Kant’s notion of an object”\(^{32} \) that come together in the notion of the object of judgment. These are “(1) the object as appearance… or the ‘indeterminate object of an empirical intuition’… (2) the object as phenomenon, or the empirical object as determined by concepts… [and] (3)… the ‘transcendental object,’ a notion present in the A, but which has disappeared from the B Deduction.”\(^{33} \) In the first, the object is not prior to judgment insofar as even appearances are subject to the synthesis of the imagination, while in the second, the object is more obviously not prior to judgment insofar as it is simply the synthesized object as determined by concepts (and thus is fully within the provenance of judgment).

\(^{31} \) This insight, in turn, depends upon a key interpretative point of Longuenesse, namely, what she calls the “internalization to representation of the object of representation.” Ibid, p. 108. It seems to me that the nuance of her position is here represented well, as she tries to bring together both the constructivist side of Kant’s analysis of empirical reality with his transcendental idealism.

\(^{32} \) Ibid, p. 108.

It is with the third notion of an object that things get really interesting. This is the place where we would expect our judgments about objects to come up against something external what we are representing. And although any individual judgment might be compared to something external to its particular representation, judgment as such is not measured against something outside of representation as such. Longuenesse points out that although the transcendental object is in some sense “independent of our representations,” the source of this representation, i.e., the representation of the transcendental object, is the transcendental unity of apperception. As she puts it,

When expounding the ‘synthesis of recognition in a concept’ in the A edition of the Transcendental Deduction, Kant explained that we strive to find coherence between our representations only if we relate them to a ‘transcendental object = x’ independent of our representations. But, he added, the source of this representation is the transcendental unity of apperception itself.  

The transcendental unity of apperception is the source of the transcendental object because this object is not something that is intuited by us – it is, as transcendental, non-empirical – but is instead a concept. And the concept is the concept of objective reality, which Kant says “cannot contain any determinate intuition, and therefore refers only to that unity which must be met with in any manifold of cognition which stands in relation to an object.” He then explains, “This relation is nothing but the necessary unity of consciousness, and therefore also of the synthesis of the manifold, through a common

34 Ibid, p. 110.
35 Kant, Critique of Pure Reason, A109, quoted by Longuenesse, Kant and the Capacity to Judge, p. 110.
function of the mind, which combines it in one representation.”\textsuperscript{36} So the relation to an object as such, or the concept of the transcendental object, is the necessary unity of consciousness or the transcendental unity of apperception. And Longuenesse takes Kant to be illuminating this point in the B Deduction when he refers there to the way in which “the unity of apperception is the unity of the act of judging – that is, synthesizing appearances, analyzing the synthesized representations into concepts, and so relating them to objects.\textsuperscript{37}

Longuenesse also notes that Kant does not mention the transcendental object in the B Deduction; she nonetheless takes him to be making the same point as above in slightly different terms.\textsuperscript{38} as she says, “Relating our sensible representations to an object represented ‘as’ independent of them (‘the…transcendental object = x’), striving thereby to find coherence among our representations, is precisely what we are engaged in doing when forming empirical judgments.” The transcendental unity of apperception, as the synthesis that makes analysis possible, is an impulse towards unity in judgment. If we bring the transcendental object into the picture, we can see that this object is not independent of judgment – to return finally to Longuenesse’s initial point above – but is, as a place holder for what judgment aims for, what drives the impulse to judge. Thus it finds its source in the transcendental unity of apperception, and we have come full circle.

\textsuperscript{36} Kant, Critique of Pure Reason, A109; Longuenesse, Kant and the Capacity to Judge, p 110.

\textsuperscript{37} Longuenesse, Kant and the Capacity to Judge, p. 110.

\textsuperscript{38} She notes elsewhere that Kant retains the vocabulary of the transcendental object in other parts of the B version of the \textit{Critique}. Ibid, p. 109.
Trying to hold together the ways in which the objects that we judge are empirically real while also noting that the transcendental object is internal to the activity of judging can be difficult. The point is that in order for us to judge empirical objects, we relate our representations to something we take to be external to those representations. This relating is for the sake of judgment itself. Nonetheless, no claims are made by everyday judgment about the object as it is external to representation – put this way, we can easily see that such claims would be beyond the scope of empirical judgment entirely. When we take the transcendental point of view and analyze what this object is, we see that it, as a place holder, is what guides all of our attempts at unity in judgment – that is, it is the transcendental unity of apperception itself. It represents our attempt to make sense of empirical reality.

One of the important points to take from this analysis of the transcendental object, then, is the way in which Kant’s theory, in its attempt to explain how empirical knowledge is possible, also limits our knowledge to objects given in intuition. As we have seen, the reason why the transcendental object, even as something that is independent of our representations, is not independent of the activity of judging, is because as a mere place holder for what it is we are trying to understand, we cannot make further claims about it. Instead, the transcendental object functions rather as the unity in us that makes judgment possible in the first place. Just as a synthetic unity must be prior to all attempts at analysis, and this unity is in us, so the transcendental object, as the

39 Indeed, it might be because of the tendency of this language to slip into claims about noumenal objects that Kant dropped it from the B Deduction.
representation of that synthetic unity, is the representation of the impulse in us towards judgment.

5. Criticism of Longuenesse

In her article “Longuenesse on Kant and the Priority of the Capacity to Judge,” Sally Sedgwick picks up on the controversial nature of Longuenesse’s claim that neither the objects given nor the concepts deployed are prior to the act of judging. She runs through Longuenesse’s account of Kant’s overarching aim in the first Critique, noting that, as Kant tries to explain how it is that the categories could apply with validity to what is given in experience, he is constrained by the fact that “in his view, we must in our cognitions of nature be affected by an independently given sense content.” Thus “Our pure concepts or categories therefore generate not that given sense content, according to the argument of the Transcendental Deduction, but rather objects of nature qua representations or qua objects ‘internalized within representation’, as Longuenesse puts it.” According to Sedgwick, Longuenesse presents Kant’s solution to the problem of how the categories can apply with validity to experience as the argument that “the very functions which determine the logical use of the understanding (in subsuming indeterminate empirical intuitions under general concepts and then combining those

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41 Ibid, p. 82.
concepts to produce judgments) also order the sensible given so that it is \textit{susceptible} to such logical use.\footnote{Ibid, p. 83.}

What Sedgwick finds controversial is Longuenesse’s claim that the capacity to judge is identical with the “same functions” that make possible the application of categories to objects given in experience. As she says,

\begin{quote}
It is no oversimplification to say that her [Longuenesse’s] chief aim is to establish what we might refer to as the priority, for Kant, of that capacity. For it is with reference to the capacity to judge that Longuenesse sets out to explain not merely the relation of the categories to the Table of Judgments, but also the nature and origin of our concepts (both pure and empirical), and even the nature of origin of our pure forms of intuition, space and time.\footnote{Ibid, p 83.}
\end{quote}

The problem, as Sedgwick describes it, is that the priority of the capacity to judge leads to talk of the capacity to judge “generating” the forms of experience.\footnote{Ibid. Sedgwick writes, “Some of her remarks about the priority of the capacity to judge may alarm us. The categories, she writes, ‘result from [the] activity of generating and combining concepts according to logical forms of judgment’, and are thus ‘in no way prior to the act of judging’ (p. 199). The unity of space and time, too, in her words, is ‘the effect of…the \textit{effort toward judgment} effecting inner sense’ (p. 243). Furthermore, there is on her account ‘\textit{no} unity of self-consciousness or ‘transcendental unity of apperception’ apart from the effort…toward judgment…’ (p. 394). In the concluding pages of her book she tells us that it is the capacity to judge which ‘generates’ ‘the universal forms in which we think our world’ (p. 396).” Ibid, p. 83. All Sedgwick’s parenthetical references are to Longuenesse, \textit{Kant and the Capacity to Judge}.} As Sedgwick writes,

\begin{quote}
This way of representing the priority of the capacity to judge may strike us as alarming for a number of reasons. To single out just two: first, the claim that the categories are supposed to ‘result from’ or ‘be generated’ out of acts of judging might reasonably be taken to fly in the face of Kant’s insistence that they are...
\end{quote}
necessary conditions without which no object could be judged. In light of the fact that Longuenesse also claims that her account of the categories is compatible with Kant’s ‘anti-innatism’, we might wonder whether she has lost sight of their special status as given a priori. Second, if the unity of space and time is, as she claims, ‘the effect of…the effort toward judgment’ – or, as she puts it in another passage, if the pure intuitions of space and time are themselves ‘generated’ by the understanding’s synthesis of the sensible manifold, then why does Kant claim that the faculties of understanding and intuition are independent sources of knowledge, and that our pure forms of intuition are in no way derivable from or reducible to our pure forms of understanding? (pp. 219, 221).45

Sedgwick notes that Longuenesse does not herself intend these consequences from her arguments about the priority of the capacity to judge. But what, upon closer examination, Longuenesse’s arguments amount to, Sedgwick thinks, is less than what Longuenesse would like. This is because what Longuenesse means by “generate” can be explained, on Sedgwick’s account, in one of three ways, none of which is as strong as what Longuenesse’s rhetoric seems to intend.

To find out what Longuenesse means when she claims that, for example, the capacity to judge generates the categories, Sedgwick examines Longuenesse’s account of empirical judgment. Sedgwick explains how, according to Longuenesse, the formation of empirical concepts depends on a prediscursive synthesis of the manifold of intuition that generates the object = x of judgment. This x of judgment – the transcendental object I discussed in §A.4 above – guides the activity of comparison that results in the empirical concept. But insofar as it itself is the result of a synthesis, “This prediscursive synthesis is therefore also the product of an act of comparison, on Longuenesse’s account.

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Concepts of comparison, she writes, ‘not only guide the comparison in judgments but also guide the initial generation of concepts from the sensible given’ (p. 161). As Sedgwick points out, this means that for Longuenesse, “Comparison is thus that act of judging *par excellence* ultimately responsible not merely for the analytic unity (the combination of empirical concepts in judgment), but for the synthesis of representations which must occur as a condition of the possibility of analytic unity.” This leads, Sedgwick thinks, to the question of how this initial act of comparison can occur, that is, “what determines which features of the intuited manifold we select out and which we ignore.” And what determines that, Longuenesse claims, is a rule of apprehension or schemata that is still prediscursive, or, “Before any concept can emerge…it must ‘already be present in an “undetermined state,” that is, in an intuitive state…as a still unreflected, “obscure” *rule for the synthesis of intuitions.*” And so,

The concept ‘tree’ in other words itself emerges from the sensible manifold thanks to prediscursive acts of comparison – acts guided, as we’ve just seen, by rules or ‘schemata’ which determine what in our field of apprehension gets selected out. These schemata govern the acts of prediscursive synthesis which, in Longuenesse’s words, ‘generate in the sensible given the forms of unity (singular intuitions, the “x” or “x, y, z” of judgment) susceptible to being reflected under concepts.”

48 Ibid, p. 86.
49 Ibid, p. 86, emphasis Sedgwick’s.
50 Ibid, p. 86.
But as Sedgwick shows, this in turn leads to the question of how it is that schemata both generate and are generated by the act of judgment. And she ultimately finds that there are three possible senses of generation at work in Longuenesse’s interpretation: generation as our coming to be aware of concepts, \(^{51}\) generation as concepts realizing “their normative goal only in the conversion of subjective to objectively valid judgments,” \(^{52}\) and generation as the generation of the universality of concepts out of acts of judging. But, Sedgwick argues, nothing about generation understood in any of these ways has to do with what is special about the categories, namely, that they are conditions of the possibility of experience.

I think, however, that there is another way to understand the priority of the capacity to judge: namely, that the capacity to judge is prior insofar as the unity that makes possible both the forms of sensibility and the categories of the understanding as conditions for our cognitions of objects is itself an impulse to judge and that it is what makes possible the valid application of the categories to objects given in experience. This is, I suppose, close to a combination of the second and third senses that Sedgwick draws out, but it highlights more directly the role of the categories (as well as the forms of sensibility) as conditions of the possibility of experience. The categories are indeed a priori forms of thought; but the capacity to judge insofar as the transcendental unity of

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\(^{51}\) See, for example, p. 87, where she cites Longuenesse: “Comparing representations in order to subsume them under a ‘unified consciousness’, Longuenesse writes, ‘means generating the awareness of a rule of apprehension.’ (p. 118)…She makes a similar claim about the categories. Although given a priori, it is in their ‘application in comparison’ that the come to be, in her words, ‘recognized in the sensible’ (p. 121).” Sedgwick, “Longuenesse on Kant,” p. 87.

\(^{52}\) Ibid, p. 89.
Apperception is a capacity to judge is both what renders them valid for thus, and generates our use of them.

For her part, Longuenesse responds to Sedgwick’s criticisms by emphasizing again that the way in which the categories (or schemata) are present in judgment varies from end to end. She also responds to the charge that her position might collapse into absolute idealism by noting, first, that she thinks Kant is “right to insist on this distinction [that is, the distinction between receptivity and spontaneity].” Longuenesse herself insists that maintaining this distinction depends both on recognizing the importance of Kant’s insight into the nature of our forms of sensibility – i.e., that through them objects are given, but that the forms themselves, as a global unity, are products of the synthesis of the imagination and so subject to the categories – and on understanding the novel use Kant makes of the transcendental object of intuition, namely, that, as something that is in one sense internal to representation and in another outside of it, it is a regulative principle that guides judgment.

6. The transcendental ideal and the impulse to judge systematically

This last point brings us up to the importance of the Dialectic of the First Critique.

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The first *Critique* contains both an Analytic, in which Kant analyzes the faculties of understanding and judgment in order to show how the categories apply with validity to objects given to us in space and time, and a Dialectic, in which Kant identifies the ways in which reason tries to overstep the boundaries laid out for it in the Analytic, falling thereby into error, and also thereby exposing the truth of transcendental idealism.\(^{54}\) The Ideal of Pure Reason is one such error. In her article “The Transcendental Ideal and the Unity of the Critical System,” Longuenesse outlines the proper critical – or regulative – function of the ideal of pure reason in empirical concept generation. Understanding the role of the ideal of pure reason helps us to see in what way the capacity to judge is an impulse towards systematicity, even as it also helps us to understand the limitations intrinsic to attempts at systematicity in empirical systems.

Part of Longuenesse’s aim in this article is, as she says, to sort out the legitimate and illegitimate uses of the ideal of pure reason. The first thing to recognize, of course, is that there is an illegitimate\(^{55}\) use of the ideal of pure reason that Kant, in this section of the Dialectic, is taking pains to discourage. The rationalist, on Kant’s account, employs the principle of complete determination to assume that for any given object, “among all


\(^{55}\) Here, the rationalists’ use
possible predicates of things, insofar as they are compared with their opposites, one must apply to it.”⁵⁶ Kant writes that

This does not rest merely on the principle of contradiction, for besides considering every thing in relation to two contradictorily conflicting predicates, it consider every thing further in relation to the whole of possibility, as the sum total of all predicates of things in general; and by presupposing that as a condition a priori, it represents every thing as deriving its own possibility from the share that it has in that whole of possibility.⁵⁷

The principle of complete determination therefore makes “a transcendental presupposition, namely that of the material of all possibility, which is supposed to contain a priori the data for the particular possibility of every thing.”⁵⁸

As Longuenesse notes, for the rationalist, the principle of complete determination adds to the principles of contradiction and excluded middle “precisely the reference to the totality of possible predicates.”⁵⁹ The rationalist philosophers, Longuenesse, argues, took this totality of predicates to be given, in the ens realissimum, and it is through this totality that objects are individuated: “Each is a unique combination of affirmations and negations of essential determinations or perfections in the divine understanding.”⁶⁰ For

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⁵⁶ Kant, Critique of Pure Reason, A572/B600.
⁵⁷ Ibid, A572/B600.
⁶⁰ Ibid, p. 216. She continues, “Moreover, this is how they are determined to exist, or on the contrary, to remain mere possible components in unactualized possible worlds, according to the principle of fitness, i.e. the wisdom of God’s choice.”
Kant, though, access to the intelligibility of objects via a divine understanding is not possible; indeed, “Kant does not consider that objects are individuated by complete determination accessible to pure intellect. He expressly denies this. Objects are given [to us] in space and time and individuated as objects of sensible intuitions.” When Kant takes the principle of complete determination into the critical system, however, it refers merely to the principle that all possible predicates could, according to the transcendental unity of apperception, be compared with all other possible predicates. Longuenesse describes it in the following way: “only if one and the same act of comparison and reflection and before this, one and the same act of synthesis achieved in order to compare and reflect, organizes our perceptions, can all predicates be compared to all other predicates, and therefore can concepts of objects be ever further specified.” She further notes, “This is how the unity of apperception gives rise to the unity of experience: the unified act of synthesis and analysis (comparison and reflection) is what connects objects in one space and one time, and reflects them under concepts.” The principle of complete determination as a critical principle, then, refers ultimately to the unity of the forms of sensibility and the unity of apperception: that is, to the unity and globality of experience and of the forms of experience. And so,

any singular object of experience is fully determinate by virtue of its being comparable to every other possible object, i.e. by virtue of its belonging in the

63 Ibid.
infinite sphere of the concept: ‘object of experience,’ in which its concept can be related to all other concepts either positively or negatively. Contrary to what was the case for rationalist metaphysics, it is not necessary to suppose that the totality of possible predicates be actually given (in God’s infinite understanding) to assert that every thing is either positively or negatively determined in relation to every possible predicate. It is sufficient to have shown that the form of our understanding is such that necessarily, any determination of an individual thing (namely, any mark of the concept under which we cognize it) determines it positively or negatively relative to all the concepts defining the possible subspheres of the one infinite sphere of the concept: ‘object of possible experience,’ or ‘object given in space and time.’

But this means, as Longuenesse notes, that the principle is not a new one for Kant: rather, “it is a principle Kant could have given as a corollary of the principle of all synthetic judgments: ‘the conditions of the possibility of experience are the conditions of the possibility of the objects of experience.’”

To this extent, Longuenesse finds the discussion of the Transcendental Ideal in the Dialectic to be as deflationary for reason as Kant intends it to be. Reason tries to soar to heights by imagining a sum total of all experience, given all at once in the divine understanding; but finds instead that what it has is the basic principle of experience that any object given to us can be compared to any other possible object, as experience necessarily, in order to be intelligible, constitutes a single whole. But this means that the impulse to judge that drives all judgment can and should also be read in an equally deflationary manner. All that is at stake is the basic intelligibility of experience; and this is made possible by the fact that the unity that makes possible the forms of sensibility is

64 Ibid.
65 Ibid., pp. 218-9.
the same unity that makes possible the valid application of the categories to experience. The *systematicity*, I would like to argue, that itself characterizes the impulse to judge, is therefore a highly basic systematicity, one that is already manifest in the necessary unity of experience. When we seek, through empirical concepts, to determine ever more specifically any given object, we rely on the necessary unity of experience as a guarantor of the basic intelligibility of our project, and so we also necessarily assume that some kind of systematicity will be possible and take it as our goal.

