

Value and Law in Kant's Moral Theory*

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Paul Guyer's *Kant on Freedom, Law, and Happiness* is a collection of essays written over a period of ten years on the roles of freedom, reason, law, and happiness in Kant's practical philosophy. The centrality of these concepts has always been acknowledged, but Guyer proposes a different way to understand their interconnections. Kant extols respect for moral law and conformity to moral principle for its own sake while at the same time celebrating the value of human freedom and autonomy. Guyer sees tensions between these two poles of Kant's practical philosophy—obedience to law and the value of freedom. He argues: "A profound paradox can be avoided only if it can be shown that Kant intended obedience to universal law to be mandatory solely as the necessary condition for the realization of human freedom and through that freedom a systematic and unselfish distribution of happiness among all persons" and that "the sheer fact of adherence to universal law is not an end in itself but is rather the means to the realization of the human potential for autonomy or freedom in both choice and action" (p. 1).

One guiding theme of Guyer's book is that Kant's practical philosophy is based on the fundamental, and hence indemonstrable, intrinsic value of freedom, which Guyer understands as a value that is prior to the moral law, providing both an end to be realized through conformity to universal law and the basis of the authority of moral principles. Conformity to universal law has no intrinsic value in itself; it is the means to the preservation, enhancement, and full realization of human freedom, and is required because of its instrumental connection to the prior value of freedom. As he says, "freedom of choice and its natural expression in action are what human beings value most, and the fundamental principle of morality and the rules for both po-

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litical and personal conduct that follow from its application in both public and private spheres constitute the laws that we must adopt and adhere to in order to preserve and promote freedom as our most fundamental value” (p. 5). The connections that Guyer proposes between these concepts are these: “that freedom is our most fundamental value, that the law that we can formulate by means of our reason is valuable only as a means to freedom, and that a system of human happiness should be the outcome of the use of our freedom” (p. 2).

Guyer takes his reading of Kant to run counter to standard interpretations, and in many respects it does. A traditional reading to which Guyer opposes his own takes conformity to universally valid moral principles to be the centerpiece of Kant’s ethics. According to this traditional understanding of Kant, conformity to universal law is required and good in itself, and the content of universal law can be derived from practical reason alone without appeal to any prior and independently given values. Kant is then the archetypal deontologist because of the priority that he assigns to law—a priority made explicit in the “paradox of method” in the *Critique of Practical Reason*, according to which “the concept of good and evil must not be determined before the moral law (for which, as it would seem, this concept would have to be made the basis) but only (as was done here) after it and by means of it” (*KpV* 62–63).¹ One of the main essays in Guyer’s book, “Kant’s Morality of Law and Morality of Freedom,” challenges both this reading and Kant’s presentation of his own method, arguing that the role actually played by the intrinsic value of freedom either makes the theory teleological or breaks down the traditional dichotomy between deontology and teleology. Though he claims that there are distinct teleological strains in some of Kant’s texts, lectures, and unpublished notes, Guyer opts for the latter as the more balanced conclusion since the value of freedom leads to standard deontological constraints on action (pp. 133–34). These claims deserve close attention, as does his claim that conformity to universal law has a purely instrumental value as a means to realizing the prior value of freedom. The latter will strike many readers as revisionary (though to some perhaps welcome), since Kant’s well-known claims that action from genuine moral principle has “moral worth” (*G* 398), “inner worth,” or “dignity” (*G* 435), and that the moral law, as well as the will that conforms to law, are objects of “respect” (*G* 400,

1. Citations to the *Critique of Practical Reason* (abbreviated *KpV*), the *Groundwork of the Metaphysics of Morals* (*G*), and the *Metaphysics of Morals* (*MdS*) will be to the translations by Mary J. Gregor of Immanuel Kant, *Practical Philosophy* (New York: Cambridge University Press, 1996). Citations to these works are included in the body of the article and give the paging in the Royal Prussian (German) Academy of Sciences edition of Kant’s *Gesammelte Schriften* (Berlin: de Gruyter, 1900–) (hereafter *GS*). Some citations to the *Groundwork* also include section and paragraph.

401n., 436, 440) certainly appear to ascribe intrinsic value to action motivated by conformity to universal law.

At the same time, Guyer's picture of Kant is not unfamiliar. The intrinsic value of freedom that Guyer stresses—by which he means the value of free rational agency—is recognizable as the value of humanity, or rational nature, as an end in itself. This value is undeniably the central value of Kant's practical philosophy, and the introduction of the Formula of Humanity (FH) takes it to be the ground of the Categorical Imperative. The content of the duties to which Kant thinks that the Categorical Imperative leads—both in the universal law and humanity formulations—can indeed be understood as the preservation and enhancement of free rational agency. Likewise, Kant's doctrine of right is concerned with the conditions of the rightful use of external freedom (freedom of action), and the inner freedom of self-mastery and self-control is central to Kant's doctrine of virtue. Arguments in both the *Groundwork of the Metaphysics of Morals* and in the second *Critique* base the deliberative priority of the moral on the fact that by acting from the moral law one realizes one's identity as a free agent. Current understandings of Kant recognize all of these elements.