*Another look at Kant’s theory of judgment*

1. *Reminding ourselves of what we’re after*

As we saw in chapters 1 and 2, John McDowell outlines a theory of moral judgment in “Virtue and Reason” that focuses on an agent’s ability to be perceptually sensitive to the demands of the situation at hand. What allows the agent to be sensitive in this way is her ability to see the situation in the light of the concept of the good life that she has; in this light, the morally relevant facts are both seen and seen in a way that motivates her to act appropriately. I suggested that Kant’s theory of theoretical judgment might be a useful place to begin crafting a Kantian theory of moral judgment that contains some of the desirable features of McDowell’s more Aristotelian view, and I began this task by turning to McDowell’s views on perception as an entrance into the Kantian framework, then continued by elaborating on that framework.
The Kantian theory of theoretical judgment, then, explains how we perceive objects in space and time in a way that is ripe for our coming to understand or conceptualize those objects. What makes possible the fit between our forms of sensibility and the categories of the understanding is, first, the transcendental ideality of space and time – which Kant posits in part to help explain the empirical reality of the objects that appear – and second, the transcendental unity that underlies the framework of space and time and turns out to be the same unity that makes possible the work of the understanding.

Giving flesh to this transcendental unity has been a multi-stepped process, one I’ve undertaken because it is this unity that stands in for the good life in the original McDowell-Aristotelian account that we were dealing with. The first step was to draw out how this unity is the unity of the intuition of space and time; then to show that it is the transcendental unity of apperception; and now, finally, we have this transcendental unity also identified with the transcendental object =x of judgment. At each step of the way, we have uncovered how this unity manifests itself as an impulse towards judgment. In other words, this unity is more precisely an activity, or an attempt by the agent to understand the world in a systematic fashion. What I hope to show is that the systematicity that is the aim of theoretical judgment is also at work in practical judgment as well. In the same way that it guides theoretical judgment, the systematicity of practical judgment stands in for the agent’s conception of the good life. On McDowell’s account, the moral agent has a concept of the good life, and this concept enables the agent to see the right thing to do in the particular circumstances in which she finds herself.
Similarly, the Kantian theoretical agent has a concept of an object, or the impetus to understand the world systematically, and this concept guides the agent’s apprehension of particular objects in space and time. And the Kantian practical agent has a systematicity that guides her life, as well; we will turn to a discussion of what that systematicity is like in Chapters 4 and 5.

2. Uncodifiability in Kant’s theory of judgment

McDowell’s analysis of moral judgment in “Virtue and Reason” also centered, however, on the uncodifiability of the agent’s judgment. The way in which the moral agent sees the right thing to do in light of the concept of the good life that she has is supposed, on some level, to be mysterious, able to be grasped only from within a shared conception of the good life or shared virtue. What the agent does not do is take her concept of the good life and apply it to the situation at hand, in the manner of applying a rule or bringing a particular under a universal.

This aspect of McDowell’s account could seem at first to be at odds not only with Kant’s moral theory, as I discussed in Chapter 1, but with his theory of theoretical judgment as well, with its emphasis on schemata as rules for the apprehension of concepts in the manifold of intuition.

The foregoing account of Kant’s theoretical judgment that I have given should already begin to dispel concerns that Kant’s account constitutes a mere analysis of how we apply a universal rule to a particular situation. Rather, I would argue that Kant’s
account helps us to see better how McDowell’s account results in knowledge. This is because Kant’s account shows us how particular intuitions are intelligible as they are manifest within a framework that makes them possible in the first place and presents them as intelligible to the understanding. Recasting Kant’s theory in terms of a framework – the framework of space and time, whose unity is the same as the transcendental unity of apperception – helps us to understand how it is not a theory of the application of universals to particulars, but rather of, as McDowell says, seeing the particular in the light of the universal.

For example, when one pays attention to the fact that Kant’s account of cognition in the First Critique is a transcendental account, i.e., an analysis of what makes cognition possible that breaks a single activity, that of judgment, into its constituent parts, one can begin to admit degrees of success of this activity. That is, ordinary experience consists of judgments which make greater or lesser degrees of claims to universality. The impetus towards judgment drives all of ordinary experience, but this does not mean that ordinary experience does not include judgments which do not involve claims to universality. Because ordinary experience is characterized by a single activity of judgment that aims at universality, the transition from judgments making no claim to universality to judgments making some claim to universality does not need to be mysterious. Each individual judgment is a step along the way to the full actualization of judgment. This point is
important to keep us from having a picture of judgment that is not phenomenologically sensitive to how judgment operates in particular instances.\(^{66}\)

Furthermore, it should be clear that the categories do not need to be understood as concepts that we apply to a manifold of intuition. This would result in an odd picture whereby we take a non-conceptualized manifold and decide to apply, say, the concept of causality to it. Rather, as Longuenesse points out, the categories apply with validity to objects of experience precisely because they are present in the very apprehension of the manifold, albeit in latent form. At times, when we are making full-fledged claims to universality, the categories might appear as concepts we are applying to what is given; but they do not need in the first instance to be understood that way. This means that what Kant is trying to draw out when he undertakes his transcendental derivation of the principles of the understanding are the rules that govern experience, or the apprehension of the manifold of intuition, itself; it also means that these rules do not need to be understood as a rigid set of concepts imposed by us on what is given, but as a framework within what appears appears as having (possible) conceptual content. The categories are both present in experience in ways which are not yet fully explicit, and, because of this, misunderstood if seen as rules consciously imposed by us on experience.\(^{67}\)

\(^{66}\) Indeed, though I have not touched on the differences here between perception and judgment, one can see here how these two aspects of experience could themselves be on a continuum together.

\(^{67}\) There are other places in Kant’s writings that we can mine for insight into how his theory of judgment works, and these places add to the view that his theory allows for uncodifiability and creativity. In Section 49 of the first half of the third Critique, the Critique of Aesthetic Judgment [Immanuel Kant, Critique of Judgment, trans. James Creed Meredith (Oxford: Oxford University Press, 1978)], Kant
gives a discussion of what is involved in the work of a genius. In this analysis, Kant shows how the creative rationality of the genius transcends what is taken to be the mechanistic rule of nature. Rather than following an already articulated rule, the genius is herself the source of the rule or standard that gives intelligibility to her work of art. Prior to its exemplification in the artwork, the rule did not exist; and indeed, copies of the work of art lack the life that it has, its inexhaustibility for our faculty of understanding. The evidence, Kant thinks, that artistic behavior transcends any mechanistic ground lies in the fact that the artwork represents an aesthetic intuition, or an intuition which can never quite be captured in any concept one attempts to apply to it. Thus although the artwork is intelligible – and in that sense, has a rule or a standard – this rule is uncodifiable insofar we cannot quite say what the rule is. It is an aesthetic intuition in that it calls forth an infinite number of concepts, so that the artwork is never fully determined.

The artist’s behavior in creating the artwork is thus an example of uncodifiability at work; as Kant says, “genius is the exemplary originality of a subject’s natural endowment in the free use of his cognitive powers.” (Kant, 318) The genius is not bound by rules: “the unstudied, unintentional subjective purposiveness in the imagination’s free harmony with the understanding’s lawfulness presupposes such a proportion and attunement of these powers as cannot be brought about by any compliance with rules, whether of science or of mechanical imitation, but can be brought about only by the subject’s nature.” (Ibid, 318) To be sure, Kant himself restricts the activity of the genius to the artistic realm: “genius is a talent for art, not for science, where we must start from distinctly known rules that determine the procedure we must use in it.” (Ibid, 317) Nonetheless, it is hard to see why something similar could not be happening in instances of reflective judgment as we search for a universal under which to bring a given particular. The reason for this broader application of Kant’s analysis of creativity is simple: first, he himself considers this moment in judgment to be mysterious; and second, there is already in his analysis of the transcendental object and how it continually eludes full determination a moment similar to our inability to conceptualize fully the work of a genius. Kant’s analysis of genius, then, helps to crystallize what creativity looks like in such a way that we can then see how judgment more generally can embody creativity.

Other aspects of Kant’s analysis of judgment in the third Critique can also support this conclusion. For example, the role of the imagination in the apprehension of a beautiful object can also help to make sense of the role of the imagination in judgment more generally. Hannah Ginsborg has analyzed extensively the contributions of the third Critique to our understanding of the activity of the imagination in cognition. In the Critique of Aesthetic Judgment, Kant argues that the reason why we attribute beauty to an object is because of the way in which the form of the object leads to a free play between our imagination and the understanding, where the imagination constantly presents the understanding with an object for which it cannot find an adequate concept. See Ginsborg, “Lawfulness without a Law: Kant on the Free Play of Imagination and Understanding,” Philosophical Topics (vol.25, no.1, spring 1997), pp. 37-81. Fred Rush has pointed out to me that there may be problems with Ginsborg’s account; for other views, see Robert Pippin, “The Significance of Taste: Kant, Aesthetic and Reflective Judgments,” The Journal of the History of Philosophy (vol. XXXIV, no. 4, 1996); Fred Rush, “The Harmony of the Faculties,” Kant-Studien (1992): 38-61; Fred Rush, “Reason and Regulation in Kant,” The Review of Metaphysics 53 (June 2000): 837-862; and Paul Guyer, “Kant’s Principles of Reflecting Judgment” in Guyer, ed., Kant’s Critique of the Power of Judgment: Critical Essays (Lanham: Rowman and Littlefield, 2003), pp. 1-61. Ginsborg elaborates on the imagination’s role in empirical cognition when she argues that the imagination takes its activity in the perception of an object to be already normative: “What our imagination in fact does in the perception of a given object may be regarded as setting the standard for what our imagination ought to do in the perception of that object and others of its kind. Thus we can think of imagination as subject to standards, and hence as rule-governed, without requiring that these standards be grasped prior to the exercise of imagination which is subject to them.” (See also Karl Ameriks, “New Views on Kant’s Judgment of Taste,” in Interpreting Kant’s Critiques, pp. 307-323.) Ginsborg’s argument is an interpretation of Kant’s claim that in the judgment of an object as beautiful, what is taking place is a
1. Empirical judgment in the Third Critique

In the First Critique, Kant is primarily concerned with explaining how the categories can be validly applied to the manifold of intuition; I have analyzed Longuenesse’s interpretation of Kant’s arguments there, including her thesis that a teleological impulse lies at the core of all cognitive activity. But in the third Critique, which also in important ways reveals the centrality of this teleological impulse to cognitive activity, Kant is concerned not with a transcendental account of cognition as such but with the actual subsumption of particular instances under general, empirical (and not transcendental) laws. We saw that it is possible to understand the role of the principles of the understanding as a constitutive part of a framework within which intuitions appear as capable of being conceptualized. This framework is a transcendental one; it is what makes cognition possible. But its empirical counterpart would be something like the actual system of scientific laws in accordance with which everything in nature happens; and Kant is very clear that we have no guarantee that there is any such harmony between the faculties of the understanding and the imagination which can be described as lawfulness without a law.

Although, then, one should be careful to generalize from these discussions in the third Critique, they can give us insight into how judgment functions in more ordinary circumstances.
thing. When describing the principle of the faculty of judgment, for example, Kant points to a potentially devastating possibility that can arise in our attempt to understand the world:

For although experience constitutes a system in accordance with *transcendental laws*, which contain the condition of the possibility of experience in general, there is still possible such an *infinite multiplicity* of empirical laws and such a *great heterogeneity of forms* of nature, which would belong to particular experience, that the concept of a system in accordance with these (empirical) laws must be alien to the understanding, and neither the possibility, let alone the necessity, of such a whole can be conceived.⁶⁸

The problem is this: experience has as the condition of its possibility a set of transcendental laws (the pure categories, which apply necessarily and with validity to objects given in experience) that render it possible. But these laws are not empirical laws, and the unity that underlies the transcendental laws is also not the unity of a system of empirical laws. Instead, despite knowing (after the arguments in the first *Critique*) that the categories apply with validity to objects of experience, there remains the possibility that what is given in experience, even though it is given under the laws of the understanding, could still be so heterogeneous in its form that the understanding could never grasp what is given *as a systematic whole*.

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Nonetheless, in spite of this possibility, judgment takes as its principle the principle of the purposiveness of nature as a *regulative principle* or a *guide* for its study of nature:

What the category is with regard to each particular experience, that is what the purposiveness or fitness of nature to our power of judgment is (even with regard to its particular laws), in accordance with which it is represented not merely as mechanical but also as technical; a concept which certainly does not determine the synthetic unity objectively, as does the category, but which still yields subjective principles that serve as a guideline for the investigation of nature.\(^{69}\)

Kant compares the principle of the purposiveness of nature and its relationship to the faculty of judgment to the category of the understanding, with this important difference: the principle of the purposiveness of nature is *merely regulative,* whereas the categories, the transcendental principles of the understanding, are constitutive of experience. Kant therefore calls the way that empirical judgment occurs “peculiar”:

Our understanding thus has this peculiarity for the power of judgment, that in cognition by means of it the particular is not determined by the universal, and the former therefore cannot be derived from the latter alone; but nevertheless this particular in the manifold of nature should agree with the universal (through concepts and laws), which agreement under such circumstances must be quite contingent and without a determinate principle for the power of judgment.\(^{70}\)

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\(^{69}\) Ibid, 20:203-20:204(fn).

\(^{70}\) Kant, Critique of Practical Reason, 5:406-7.
And so, even in introducing a principle of judgment for use in the generation of empirical systems, Kant never loses sight of the contingency of the possibility of actually generating an empirical system of science.

Turning, for example, to the case of the experience of the beautiful in nature, we find that part of what makes an experience of beauty a unique or remarkable experience is the fact that we have no assurance that nature (as a system, or as a whole) is well-suited for the purposes of our understanding. The beautiful object, Kant thinks, occasions awareness that the same principle which makes possible the imagination’s activity also makes possible the object with which it is presented. The experience of beauty involves what Kant calls the free play of the imagination, as we behold an object given in intuition that resists complete determination. We accordingly find the object *purposive* for our power of judgment. The satisfaction that we feel in this encounter is one that, because it is called forth by an object, we take to be universally communicable.\(^{71}\) The principle that underlies such a judgment – the principle that makes possible our judging the satisfaction that we find in the merely formal purposiveness of the object to be universally communicable – is the principle that there is a *supersensible substrate* underlying all of nature. Beautiful objects are thus *symbols* of morality insofar as they indicate the possibility of the harmonization of the realms of freedom and nature.

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\(^{71}\) I am here quickly glossing Kant’s theory of beauty very quickly, in order simply to get to the point that the experience of beauty involves, at its root, a sense of the supersensible underlying nature, which we can only take to be a regulative principle for theoretical reason.
Nonetheless, as with the principle of the purposiveness of nature in judgments of science, this principle is here again merely regulative. In the theoretical realm, as Kant makes explicit in the first *Critique*, we cannot use the belief in a supersensible substrate to determine our judgments.

Thus what guides theoretical (or aesthetic) empirical judgments about particular objects as we attempt to gain a systematic understanding of the world is a regulative principle. Theoretical judgment, characterized at its core by a teleological impulse to systematicity, must reconcile itself to the possibility that no such system is ever going to be realized. Nonetheless, it cannot do its work unless it takes it for granted that it could achieve its aim – unless, that is, it assumes the purposiveness of nature for our understanding. And what is more, when we encounter a beautiful object in nature – an object that seems uniquely suited for the powers of our judgment – we also find a symbol of the possibility that nature might after all harmonize with the principles of reason.

2. *The amphiboly of the concepts of reflection and the limits of the understanding in judgment*

One final look at the restriction of the work of reason in the first *Critique* will help bring together the above points regarding the possibility of systematicity at the level of empirical judgment.
In “The Transcendental Ideal and the Unity of the Critical System,” Longuenesse relates Kant’s discussion of the Transcendental Ideal in the Dialectic of the first *Critique* to the discussion of the Amphiboly of the Concepts of Reflection in the Appendix to the Analytic of the first *Critique*. Longuenesse argues that Kant’s distinction between the logical concepts of reflection and transcendental concepts of reflection – and in particular, as that distinction plays out for the concepts “matter, form” – leads to a discussion of the way in which the *form* of judgment is importantly prior to the *matter* of judgment. Concepts, Kant argues, have either a merely logical use or a transcendental use; the logical use of concepts is the comparison of concepts without regard for where they come from (i.e., whether they arise in pure thought or attach to empirical objects), whereas the transcendental use of concepts is accountable to whether the concept has a valid application to an object or not. As Longuenesse says, “logical reflection must be complemented by transcendental reflection or transcendental topic, which distinguishes between the comparison of concepts and the comparison of objects given in space and time.”

When it comes to the transcendental use of the concepts “matter, form,” we find that their transcendental use is importantly different from their merely logical use. Longuenesse notes that Kant’s use of these terms is unusual: “Kant thus makes a very un-Aristotelian use of these Aristotelian concepts. Matter and form are matter and form not

of things, but of thought.” And unlike the rationalist philosophers, Kant does not take
the matter and form of thought to tell us anything about the matter and form of things.
For the rationalist philosophers, the matter of thought is completely given, as we have
seen, in the *ens realissimum*, and the determination or form of thought follows upon this.
In Longuenesse’s words, “from the rationalist standpoint, the matter of possibility is prior
to its form, and this is why the rationalist supposes an unbounded reality (the intelligible
‘matter’ of all determinations of things) by limitation of which (= the ‘form’ of all
possible things) every particular thing is thought.” For Kant, however, the order is
reversed: the form of possible thought – our forms of intuition, space and time, and the
forms through which the understanding thinks, the categories – is prior to any particular
object that can be thought. Furthermore, since the form of thought is transcendentally
ideal, as Longuenesse notes, “the ‘possible’ has no existence of its own…Unbounded
reality as the ground of all possibility is replaced by something which has, left to itself,
no reality (namely no positive determination at all).”

What Kant’s discussion in the Amphiboly highlights, then, is that in deflating the
lofty thought of the rationalist philosophers, and in showing how we have no grounds for

73 Ibid., p. 266.
74 Ibid., p. 227.
75 Ibid., p. 228. Recall, for example, Kant’s point in the Aesthetic that parts of space are merely
limitations of the pure intuition of space. The positive determination of spaces – the delimiting of original
space – is made possible by the pure intuition that as yet has no positive determination. In this way, sheer
possibility makes the intelligibility of particular objects possible. With this thought, we are far from
Aristotle indeed. (For the importance of this point, I am indebted to seminar discussions in Paul Frank’s
“Leibniz, Newton, and Kant’s First *Critique*” class in the fall of 2001.)
believing in the *ens realissimum* that they take as given, we are also left open to the
possibility that what is given in sensation *will not* follow the systematic intelligibility that
we hope for. The only “whole” that guides our cognition – the transcendental unity of
apperception, or the whole of space and time – is the completely undetermined form of
judgment: as Longuenesse explains it,

The *totum realitatis* we do have to presuppose as the given condition of their
complete determination is thus the (indeterminate, collective) whole of reality
given in space and time. However, making this critical point was not putting an
end to the purely rational idea of a whole of reality. Rather, it was constraining us
to take it for what it is: a mere thought, without an object.\(^{76}\)

Longuenesse’s point, here as elsewhere, is that Kant’s arguments in the
Amphiboly therefore underscore the priority of the capacity to judge. But they also, in so
doing, reveal the potential failure of the enterprise of judging for theoretical reason. This
is why, I take it, Longuenesse thinks that the discussions in the Amphiboly of the
Concepts of Reflection in the Analytic and the Transcendental Ideal in the Dialectic of
the first *Critique*, draw together various aspects of the Critical system. She writes,

The latter [the Amphiboly] sends us backwards, to the whole development of the
Analytic, for an account of the form of systematicity in the theoretical use of the
understanding. The former [the Transcendental Ideal] sends us forward, to
practical reason and its postulates, meanwhile restricting all of the ideas to a
regulative role in the theoretical realm. In this way, it also points to a unity
between the realm of nature and the realm of freedom which the third *Critique*
will further elaborate as the articulation of two legislations, that of understanding
and that of reason.\(^{77}\)

\(^{76}\) Ibid., p. 229.

\(^{77}\) Ibid., p. 234.
The Amphiboly of the Concepts of Reflection reminds us that the systematicity present in judgment is a formal systematicity, and it, together with the Ideal of Pure Reason, also accordingly reminds us that the hope for the systematicity of an empirical system, as the third Critique shows, is a merely regulative principle that guides theoretical judgment. But there is an important difference between the needs of theoretical reason and those of practical reason. Already in the Ideal of Pure Reason Kant notes that for practical reason, these principles must be constitutive: that is, the moral agent must believe in the postulates in order to act morally. Although the restrictions of the use of theoretical reason means that its needs outstrip what the understanding can deliver to it, those needs must be met when they are the needs of practical reason.

3. Transition to Practical Judgment

Theoretical judgment, we have seen, is guided by an impulse to judge that can also be described as an impulse to systematicity. This impulse is at work in each of the aspects of theoretical judgment – both the apprehension of what is given in sensibility as well as the cognition of it by the understanding. When it comes to individual empirical judgments – which are possible because they occur within the framework of judgment (sensibility and the understanding) and are guided by the impulse to judge – judgment has as its principle the principle of the purposiveness of nature, the assumption that empirical systems are possible. This principle is a regulative principle – that is, we cannot know
that empirical systems are possible, but must assume that they are, in order to proceed with the empirical investigations of science.

The desire for systematicity thus guides theoretical judgment, just as the good life guides the judgment of the virtuous agent in McDowell’s Aristotelian account. When we turn to constructing a Kantian account of practical judgment, we need both to articulate the framework within which practical judgment occurs and to explain what role systematicity plays in the life of the Kantian moral agent. This will involve explaining in what way practical judgment is teleological as well as conducting a thorough examination of what the principles of practical reason take as their aim and what assumptions reason needs to make in order to act on these principles. Examining these points will be the work of chapters 4 and 5.
What makes judgment possible, we have seen in Chapters 2 and 3, is an impulse to judge; this is the interpretation of Kant’s theory of judgment for which I have been arguing. Just as the acorn both generates and is generated by the oak tree, so judgment generates judgment; and what makes this possible is the transcendental unity of apperception, a unity that manifests itself, in the case of theoretical judgment, as a function of unity that ultimately aims at systematicity. Even though we cannot be assured that the empirical judgments we make will add up to a systematic unity that we can grasp, we are still driven, as persons with theoretical reason, to seek this unity, and aiming at this unity guides our judgments in individual instances. This is what it is like to be a person with theoretical reason in the world.

Turning our attention to what it is like to be a person with practical reason in the world, we can recall McDowell’s Aristotelian account that described an agent with a conception of the good life that she brings to bear on the situations in which she finds herself. I have tried to argue that there is a similar structure to Kant’s theory of theoretical judgment, and that uncovering that structure will help us find out whether
Kant can also have an account of practical judgment that helps us understand how practical reason can be sensitive to particular situations.

When we take the analysis of theoretical judgment that I gave in chapters 2 and 3 and try to bring it to bear on an analysis of practical judgment, we run into a few spots of awkward fit right away. First, as we saw, Kant’s analysis depends on a transcendental unity that makes it possible for sensibility, and what is given in sensibility, to be ripe for categorization by the understanding. But sensibility is not well-formed for practical judgment in the way that it is for theoretical judgment. What is given in space and time obeys the laws of nature, not of freedom, and this (at least initially) includes our own inclinations as they manifest themselves empirically. Coming at this from a different angle, we should always be aware that, for Kant, the will – i.e., the good will – is never yet our will. Even if, then, we find that there is a teleological impulse at the core of practical judgment, we still have the difficult task of trying to understand in what way there can be a transcendental unity that governs both sensibility and the understanding in the work of practical reason.

The first task, though, is to find out in what way practical reason, for Kant, aims at ends. Articulating the role of ends in Kant’s moral theory will be my only aim in this chapter; I leave for the next chapter the harder work of finally outlining a Kantian theory of moral judgment.
The role of the will\(^1\) and its ends in Kant’s theory of moral action

1. Introduction to the problem.

Recall from Chapter 1 that the problem with finding a place for ends in Kant’s moral theory is that Kant insists that the moral worth of a given maxim lies in its form as opposed to its matter. This is often taken to mean simply that in determining moral worth, we should disregard any concrete ends that an agent has and consider only whether she performed the action because her maxim was universalizable.

As I also mentioned in Chapter 1, Barbara Herman is one of the key commentators on Kant’s moral theory who argues that Kantian moral theory does have a place for ends. In the chapters of *Moral Literacy* entitled “Bootstrapping” and “The Will and Its Objects,” Herman shows how Kant’s analysis of the will in both the *Groundwork* and in *The Metaphysics of Morals* can help us understand how ends fit into his moral theory. Herman’s detailed reading of the text stems from two related insights: first, that “maxims represent actions as they are willed,” i.e., that “an agent’s maxim is a principle that expresses a complex volitional judgment;”\(^2\) and second, that Kant analyzes desire as

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\(^1\) I will try to make it clear when I am referring to “the will,” an idealized will that is autonomous and takes the good for its object, and “our wills,” which Kant thinks have a propensity to evil (see, for example, Kant’s discussion of this in Immanuel Kant, *Religion within the Boundaries of Mere Reason*, trans. George di Giovanni, in *Religion and Rational Theology*, trans. and ed. Allen W. Wood and George di Giovanni (Cambridge: Cambridge University Press, 1996), 6:29-32). One problem I find with Herman’s account is that she does not insist often enough on drawing this distinction, which is a central one for Kant.

an activity rather than as a mere feeling, so that desiring an object results in what she
calls being in a “toward-relation” to it. ³

2. A new view on maxims.

The first of Herman’s insights centers on the rejection of a Humean or atomist
theory of action, one that analyzes action into belief, desire, and intention, and then finds
or fails to find a place for the will in human action. ⁴ Herman instead wants to understand
action without dissecting it, in order to see how the will could be “a kind of causality of
living beings insofar as they are rational.” ⁵ Her first move is to reject the usual picture of
a maxim. Typically, maxims have been interpreted as descriptions of actions that contain
merely means-ends relations. We then evaluate our maxims not according to the content
of these relations but according to their form – i.e., according to whether they are
universalizable. A maxim, according to Kant, is universalizable just in case we could
will that it become a universal law (and not simply that we and we alone should will it).
This is how, the story goes, Kant pulls apart the will (and with it, desire) and ends:
maxims talk about ends, but the evaluation of maxims ignores such talk and looks only at
the form of the maxim. As Herman explains, “Maxims represent actions as-they-are-

³ Ibid, pp. 234-5.

⁴ Herman discusses the work of Harry Frankfurt and Christine Korsgaard, showing how they try to
“bootstrap” the will onto these other basic elements of action.

⁵ Kant, Groundwork of the Metaphysics of Morals, 4:446, quoted by Herman, Moral Literacy, p. 169.
willed; as such, they are the proper objects of moral (and practical) assessment. Interpretive custom is to view maxims as the means-ends principles behind actions: to do some action, in such and such circumstances, for the sake of some end.”

But this picture, Herman points out, obscures the role of the will in action by obscuring how the maxim relates “to any actual doing. It is natural to suppose that what brings the agent to action, given her maxim, is some desire or motive waiting in the wings, connected somehow or other to her end, that is causally sufficient to bring about the right activity. The maxim proposes, the desire disposes.” Explaining how the belief and the desire fit together into a single action, in a way that doesn’t result in a theory of action that leaves no space for the will, is not something we can succeed in doing: and so this is just the kind of Humean atomization of action, Herman argues, that we should leave behind.

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7 Ibid, pp. 169-70.
8 The point is that the will does not serve any function in the theory of action that couldn’t already be explained in some other way.
9 Herman says, “But notice that once again we are working with the tools of belief, desire, intention, plus a principle of justification and a commitment to using it (another belief-desire pair). Reason enters in judgment determining means-end fit and in assessing the universalizability of the resulting maxim. Certainly no nonrational being can conceive of its action through a principle, or employ standards of evaluation. So it must be that to have a will is to be able to do that. Or to be able to do that and care about the deliberative outcome. As before, ‘will’ picks out nothing that cannot be captured in Humean terms. It is no surprise, then, that all the key issues [i.e., that the will is an unnecessary piece of ontology] remain... Why, though, interpret Kant as if he embraced a Humean method – starting from basic, separate elements of mind brought together by iterations of simple combinatorial mechanisms to yield an account of acting on principle?” *Moral Literacy*, p. 170.
And leave it behind she does. Herman says, “If we pay closer attention to Kant’s exposition, we see that a maxim is not constructed from the bottom up.”\textsuperscript{10} In other words, maxims are not mere means-ends relations, with a motivating principle tacked on as an afterthought. Instead, maxims already contain an evaluative element. This evaluative element describes the agent’s reason for acting in that way, or what Herman says amounts to the same thing, the agent’s conception of her action as good. A mere means-end specification of an action is not possible; action simply is not like that. Action always involves the faculty of desire – the will – as the impetus that drives it, and descriptions of actions cannot leave this out. Maxims, then, as descriptions of actions, give a reason for the action – the means-end relation – in a way that also refers to the agent’s motivation for performing the action.

We are able to describe action in this way because what the agent desires – what she conceives of as good – is always something that she conceives as good according to a principle that she values. Another way to put this is to say that maxims always refer to an agent’s reason for desiring what she does, or to the evaluative principle that is operative in the course of specifying the agent’s reason for wanting to perform the action she is performing. As Herman says,

The fact that maxims represent actions as they are willed introduces formal features beyond means-to-end fit that entail an essential evaluative component. When an agent wills, and so has a maxim, she sets herself to act in a particular way, suited to promote an end, as she judges that-way-of-acting-for-that-end to be

\textsuperscript{10} Ibid, p. 170.
good. She therein conceives of herself acting in accord with a principle or standard of value.\textsuperscript{11}

And furthermore, Herman argues, “The standard of value or conception of the good in terms of which we conceive our actions cannot be alien to the will.”\textsuperscript{12} Rather, this principle \textit{just is} the will – or, more precisely, acting in accord with this principle just is what it is to have a will. As Herman notes, “To have a will is to have a capacity to be moved to action via a conception or representation (\textit{Vorstellung}) of law.\textsuperscript{13} When one wills, that is how one is moved – by means of a conception.”\textsuperscript{14} And to make this come around finally to Kant’s essential point in his moral theory, it is not just any principle that moves the good will: the moral law, as the constitutive principle of the will, is the only principle that can move the will qua rational will. This is because the good will is essentially rational, and so, Kant thinks, must have as its principle the law of practical reason, i.e., the moral law. When maxims fall short of being in accord with this principle and yet we act on them nonetheless, we are said to be acting heteronomously, or according to a principle that is not truly the principle of the good will. Or as Herman describes it,

A being with a will is a certain kind of cause: one capable of initiating action by deriving it from her representation of the will’s own principle. An action, so derived, is what a maxim represents. That is why, if the agent misrepresents the

\textsuperscript{11} Ibid, p. 170.

\textsuperscript{12} Ibid, p. 170.

\textsuperscript{13} Presumably, here, Herman is referring to a good will, which follows the moral law, rather than our wills, which have a propensity to evil, and, though in some sense capable of following the moral law, usually follow what would be better termed mere precepts (to distinguish them from laws).

\textsuperscript{14} Ibid, p. 170.
will’s law, the maxim’s failure under universalization will be imputable to the agent’s willing. (And also why the mark of moral failure registers as a contradiction: if we think of the categorical imperative procedure as representing the constitutive law of the will, the faulty maxim presents as a law of willing a principle that cannot be a law.) When an agent acts “from duty,” the action is derived from an accurate representation of the will’s law (which is then the action’s subjective principle; it was always the action’s objective standard). Like the classical practical syllogism, the movement from principle to judgment to action is one. There is no separate motive.\footnote{Ibid, p. 171. She also explains just before this that “in willing an action, one is moved by a perceived connection of an action to a representation of the principle of best reasons. There are not two things here that need to be matched up: the will and the principle of best reasons. The principle constitutive of the will’s own activity \textit{is} the principle of best reasons; it is what we represent to ourselves as the basis of rational choice. When we get it right – when we correctly understand what the best reasons are – we act from the moral law as the final justificatory principle of our action. Of course we do not always get it right, or choose for the best; nonrational influences can affect the representation of the will’s own law (as they can our representation of any law). Thus it is true both that the will is practical reason, and that, for us, willing may not always be in accord with reason.” Ibid.}

From a proper understanding of what a maxim, and especially a maxim in relation to the law of practical reason, is, we can move to a better understanding of what, for Kant, the will itself is.

Thinking about the relationship between maxims and the law of practical reason can also help us understand what it means for the will, as a principle of causality, to be identical to practical reason. Again, as Herman argues, we begin by noticing that maxims already contain an evaluative element that refers to some principle. Then, we note that, even when we fail to act morally, the principle to which our maxim refers is the moral law, that is, the moral law is always the standard against which our actions are measured, in this case, as a failure to be morally worthy. But this tells us quite a bit about our wills and the connection between our will and the good will, namely, that when our maxims do describe morally worthy acts, we are acting from a real principle of law, and so are (for

\footnote{Ibid, p. 171. She also explains just before this that “in willing an action, one is moved by a perceived connection of an action to a representation of the principle of best reasons. There are not two things here that need to be matched up: the will and the principle of best reasons. The principle constitutive of the will’s own activity \textit{is} the principle of best reasons; it is what we represent to ourselves as the basis of rational choice. When we get it right – when we correctly understand what the best reasons are – we act from the moral law as the final justificatory principle of our action. Of course we do not always get it right, or choose for the best; nonrational influences can affect the representation of the will’s own law (as they can our representation of any law). Thus it is true both that the will is practical reason, and that, for us, willing may not always be in accord with reason.” Ibid.}
the first time) properly using our wills. But if we are using our wills properly, then our wills, at that moment, are identical to the will, i.e., to practical reason. This is also another way of explaining Kant’s identification of positive freedom with autonomy, i.e., self-legislation under a law.

Part of what is going on in both Kant and Herman’s analysis is a focus on the distinction between choice (Willkür) and the will (Wille). While choice can be a choice for a variety of maxims, and so an endorsement of a morally unworthy action, the will properly speaking is identical with practical reason and so cannot choose a morally unworthy action. When we choose evil, our “wills” in that moment are not identical with practical reason, and so in some sense we are not using our wills at all, i.e., our action is not free in the positive sense. Only a choice from duty is the choice of an autonomous will.

But what does all of this have to do with ends? Maxims, we should remember, have typically been interpreted as representing actions as a means-end relation, and as Kantians we are supposed to abstract from the “matter” of the maxim and find moral worth in its “form.” This has been taken to mean that we cannot consider the worth of the end of action when considering moral worth. Herman’s analysis shows that this approach to Kant is quick and misguided. Her primary point is that we cannot dissect maxims in quite this way; they contain, by nature, an evaluative element that either does or does not take the moral law as its principle. But from this it also follows that to have a maxim to act for a certain end is already to see that end in the light of the moral law or
not, i.e., either to accept what the supreme principle of morality commands, or to obey mere prudence.\textsuperscript{16}

We can now better understand how our ends fit into the evaluation of an action’s moral worth: we see our ends in the light of the moral law when we are acting in a morally worthy way. When an end is not permitted by the moral law, then acting on it would be morally unworthy. When we choose to perform that action anyway, then we are acting heteronomously, or with some principle other than the moral law as our principle. As we evaluate whether or not this maxim has the moral law as its principle, we of course refer to the ends of the maxim; we have to, for, since all action has an end, and maxims are descriptions of actions, it wouldn’t make sense to evaluate a maxim \textit{without} reference to its end.\textsuperscript{17} The whole of the maxim, ends included, betrays whether its principle is the moral law or not. Specific ends that make reference to sensible objects can therefore result in maxims that have moral worth: it’s just that the question of why those ends matter must be asked in light of the moral law. If they do matter in that light, it is because of the moral law, and not because of something else. The particular ends of the specific maxim are morally worthy, if they are, insofar as they reveal that they refer to the moral law as their principle.

\textsuperscript{16} Here used in Kant’s sense to mean instrumental reasoning aiming selfishly at happiness.

\textsuperscript{17} Another way to see this point about the inescapability of ends in the evaluation of maxims is to recognize that a maxim that successfully refers to the moral law as its principle then is a maxim in which the agent takes as her subjective standard what was always the action’s objective standard, as Herman describes it. What the agent has done, though, is to take the moral law \textit{as her end}: this is what it is to act from duty.
3. Desire and the will

This brings us to the other half of Herman’s insight about the will, one that comes from an insight into what, according to Kant, desire is like. She finds that eschewing the atomization of action bears fruit for understanding the relationship between desire and the will.

In her exposition of Kant’s views on desire, Herman focuses her attention on the *Metaphysics of Morals*. Within some remarks that Kant makes about concupiscence, Herman finds a clue as to what Kant thinks desire is. She first points out that Kant says of concupiscence that it “must…be distinguished from desire itself, as a stimulus to determining desire.”

Finding this surprising, she notes that the standard view of Kant—one that begins from a more Humean picture as mentioned above, and sees the will “at a crossroads between two incentives for action,” one sensible, one nonsensible—cannot account for Kant’s complex remarks on concupiscence. Kant, in the passage Herman is discussing, not only distinguishes concupiscence from desire but compares it to an interest of reason. Herman writes,

If in being antecedent to a determination of the faculty of desire, concupiscence is like an interest of reason, that raises the question about the transition from “modification of mind” to “an act of the faculty of desire” in both cases. And since what immediately follows the remarks in concupiscence is an account of

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choice and will, one might suppose that they explain what this transition amounts to – in both cases.  

This gets Herman the interpretive move that she needs in order to understand better what the faculty of desire is and how it is connected to choice and will. According to Herman, Kant’s view is that the faculty of desire is prior to specific desires: that is, all desires are “determinations of a desiderative faculty.” All animals, rational animals included, find themselves disposed by pleasure to move toward objects, what Herman calls being in a “‘toward-relation’…to the…object of action.” To have a faculty of desire is thus to have life: “The Kantian faculty of desires is not a faculty of desires. In a simple living thing, given a toward-relation, it will desire; if unimpeded, it will go on to act to get or bring about the object of its desire.” As Herman then goes on to remind us, Kant divides pleasures into those that arise prior to the determination of the faculty of desire – and so are themselves what determines this faculty – and those that follow upon the determination of the faculty of desire. She notes, “If a living thing has a faculty of desire just in case it is capable of being the cause of the object of its representations by means of those representations, it then makes sense that active agents with different kinds

19 Herman, Moral Literacy, p. 233.


21 Ibid, p. 234. She introduces the term “toward-relation” as a way of describing what pleasure is like for a rational being, but it can also be used, as Herman herself does, to describe the pleasure of nonrational beings as well.

of representational and practical capabilities – of imagination, cognition, and reason – will have differently constituted faculties of desire.”