Part 1 of Guyer's collection contains essays on the development of Kant's ethics that stress certain continuities between Kant's precritical and his mature moral theories. These essays are particularly valuable for collecting together a number of Reflections in which Kant is evidently working through different moral views on his way to his mature theory. The essays in part 2 are the most philosophically central, arguing for the reading of the structure of Kant's moral theory just sketched. Part 3 documents the role of the intrinsic value of freedom in Kant's *Metaphysics of Morals*. One essay, "Kantian Foundations for Liberalism," effectively argues that the intrinsic value of freedom has different implications for property rights than it does for rights of free expression. Since property rights depend on conventions and mutual agreements that are rationally acceptable to all, state regulation aimed at equitable distribution can be required as a matter of justice. But there are no comparable grounds for regulating expression, since beliefs do not in the same way depend on mutual agreement. This essay defends the consistency of contemporary liberalism that supports regulation of property rights aimed at equitable distribution, while keeping expression free of state regulation. Another essay argues that the value of inner freedom is the thread that ties together Kant's views about moral worth, virtue, and merit in the *Doctrine of Virtue*. Part 4 takes up issues concerning Kant's conception of the highest good and its possible realization in history.

Given the amount of material covered by Guyer's book, my discussion must be selective. I shall give a brief overview of some themes

in part 1, then turn to extended discussion of the two central essays in part 2, “Kant’s Morality of Law and Morality of Freedom” and “The Possibility of the Categorical Imperative.” Guyer is certainly right to claim that the value of free rational agency is central to Kant’s moral theory—though I will suggest that it plays different foundational roles that need to be distinguished. However, I will argue that the claims that the moral law is derived from an antecedent conception of value, that conformity to universal law has only instrumental value, and that Kant’s theory undercuts the traditional distinction between deontology and teleology are unpersuasive. The importance of Guyer’s treatment is that it highlights the role played by a conception of value and raises questions about the connections between law and value in Kant’s moral theory. The main aim of my discussion is to explore some questions about the overall structure of Kant’s moral theory that are raised by Guyer’s essays.

I. KANT’S DEVELOPING MORAL THEORY

Part 1 contains essays on Kant’s so-called Prize Essay written in 1762 (*An Inquiry concerning the Distinctness of the Principles of Natural Theology and Morality*), on his early views about the unity of reason, and on notes and fragments from the 1770s that display the evolution of Kant’s views about the relations between morality, freedom, and happiness. Guyer is interested in pointing to continuities between Kant’s early and his mature views, as well as developmental trends that throw light on the ultimate shape of the latter.

The first essay compares Kant’s Prize Essay with Mendelssohn’s *Essay on the Evidence of Metaphysical Truths*, which actually won the Berlin Academy prize. As an elegant synthesis of German (Wolffian) rationalist positions on mathematics, metaphysics, and morals, Mendelssohn’s essay is an interesting measure of the distance that Kant traveled on the way to his critical philosophy. In the section of his essay on morality, Kant draws a distinction between formal and material principles of obligation, both of which are indemonstrable. The formal principles (roughly: do what promotes perfection and refrain from what hinders perfection) are based on a necessary end and require certain actions unconditionally, presumably as instances of this end. But by themselves they yield no determinate obligation and need to be supplemented by material principles that represent specific actions as good or bad. The role of material principles, it should be noted, is to determine the content of obligation. Material principles are judgments based in feeling (“simple feelings of the good” that are the immediate effect of the representation of an object on the feeling of desire) and as such indemonstrable.² It

2. Immanuel Kant, *Inquiry concerning the Distinctness of the Principles of Natural Theology*

is well known that Kant's distinctions between categorical and hypothetical imperatives (here "necessity of the means" vs. "necessity of the end") and between formal and material principles appear in the Prize Essay. Guyer argues that in addition Kant retains the idea that obligation is based on a necessary end or material principle (though in his mature view this end is freedom rather than perfection) and that substantive claims about the value of this end are indemonstrable. These important claims are the subject of later essays, discussed below.

Kant's mature ethical theory draws a sharp distinction between morality and happiness, viewing them as distinct sources of value and assigning regulative priority to morality. Guyer's second and third essays are of particular interest because they identify phases in Kant's development in which this was not so. The second essay, "The Unity of Reason: Pure Reason as Practical Reason in Kant's Early Conception," analyzes sketches of the Transcendental Dialectic of the first *Critique* from the 1770s, where Kant held that reason has a constructive role only in the practical sphere. That role is to prescribe the formal end of systematic unity of the freely chosen subjective ends of rational agents. The same moral conception is explored in the third essay, which explicates and takes its title from an intriguing remark from the *Lectures on Ethics* that "freedom is the inner value of the world."³ Guyer collects a number of Reflections from the 1770s and early 1780s that suggest that the value of freedom is tied, in different ways, to its role in making possible a systematic and harmonious distribution of happiness. He identifies a strain of Kant's thought from this period that ascribes instrumental value to freedom, as well as one that ascribes it intrinsic value. The passages presented in this essay provide an important window on Kant's developing moral theory.

In the 1770s Kant held the view that "morality is grounded on the idea of universal happiness from free conduct" or "consists in laws for the generation of true happiness from freedom in general."⁴ The idea is that morality does not prescribe any specific substantive ends. Rather,

and *Morality*, in his *Theoretical Philosophy, 1755–1770*, trans. David Walford (Cambridge: Cambridge University Press, 1992), p. 273 (GS 2:299).

3. Guyer cites this remark from the *Moral Mrongovius*: "Freedom is a part of the capacity which gives all others their infinite usefulness . . . if all creatures had a faculty of choice bound to sensuous drives, the world would have no inner value; the inner value of the world, the *summum bonum*, is the freedom to act in accordance with a faculty of choice that is not necessitated. Freedom is therefore the inner value of the world" (GS 27:1482). Freedom here is the familiar notion of freedom of the will. The passage is found in Louis Infield's translation of Immanuel Kant, *Lectures on Ethics* (1930; reprint, Indianapolis: Hackett, 1979), pp. 121–22. It is also found in the *Moral Collins*, trans. J. B. Schneewind and Peter Heath, of Immanuel Kant, *Lectures on Ethics* (New York: Cambridge University Press, 1997), p. 125 (GS 27:344).

4. R 6958, GS 19:213–14; and R 7199, 19:272–73; cited by Guyer, pp. 101, 103.

it prescribes the formal end of systematic unity among the ends that rational agents freely set for themselves as contributing to their own happiness (including ends based in inclination). Systematic unity is understood both as the mutual consistency of a single agent's ends and as the consistency of one agent's ends with those of all others. The basic moral requirement is to act from principles that, if universally followed, would lead to a harmonious system of happiness among human beings: "The rule of actions, whereby if everyone acted in accordance with them, nature and choice among men would be universally harmonious for happiness, is a law of reason and thus signifies morality."⁵ Guyer observes that the happiness that results from adherence to this principle would be "true" happiness from free conduct because it is the result of self-governance and mastery over inclination in accordance with an a priori rule of reason. Guyer takes the value of freedom in this conception of morality to be instrumental, because of its role in making possible a harmonious system of happiness (pp. 100–107).

But the instrumental value of freedom does not preclude its also having intrinsic value, and alongside these same texts Guyer finds Kant ascribing intrinsic value to freedom: "The good use of freedom" in accordance with universal laws of freedom "has a necessary inner value." "It brings self-contentment along with it, that is its inner value."⁶ We take an immediate satisfaction in action from "universal rules of happiness" that is distinct from and of greater value than the desire satisfaction that it may produce. In acting from such rational principles, we are authors of our own happiness and no longer dependent on nature. This satisfaction appears to be a pleasure taken in free activity per se, based in consciousness of our own activity in the truest sense. Guyer offers a further explanation of this satisfaction that ties it to the unifying activity that is the vocation of reason. Lawfulness and unity are basic demands of reason and its characteristic activity. Guyer cites passages in which Kant states that we take satisfaction in achieving unity in our willing and find the lack of unity and lack of restraint to be displeasing in themselves. The immediate satisfaction that would result from free action guided by universal rules would be a pleasure in unity itself (pp. 113–17).⁷

5. R 6958, *GS* 19:213–14; Guyer, p. 101.

6. R 6767, *GS* 19:186; R 7202, *GS* 19:277; Guyer, pp. 110, 112.

7. One might read something like the following view into these passages: the proper function and characteristic activity of practical reason is to introduce systematic unity into given ends. The proper exercise of this function of practical reason is its good, and an agent (qua rational) takes immediate satisfaction in actions that exercise this function and finds actions inconsistent with this function to be displeasing. Further, actions guided by the defining function of practical reason display activity in the truest sense. Thus, this satisfaction is a pleasure taken in one's own activity or the feeling produced by consciousness of one's own activity.

This transitional moral conception, whose formal end is the systematic unity of the ends of rational agents, provides a kind of explanation of how Kant came to characterize virtue as worthiness to be happy in his later works. First, an agent who constrains his pursuit of happiness by this principle has legitimate ends and merits or has a right to their satisfaction through his own free conduct. Second, if these principles were universally followed, general happiness, including this individual's share, would in fact result (pp. 119 ff.).⁸ Virtue would thus entail worthiness to be happy and would lead to happiness if these principles were universally followed.

II. MORALITY OF LAW AND MORALITY OF FREEDOM

In the fourth and perhaps central essay, Guyer argues that “the fundamental but indemonstrable value of freedom itself is the heart of Kant’s moral theory” both in the *Groundwork* and in the second *Critique*. He writes: “Kant does not argue that the categorical imperative obligates us independently of its subordination to any fundamental value, but rather it is the principle we must follow to give our unique freedom full expression in the phenomenal sphere. . . . [I]t is the function of the principle of morality to direct us to take such steps for the expression of our freedom” (p. 131).