The upshot of this discussion, when it comes time to consider what our faculty of desire is like, is that “we should be hesitant to regard will and choice as directed at desire already given.” Herman says, “If we get to desire only through a determination of the faculty of desire, and our kind of faculty of desire can be determined by a rational principle, then will and choice may be seen as partly producing desire, not just engaging with it.” Herman then quotes and carefully analyzes the following portion of text from the *Metaphysics of Morals*; like her, I will reproduce it in its entirety, as it beautifully captures the points she has been trying to make:

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

23 Ibid, p. 236. She continues with examples: “The bee’s desire for pollen is instinctual, expressed in the activation of its flight and navigation systems. The rational agent’s desire to help is, or can be, derived from a moral conception, and expressed in rationally self-governed activity.”

24 Ibid, p. 236.


26 Kant, *Metaphysics of Morals*, 6:213; see Herman, pp. 236-7. This passage also illustrates well Herman’s first insight into the fact that Kant is not a methodological atomist in his discussion of action and will. Karl Ameriks notes that this passage also calls to mind what Kant says about practical reason at 4:412-3 in the *Groundwork of the Metaphysics of Morals*.  

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As Herman explains, what Kant is concerned with in this passage is what the faculty of desire is like not merely in an agent whose faculty is capable of determination by concepts, but in an agent whose faculty is capable of being determined conceptually by itself and not by its object. What is more, some of these agents are “further distinguished if the determination of desire lies in the subject’s reason…Agents with a reason-determined faculty of desire are thus self-determining, or capable of self-determination.”

This self-determination has two aspects: when we consider it in relation to its action, it is called choice; and when we consider it in itself, it is will or practical reason. As Herman notes, Kant’s focus in this passage is on the contrast “between those [agents] in whom the concepts that figure in the ground determining a faculty of desire to action lie ‘within itself, and not in its object.’ Only then do we have ‘a faculty to do or refrain from doing as one pleases.’”

Herman then places emphasis on the fact that this is a faculty “‘to do or refrain as one pleases’: that is, at one’s discretion. The latter emphasis [on one rather than on pleases] points to a self-conscious agent, not just a system of representation and activity.” As she explains, “A locus of agency that can act or not as it pleases has something of its own to add to the generation of activity – a determining ground of activity that does not lie in objects external to the faculty of desire. But an exercise of

\[\text{\textsuperscript{27}}\text{Ibid, p. 237.}\]

\[\text{\textsuperscript{28}}\text{Ibid, p. 238.}\]

\[\text{\textsuperscript{29}}\text{Ibid, p. 238.}\]
discretion is not an arbitrary preference; it is for a reason.”\(^{30}\) This is the crux of Kant’s account of how practical reason can determine an agent to action: “if the reason is not in the objects…then the most natural Kantian thought is that it is from reason: principles of practical reason or rational concepts of the good.”\(^{31}\) The point is simply that understanding how the faculty of desire is prior to any particular desires helps us understand the relationship between desire and the will: in rational beings, the will, or practical reason, \textit{just is} the faculty of desire. When all goes well, then, the will – practical reason – determines our desires. From her rejection of Kant as a methodological atomist to her insight into the priority of the \textit{faculty} of desire over and against specific desires, then, Herman has illustrated a rather difficult Kantian point: that is, how it is that “the faculty of desire of a rational being is self-determining. One’s rational nature is a source of what pleases, and it somehow gives one the power to act or refrain from acting \textit{as} one pleases.”\(^{32}\)

\(^{30}\) Ibid, p. 238.

\(^{31}\) Ibid, p. 238.

\(^{32}\) Ibid, p. 238. In the following passage, Herman considers an alternative interpretation of choice that she herself used to endorse and shows why it fails: “I used to think that we got to Kant’s view of voluntary action through the notion of an elective will. Choice…, the vehicle of election, as part of a whole, \textit{Wille}, which contains a rational principle that choice can, but need not, use. As part of its free spontaneity, choice could make it its principle to act on the strongest presenting desire, or for the greatest good for the greatest number, or for the moral law. But, as I have already indicated, choice does not seem to be in the business of electing principles…It seems clear in the passage quoted earlier (\textit{MS} 6:213) that the object of choice is action, not ends or principles…Actions are chosen when we are not compelled by external forces – passions, other persons, and so on – and when the determining ground of action lies within the faculty-of-desire-in-accordance-with-concepts. We can choose to reach some desired state by this means or by that. But our reasons for choosing, our ends, cannot themselves be the object of choice, at least not directly.” (Ibid, p. 240). She also notes, “We can put ourselves in a position where we will come to have reasons we want to have; but the reasons we have, given the maneuver, are not then objects of choice.” (Ibid, p. 240, fn.) Putting ourselves in that position is the purpose of moral education. This point can be made against Charles Larmore’s view of reason; see Charles Larmore, \textit{The Autonomy of Morality} (Cambridge: Cambridge University Press, 2008).
When we bring this together with Herman’s first insight, we can see how it is possible for an agent to see her ends in the light of the moral law: the moral law is what determines those ends.  

4. The moral law as the only principle of the will

The account of the will that Herman, on behalf of Kant, has sketched leaves open the question of whether the reason that determines the will is a single principle, or whether many different principles could function equally well as the determinant of the will. As Herman notes, “Kant’s startling claim is that the ground in question is, more specifically, the moral law.” And, as Kant is famous for stating, “The positive concept

33 Karl Ameriks makes a similar (though in some ways importantly different) point in his account of the faculty of desire in *Kant and the Historical Turn*. Ultimately, a large part of Ameriks’ concern there is to show that Kant appropriately leaves open a gap between belief and desire in the course of avoiding a kind of intellectual determinism and with sensitivity to real moral phenomena. In his presentation of the activity of the faculty of desire, Ameriks shows how a proper understanding of the faculty of desire must take a sufficiently nuanced (i.e., here, non-empiricist) view of “evaluative thought, feeling, volition, and action.” (Karl Ameriks, *Kant and the Historical Turn* (Oxford: Oxford University Press, 2006), p. 104) Importantly, Ameriks distinguishes each of these moments as successive steps in a value experience that can come apart. We begin by normatively perceiving or having an evaluative thought about something in our experience; next, we might have a feeling that arises from this experience of normativity; this is sometimes followed by a volition toward doing something; and finally, we have the action itself that has been precipitated though not necessitated by what has preceded it. (Ibid, pp. 104-7) Ameriks writes that the gaps that Kant leaves in between each of these steps are “realistic gaps” (see, e.g., Ibid, p. 107) that capture all action, not just moral action, in a way that makes sense of the human acts we see every day. In highlighting both the role of freedom as well as the complexity of the faculty of desire in action, Ameriks also highlights the various points at which moral action can fail to be fully realized. To that extent, I find his account more convincing than Herman’s, which at times seems to me to be too optimistic, and, in overlooking the many ways in which we consistently fail at our moral endeavors, also overlooks the important role of the postulates of practical reason in the life of the moral agent. But I will discuss this more below.

34 Ibid., p. 241.
of freedom is that of the ability of pure reason to be of itself practical. But this is not possible except by the subjection of the maxim of every action to the condition of its qualifying as universal law.”\textsuperscript{35} What seems implausible, Herman says, is that the moral law would be “the basis or final end of all action and choice.”\textsuperscript{36} In other words, why wouldn’t some other end – such as our happiness – suffice equally well as a reason for acting? Can the moral law really be the basis for all action?

The Kantian idea, Herman argues, is that the desire for happiness cannot provide an objective reason for action, and it is only objective reasons that are truly reasons for action at all. This is because merely subjective reasons have pleasure as their ultimate principle, and so turn out not to have a rational determining ground.\textsuperscript{37} Kant does not mean that there cannot be pleasures of reason or reasonable pleasures – just that mere pleasure, insofar as it is the determination of action, is not itself a rational determination. As Herman says, “the claim is that unless a rational agent comes to choice and action by way of a representation that is different in kind from mere desire or preference – a representation that could possibly be of something as objectively good – she remains determined by sensible impulses, however fancy they may be.”\textsuperscript{38} But of course, when the


\textsuperscript{36} Herman, \textit{Moral Literacy}, p. 242.

\textsuperscript{37} Recall that merely subjective reasons are not, on Kant’s view, strictly speaking reasons at all, as they lack the appropriate universality and necessity. Another way to see this, we might recall, is to realize that merely subjective reasons cannot be communicated or shared, and so in this way they turn up lacking in reasonableness.

\textsuperscript{38} Ibid, p. 243. As Herman notes in a very interesting discussion, “What can be misleading is that the capacity for negotiating value, that is, for organizing one’s activity with respect to a final end, is exercised when we act from higher-order preferences.” Ibid, p. 244.
determining ground of an agent’s choice is practical reason, she will have both an objective and a subjective reason for acting.

Coming to have both a subjective and an objective reason for acting is a process that results in the achievement of positive freedom. When the will is fully free, it generates its own desires in accordance with reason. But along the way, as we come increasingly to desire things through reason, we also become increasingly able to misuse the power of the will. As Herman puts it,

The issue about value that lives between the negative and positive concepts of freedom can then be put this way: is the capacity to act in accordance with principles fully independent of the nature or content of principles, or is it a capacity whose exercise depends on some good-related principle or law that nonetheless leaves us able to act on other principles? If the role of the rational faculty of desire\(^39\) is to bring us from whatever sources of desire there are to the possibility of choice, the view has to be the second…The difficulty is not that choice must negotiate heterogeneous possibilities; what I have been arguing on Kant’s behalf is that the raw stuff of desire cannot even make an appearance as part of the subject-matter of deliberation.\(^40\)

Because desire grows out of the faculty of (or capacity for) desire, and because what it means for there to be a rational faculty of desire is for that faculty itself to be able to determine its own desire, to act or not act as it pleases, rather than suffer determination by an object external to it, the role of the rational faculty of desire is to choose – to synthesize via judgment – the matter of desire in a way that it pleases and (what is the same thing) in accordance with its principle. Prior to this point, we are just acting blindly; but once we have reached it, we are also able to err ever more greatly. Thus “the

\(^{39}\) Here Karl Ameriks points out that Herman could draw a distinction between a merely rational faculty of desire – which may or may not be guided by reason – and practical reason.

\(^{40}\) Ibid, p. 244.
capacity to act in accordance with principles...depends on some good-related principle or law that nonetheless leaves us able to act on other principles.”

Herman fleshes this out further by turning to specific developmental examples. An infant, she suggests, might have urges that become desires connected to a specific object; but in order for there to be deliberation and choice, the infant must grow to understand, for example, that “A wall is an obstacle or a potential climbing adventure; parental love, the balm that heals or a suffocating embrace; a stop sign, an inconvenience or a signal of danger.” Herman calls this “additional conceptualization, not just a this or a that, but in terms that render states and objects deliberatively salient...Only if one already knows that they are one or the other, or both, can one deliberate and choose.”

But we must always remember that the upshot of this line of thought is that “when one chooses, the idea is to get something right.” In other words, positive freedom depends on the use of rational concepts in deliberation, as the faculty of desire determines and chooses its object – and “every determination of free choice depends on reason’s own principle – the moral law.” Even when we fail, we are only able to fail because there is a principle that could have guided our choice.

Herman brings in other instructive examples to make the point even more clearly. She discusses, among other things, a teacher who has the power to assign grades to her

41 Ibid, p. 245.
42 Ibid, p. 245.
43 Ibid, p. 245.
students. As she says, “Having this power, I can misuse it.” But this misuse can take different forms; and if she merely puts grades on a sheet according to how they look aesthetically, that is quite different from taking bribes or showing favoritism, and it is more precisely not a misuse of the power; rather, “It’s not clear that the former is a use of the power at all, whereas the latter clearly is a use that is a misuse…The power that I have as a teacher is not the power to assign grades by merit or by personal preference, though having the power to assign grades by merit I am able to assign them by preference. In misusing the power in this way, I exercise it.” This is because in the second instance the misuse of the power betrays in its very misuse what it would be to use the power correctly – that is, to assign the grades by merit. The same is true of the power of the will. As Herman concludes, “If the will as a faculty-of-desire-in-accordance-with-concepts is this kind of power to act and refrain from acting as we please, then to explain the power, there must be a principle of choice – of value – internal to the faculty that constitutes it…but if the principle of value in question is constitutive of the power of choice, it is involved in all willed action: that is, all rational action necessarily depends on a single principle of choice.” And this principle is the moral law.

44 Ibid, p. 249.
46 Ibid, p. 249.
47 Allen Wood also discusses this point with regards to the misuse of the power of choice, a human being’s propensity to evil. See, e.g., Allen Wood, Kant’s Moral Religion, pp. 214-5. Also, Karl Ameriks points out to me that this mirrors Kant’s point against Reinhold at Metaphysics of Morals 6:626-7.
5. Further elaboration.

In the above sections, I outlined in some detail Barbara Herman’s analysis of the will as a rational faculty of desire. Herman shows, through a careful reading of Kant’s texts, that the activity of the will is not separate from specific desires, so that choice is left to choose between competing desires extrinsic to the will. Instead, the will as its own principle of choice generates its own desires, so that it has the power to choose to act or not act as it pleases.

One basic objection to Herman’s interpretation of Kant might be that Kant clearly separates the matter of a maxim from its form, arguing that in order for a maxim to have moral worth that worth is determined by the form of the maxim alone. This has generally been interpreted, we saw, to mean that we must ignore the content – and so, the ends – of the maxim. A close reading of the relevant texts, however, shows that Herman is correct to resist this interpretation in her complex analysis of maxims, will, and desire. For example, in the Critique of Practical Reason, when Kant says, “If a rational being is to think of his maxims as practical universal laws, he can think of them only as principles that contain the determining ground of the will not by their matter but only by their form,” he then further explains,

The matter of a practical principle is the object of the will. This is either the determining ground of the will or it is not. If it is the determining ground of the will, then the rule of the will is subject to an empirical condition (to the relation of the determining representation to the feeling of pleasure or displeasure), and so is

48 Kant, Critique of Practical Reason, 5:27.
not a practical law. Now, all that remains of a law if one separates it from everything material, that is, every object of the will (as its determining ground), is the mere form of giving universal law. Therefore, either a rational being cannot think of his subjectively practical principles, that is, his maxims, as being at the same time universal laws or he must assume that their mere form, by which they are fit for a giving of universal law, of itself and alone makes them practical laws.  

What makes a maxim capable of becoming a practical law is its form, not its matter, i.e., it must be such that it could become a universal law. But when Kant rejects the matter of a maxim as a possible for determining a practical law, what he is rejecting is that contingent content determine the pure will. This is because having the object of the will be what determines the will is, on Kant’s view, to get things backwards. So we are back to the same point as above: if the maxim is to be a practical principle of the will, then it cannot be determined by an object external to it, but must determine itself according to reason. This occurs, Kant says, when the form of the maxim is universalizable – i.e., when the principle guiding the will is an objective one. And if this is the case, as we saw, it will also be the case that the will has determined its own object.

So just because the matter of a maxim cannot be what determines the will, this does not mean that desire cannot enter into the activity of the will – only that this desire must follow upon the will’s own determination, not precede it. But with this point, we are in a position to incorporate even more fully the role of ends in moral action. When the will as the rational faculty of desire is operative – when it acts – it always acts for some specific end, insofar as this is just what it means to act. But this end is not what

\(^{49}\) Ibid, 5:27.

\(^{50}\) Thanks to Karl Ameriks for this locution.
determines the will; rather, the principle of practical reason determines the will, and
determines that it act for this end just in case in doing so the will obeys the moral law.\textsuperscript{51}
If the will determines the end, and not the other way around, then we have the form – the
law – determining the maxim, and not its matter. Moral action of course has ends, and
we consider these ends – whether they are in accordance with the moral law – in
evaluating moral worth.

\textit{Happiness, Virtue, and the Moral Law}

1. \textit{Defending ends in Kant’s theory}

To give an initial gloss, though, on the role of ends in Kant’s moral theory, is only
to give a broad outline of how ends can have a place in that theory.

In particular, we can recall Sally Sedgwick’s criticism of Herman’s interpretation
of Kant, namely, that because there are “background assumptions that must be in place to
guide the [moral] law’s application,”\textsuperscript{52} the charge that the moral law is empty in its
formalism stands even given Herman’s interpretation of Kant. In other words, although
Herman has shown that ends have some place in the deliberations of a moral agent, she
has not adequately responded to the fact that the moral law itself is empty and so its

\textsuperscript{51} Similarly, and just as a footnote for now, the incentive to act in accordance with the moral law
arises from it and is therefore determined by it.

\textsuperscript{52} Sally Sedgwick, “‘Letting the Phenomena In’: On How Herman’s Kantianism Does and Does
Not Answer the Empty Formalism Critique,” presented at Pacific APA, 2009, in a symposium on Barbara
Herman’s \textit{Moral Literacy}, p. 6.
application is contingent, insofar as that application must rely on further metaphysical assumptions not supported by the moral law itself. Sedgwick points, as we might recall, to Herman’s example of how two different cultures treat the crying of an infant differently depending on whether they value independence or familial bonds; Sedgwick argues that “the two cultures embrace separate accounts, not just of how human maturity is to be achieved, but of its very nature,” so that “it would seem that what is ultimately at stake are competing metaphysical views of the self.”53 Sedgwick ultimately diagnoses Herman’s difficulty as lying in her refusal to countenance the more metaphysical aspects of Kant’s own theory, in particular, Herman’s “discomfort” with “Kant’s conception of the will as noumenon, as capable of a special, non-natural form of causation.”54 But to reject this aspect of the will, Sedgwick thinks, is ultimately to reject Kant’s version of freedom, as well: “On Kant’s account, only one kind of freedom is capable of grounding a metaphysics of morals, and that is the freedom he refers to as ‘transcendental.’ The agent who is free in the transcendental sense acts not just from a mental cause; she is capable of initiating a causal series from a standpoint outside time (see, e.g., CPR A 551/B579).”55 Finally, Sedgwick concludes,

If we try to replace it [Kant’s view] with some non-noumenal alternative, we depart in a significant way from Kant’s metaphysical grounding. For if there is no argument for freedom in the transcendental sense, then there is also no way of accounting for what Kant means by the unconditional ends the categorical

53 Ibid., pp. 8-9.
54 Ibid., p. 14.
imperative commands us to respect. There is no way of getting at his unique conception of human freedom and of the dignity of rational nature.\(^56\)

The charge, then, is that the moral law does not sufficiently designate which particular ends a moral agent should have, and that any attempt to do so on its behalf introduces other metaphysical assumptions into our ethical theory. Kant’s own theory, Sedgwick argues, introduces such assumptions via its conception of freedom and human dignity. Even without getting into some of the more controversial aspects of freedom (such as whether it is grounded in a fact of reason, and what, for Kant, it is), I think Sedgwick is right to worry that putting all of Kant’s metaphysics to one side leaves us unable to fully articulate a theory of moral judgment on his behalf. My own view, which I begin to sketch below, is that Kant’s metaphysics enters the picture as we try to construct a framework for moral judgment that pays sufficient attention to the role of ends in moral judgment.