Guyer makes two sets of related claims that focus on Kant’s derivation of the moral law. First, he argues that Kant derives the moral law from an “antecedent conception” of the intrinsic value of free rational agency (p. 133), that is, a conception of the value of free rational agency that can be specified independently of the moral law. Presumably he means to imply, among other things, that right conduct can in some way be specified as what promotes the realization of the value of free agency. Further, action on the Categorical Imperative—by which Guyer means action that conforms to universal law—has only instrumental value as the means to preserving and enhancing the existence and exercise of freedom (pp. 1–2, 5, 10, 134, 155, 156, 159),⁹ and what makes

8. Guyer says that such an individual “has earned the right to [legitimate happiness] by one’s own actions” (p. 119). It seems to me that the right in question would only be a liberty right (the right to pursue the ends in question) and not a claim right on any other agents that they provide the desired goods.

9. Some of these remarks are quoted above. Here are more: “The moral law is a categorical imperative for us precisely because it is the law by means of conformity to which this intrinsically valuable freedom is preserved and enhanced” (p. 155). “Moreover, adherence to the moral law by itself is not seen as valuable; rather the freedom expressed in and achieved by adherence to the moral law is intrinsically valuable” (p. 155). “In any event, freedom must be subjected to law, not because subjection to law represents an antecedent source of value, but in order to maximize the preservation and exercise of freedom itself” (p. 159).

it a law to act from the Categorical Imperative is that conformity to universal law is necessary for the realization of freedom (pp. 134, 151–52, 155, 159). Here Guyer challenges, or at least revises, Kant’s understanding of his own method. Kant holds that the moral law cannot be based on any conception of the good because of his belief that conceptions of the good can only be determined empirically in relation to agents’ interests and thus cannot ground principles with the requisite necessity and universality. But a conception of the good or a conception of value that is necessary could ground genuine practical laws (p. 133). Guyer claims that Kant in fact derives the moral law from an antecedent conception of the value of freedom. Kant’s theory “undercuts the traditional distinction” between deontology and teleology because, while the moral law imposes unconditional constraints on permissible ends and conceptions of the good, this law is grounded on a prior conception of intrinsic value (pp. 133–34).

The second general claim is that the value of freedom, as the ultimate value that provides the “foundation of Kant’s entire moral philosophy” (p. 155), is indemonstrable and not derivable from any other value. I’ll comment on this issue at the close of the next section.

Guyer supports the first set of interpretive claims by distinguishing both deontological and teleological derivations of the Categorical Imperative that Kant employs in different places. The “purely deontological method” (p. 134) derives a statement of the Categorical Imperative in its universal law formulation from the notion of a practical law. This approach is seen in the introduction of the Formula of Universal Law (FUL) in *Groundwork* II and in chapter 1 of the Analytic of the second *Critique*. Although this approach does yield statements of the Categorical Imperative from which duties can be derived, Guyer finds it unsatisfactory because it does not show why we have any reason (p. 138) or how we could be motivated (p. 143) to adopt the principle of conformity to universal law. Guyer identifies teleological derivations, or at least teleological strains of argument, in both published works and lectures—most notably in the *Groundwork* argument for humanity as an end of absolute value and in related passages from lectures on natural law that Kant gave while writing the *Groundwork*.¹⁰ In his view, these arguments remedy the above defect by grounding the moral law in a necessary value or end that “explain[s] our adherence to an unconditional law” by providing a reason to adopt it (pp. 145–46, also pp. 191–97). Moreover, since the absolute value of free rational agency provides the reason to adhere to the moral law, these arguments give a more accurate picture of the underlying structure of Kant’s moral theory.

10. The latter extremely interesting passage is from the lectures *Naturrecht Feyerabend*, GS 27:1319–22. Guyer cites and discusses the passages on pp. 152–53, 156–58, 170–71.

Before going into the details of Guyer's claims, let me make some background remarks. First I shall ask how Kant's derivation of the moral law bears on the character of his moral conception as teleological or deontological. I shall then distinguish two different ways in which freedom functions as a value in Kant's theory.

Kant's derivation of the moral law is complicated by the fact that it consists of two very different kinds of arguments—one concerned with stating the content of the moral law and the other aimed at establishing its authority. The Preface of the *Groundwork* indicates that it has these two tasks—the “search for and establishment of” the basic principle of morality—and that Kant tries to keep them separate (*G* 392). The first, the “search” for the basic principle, is carried out in the analytical arguments of *Groundwork* I and II, which simply state the basic principle underlying ordinary moral thought through an analysis of certain central moral notions (such as the notion of a good will, the concept of duty, or that of a categorical imperative). In *Groundwork* II, for example, having claimed that moral requirements as ordinarily understood must be expressed as categorical imperatives, Kant extracts the FUL from an analysis of this concept, then shows that this formula leads to some commonly accepted duties.¹¹ The introduction of the FH appears to be different because Kant grounds this version of the Categorical Imperative on an end. He claims that there can be a categorical imperative if, and only if, there is an end of absolute value, then argues (at least provisionally) that rational nature, or humanity, is such an end. But Kant maintains that both arguments tell us only what morality requires if there is such a thing, without establishing the rational authority of morality or showing that we really are bound by moral requirements.¹² This second task (the “establishment” of the moral law or justification of its authority) is assigned to *Groundwork* III. There Kant argues for the authority of the moral law through a set of analytical connections between rationality, freedom, and morality (*G* 446–49; III, pars. 1–5) combined with the synthetic claim that we are free rational agents in the requisite sense and view our capacities for autonomy as our “proper self” (*G* 450–55; III, pars. 10–19; and 457; III, par. 26). Though scholars disagree about the details, there is general agreement on the overall shape of the argument: the normative authority of the moral law—its necessity and the justification for giving it deliberative priority in practical reasoning and choice—is grounded in the fact that we realize our

11. For Guyer's discussion of these arguments, see pp. 138–47.

12. It is worth noting that Kant says both that an end in itself would be the ground of a practical law (or practical laws) and that this end would “constitute an objective principle of the will and thus can serve as a universal practical law” (*G* 428; II, par. 49)—in other words, that an end of absolute value would function as a law.

identity as free and autonomous agents by acting from this law. The distinction between these two kinds of arguments is maintained in the second *Critique*, even though Kant there abandons any “deduction” of the moral law that would establish its authority on grounds that are independent of morality. Sections 1–6 of the second *Critique*, in arguments that parallel the analytical arguments of the *Groundwork*, develop a statement of the Categorical Imperative from the definition of “practical law” and an analysis of the conditions that a practical law must satisfy. The authority of the Categorical Imperative is then established by the “fact of reason,” which at the same time establishes the freedom of the will.¹³

The distinction between a statement of the content of morality and the justification of its authority deserves some comment.¹⁴ To some extent, this distinction is an artifact of Kant’s method in the *Groundwork*. He thinks that we can say what morality demands of us but still ask whether it is reasonable for us to accept its requirements. Thus, he believes that further questions about the authority of the moral law remain after we have a more explicit picture of what it contains. But we can see that these questions are real by noting that Kant undertakes an analysis of ordinary moral thought, as well as by noting certain features of ordinary moral thought that his analysis brings to light. Kant’s aim is to show that morality, as implicit in ordinary thought and practice, presents us with demands of reason. In other words, he undertakes a critical examination of certain conceptions that (in his view) we already have and apply to ourselves in order to establish that it is fully reasonable for us to accept them. To grasp the full force of the demands implicit in ordinary moral thought we need to understand that they are unconditional and properly expressed as categorical imperatives. But once these features are on the table, it is clear that our common moral conceptions have substantial presuppositions about practical reason and freedom that raise philosophical questions about their viability. For example, our ordinary notion of duty presupposes a view of human mo-

13. For Guyer’s discussion of these passages, see pp. 134–38.

14. One might question whether one can maintain this distinction on the grounds that spelling out the conception of right conduct will show why it properly places demands on our conduct. Certainly, spelling out the content of a moral conception goes some way toward determining whether it has a legitimate claim to our allegiance. But Kant does work with a distinction between the content and the authority of a moral conception, and as I indicate, I believe that it makes sense. I am indebted to Charles Larmore for prompting me to elaborate. Certainly the distinction is less prominent in the *Critique of Practical Reason*, where the authority of the moral law is simply asserted as a fact of reason following an analysis of the concept of a practical law. But even in this work, the fact that moral consciousness justifies the self-ascription of freedom is cited as a “kind of credential” for the moral law (*KpV* 47–48).

tivational capacities that many philosophers have denied, namely, that reason alone can move the will, independently of empirically given desires and interests—a view that leads eventually to transcendental freedom. Likewise, given the burdens that morality can place on individuals in certain circumstances and the possibility of conflict between duty and happiness, it is natural for individuals to ask whether it really makes sense to accord morality the deliberative priority that it claims. These questions—both theoretical and practical—motivate the further issue about the authority of the morality that remains once we know what it asks of us.¹⁵

Before we ask how the different kinds of arguments that Kant develops bear on whether his moral conception is deontological or teleological, we need to ask what this distinction is supposed to mark. As Rawls, for example, understands it, the distinction between deontology and teleology concerns the content and structure of a moral conception as seen in how it defines and connects the notions of the right and the good. Teleological theories define right conduct as what maximizes or produces the most good, where judgments of what is good or of value are “a separate class of judgments intuitively distinguishable by common sense” that can be made without referring to any notions of what is right.¹⁶ Right conduct has only instrumental value in teleological theories because the reasons for action that such theories identify are a function of what produces the most good. Since deontological theories have a more complex structure, a simple, positive characterization is harder to come by. Rawls characterizes them only as theories that do not specify the good independently of the right, or do not define the right as what maximizes the good.¹⁷ But certainly one central feature of deontological theories is that they impose nearly infeasible constraints on permissible actions, the pursuit of desired or valuable ends, and conceptions of the good. According to a fairly standard view, the feature that Rawls has called the “priority of right” makes Kant’s moral theory deontological. The priority of right refers to the way in which the right and the good are defined and connected within Kant’s normative theory. It holds that moral considerations based in pure practical