2. The highest good

We can gain more insight into Herman’s approach from another perspective by considering the interpretation of the highest good offered by Stephen Engstrom in “The Concept of the Highest Good in Kant’s Moral Theory.”\(^57\) In that paper, Engstrom

\(^56\) Ibid., pp. 14-5.

\(^57\) Engstrom notes that his interpretation “has important affinities with the treatments of Kant’s concept of the good offered by Allen Wood (in Kant’s Moral Religion, chaps. 2-3) and more recently by Christine M. Korsgaard (in “Kant’s Formula of Humanity,” in Creating the Kingdom of Ends (Cambridge:
explains the relationship between virtue and happiness in the highest good, as well as what it means for the highest good to be an object of pure practical reason.

As Engstrom notes, Kant begins his discussion of the highest good by drawing a distinction between what he calls the “supreme” good and the “complete” good. On Kant’s view, “highest” is an ambiguous term that could either refer to “that condition which is itself unconditioned, that is, not subordinate to any other (originarium)” or to “that whole which is not part of a still greater whole of the same kind (perfectissimum).”58 When it comes to the highest good, virtue is the unconditioned condition, or “the supreme condition of whatever can even seem to us desirable and hence of all our pursuit of happiness.”59 But, Kant points out, there is still something more that a rational, finite being wants: justly apportioned happiness. And so Kant says of virtue,

it is not yet, on that account, the whole and complete good as the object of the faculty of desire of rational finite beings; for this, happiness is also required, and that not merely in the partial eyes of a person who makes himself an end but even in the judgment of an impartial reason, which regards a person in the world generally as an end in itself. For, to need happiness, to be also worthy of it, and yet not to participate in it cannot be consistent with the perfect volition of a rational being that would at the same time have all power, even if we think of such a being only for the sake of experiment.60

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58 Kant, Critique of Practical Reason, 5:110.


60 Ibid, 5:110.
Virtue is the condition of being worthy of being happy; but for an agent who is virtuous, virtue alone will always be merely the supreme good and not yet the complete good. Even though happiness “is not of itself absolutely and in all respects good but always presupposes morally lawful conduct as its condition [for being good],” it nonetheless is part of the highest good for a being in whom the desire for happiness is natural.

Although virtue and happiness are on Kant’s account two distinct kinds of goods, then, Kant thinks that the highest good contains both. What is more, he thinks that there is a causal relationship between virtue and happiness in the highest good. As Engstrom explains,

It should be noted here that the highest good is distinct not only from any condition in which happiness is not proportional to virtue, but also from any condition in which the proportionality is fortuitous. Since the concept of the highest good represents virtue as the condition of happiness, these two components must be necessarily connected in the concept’s realization. Thus Kant views virtue and happiness as causally related in the highest good…To accommodate the fact that virtue and happiness can be matters of degree, their causal connection is represented through the idea of proportionality. Variation in the degree of a causal power produces a proportional variation in the degree of its effect, so variation in the degree of virtue produces a proportional variation in the degree of happiness. 62

Engstrom then focuses on the question of how it is that the moral law could produce the highest good. His analysis contains several insights that give us a better understanding of the relationship between the moral law, pure practical reason, virtue, and happiness.

61 Ibid, 5:111.

The first is that if we understand the moral law as a test for maxims (rather than as something that itself yields specific content), we can also see that these maxims “are not themselves produced by the moral law; they are originally founded on natural inclinations and are then brought to the law for assessment.”63 Engstrom explains, “I take it that this fact – that the moral law presupposes the presence of some material rather than sufficing to yield directly a content of its own – is for Kant a mark of the finitude of the human person.”64 In other words, the formality of the moral law means in part that though it “does not depend upon or presupposed any material for its validity, it does depend upon presupposed material for its employment.”65

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63 Ibid, p. 751. O’Neill and Herman make the same point.

64 Ibid, p. 751, fn. 7. He continues, “Thus for Kant the double significance of the characterization of the moral law as a formal principle is tied to the two definitive features of the human person, namely, reason and finitude. Positively, the principle’s formal character (‘pure form’) indicates that the human agent is a member of a community of morally rational beings, for it signifies that the requirement of universally legislative form that the principle imposes upon conduct is unconditional. Negatively, the principle’s formal character (‘mere form’) indicates that the human person, as subject to inclinations, is only finite, for it signifies the principle’s presupposition of some material to which it can be applied. It is the conjunction of these two features of the person that places philosophy in ‘a precarious position, which is supposed to be firm although neither in heaven nor on earth is there anything from which it depends or on which it is based’ (G 425). No intellectual intuition and no enslavement to the passions.”

65 Ibid, p. 752. Engstrom also at this point ties his argument to Kant’s views on character, claiming that “The double significance is related to the fact that in formulating the moral law we must twice use the concept of law. Thus, on the one hand, the mention of universal law in the moral law’s requirement that maxims have the form of universal law corresponds to the second significance just identified. On the other hand, the moral law is itself a law, which is to say, in accordance with the first significance, that the moral law has unconditional validity. Here the form is not a form to which a person’s maxims ought to conform; it is rather a form to which a person’s disposition to adopt only maxims having the form of universal law ought to conform: it ought to be the form or the law of a person’s will that only maxims having the form of universal law be adopted.” (Ibid) Though my dissertation only deals with particular instances of moral judgment and refrains from getting into the topic of character, it should be clear that the idea that we are called to have a disposition to obey the moral law is closely related to my concerns about perceptual sensitivity: the language of disposition and sensitivity, conveying as they do a remaking of the whole of our faculties and not merely our reason, helps reveal that what the moral agent has is a way of seeing the situation at hand that enables her to know the right thing to do. Engstrom has elaborated on what he calls “practical knowledge” in his new book, Stephen Engstrom, The Form of Practical Knowledge: A Study of the Categorical Imperative (Cambridge: Harvard University Press, 2009);
A further insight is that the material on which the moral law’s employment depends is natural inclination. Here Engstrom develops the relationship between the moral law and the good in order to show how the natural inclination to happiness can, if it is properly determined, be good. Engstrom explains that when an action is determined by pure practical reason rather than by the object that it realizes, “It expresses a moral disposition and hence is the virtuous action of a good will.” The object of such a will, however, becomes the object of pure practical reason: “for Kant, the moral law is prior to any specification of what falls under the concept of the good, but it comes to nothing more than the principle whose presupposition as a determining ground of volition makes it possible for the concept of the good (i.e., the good in itself) – understood as the concept of an object desired through reason – to be validly applied.” In other words, because the moral law requires (in a finite agent) material upon which to act for its employment, it is also a criterion of goodness for objects whose determining ground is pure practical reason. In a virtuous agent, one whose will is characterized by a moral disposition, the claims of reasonable self-love for happiness will have as their determining ground the moral law, such that the desire of that agent for happiness (expressed as reasonable self-love) is a desire for the good and can be pursued as such.

see the review by Patrick Kain in Notre Dame Philosophical Review, http://ndpr.nd.edu/review.cfm?id=21929.


67 On the different kinds of self-love, see Engstrom, “Concept of the Highest Good,” pp. 758-760. The point is that self-love that is informed by (or has its determining ground in) reason “claims that its ends are good. Because the concept of the good involves the idea of universality, which for Kant is a concept of reason, this claim can be made only by a rational being.” Engstrom, p. 759.
The self-love of a virtuous agent, then, has been conditioned by the moral law in such a way that self-love’s “pretensions to objectivity”\(^68\) are realized. Engstrom’s point here relies on keeping in mind both that self-love makes the claim that what it loves is objectively good, \(\textit{and} \) that it is “a general principle of action…So self-love is a natural propensity both to pursue one’s own happiness and, in pursuing it, to claim it to be good.”\(^69\) A finite virtuous agent does not give up her claim to self-love; instead, her self-love is made valid by the moral law (which is the determining ground of her will, and so of her self-love). As evidence, Engstrom points out passages where Kant discusses our obligation to take the happiness of others as an end, explaining that, “Kant’s contention appears to be that satisfying reason’s requirement of ‘qualification to be a universal law’ is not only necessary for the validity of self-love’s claim, \textit{but also sufficient.”}\(^70\)

The happiness of the virtuous agent is thus constrained by virtue itself; among other things, this means that the agent will always desire that her happiness be properly proportioned to virtue, and that she will desire the happiness of other agents as well. As Engstrom explains,

\begin{center}
\text{In laying down its demand of universalization, reason simply holds self-love to the standard or criterion conformity to which will secure for self-love’s claim the validity that it already purports to have. As was mentioned above…in claiming from self-love that one’s own happiness is good (as opposed to merely agreeable to oneself), one presumes that the claim is reasonable and hence that one’s happiness is an end that others should be prepared to recognize. Since the claim in question is grounded in self-love rather than in any contingent features of…}
\end{center}

\(^68\) This is a key point for Engstrom’s argument: see Engstrom, p. 759.

\(^69\) Ibid, p. 760.

\(^70\) Ibid, p. 761, emphasis mine.
oneself or one’s circumstances, securing for it the reasonableness that it purports to have requires that it be universalized to include the recognition that claims grounded in the self-love of others are in general reasonable to, so that one is prepared to recognize the happiness of others as good.\textsuperscript{71}

The third formulation of the categorical imperative, the Formula of Humanity, commands us to “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means”\textsuperscript{72}; what we can now see is that, for the virtuous agent, it implies that her own happiness, in addition to the happiness of others, is an object of her will.

Finally, it is important to note here that the ability of a virtuous agent to will happiness (whether her own or others’) does not mean that she has the capacity to bring this happiness about. As Kant says, if the moral law is the determining ground of our action, “then the judgment whether or not something is an object of pure practical reason is quite independent of this comparison with our physical ability, and the question is only whether we could \textit{will} an action which is directed to the existence of an object if the object were within our power.”\textsuperscript{73}

\textsuperscript{71} Ibid, p. 761.

\textsuperscript{72} Kant, \textit{Groundwork of the Metaphysics of Morals}, 4:429, Emphasis removed.

\textsuperscript{73} Kant, \textit{Critique of Practical Reason}, 5:58.
3. Herman on ends in the Metaphysics of Morals

Engstrom’s discussion helps us clarify several of Herman’s important points about ends.

In the *Metaphysics of Morals*, Kant argues that the unconditional ends of duty or virtue are our own perfection and the happiness of others. These are also the ends that Herman believes can give flesh to what the categorical imperative commands us to do.

Like Engstrom, Herman notes that the ends of virtue are ends that we have as finite rational beings; we come to the categorical imperative with specific ends and specific maxims, and if our actions are morally worthy and for the sake of duty, then our ends are thereby good as well. Herman writes that Kant’s task in the *Metaphysics of Morals*, where he discusses the specific rights and virtues necessary for the moral life, is to outline the kinds of duties and obligations that apply to us…The structure of argument is not one of direct derivation; instead, the moral law, as the constitutive principle of practical rationality, determines specific conditions on rational willing for our kind of rational being (finite, limited), in the particular circumstances in which we act (a shared material world of moderate scarcity).

Kant’s aim, Herman argues, is not to derive virtues from the moral law, but to examine the way in which the moral law, both generally and in particular circumstances, constrains the actions of moral agents. Just as important to this enterprise as the nature of

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75 Herman, *Moral Literacy*, p. 211.
the moral law, then, is the nature of us as finite rational agents. This is because the point of Kant’s discussion is to find out how the moral law could be instantiated by beings like us.

Beginning then from the most basic point that all action has an end, Kant surmises that an internal condition of a free will is that there are ends of virtue, or ends that the will must have qua rational will. In this regard, Herman shows how one of Kant’s key insights is that “For human rational agents, a condition for internal freedom, for good willing, is that there be ends it is obligatory to have.”\footnote{Ibid, p. 211.} If there were no such ends, the will would be determined by whatever external factor happened to be the strongest.\footnote{Thanks to Karl Ameriks for this point.} This insight stems directly from Kant’s basic views about the nature of a rational will, namely, that it is self-determining according to a perspicacious and universal law, the moral law. If such a will has ends, as it must, then those ends must be equally lawlike – they must be ends that the will must have. And there must be ends, simply because that is what action is like. That there are obligatory ends follows from the combination of a basic understanding of action as essentially involving ends together with the Kantian point that the rational will acts freely only insofar as it is identified with practical reason.

Kant accordingly identifies ends of virtue with ends of duty, stating that “Only an end that is also a duty can be called a duty of virtue.”\footnote{Kant, Metaphysics of Morals, 6:383.} The ends that are also duties,
Kant says, "are one’s own perfection and the happiness of others;"\textsuperscript{79} i.e., they are the ends that are specified by the categorical imperative itself. Kant goes on to define virtue as "the strength of a human being’s maxims in fulfilling his duty,"\textsuperscript{80} and the supreme principle of the doctrine of virtue as "act in accordance with a maxim of ends that it can be a universal law for everyone to have."\textsuperscript{81} On Herman’s account, there must be a strict relationship between the moral law and the ends of a rational moral agent, “Otherwise…morality cannot unconditionally direct agents’ action.”\textsuperscript{82} In what he calls the deduction of the principle of the doctrine of virtue, Kant explains,

What, in the relation of a human being to himself and others, can be an end is an end for pure practical reason; for, pure practical reason is a faculty of ends generally, and for it to be indifferent to ends, that is, to take no interest in them, would therefore be a contradiction, since then it would not determine maxims for action either (because every maxim of action contains an end) and so would not be practical reason. But pure reason can prescribe no ends a priori without setting them forth as also duties, and such duties are then called duties of virtue.\textsuperscript{83}

Herman thinks that the fruit of these passages lies in the way they attempt to connect pure practical reason – which Kant here explicitly draws out as connected with ends – to the ends that begin to fill out Kant’s moral theory. On Herman’s analysis, Kant seeks to “give form to the way we conceive of our happiness…we can say that obligatory ends

\textsuperscript{79} Ibid, 6:385.
\textsuperscript{80} Ibid, 6:394.
\textsuperscript{81} Ibid, 6:395.
\textsuperscript{82} Herman, \textit{Moral Literacy}, p. 211.
\textsuperscript{83} Kant, \textit{Metaphysics of Morals}, 6:395. Kant further explains that “the principle of the doctrine of virtue goes beyond the concept of outer freedom and connects with it, in accordance with universal laws, an end that it makes a duty. This principle is therefore synthetic.” It is synthetic because we have introduced into the concept of morality what it is like for a finite rational agent to act morally.
make the natural end of happiness an end fit for autonomous human agents: an end of rational choice, not merely desire.**

Unlike Engstrom, Herman speaks only of an agent having the happiness of other agents as an obligatory end, and not her own happiness. This is perhaps because Herman is focused (as the *Metaphysics of Morals* is) on what ends it is obligatory for an agent to have, and not what ends it is merely permissible to have. But Engstrom draws out a connection between our having our own perfection as an end and our seeking our own happiness as a good: his point is that, if a virtuous will is what is conditioning the end, as it is when a moral agent seeks the complete good, that agent’s willing of her own happiness follows from her virtuous disposition in a way that goes beyond mere permissibility. Because she wills her happiness – and the happiness of others – as a proportional effect of her (and their) virtue, she necessarily takes her own happiness as a good just as much as she does her own virtue. The two cannot be separated, if there truly is the kind of connection between them in the highest good that Engstrom suggests.

4. *Turning to the Postulates of Pure Practical Reason*

In the next chapter, I am going to examine the postulates of practical reason and the role that I believe they play in a moral agent’s ability to judge the right thing to do. For now, let me briefly mention a few points by way of introduction.

**Herman, *Moral Literacy*, p. 212.**
Herman does not consider the postulates essential to Kant’s moral philosophy.\(^{85}\) The postulates of practical reason are dismissed as falling under the heading of moral faith by Herman inasmuch as she does not want to get into the weighty metaphysical views that underlie Kant’s discussion.\(^{86}\) But what my above presentation should already suggest is that these postulates are, on Kant’s view, intimately bound up with Kant’s moral theory as a whole.

The way that they are bound up with moral judgment, we will see, lies in the way they enable the moral agent to have an adequate (i.e., action-guiding) picture of her ends. What I have shown in this chapter is that ends can play a role in Kant’s moral theory, even as practical reason provides retains its place as foundational in that theory and in the moral judgment of individual agents. But the way in which reason comes to inform specific action is made complex, on Kant’s view, by the finitude of the moral agent and the finite agent’s inability to bring about the object of practical reason on her own.

\(^{85}\) Engstrom thinks that they are unnecessary in part because the virtuous agent is not called to realize fully her own happiness and the happiness of others, only to will it. What is more, he seems to think that it is sufficient that we will that we and others are happy in a way that is proportional to our virtue, even if that means we don’t have much of either thing, rather than willing complete happiness and complete virtue. It seems to me that to take the highest good as an object is to take complete virtue combined with complete happiness as your object, and that Kant is very clear about this.

\(^{86}\) She says: “This lack of fit between virtue and worldly reward cannot be set aside on rational grounds, since it is reason itself that disposes us to seek a whole that fully exhibits order.

“One response to this problem is the doctrine of moral faith (\textit{KpV} 5:122-134). Belief in the immortality of the soul and the existence of God can give us confidence in the extension of place and time, as well as the cause, of eventual moral order – of everything turning out for the best. There is, however, another response that Kant offers that is more directly concerned with the idea of moral education and the curricular needs of social agents whose imperfect rational natures are comparative. It looks to social or civic life of a certain sort as a kind of ‘finishing school’ for moral development.” Herman, \textit{Moral Literacy}, p. 142. It is on this latter response, of course, that Herman goes on to focus. On my view, the arguments for the postulates of practical reason out the connection between belief in God and the immortality of the soul and moral development.
The object of practical reason, for Kant, is the highest good. Belief in what the postulates claim, Kant thinks, is necessary also for believing that the highest good is actually possible, and so for taking it as our object. But what reason – practical and speculative – in a finite rational agent discovers is that it falls under the commands of the moral law but also finds itself, as a finite agent, bound by the laws of nature. In order to make sense of the fact that she must be able to obey the moral law, the finite rational agent can only think of her freedom as belonging to her noumenal self. She must do this both because natural laws are of themselves completely determinative of the natural world and because she finds herself to be under the moral law. Even belief in freedom, then, involves belief in a postulate of practical reason.

Rejecting Kant’s postulates of practical reason, then, involves rejecting not only what looks like the outlines of a moral faith but rejecting as well Kant’s very views on reason and intelligibility. Because Kant equates reason with lawlike intelligibility, he argues in the first *Critique* for a position that, among other things, leaves whatever exists in space and time as completely determined by space and time, and so makes it the case that if there is freedom, it must lie outside space and time; but because this lawlike intelligibility is also a hallmark of his moral views, one should not be quick to dismiss altogether what follows from Kant’s views on reason, if one wants to retain his moral theory. This is why Sedgwick sees Herman’s reluctance to consider the metaphysical side of Kant’s moral theory as ultimately threatening the very objectivity that Herman finds attractive.
But on the other side, rejecting too quickly the role of the postulates of practical reason in Kant’s moral theory also leads to overlooking what Kant might have to say about the complex relationship between practical reason and the instantiation of the commands of reason in space and time. Precisely because Kant retains a distinction between the phenomenal realm, governed by the laws of space and time, and the noumenal realm, governed by freedom, he also has something to say about how the two do or do not fit together. Furthermore, what he has to say about this is important for a Kantian theory of moral judgment – because moral judgment must, after all, bring the commands of reason to bear on phenomena.