15. I take the argument for the authority of the moral law in the *Groundwork* to be a justification addressed to someone who accepts Kant’s characterization of ordinary moral thought and is disposed to accept this moral conception but who entertains doubts (practical or theoretical) about whether it is reasonable to do so. For an instructive discussion about the “audience” of this argument, see sec. 1 of Thomas E. Hill, Jr., “Kant’s Argument for the Rationality of Moral Conduct,” in his *Dignity and Practical Reason* (Ithaca, N.Y.: Cornell University Press, 1992), pp. 97–122, pp. 98–102.

16. John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, Mass.: Harvard University Press, 1999), pp. 21–22.

17. *Ibid.*, p. 26.

reason have absolute deliberative priority over all other kinds of values and reasons, limiting their weight, and in cases of conflict, excluding them from consideration. In this way the reasons identified by a conception of right constrain permissible actions, ends, and conceptions of value.¹⁸

When the distinction between deontology and teleology is understood to concern the way in which the right and the good are defined and connected in the content of a moral conception, how a theory should be classified depends on the structure and content of the moral conception, not the justification of its authority.¹⁹ The arguments leading to Kant's statement of the basic principle (the "search" for the principle) may be germane, because this principle determines the content of the moral conception, including both the duties to which the basic principle leads and the deliberative priority of considerations of duty in practical reasoning. However, the arguments that Kant employs to justify the authority of the moral law have no apparent bearing on this issue. The previous analytical arguments have stated the basic principle of morality, and the aim of these (synthetic) arguments is to show that this principle, as stated, is indeed a requirement of reason. Since the arguments aimed at establishing the authority of the moral law simply assume the moral conception as previously stated, they do not

18. For Rawls's understanding of the priority of the right in Kant's moral theory, see John Rawls, *Lectures on the History of Moral Philosophy* (Cambridge, Mass.: Harvard University Press, 2000), pp. 156–57, 222–23, 227, and 230–32. I have drawn on Samuel Freeman's very useful treatment of the distinction between teleology and deontology, and of how the priority of right makes Kantian theories deontological; Samuel Freeman, "Utilitarianism, Deontology and the Priority of Right," *Philosophy & Public Affairs* 23 (1994): 313–49. See also his entry on "Deontology" in Lawrence C. Becker and Charlotte Becker, eds., *Encyclopedia of Ethics*, 2d ed. (New York: Routledge, 2001). In ascribing the priority of right to Kant, Rawls does not mean to imply that Kant's moral theory includes no conceptions of the good or that conceptions of the good "are somehow deduced from a previously specified concept of right." As he says, "What the priority of right insists upon is that conceptions of the good must answer to certain prior constraints springing from pure practical reason" (Rawls, *Lectures on the History of Moral Philosophy*, p. 231). The primary meaning of the priority of right (for Rawls) concerns the way in which notions of the right based in pure practical reason constrain acceptable reasons and permissible conceptions of the good in practical reasoning. Though the priority of right is often taken to imply that the moral law, or a conception of right, can be defined without bringing in any notions of value, I do not believe that this is how Rawls understands it or see why it should be understood in this way. For example, the priority of right does not preclude the theory from bringing value commitments rooted in pure practical reason—i.e., values to which we are necessarily committed simply as rational agents—into the specification of its conception of right.

19. See Freeman, "Utilitarianism, Deontology and the Priority of Right," esp. pp. 318–30.

add to or alter its content. Thus, they have no bearing on whether the theory is deontological or teleological so understood.

Guyer, however, appears to understand the distinction between deontology and teleology somewhat differently, so that the character of Kant's theory turns on both the content of his moral conception (the definition or specification of the moral law) and its justification as a requirement of reason (the derivation of the authority of the moral law). He writes: "On standard accounts, moral theories are divided between teleological theories, which derive principles of right and obligation from an 'antecedent' conception of what is fundamentally good or valuable, and deontological theories, which do not define the right on the basis of an antecedent definition of the good but either define, or at least constrain the good by an antecedent determination of what is right or obligatory" (p. 132). In other words, a teleological theory either derives the principles of right from or defines them in terms of an "antecedent" conception of value—one that can be formulated and understood independently of and without reference to any notions of law or right. By contrast, deontological theories (*a*) do not define the right in terms of values that can be formulated independently of any notions of right, and (*b*) do constrain the good by an antecedent conception of the right.²⁰ Rather than worry about the meaning of "de-