To return to Herman, then, what she fails to give sufficient weight to is the fact that our end is neither mere happiness nor mere virtue, but the attainment of the highest good, the desire to become worthy of being happy together with the hope that the virtuous will in fact be justly rewarded. What we will see more fully in the next chapter is how having this end can affect the judgment of a moral agent, i.e., how the postulates of pure reason come to have a role in the agent’s ability to judge the right thing to do.
CHAPTER 5

KANTIAN MORAL JUDGMENT VINDICATED

Introduction

1. Reminder of desiderata for a theory of moral judgment

Before I turn to the project of constructing a Kantian theory of moral judgment, I want to present again as a reminder both the basic desiderata for a theory of moral judgment as well as some of the key moments in the analysis of Kant’s theory of moral judgment as discussed in chapters 2 and 3.

We can begin by recalling the following claims from McDowell’s paper: (a) virtue is to be identified with knowledge, understood as a perceptual capacity which involves “reliable sensitivity to a certain sort of requirement which situations impose on behaviour;”¹ (b) this knowledge is not stateable in propositional form, i.e., it is uncodifiable; (c) it is uncodifiable precisely because it involves the individual’s ability to perceive the relationship between her conception of the good life and the particular situation at hand, and this ability requires a creativity that is not susceptible of

codification; (d) the knowledge identified with this ability is only available to the virtuous person, i.e., a non-virtuous person will not see the right thing to do or the motivation for doing it (since the seeing it and the being motivated to do it, the virtue and the knowledge, are one and the same). These four points are a developed articulation of two more basic claims from McDowell’s, namely, that right action can only be understood from the inside out, and that the best generalizations about the right thing to do hold only for the most part.

Having summarized McDowell’s argument in this fashion, we can see again that it turns on the identification of virtue with sensitivity, a sensitivity that, because it functions as a reason for acting, is also a type of knowledge. When one sees that virtue, sensitivity and knowledge are properly understood as identical with each other, one also sees that the virtuous agent’s understanding of right conduct can only be grasped “from within” and that the virtuous agent’s behavior is uncodifiable. Identifying this sensitivity with virtue accounts for the motivational force of the reasons that are perceived, and identifying this same sensitivity with knowledge helps us to see why perceiving the morally salient features of a situation draws on essentially creative capacities. In identifying the knowledge of the virtuous agent with a kind of sensitivity, McDowell captures well Aristotle’s insight that what principally defines the virtuous agent is that she just sees and does the right thing to do in each particular situation. The virtuous agent simply perceives the salient moral fact and is moved by it to act virtuously.

This Aristotelian theory of right action, we can recall, has often been presented as standing in sharp contrast to more Kantian theories. In particular, because the categorical
imperative, the foundation of Kant’s theory, has been deemed formal and so empty by commentators from Hegel on, critics of Kant have held that Kant simply cannot account for the way moral agents perceive ethical content immediately in the situations with which they are faced, let alone be motivated by that ethical content to do the right thing. Kant’s theory has been charged with leaving a gap between reason and phenomena that cannot be closed, thereby also leaving the moral agent stranded between the two realms.

2. Reminder of results from chapters 2 and 3

In Chapters 2 and 3, however, I turned to an analysis of Kant’s theory of theoretical judgment in the first Critique in order to see whether any of these problems are addressed there. I discussed the way in which the understanding and sensibility are, though different faculties, brought together by a unity that underlies each and that gives to the understanding phenomena that are ripe for conceptualization. This feature of the relationship between the two faculties is made possible by the very nature of sensibility itself, that is, space and time constitute a unity that has the capacity to become differentiated, or a well-formed framework within which anything that appears appears. Thus Kant’s arguments for the globality of space and time in the Transcendental Aesthetic are central to his overall picture of how judgment – the unification of a concept with an intuition – is possible, insofar as it is in the light of these arguments that Kant in turn develops a key insight in the Transcendental Deduction: that because the unity that underlies space and time is in us, it is the same unity that also underlies the work of the
understanding, so that concepts can apply with validity to the manifold given in an intuition. Furthermore, we saw that judgment has at its core a teleological impulse to bring together concept and intuition – and that this impulse is the same as the unity that underlies sensibility and understanding and is made possible by it.

3. An initial look at how things fit together

Bringing together the analysis of theoretical judgment from chapters 2 and 3, the analysis of the will in action from chapter 4, and the above desiderata for a theory of moral judgment, then, we can see that there is already latent in Kant’s theoretical and moral works an analysis of moral judgment in which the agent’s perception of the situation is infused with a moral sensibility (insofar as her will exemplifies practical reason), and that this perception brings along with it a motivation to do the morally worthy act, just because it is morally worthy.

In particular, as we saw, Barbara Herman argues for a place for ends in Kant’s moral theory – and not just any place, but one that is central to the work of the will. She discusses how the obligatory ends of virtue, one’s own perfection and the happiness of others, give the will a value of its own determination in the light of which it can see and be moved by the right thing to do.

Bringing this to bear on the analysis of theoretical judgment that I gave in chapters 2 and 3, we could also say that the will as a capacity to act is driven by an impulse to act morally that enables it to see its ends in the light of the moral law. Indeed,
insofar as the will itself is the origin of value, it is able to see those ends precisely
because it is what constitutes its ends according to the dictates of practical reason.

At least, that a way of describing the role that Herman tries to assign to these ends
in their relation to the will. But moving too quickly through some of these various
analyses can obscure what makes Kant different from Aristotle: namely, the very focus
on objectivity that seems to get Kant into trouble in the first place. If we look more
closely at what is going on in Kant’s theory of theoretical judgment, we can see that it is
the lawful nature of space and time – the fact that anything that appears, necessarily
appears in space and time – that both gives them their intelligibility and, Kant thinks,
indicates their globality. Without this lawfulness, we would not have intelligibility. So
the work of the understanding is made possible by the lawfulness of space and time, and
this same lawfulness points to a unity in us that shows how it is possible for us to make
judgments, to bring together concepts with intuitions. This is a very different analysis
from the kind that Aristotle gives: even if, on both accounts, we can be said to see the
universal in the particular, that phrase means two very different things to the two
philosophers.

When it comes to the judgment of a moral agent, then, it is important that we not
too quickly take Kant’s notion of obligatory ends and read it as doing exactly the same
work as the good life of Aristotle’s account, i.e., as enabling the virtuous individual to see
morally salient features in light of the conception of the good life that she has. Unlike
what is the case on Aristotle’s account, ends alone cannot be what, at bottom, guide an
agent’s perception. And this is because the strictly necessary objective or lawful
framework governed by the dictates of practical reason is importantly distinct from the framework of space and time. In order to give a faithfully Kantian theory of moral judgment, then, we will need to draw out what in the moral framework is roughly analogous to space and time for theoretical judgment. (One might describe this as giving a transcendental aesthetic for practical reason.) And this in turn can show us where the unity that must be at the center of the work of moral judgment lies.

If such an account is possible, it is not going to consist merely in an analysis of the obligatory ends of virtue. Even though Herman herself describes these ends as playing a role in the synthesis of the material of desire into a form in which it exemplifies reason, these ends also fail to make complete headway in explaining how an agent is able to act morally in space and time. We see this in the way the actions of a moral agent, even while she acts for the ends of virtue, can come apart: right action and moral worth need not coincide, nor need morally worthy actions result in happiness. This is why in the second *Critique* Kant calls the ends of virtue the “supreme good,” but not the “complete good.”

For something like a transcendental aesthetic for practical reason, then, I suggest that we look again at what Kant has to say about the highest good, and its role in the life of a moral agent.

2 Unlike on an Aristotelian account, where it is easier to see how normativity infuses all of the agent’s perceptions.

3 Kant, Critique of Practical Reason, 5:110-1.
Character as principle and the Postulates of Pure Practical Reason

1. Character: O’Neill, Herman, Engstrom

One hallmark of the interpretations of Kant’s moral theory that I have been considering is the way in which each commentator relies for his or her analysis on the role of character in Kant’s theory. I want to spend a moment now drawing out the role of character in the interpretations of Kant’s ethics given by O’Neill, Herman, and Engstrom.

O’Neill, for example, crafts a response to MacIntyre’s criticisms of Kant in her essay “Kant After Virtue” that shows how Kant’s moral theory rests not on an ethic of rules but an ethic of principles. This important distinction allows us to understand how moral worth is meant to determine not only the worth of an action but the worth of character as well.

In order to draw out the distinction between rules and principles, O’Neill argues first that maxims should not be understood as “conscious decisions” but as “the underlying principle by which the agent orchestrates numerous more specific intentions.” Accordingly, we should not read Kant’s ethics as an ethic of rules: “If maxims are underlying principles that make sense of an agent’s varied specific intentions, then it seems that it may be quite misleading to think of them as adoptions of moral

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4 O’Neill, Constructions of Reason, p. 151 Her reasons for the conclusion that maxims are not specific conscious decisions but are instead underlying principles are, first, that Kant insists that maxims are not always transparent in the way that specific conscious decisions are, and, second, that “not every act is preceded by any such intention. Yet Kant holds that (mere reflex action apart) we always act on some maxim. Even unplanned and negligent action, for example, is performed on some maxim and so open to moral assessment.” (Ibid.)
rules…Maxims will rather be indeterminate guidelines that can be acted on only when supplemented by more specific intentions.”\(^5\) This in turn means that “maxims can have little to do with the rightness or wrongness of acts of specific types, and much more to do with the underlying moral quality of a life, or aspects of a life.”\(^6\) We should understand maxims, not as rules, but as “general guidelines for living.”\(^7\) In other words, Kant is focused not on the legality of specific acts but on the moral worth of our underlying maxims. O’Neill argues that part of the reason commentators such as MacIntyre have tended to see Kant’s theory as one that focuses on the rightness or wrongness of acts is because of Kant’s emphasis on duty, “and duty for modern thinkers is concerned with the external aspects of action.”\(^8\) She points out, however, that Kant’s discussions of duty are not concerned merely with these external aspects; indeed, “Kant writes explicitly at the beginning of his most read work on ethics that ‘the concept of duty…it includes that of a good will’ (G, IV, 397) and, it seems, sees our duties as in the first place duties to act out certain maxims – that is, to structure our lives along certain fundamental lines, or to have certain virtues.”\(^9\) She concludes, “right action can be seen as outward reflections of particular underlying maxims in a particular situation.”\(^10\) In a postscript to this chapter, 

\(^5\) Ibid, p. 152.
\(^6\) Ibid.
\(^7\) Ibid.
\(^8\) Ibid, p. 153.
\(^10\) Ibid. She also continues, “Indeed, thinking further along these lines, it seems unclear whether one can expect to derive any account of right and wrong action from an account of moral worth or virtue. For the very fact that underlying principles must be acted on in ways that reflect specific situations and institutions suggests that we may not be able to generate any rules of action that are morally required.
she writes that we must not conflate Kant’s ethic of principles with an ethic of character: maxims are not psychologically inward (in the way that character traits are usually understood to be) but are, instead, and as she has argued, “underlying” principles. Kant’s ethics is indeed action centered, O’Neill argues, rather than an agent-centered virtue theory, but we should also recognize that “Kant’s fundamental notion is that of the morally worthy principle that provides guidelines not only for matters of outward right and obligation, but for good characters and institutions as well.”

For her part, Herman argues in *Moral Literacy* that rethinking the relationship between desire and the will also leads to new insights about character from a Kantian perspective. Herman argues, as we have seen, that we can understand Kant as arguing that the will, as a faculty of desire, determines which desires are morally worthy (according to the standard of pure practical reason). What this involves in practice – how *our wills* get to be educated into the standards of pure practical reason – is not far from the Aristotelian idea that desire must be taught to be responsive to rational principles. Furthermore, even once our wills come to recognize the claims of practical reason, our actions will still include motives that, though under the command of practical reason, are not completely separate from contingent motivations. It’s just that now the contingent motivations are themselves responsive to practical reason. Herman finds, for example, in Kant’s discussions of the way that self-love is struck down by the commands of reason, a

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regardless of context.” O’Neill acknowledges that Kant does not on the face of it agree with this last point, as perfect duties are meant to apply regardless of context, but she says, “However, one may well think that Kant was mistaken in holding that there were any rules of action required for the implementation of underlying moral maxims in all contexts.” Ibid, pp. 153-4.
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11 Ibid, p. 162.
phenomenologically accurate account of what our moral education is like.\textsuperscript{12} And, like Kant, she sees in this fact about our moral lives the place where we become aware that our desires can be appropriately responsive to reason’s commands. The character of a Kantian agent, then, is informed by reason and its principles.\textsuperscript{13}

Engstrom also makes this point within his analysis of the role of the highest good in Kant’s moral theory. Engstrom’s analysis, we may recall, depends on his argument that what is good is good because a good will has determined it to be so. Again, Engstrom argues both that the moral law is the principle according to which anything can be good and that, because all action, including that according to the moral law, takes an end, the moral law “comes to nothing more than the principle whose presupposition as a determining ground of volition makes it possible for the concept of the good (i.e., the good in itself) – understood as the concept of an object desired through reason – to be validly applied.”\textsuperscript{14} As Engstrom also puts it, “Kant’s claim, as we have interpreted it, is that desire of this sort is the desire of a will disposed to desire in conformity with the criterion of goodness (‘moral possibility’), that is, a virtuous will.”\textsuperscript{15} Because the moral

\begin{itemize}
  \item \textsuperscript{12} Herman, \textit{Moral Literacy}, p. 12.
  \item \textsuperscript{13} Herman thinks that many advantages lie with the more Kantian approach to character; as she explains, “The process of normalization to the deliberative field transforms interests and desires into motives that are internally responsive to the deliberative requirements of the rational principle. It yields a different conception of how having a moral character affects judgment. When formal regulative norms become internal to the agent’s conception of her ends, her sense of what morality demands can more readily include an acknowledgement that ways of life taken for granted, that are part of her developed desires and interests, may turn out to depend on practices or traditions that are not acceptable. The priority of principle secures this.” Ibid, p. 26.
  \item \textsuperscript{14} Stephen Engstrom, “The Concept of the Highest Good in Kant’s Moral Theory,” p. 757. I discussed this passage above in Chapter 4.
  \item \textsuperscript{15} Ibid, p. 758.
\end{itemize}
law always has some specific set of desires of a finite agent on which it operates, “the moral law enables us to determine whether ends are good only indirectly, that is, by determining whether they are the objects of a will disposed to act in conformity with the moral law.” 16

2. Plans of life and Supermaxims

Another way to illuminate the role of character in Kant’s ethical theory is to turn it John Rawls’ appropriation of it, and specifically, to Rawls’ discussion of “plans of life” in A Theory of Justice. Rawls description of a plan of life helps us to understand how it is that principles can be ordered and, in turn, give rise to habits and to character. As Rawls explains, plans of life are rational plans in which we choose a good or hierarchy of goods and make decisions that lead to the fulfillment of those goods. He defines a plan of life as rational if and only if “(1) it is one of the plans that is consistent with the principles of rational choice when these are applied to all the relevant features of his situation, and (2) it is that plan among those meeting this condition which would be chosen by him with full deliberative rationality, that is, with full awareness of the relevant facts and after a careful consideration of the consequences.” 17 As with the interpretations of Kant’s moral theory that I have been discussing, Rawls’ concept of a life plan includes the idea that the

16 Ibid, p. 758.

life plan itself acts as a principle of value for goods: “It is fundamental for the definition of good, since a rational plan of life establishes the basic point of view from which all judgments of value relating to a particular person are to be made and finally rendered consistent.” Rawls makes it clear that there is no one life plan that is the best, rather, there are always a set of plans that could be chosen given particular situations in which an agent finds herself. What makes the life plan a rational one is the way it is chosen, not the content of it.

Rawls’ account of how life plans are carried out helps us to understand what it is to live a principled life. As he explains it, an overarching life plan will must give rise to shorter term plans, and indeed, to scheduling; this is how the rational plan of life get implemented by the agent in a particular situation. Long-term goals will probably be somewhat ill-defined (for increasing refinement as time goes on) and options deliberately left open when necessary (so that the agent can, as time passes, gain information about which of a set of goods is the desired one and choose it). Principles of rational choice and the notion of deliberative rationality are employed to explain how we choose between plans, and Rawls also discusses how our desires are shaped by the plans that we choose.

Similarly, turning to Kant’s discussion of underlying maxims in *Religion within the Limits of Reason Alone*, we find in his discussion of the propensity to evil a view of

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19 See ibid, pp. 411-15.
maxims and choice that makes it clear that, for Kant, there is a single underlying or universal maxim that is freely chosen but that subsequently determines the power of choice with regards to individual actions. Although Kant’s discussion in the Religion is surrounded by complex ideas about the relationship of actions and noumenal freedom to time, we can nonetheless point to this text as a place where Kant touches on the issue of character from a highly theoretical standpoint and sketches the relationship between freedom, practical reason, and character.20

3. Introducing the postulates of pure practical reason

Allen Wood argues in his early works on Kant’s religion21 that a moral agent must postulate the existence of God, the immortality of the soul, and the rewarding of virtue with happiness in order to be a rational moral agent. Wood’s point is that because an action that aims at no object or at an object that could not possibly exist would not be a rational action, the postulates are necessary in order for virtuous action to be considered rational when one is reflecting on and defending the whole of one’s life. The postulates are, on this view, essential to the work of a moral agent.

20 See Kant, Religion within the Boundaries of Mere Reason, 6:18-39.

21 He has since distanced himself from this position; see, for example, Allen Wood, “Rational Theology, Moral Faith, and Religion,” in P. Guyer, ed., The Cambridge Companion to Kant (Cambridge: Cambridge University Press, 1992), where Wood ultimately argues that Kant’s position is akin to Pascal’s wager and leaves us merely with hopeful agnosticism. He still presents the postulates as a solution to the practical paradox of the moral agent, but he is more critical of the viability of this solution.
Wood presents the argument that culminates in the postulates as a “reduction ad absurdum practicum.” He recounts how, according to Kant, “it is a requirement of rational purposive action that anyone who acts in pursuit of an end accepts a commitment to ground his action toward this end on a belief that the end is at least possible of attainment.”

Wood emphasizes that “This belief, moreover, must in Kant’s view be something positive and definite, a practical conception of the situation of action.” So anyone who thinks that some object could not be realizable cannot make that object his end. But the highest good is the end, Kant argues, or all moral action. That is, “since all finite rational volition and action is purposive, and requires the representation of an end, the agent’s commitment to pursue the highest good is also a condition for any volition and action in accordance with the moral law.”

The conclusion of the this argument is that “anyone who denies (or doubts) that he can conceive the highest good as possible of attainment thereby commits himself not to make the highest good his end, and thus commits himself not to act in obedience to the moral law. And it is this immoral commitment, this morally repugnant conclusion, which constitutes the absurdum practicum.”

22 Kant also uses this term. Wood, Kant’s Moral Religion, p. 100.
23 Ibid, p. 100.
24 Ibid.
As Wood notes, the argument for the postulates of practical reason comes in the Dialectic of Practical Reason, where Kant casts the above *reductio ad absurdum practicum* as an antinomy of practical reason. As with the antinomies of theoretical reason, the antinomy of practical reason arises when we assume “that the totality of conditioned ends (and consequently the unconditioned totality of such ends) applies to the world of appearances as if it were the world of things in themselves.” In this case, we take both the moral perfection of our wills and justly appropriated happiness to be ends that can be achieved in the phenomenal realm.