20. What is meant by an "antecedent conception of right"? If an "antecedent conception of value" is one that can be formulated independently of any notions of right, symmetry might require that an "antecedent notion of the right" be specifiable without reference to *any* value notions. If so, deontological theories would constrain the good through principles of right that can be specified without reference to any notions of value whatsoever. If we accept this definition, Kant's theory is not deontological. But another possibility is that an "antecedent conception of right" is one that can be specified without reference to value notions that are independent of pure practical reason, or as Rawls says, without reference to values that are "presented to our reason as objects" (*Lectures on the History of Moral Philosophy*, p. 226). This understanding of deontology permits values rooted in pure practical reason (values to which we are necessarily committed as rational agents) to enter into the specification of the principles of right. Since I do not see why deontology must be saddled with the burden of specifying its moral conception without bringing in any value notions, I prefer the second reading. Barbara Herman has also argued that Kant's moral theory should not be viewed as a "canonical deontology." She understands canonical deontology to be a theory that subordinates "*all* considerations of value to principles of right or duty" [my italics] in the sense that (*a*) the right can be defined and its content specified without introducing any conceptions of value; (*b*) there is no value-based explanation of why we should comply with the requirements of right; and (*c*) moral judgment, deliberation, and the resolution of moral conflict are not guided by any considerations of value but simply involve the application of rules that impose certain kinds of constraints, themselves in need of no further explanation (Barbara Herman, *The Practice of Moral Judgment* [Cambridge, Mass.: Harvard University Press, 1993], pp. 209–12). I take it that she understands the priority of right ("in the canonical sense") to refer to the subordination of all considerations of value to principles of right, so understood, and not simply to the constraints imposed by the right on acceptable conceptions of the good (p.

ontology,” the question on which I shall focus is whether Kant defines the moral law in terms of, or in any way derives the moral law from, a conception of the value of rational agency that can be understood and formulated independently of any notions of law or right.

A second background remark: it is important to distinguish (at least) two different foundational roles played by the value of free rational agency. They may be viewed as two different levels at which the value provides reasons for action, and they lead to two very different senses in which the moral law might be grounded in a conception of value. First, the value of rational nature, or humanity, as an end in itself, is what we might call a *ground-level regulative moral value*. The humanity of agents who are affected by my actions, or who are the objects of attitudes expressed by my actions—including here myself as well as others—is a source of reasons that are to govern and shape our actions, ends, values and concerns, attitudes toward persons, and so on. The value of humanity in each person is the basis of a general duty to respect our rational capacities. When specified it leads to many duties whose content is aptly described as preserving and enhancing the capacity for and exercise of rational agency—for example, proscribing certain ways of treating people (coercion, deception, suicide, etc.) and prescribing certain general ends (others’ happiness, my perfection). But importantly, it also demands certain attitudes toward persons, as seen in the duties of virtue of respect.²¹ Humanity is a regulative value in that the reasons that it generates have deliberative priority over and limit the weight of other kinds of reasons; in other words, this value and the reasons to

210). Because a “grounding concept of value” does play these and other roles in Kant’s theory (i.e., a role in specifying the content of right, providing reasons for complying with the constraints of right, explaining why certain ways of acting are right or wrong, guiding moral judgment and deliberation, etc.), she argues that it is not a deontology (and presumably does not display the priority of right) in this canonical sense. Herman does not argue that Kant’s theory is teleological in any sense nor does she think that the moral law needs a foundation in a conception of value that is independent of the principles of pure practical reason. Rather, she proposes (not without obscurity) that practical rationality is a conception of value (see, e.g., Herman, p. 213). What Herman calls “canonical deontology” fits the views of Pritchard and Ross. But as I indicate above, I do not see why deontology is precluded from relying on values rooted in pure practical reason in specifying its moral conception. Moreover, for Rawls the priority of right refers (i) to the fact that the right can be specified without reference to value notions that are independent of pure practical reason and (ii) to the deliberative priority of considerations of right in practical reasoning (and not to the claim that the right can be specified without reference to any value notions). Herman’s view that practical rationality itself functions as a conception of value seems perfectly consistent with Rawls’s understanding of the priority of right in Kant and with his consequent understanding of Kant’s theory as deontological—that “permissible conceptions of good must answer to prior constraints springing from pure practical reason” (Rawls, *Lectures on the History of Moral Philosophy*, p. 231).

21. See *MdS* 462–69.

which it gives rise display the priority of right. Second, it is fair to ascribe to Kant the view that free rational agency, which includes our capacities for autonomy and self-determination, functions as a *higher-order value for each individual*, in the sense that as individuals we identify with these capacities and have an interest in their realization. That is a way of saying that we are committed to valuing these capacities in ourselves, so that their exercise and full realization is a higher-order good for the individual (my realization of my capacities is a good for me, yours a good for you, etc.).