Wood points out that there are two antinomies: one that deals with the possibility of the moral perfection of the will, and one that deals with the possibility of happiness meted out in accordance with virtue. He takes each of them in turn. For Kant, Wood argues, the impossibility of the moral perfection of the will in the phenomenal realm is obvious; Kant thinks this insofar as he thinks that a holy will, one that is morally perfect, has overcome all sensible inclination, such that the categorical imperative is no longer a command, but a law that the will abides in freely. Our wills are not like this; indeed, as Wood notes, *virtue* for us is “‘self-overcoming,’ … the successful discipline of oneself, and the conquest of obstacles…which oppose the conformity of the will to the moral law. Hence Kant sometimes says (somewhat paradoxically) that the holy will is *not* virtuous, because it lacks the obstacles to conformity of volition with the law, which ‘virtue’ as self-overcoming presupposes.” Taking the same line on inclinations and their

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27 This is Wood’s gloss on how the antinomies arise. *Kant’s Moral Religion*, p. 105.

relationship to the will that we have seen in the works of O’Neill, Herman, and Engstrom – namely, that the two are not necessarily opposed – Wood argues that the reason we cannot achieve a holy will is because our wills have a propensity to evil, that is, we have freely chosen in our maxims to subordinate the moral law to inclination. Wood explains that Kant takes this to be “an innate and natural propensity…of the human power of choice, a propensity to invert the moral order of incentives in the maxim of action.”

Furthermore, as it turns out, “the source of moral obstacles, the propensity to radical evil, is not capable of extirpation in time, [so] man is forced to combat it by means of an overcoming of each of the obstacles which it puts in his way.” The postulate of the immortality of the soul is meant to overcome the discrepancy between what is impossible in the sensible world – the achievement of a holy will – and what practical reason necessarily takes as an object – complete virtue.

29 Ibid, p. 113.

30 Ibid., p. 115.

31 How exactly this works is complicated and a bit unclear. Because for Kant virtue must be something that we achieve – the whole point is that the choice of a good will is one that is freely made, and not merely imposed on us from on high – the postulate of the immortality of the soul can’t just be a postulate that in the afterlife, we somehow have a good will, where that turns out to mean that it is bestowed on us by God. Rather, Kant thinks that we must represent the immortality of the soul as an endless progression towards virtue, as progression towards virtue is the only thing that seems to be possible for our wills. But then it is hard to see how this postulate leads to belief in the achievement of complete virtue. Some of these difficulties, Wood notes, lie simply in the fact that speculative reason is incapable of representing what, exactly, the immortality of the soul would be like. As Wood says, “What is important about the postulate of immortality is not any graphic or appealing description of a future life, but the role played by this concept in allowing us to conceive the possibility of the fulfillment of our immanent moral strivings in a transcendent existence. Moral belief in immortality is not a ‘doting on the beyond’ but a faith required by our rational pursuit of the final end of our immanent moral strivings.” Ibid., p. 124. For Wood’s entire discussion, see pp. 105-24. Wood draws on various writings of Kant, and not merely what Kant says here in the second Critique, in order to make sense of how this postulate is supposed to work.
The postulate of the existence of God, on the other hand, is meant to guarantee what we cannot give to ourselves: complete happiness as the reward of complete virtue. As we have already seen in Engstrom’s discussion of the highest good, the problem is not “whether happiness might happen in particular cases to accompany virtue; rather, the question is whether there might be a systematic relation between virtue and happiness, where the former is in some way the ground or cause of the latter.” Engstrom glosses “cause” as “proportionality;” but Wood here points out that what is required for this is the harmony of nature with virtue, or

‘the kingdom of nature and its purposive order works in harmony’ with the moral efforts of men, in order that each may enjoy happiness insofar as he is worthy of it. Hence the practical possibility of the highest good depends on whether there is in nature anything sufficient to compensate for the imperfection of human volition and the limitation on human powers, to bring about an exact causal connection between virtue and happiness.

But Kant claims next that nothing of this kind is apparent in nature at all.

According to Kant’s views on what makes theoretical judgment possible, we have seen, the laws of nature are complete in their extent when applied to objects that appear in space and time: these laws are universal and necessary in their own domain, and we

32 Engstrom notes that it is important that the postulates come in the order that they do: the postulation of the existence of God “can be justified only as something that would be required to make possible the completion of the task that pure practical reason sets itself, not as a substitute for our striving to achieve the highest good to the greatest extent possible ourselves. To use the postulate as a substitute for this striving would be to commit the error of ignava ratio, or lazy reason…Therefore, the end of securing proportionality requires both our social cooperation and the postulation of God’s existence – but first our social cooperation, and then finally (at the end of the day, as it were ) religion. Engstrom, “Concept of the Highest Good,” p. 779.


34 Ibid, p. 128.
cannot expect that the *moral* law would intervene and make possible the proper reward of virtue with happiness. As Wood explains,

A finite creature, delivered over to the sensible world and bounded both morally and naturally in his capacities to transform this world in accordance with the idea of the final end of his moral volition, must look to nature itself to harmonize with his efforts, to embody a moral purposiveness which makes possible the justice he seeks and the deserved happiness he hopes for. But in nature he observes no such harmony, nothing corresponding to his moral intention and effort.\(^{35}\)

And so the moral agent must postulate belief in God in order to resolve this dilemma.

Wood notes that what this amounts to is belief that in the intelligible world, as opposed to the world of sense, there might be a systematic connection between happiness and virtue. God is required in order for this connection to be brought about insofar as it must be a *purposive* connection, one caused by a personal agent.\(^{36}\)

Thus in order for a moral agent to take the highest good as her object, she must postulate belief in the immortality of the soul and God; without this belief, she would be consistently acting irrationally if she acted morally, as her object would be, from her perspective, impossible to achieve.

\(^{35}\) Ibid, p. 129.

\(^{36}\) See ibid., p. 132.
4. The role of the postulates in moral judgment

Furthermore, as should already be clear both from the analysis of the will and character that has been given above and from my analysis of judgment in Chapters 2 and 3, the postulates of pure practical reason are central to the possibility of moral judgment and so to a Kantian theory of moral judgment.

The reason for this turns on the relationships between the various faculties at work in judgment. As we saw in Chapters 2 and 3, what makes judgment possible is a unity that makes possible both sensibility and the understanding and that manifests itself as an impulse towards judgment. Judgment is teleological; as an acorn both generates and is generated by the oak tree, individual instances of judgment generate and are generated by an effort to systematically understand what one finds in the world.

In the case of moral judgment, as we have already seen with McDowell’s account, what guides judgment is a conception of the good life that the moral agent has. The Kantian can accept this point, I have argued, insofar as the moral law is what determines both what that good life is and the agent’s desire for it. But our analysis of Kant’s account of theoretical judgment also showed that part of what makes judgment possible is the way in which sensibility is well-formed for categorization by the understanding; this is the upshot, we recall, of the identification of a transcendental unity at the core of each that manifests itself as the impetus to judge. When it comes to moral judgment, however, sensibility is no longer well-formed for the work of practical reason.
This is where the postulates of practical reason enter the picture. A Kantian framework for moral judgment can roughly be outlined as follows: we have the practical reason as the moral law that determines both our will and our object, the highest good, and so acts as the impetus to act morally in any given situation. But when it comes to applying the moral law to particular situations – when it comes, that is, to perceiving the right thing to do – the matter of moral action, what is given to moral judgment in sensibility, is not necessarily well-formed for judgment in the way that it is for theoretical judgment. Thus the unity that makes theoretical judgment possible is not, so far as we know, what makes possible what is given to moral judgment in sensibility. But the postulates of practical reason give us hope that what is given in sensibility will conform to what moral judgment requires. In this way they help the moral agent to see the right thing to do by helping her to perceive what is given in sensibility as though it were well-formed for moral judgment.

5. Moral feeling and moral judgment

The postulates accomplish this insofar as they buttress moral feeling with rational hope in those instances in which we are confronted with the possibility of moral despair.

In the section of the Analytic entitled “On the incentives of pure practical reason,” Kant’s analyzes moral feeling in order to show how it is a result of reason’s effect on sensibility, and not a feeling that is empirically based. As Kant says, “For the sake of the law and in order to give it influence on the will one must…determine carefully in what
way the moral law becomes the incentive and, inasmuch as it is, what happens to the human faculty of desire as an effect of that determining ground upon it.” 37 In the paragraphs that follow, Kant describes how “All the [empirical] inclinations together (which can be brought into a tolerable system and the satisfaction of which is then called one’s own happiness) constitute regard for oneself (solipsismus).” 38 This self-regard either takes the form of self-love – “a predominant benevolence toward oneself” 39 – or self-conceit – a “satisfaction with oneself.” 40 Kant says that self-love, while it is restricted by the moral law, can also be brought into harmony with it, to the point where we can call it “rational self-love.” 41 Self-conceit, however, just is self-regard that, as founded in sensibility, posits itself in opposition to the moral law, because it is an esteem for oneself that is not founded on the moral law, which is the only true source of the worth of and respect for persons. The moral law accordingly “strikes down self-conceit altogether.” 42

Kant uses this relationship between self-conceit and the moral law to illustrate how we can understand a priori what feeling the moral law gives rise to. So far, the moral law has only served as a check, and so a negative feeling, with respect to the two

37 Kant, Critique of Practical Reason, 5:72.
38 Ibid, 5:73.
39 Ibid, 5:73.
40 Ibid, 5:73.
41 Ibid, 5:73.
42 Ibid, 5:73.
forms of self-regard. But inasmuch as the moral law strikes down self-conceit, Kant thinks, it also gives rise to the positive feeling of respect:

But since this law is still something in itself positive – namely the form of an intellectual causality, that is, of freedom – it is at the same time an object of respect inasmuch as, in opposition to its subjective antagonist, namely the inclinations in us, it weakens self-conceit; and inasmuch as it even strikes down self-conceit, that is, humiliates it, it is an object of the greatest respect and so too the ground of a positive feeling that is not of empirical origin and is cognized a priori. Consequently, respect for the moral law is a feeling that is produced by an intellectual ground, and this feeling is the only one that we can cognize completely a priori and the necessity of which we can have insight into.\(^43\)

This is how Kant gets to his conclusion that “respect for the moral law is not the incentive to morality; instead it is morality itself subjectively considered as an incentive inasmuch as pure practical reason, by rejecting all the claims of self-love in opposition with its own, supplies authority to the law, which now alone has influence.”\(^44\)

In his analysis of Kant’s ethics, Karl Ameriks has argued that the positive feeling of respect can also give rise to myriad other feelings that have a phenomenal manifestation, but, insofar as they derive from and are always subordinated to respect for the moral law, have a proper place in the life of the moral agent.\(^45\) One such feeling is moral hope. Kant argues that respect for the moral law, for example, hints at a supersensible nature in us, and that it is in this way that respect has a positive effect on the motivations of the moral agent:

This is how the genuine moral incentive of pure practical reason is constituted; it is nothing other than the pure moral law itself insofar as it lets us discover the

\(^{43}\) Ibid, 5:73.
\(^{44}\) Ibid, 5:76.
\(^{45}\) See e.g. Ameriks, *Kant and the Fate of Autonomy*, p. 326.
sublimity of our own supersensible existence and subjectively effects respect for
their higher vocation in human beings, who are at the same time conscious of
their sensible existence and of the dependence, connected with it, on their
pathologically affected nature.\textsuperscript{46}

In other words, the respect that we feel for the moral law reminds us of our \textit{supersensible}
nature in its sublimity, but in doing so it puts us in a particular relationship to our sensible
existence in space and time, and indeed, a particular relationship to our sensible existence
that bears fruit for the moral life.

How this happens and the nature of this relationship is perhaps more readily seen
if we turn briefly to Kant’s discussion of the sublime in the third \textit{Critique}. In his analysis
of the dynamically sublime in nature, Kant argues that – from the prospect of safety\textsuperscript{47} –
otherwise terrifying aspects of nature (e.g., “bold, overhanging, and, as it were,
threatening rocks, thunderclouds piled up in the vault of heaven, borne along with flashes
and peals, volcanoes in all their violence of destruction, hurricanes leaving desolation in
their track, the boundless ocean rising with rebellious force, the high waterfall of some
mighty river, and the like”\textsuperscript{48}), gives us an occasion to feel that we have a vocation to the
moral life that transcends nature and anything it can do to us. As Kant says, “the
irresistibility of the might of nature forces upon us the recognition of our physical

\textsuperscript{46} Kant, Critique of Practical Reason, 5:88.

\textsuperscript{47} Kant thinks that the aesthetically sublime can only be experienced from a safe vantage point;
otherwise, the only emotion we feel is fear. He explains, “This estimation of ourselves loses nothing by the
fact that we must see ourselves safe in order to feel this soul-stirring delight – a fact from which it might
plausibly be argued that, as there is no seriousness in the danger, so there is just as little seriousness in the
sublimity of the faculty of our soul. For here the delight only concerns the province of our faculty
disclosed in such a case, so far as this faculty has root in our nature; notwithstanding that its development
and exercise is left to ourselves and remains an obligation.” (Kant, \textit{Critique of Judgment}, trans. James
Creed Meredith, 262.)

\textsuperscript{48} Ibid, 261.
helplessness as beings of nature, but at the same time reveals a faculty of estimating
ing a faculty of estimating ourselves as independent of nature, and discovers a pre-eminence above nature that is the
foundation of a self-preservation of quite another kind from that which may be assailed
and brought into danger by external nature.\textsuperscript{49} In this way an experience in nature
indicates to us, as Kant puts it, “the humanity in our own person [can be saved from]
humiliation, even though as mortal men we have to submit to external violence.”\textsuperscript{50} What
this brings us to is an awareness of the infinite worth of the moral law over and against
corns about our own physical natures – we are able “to regard as small those things of
which we are wont to be solicitous (worldly goods, health, and life), and hence to regard
its [nature’s] might…as exercising over us and our personality no such rude dominion
that we should bow down before it, once the question becomes one of our highest
principles and of our asserting or forsaking them.”\textsuperscript{51}

Kant goes on to describe in more concrete terms how awareness of our
humanity’s worth beyond that of our physical nature plays a role in the life of the moral
agent. He remarks, “For what is it that…is the object of greatest admiration? It is a man
who is undaunted, who knows no fear, and who, therefore, does not give way to danger,
but sets manfully to work with full deliberation.”\textsuperscript{52} The experience of the sublime, Kant
thinks, even though it is merely an aesthetic experience, can help us to develop virtues,
such as courage, that constitute and make possible moral life. Indeed, it is in this respect

\textsuperscript{49} Ibid, 261-2.
\textsuperscript{50} Ibid, 262.
\textsuperscript{51} Ibid, 262.
\textsuperscript{52} Ibid, 262.
that Kant's' discussion of the sublime can help us to understand his discussion of moral feeling in the second Critique. The importance of moral feeling, as with the experience of the sublime, lies in its ability to sustain us in our sensible natures as we pursue a life according to the moral law. And it does this by leading us to recognize “our superiority over nature within, and thus also over nature without us (as exerting influence upon us).”53

6. Further elaboration of the role of the postulates in moral judgment.

Kant, of course, both thinks that this hope must be rationally founded and that any rational moral agent must have this hope. This is the point of the postulates of practical reason. The postulates are necessary beliefs for a rational agent insofar as her life must be unified by the demands of practical reason in a way that is only possible if there is some kind of healing of the relationship between the laws of space and time and those of justice. In other words, just as the intelligibility of the forms of space and time point to a unity at the core of judgment that is the same unity that lies at the heart of the understanding - the “I think” - so the demand of reason that nature and justice be reconciled points to the necessary postulation of a similar unity at the heart of nature and justice, one that can only be thought by thinking of a God and immortality.

This is the reason why a rational moral agent must believe in what the postulates claim: she cannot help but hope for what they promise, and inasmuch as this hope forms


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the possibility of her action from the side of sensibility, it must also be a rational hope, one whose foundation lies within practical reason itself. Recall that Kant says of the postulates,

All of them proceed from the principle of morality, which is not a postulate but a law by which reason determines the will immediately; and this will, just because it is so determined as a pure will, requires these necessary conditions for the observance of its precept. These postulates are not theoretical dogmas but presuppositions having a necessary practical reference and thus, although they do not indeed extend speculative cognition, they give objective reality to the ideas of speculative reason in general...and justify its holding concepts even the possibility of which it could not otherwise presume to affirm.

These postulates are those of immortality, of freedom considered positively (as the causality of a being insofar as it belongs to the intelligible world), and of the existence of God. The first flows from the practically necessary condition of a duration befitting the complete fulfillment of the moral law; the second from the necessary presupposition of independence from the sensible world and of the capacity to determine one’s will by the law of an intelligible world, that is, the law of freedom; the third from the necessity of the condition for such an intelligible world to be the highest good, through the presupposition of the highest independent good, that is, of the existence of God.54

What Kant is summarizing in this passage is the way in which the observance of the moral law by an agent who finds herself constrained by space and time – the laws of nature – as well as the moral law requires the presupposition of ways in which her action will be able to be completed in various ways – completely fulfilled, not held down by the senses, justly rewarded – in spite of the constraints of space and time.

What does this have to do, though, with a moral agent’s capacity to judge? Kant is arguing, as Wood has pointed out,55 that but for the postulates, a moral agent would be unable to see her action as rational because it is hopeless. And Karl Ameriks describes

54 Kant, Critique of Practical Reason, 5:132
55 Again, in his early book, from whose views he has now distanced himself.
religious hope – grounded first in the postulates of pure reason – as “just the indispensable phenomenal articulation, given our psychology, of the pure elective commitment to morality.”\textsuperscript{56} The point, in a way, is similar to the above analyses of the role of ends in Kant’s theory: given that we are finite beings of a certain nature who are attempting to obey the moral law, and who have the highest good as our object, we must also believe in what the postulates claim, i.e., we must have religious hope in the immortality of the soul and the existence of God in order to be able to commit our lives to the moral law. Having this hope enables us to make a commitment to the moral life, and to retain the highest good as our end; and this, in turn, affects our ability to be sensitive in the appropriate ways to the demands of the situations with which we are confronted. In this way, practical reason points to a need for the postulates as the conditions of the possibility of moral action in space and time.

What we need to see in order to be able to understand how the postulates could have this function in a theory of moral judgment is that, first, the kind of possibility that we believe in when we believe in the possibility of the existence of God and the immortality of the soul is the sort that is supposed to sustain action, and second, that without this possibility, we would fall into moral despair. As Robert Adams argues in “Moral Faith,”

Surely, faith in the possibility of the ends of morality, the possibility of moral good, is not just belief that moral good is imaginable, or that it is logically

\textsuperscript{56} Kant and the Fate of Autonomy, p. 327. Indeed, Ameriks argues that in his later works, “Kant gives full recognition to the fact that for us respect cannot be the whole phenomenal spring to morality…In place of a single sense of respect, Kant introduces a variety of feelings that accompany our moral life – feelings of joy, sympathy, self-respect, moral contentment and displeasure, aesthetic awe, and religious hope.” (Ibid, p. 326.)
possible or consistent. It is faith in a stronger possibility, an actual attainability, of moral good. And, as Kant saw clearly, faith in a strong possibility of this sort involves some sort of faith in what is actual. It involves faith, or at least a living hope, that actual causal circumstances are not so adverse, all things considered, as to preclude realization of the moral ends.\textsuperscript{57}

Turning to a couple of examples to make the point more concrete, one might consider the ways in which despair – complete lack of hope for the future – closes us off to moral possibilities that we might otherwise see. If we think, for example, that our beneficent action will have no effect, or even a vanishingly small effect, one that only highlights more problems – I cannot possibly save all the poor in the world – then we are much less likely to undertake that action. If I think that my attempt at reconciliation will thoroughly fail, then I might not make the attempt at all, even if in fact I am the one who ought to initiate healing. As John Hare discusses in \textit{The Moral Gap}, remaining in a state where we despair of whether or not we are capable of living up to the demands of morality leads to failure in the moral life.\textsuperscript{58} There are various ways in which we count on things working out, and at the foundation of that dependence lies rational hope.

We might see this best if we turn to the example, not of Elizabeth and Darcy, but Charlotte and Mr. Collins in \textit{Pride and Prejudice}. Charlotte realizes that Mr. Collins is her best option for a financially stable life with a family, and she quickly seizes the opportunity, after Elizabeth turns him down, to marry and build a home with Mr. Collins. Elizabeth is at first shocked by her friend’s choice, which Austen describes as coming


\textsuperscript{58} Though Hare also thinks this problem cannot be solved from the perspective of morality; see my discussion of Hare below.
“solely from the pure and disinterested desire of an establishment”;\(^{59}\) but after going to visit Charlotte in her home, she understands that Charlotte has built not just a virtuous but a happy life out of what she has been given. Confident from the beginning that there was a possibility present that no one else saw – “I am convinced that my chance of happiness with him is as fair as most people can boast on entering the marriage state”\(^{60}\) - , Charlotte builds on the hope that was initially hard to understand until she attains the kind of peace that makes life, in its day to day aspect, satisfying. There is something in Austen’s description, through Elizabeth’s eyes, of Charlotte’s married life: we hear that she must have often encouraged Mr. Collins to go on walks, that she has arranged her house and life so as to interact with him only as necessary (“Elizabeth at first had rather wondered that Charlotte should not prefer the dining parlour for common use…[but] Mr Collins would undoubtedly have been much less in his own apartment had they sat in one equally lively; and she gave Charlotte credit for the arrangement”\(^{61}\)), and that “she did not seem to ask for compassion. Her home and her housekeeping, her parish and her poultry, and all their dependent concerns, had not yet lost their charms.”\(^{62}\) Charlotte has succeeded in being happy in the life she has chosen, and indeed, her decision makes sense to those of us who, unlike Elizabeth, are less romantic about what marriage involves. Yet we get the sense that Austen thinks someone like Charlotte, in having chosen a companion in life


\(^{60}\) Ibid, p. 120. Elizabeth, for her part, initially believes that “it was impossible for that friend to be tolerably happy in the lot she had chosen.”

\(^{61}\) Ibid, p. 159.

\(^{62}\) Ibid, p. 204.
who does in fact have many disagreeable qualities, must also be sustained in her
happiness by the kind of hope that Kant describes, a rationally founded religious hope.

7. Criticisms of the postulates and how we might respond

As I noted above, many of Kant’s readers, critics and appropriators alike, have
criticized in various ways the postulates of pure practical reason. Turning to a few of
these criticisms will help us to see why the postulates are indeed central to a Kantian
theory of moral judgment.

As Karl Ameriks points out, Hegel’s criticism of Kant’s postulates grows out of
an astute awareness of the grounding of the postulates in Kant’s metaphysical doctrines,
and especially in the doctrine of radical evil. Ameriks characterizes Hegel’s criticism as
centering on a critique of “the ‘fortuitous’ unity of human nature and the good.”63
What Hegel dismisses is the idea that the harmony of morality and nature must be postulated,
i.e. must be taken to be beyond the moral act itself. Hegel instead thinks that enjoyment
or happiness are intrinsic to true moral action, not separate from them;64 and indeed, in
his ultimate notion of Sittlichkeit, of a harmonious relationship of human beings in a

63 Kant and the Fate of Autonomy, p. 332.

64 He says, “At the same time, the performance of the action is a fact of which consciousness is
aware, it is the presence of this unity of actuality and purpose, and because, in the accomplished deed,
consciousness knows itself to be actualized as this particular consciousness, or beholds existence returned
into itself – and enjoyment consists in this – there is also contained in the actuality of the moral purpose
that form of actuality which is called enjoyment and happiness. Action, therefore, in fact directly fulfills
what was asserted could not take place, what was supposed to be merely a postulate, merely a beyond.
Consciousness thus proclaims through its deed that it is not in earnest in making its postulate.” Georg
Wilhelm Friedrich Hegel, Phenomenology of Spirit, trans. A.V. Miller (Oxford: Oxford University Press,
1977) p. 375. (VI C b 617)
political society in a way that allows for fulfilling action and so happiness, he sets at the center of his own thought the idea that happiness is *not* something attained beyond in an afterlife, but here in political society characterized by Sittlichkeit.

It is true that the postulates invoke Kant’s metaphysics, with its division into phenomenal and noumenal realms. It is also true that they point to an opening for moral theology, although such metaphysical speculation must, Kant warns, always be subservient to the practical need that first hints at its possibility. But here is where, finally, Sedgwick’s criticism of Herman that I first mentioned in chapter 1 – that leaving behind Kant’s metaphysics when appropriating his ethics could mean leaving behind the objectivity that makes that ethics so attractive in the first place – becomes relevant again. As we just saw in the above discussion of Hegel’s criticism of the postulates, the alternative to rejecting the postulates is to describe a situation in which virtue and happiness *can* be unified in a fulfilling society. But this alternative ethical theory usually also involves a reconsideration of the autonomy that is central to Kant’s theory, insofar as such a theory appeals to a compatibilist version of freedom in which freedom just is living in accord with a fulfilling society’s laws. Kant’s transcendental freedom depends on the existence of a noumenal realm that is not circumscribed by naturally, psychologically, or politically determined laws. To reject such a realm as impossible is to reject the possibility of autonomy as Kant understands it. Moreover, because the possibility of objectivity for theoretical judgment in the phenomenal realm itself depends on that realm being completely determined by its own laws, we cannot find a place for true moral objectivity without appealing to something outside the phenomenal realm.

But if we make such an appeal while admitting that we cannot have theoretical
knowledge of it, and if we concede the phenomenal realm to the laws of nature and not of morality, then we are in the position of finite Kantian agents who cannot see our moral behavior as rational unless we accept what the postulates claim. This cannot be dismissed as mere noumenal baggage without dismissing Kant in his entirety, nor can it be relegated away from the practical life, as Kant comes to make it clear that religious hope is central to the judgment, as so the work, of the moral agent.

Finally, in more recent work Allen Wood has criticized Kant’s postulates, arguing that they are similar to Pascal’s wager, “which tries to show not that Christianity is true, but that Christian belief would be advantageous to have.”65 Because the need of practical reason for belief in God and the immortality of the soul cannot be buttressed by real theoretical evidence, Kant’s position, Wood thinks, leaves us with nothing more than a hopeful agnosticism: we have a need for belief in God and the immortality of the soul combined with a knowledge of their possibility, but no knowledge that such things are real.66

In contrast, we have the work of John Hare in The Moral Gap, who traces the important place of belief in God and the immortality of the soul in the moral life. Hare argues that we can understand morality as having a three-part structure: “first, something I ought to be practicing; second, something for which my natural capacities are inadequate (except by approximation); and, third, something that I should treat as the

66 Ibid, pp. 404-5.
command of some other at least possible being who is practicing it.”67 If morality has this structure, then we can quickly see that we could not possibly live up to morality’s demands. There is, as Hare says, a gap between what we can do and what is demanded of us. For this reason, Hare argues that “the effect of the three-part structure is that it makes the feeling of guilt and the desire to avoid its pain into a primary motivator of the moral life.”68 The traditional Christian doctrines, and in particular the doctrine of atonement, constitute a response to this problem and point the way to the relief from subjective guilt. But, Hare says, “without these doctrines, or some functional equivalent,69 we are left in the moral gap, with the attendant sense of failure and the conceptual difficulty that we seem to be under a demand that is far beyond our capacities.”70

Hare goes on to write that there are “three main strategies for dealing with subjective guilt without appealing to God’s supernatural work on our behalf. One is to produce a naturalistic substitute for God’s assistance. Another is to exaggerate our sense of what we can accomplish, so as to fit the demand. The third main strategy is to reduce the demand so as to fit our capacities.”71 In his book, Hare focuses on the latter two

68 Ibid, p. 25.
69 Hare makes it very clear that although traditional Christian doctrine is an adequate response to the problem of the moral gap, it may not be the only adequate response. It is possible that there are other secular or religious responses with which he is unfamiliar.
70 Ibid, p. 25.
strategies, each of which has its difficulties. As Hare puts it, “The difficulty is in knowing what we can do.” He quotes Kierkegaard’s direct articulation of the problem:

Was not the real reason for your unrest that you did not know for sure how much one can do, that it seems to you to be so infinitely much at one moment, and at the next moment so very little,…that you might not have done what you could, or that you might actually have done what you could but no one came to your assistance?

Following Kierkegaard, Hare describes the unrest that we feel in the face of the demands of morality as anxiety, and this anxiety pulls us from the merely ethical life to the religious life. Not knowing what we can do, struggling both in our attempts to exaggerate our abilities and to reduce the demands of morality, we make ourselves into exceptions: which is exactly what the law of morality forbids us to do. Hare writes, “The exception is said to acquire a sense, at first dimly, of a life that would not be split in the way his own is split, but which does not require either whittling down his ideal or puffing up his capacity. The initial response to this sense is one of anxiety.”

Hare, following Kierkegaard, also uses the term “dizziness:” “[The demand of morality] leaves us without any notion of how we might concretely go about reaching it or how to fit it into a life that seems happy by our present standards. Here is a sense for the dizziness of freedom; ‘dizziness’ seems a good image for this combination of enormous demand and inadequate

74 Ibid, p. 205.
According to the Christian doctrine of atonement, Christ relieves us of the dizziness by taking on our sins. At this point, though, as Hare acknowledges, he has gone beyond what Kant accepts, insofar as Kant does not think it is possible for someone else to atone for our sins. But I will comment on this point in my conclusion.

For now, it is important first to see that Hare does not claim that his arguments are of the sort that will demonstrate the truth of Christian doctrine. Even if all of the arguments in his book work, he writes,

All it would have shown is that if we keep morality as demanding as Kant says it is, and if we want to concede what Kant says about our natural propensity not to live by it, and if we want at the same time to reject these traditional Christian doctrines, then we will have to find some substitute for them. This book has no way to show that there is no successful substitute, either in some other religion or in some non-religious system of belief.76

Thus, to some extent, the only answer that we can give to critics of the idea that morality has a need for faith is to point out the difficulties in, for example, maintaining that we either are capable of what morality demands or in lessening those demands.

My criticism of Barbara Herman’s position, for example, centers on her failure to recognize the importance of our inability to achieve happiness in the pursuit of the moral life, and the effect that this can have on moral motivation. As Robert Adams points out in “Moral Faith,” restricting what we believe in to the world we find ourselves in is not sufficient to sustain the life of virtue as opposed to the life of mere moral compliance:

75 Ibid, p. 207.
76 Ibid, p. 37.
“True virtue requires resources that will sustain it when society is supporting evil rather than good, and when there is considerable reason to doubt that honesty is the best policy from a self-interested point of view. Thus virtue requires more moral faith than mere compliance may.” Hare would go beyond this and insist that our inability to live up to the demands of morality is itself a cause of anxiety for us and a serious impediment to the moral life. Herman would perhaps dismiss this point, and there may be little way to adjudicate between the two positions. Nonetheless, it is worth noting that in dismissing it, Herman is also dismissing what may be a crucial part of Kant’s own view.

Conclusion

Hare’s project in *The Moral Gap* is not Kant’s project in the *Religion* of translating special revelation into the language of reason, but, first, the project of articulating from within the standpoint of reason the need for moral faith, and then engaging in theological articulation of a doctrine that adequately addresses the needs of moral faith. Reason, Hare argues, cannot itself make sense of what would fulfill its own moral needs: from the standpoint of morality, we cannot accept the doctrine that someone else would atone for our sins. Rather, from the moral standpoint, we must first come to see that on our own we could not possibly live up to what is demanded of us, that holding to our moral convictions will get us nowhere, and that insofar as we hold to those


78 His distinction, for example, between the will and our wills turns on his insistence on the propensity to evil in the human will.
convictions (and so go nowhere) we succumb to sin: then, as Hare says, “The transition to the religious life can occur when we recognize this succumbing as sin, or as failure before God.”\textsuperscript{79}

What does this have to do with a theory of moral judgment? On the account I have been sketching, we have been looking for a theory of moral judgment that is analogous to Kant’s theory of theoretical judgment, that is, where there is a unity that guides judgment that is itself a teleological impulse to judge systematically. The framework within which this unity operates, and which it makes possible, is the framework of experience: space and time together with the categories of the understanding.

When it comes to the case of practical judgment, we first of all dispelled concerns that practical judgment, for Kant, could not be teleologically oriented. What we saw is that, insofar as practical reason determines the will, it also determines the objects of that will, and the will as the faculty of desire is motivated by practical reason (or by respect for the law together with attendant phenomenal feelings) to choose its objects. The object of practical reason is the highest good: virtue combined with justly apportioned happiness. Moral judgment operates within this teleologically oriented framework.

We should find it instructive, that is, that Kant begins his discussion of the Transcendental Ideal in the Dialectic of the First \textit{Critique} by noting that “we have to admit that human reason contains not only ideas but also ideals, which do not, to be sure,

\textsuperscript{79} Hare, \textit{The Moral Gap}, p. 208.

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have a creative power like the **Platonic** idea, but still have **practical** power (as regulative principles) grounding the possibility of the perfection of certain **actions**."\(^{80}\) The practical ideal is, Kant says, like the sage of the Stoics, "a human being who exists merely in thoughts, but who is fully congruent with the idea of wisdom."\(^{81}\) The role of this ideal is to serve as a standard for our own actions: "we have in us no other standard for our actions than the conduct of this divine human being, with which we can compare ourselves, judging ourselves and thereby improving ourselves, even though we can never reach the standard."\(^{82}\)

As we saw in Chapter 3, the use of the ideal for theoretical reason is strictly regulative, as the concept of the ideal of pure reason is a transcendent one: "The aim of reason with its ideal is...a thoroughgoing determination in accordance with *a priori* rules; hence it thinks for itself an object that is to be thoroughly determinable in accordance with principles, even though the sufficient conditions for this are absent from experience, and thus the concept itself is transcendent."\(^{83}\) Reason transforms, Kant says, "the **distributive** unity of the use of the understanding in experience, into the **collective** unity of the whole of experience; and from this whole of appearance we think up an individual thing containing in itself all empirical reality, which then – by means of the transcendental subreption we have already thought – is confused with the concept of a

\(^{80}\) Critique of Pure Reason, A569/B597.

\(^{81}\) Ibid, A569/B597.

\(^{82}\) Ibid, A469/B597.

\(^{83}\) Ibid, A571/B579.
thing that stands at the summit of the possibility of all things, providing the real
conditions for their thoroughgoing determination.”\textsuperscript{84} What theoretical reason cannot do,
however, practical reason must: as Longuenesse points out, what is merely regulative for
theoretical reason – the principle of the purposiveness of nature, in the third \textit{Critique},
which is the third \textit{Critique}’s articulation of the principle of complete determination for
the scientific or empirical use of the understanding – is constitutive for practical reason,
where we must assume a harmony between what the understanding knows, the laws of
nature and the objects given in sensibility, and practical reason demands, the highest
good, or complete virtue rewarded with complete happiness.

The problem, though, is that any individual finite agent cannot actually take the
highest good as her end without also assuming the immortality of the soul and the
existence of God. Thus, in order to make moral judgments, we must also believe in the
postulates of practical reason. When we believe in the immortality of the soul and the
existence of God, we are both able to see possibilities that we might not have seen before
and given the hope necessary in our pursuit of the moral life to act accordingly. Belief in
what the postulates claim turns out to be integral to a theory of moral judgment.

Hare’s work reminds us that this might not be enough: that ultimately, what the
postulates ask us to believe in goes beyond what reason can make sense of,\textsuperscript{85} and in that
way goes beyond morality and into religion. Hare speaks of a “split” in the soul, of a

\textsuperscript{84} Ibid, A582/B610-A583/B661.

\textsuperscript{85} That is, it goes beyond reason insofar as reason cannot give a full account of it, not in the sense
that it is irrational or nonsense.
moral gap that opens in part if we follow Kant and accept that we are incapable by nature of meeting the demands of the moral law. We might decide to reject this gap, and say that we are capable of meeting morality’s demands; but the gap goes too deep in Kant’s philosophy; it is a gap that opens up, as many after Kant have seen, first with arguments for the objective validity of knowledge of objects that appear in space and time, and the relegation of freedom to the noumenal realm. Pulling apart these myriad aspects of Kant’s view may not be possible; if we reject the possibility of noumenal freedom, we might lose either the objectivity of scientific knowledge or the objectivity of the moral law.

This does not mean that we need to reject Kant’s project wholesale; like Hare and Kierkegaard, we might find something important in the task of pointing out where the gap between what we can do and what we ought to do lies, in order to have hope of overcoming the gap. And insofar as Kant’s project in the Religion, insofar as it is a matter of reducing revelation to reason, fails on Hare’s account, that does not mean that a different project – one more like Hare’s – could not succeed, insofar as practical reason has pointed clearly to the place where theology can set to work. Theology does not need to make claims to knowledge in order for its task to be an important one for the moral life: understanding fully what it means for something like the Christian doctrine of atonement to be possible would have rich consequences for our ability to see the right thing to do.

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86 Here I would refer again to Robert Adams’ comments on what kind of possibility this is: “Faith in a moral end is generally faith in a possibility of good. But we must ask what is meant by ‘possible’ in this
context. Surely, faith in the possibility of the ends of morality, the possibility of moral good, is not just belief that moral good is imaginable, or that it is logically possible or consistent. It is faith in a stronger possibility, an actual attainability, of moral good. And, as Kant saw clearly, faith in a strong possibility of this sort involves some sort of faith in what is actual. It involves faith, or at least a living hope, that actual causal circumstances are not so adverse, all things considered, as to preclude realization of the moral ends.” Adams, “Moral Faith,” p. 83.
1. Works of Immanuel Kant


2. Other Works


Ameriks, Karl. “Is Practical Justification in Kant Ultimately Dogmatic?” Unpublished manuscript.


Louden, Robert. “‘Firm as a Rock in Her Own Principles’ (But Not Necessarily a Kantian).” *Social Theory and Practice* 33 (2007), pp. 667-78.


Sedgwick, Sally. “‘Letting the Phenomena In’: On How Herman’s Kantianism Does and Does Not Answer the Empty Formalism Critique.” (MS) Presented at the Pacific APA, 2009.