What is the connection between these two ways in which free rational agency is a value? An agent's interest in realizing his or her identity as free and autonomous (free agency as a higher-order value for the individual) is a reason to acknowledge the reasons generated by the value of rational agency as an end (free agency as a ground-level regulative moral value)—should the question arise. Kant held that we realize our identity as free rational agents by acting from universally valid maxims (since we then act from principles self-legislated by our reason and are thus fully self-determined). He also thought that universally valid maxims respect humanity as an end (since one respects humanity as an end by acting from principles sufficient to justify one's conduct to anyone). The fact that I realize my identity as a free and rational agent by acting from the Categorical Imperative can be given as a reason to acknowledge and to give deliberative priority to the ground-level moral reasons which it generates, in contexts in which a reason is demanded. This qualification is important because the question why we should acknowledge these ground-level moral reasons need not arise. Kant's doctrine of the fact of reason in effect holds that the authority of morality is self-standing. Likewise, the value of humanity as an end is a moral value that we normally accept on its face. But since we are reflective creatures, we can ask why we ought to recognize such reasons, and given the demands that they can place on us, it is natural to do so. In such a context, the fact that we realize our identity as agents by acting from these principles shows that it is reasonable to acknowledge the deliberative priority of the reasons which they identify.²²

These distinct foundational roles of the value of free rational agency indicate very different ways in which the moral law is grounded on a

22. I do not mean to suggest that the realization of one's autonomy is a further aim beyond that of conformity to universal law or respect for humanity. Conforming to universal law or acting out of respect for humanity as an end constitutes the realization of one's autonomy. "Realizing one's autonomy" is best understood as a redescription of what one does when one acts from the moral law (and not a further aim thereby achieved) that is the basis of the story as to why it makes sense to give deliberative priority to moral reasons. But for this story to work, it must answer to a distinct interest that we have in realizing our autonomy that is intimately bound up with our identity as agents.

conception of value. Free rational agency as a ground-level regulative moral value plays a role in generating the content of Kant's moral conception. Free agency as a higher-order value for the individual figures in the arguments aimed at establishing the authority of the moral law (as in *G III*), or as Guyer notes in chapter 5, at explaining an agent's interest in conforming to the moral law.²³ The latter arguments correspond to the synthetic phase of Kant's derivation of the moral law mentioned above. In this role the value does not shape the content of the moral law, since it is the reason to acknowledge that content, as already specified. Both are legitimate roles, but it is important to distinguish them.

Let me now turn to Guyer's claim that Kant derives the moral law or grounds it on an "antecedent conception" of the value of free rational agency that can be understood independently of any notions of right. I believe that he points to distinct ways in which the moral law might be grounded in a conception of value, and I will examine several interpretive points in which he claims that there are "teleological derivations" of the moral law. My general line of argument can be summarized as follows. First, there are arguments in which Kant specifies the content of his moral conception (the principles of duty) through the ground-level regulative value of free rational agency, and this value makes the reasons for conformity to universal law more transparent. Indeed, these arguments may offer the most perspicuous presentation of the overall structure of Kant's moral conception. But the value of free rational agency is not "antecedent to the law" in the sense that it can be understood independently of all notions of right. Since this value is, roughly, the fundamental equal worth of each person in virtue of possessing the capacities for rational agency, it cannot be specified without bringing in some notions of right. Moreover, the reasons to which it gives rise display the priority of right; in effect, this value is a law. Second, we shall see that Kant assigns a foundational role to a notion of freedom that arguably can be specified independently of any conceptions of right. But it plays this role in very different kinds of arguments aimed at establishing the authority of the moral law or explaining our interest in acting from it, without shaping the content of Kant's moral conception. Furthermore, the value that plays this role is not the ground-level moral value but (what I have called) free agency as a higher-order value for the individual.

23. The connections between these ways in which free agency is a value needs more sorting out than I can provide here. They may have the same source, being built ineliminably into the perspective of rational agency (e.g., as constitutive of the standpoint of rational agency) and need not be separate values. But they do appear to play separate roles in the theory.

In brief, where the absolute value of rational agency figures in the content of the moral law, it is not a value that can be understood independently of all notions of right. Where we find a notion of free agency that arguably is independent of any notions of right, it plays a very different foundational role: free agency as a higher-order value for the individual figures in arguments for the authority of the law whose content is already given. On balance, there is no reason to think that the various foundational roles played by the intrinsic value of free rational agency move Kant's theory in what is normally understood as a teleological direction.

Do we find "teleological derivations" of the moral law from an antecedent conception of value? I can distinguish (at least) four different ways in which Guyer thinks that the moral law is given a teleological grounding.

a) Guyer claims that the argument of *Groundwork* I is "clearly teleological" (p. 147) because the statement of the Categorical Imperative follows from the prior assertion of the absolute value of the good will: "This first section thus clearly derives the moral law from an antecedent conception of the intrinsic value of the good will, contrary to the argument [of the second *Critique*] that any conception of value must be derived from an antecedent recognition of the law" (p. 139). This claim is implausible for several reasons. First, since a good will is a will committed to acting from respect for the moral law, the idea of the good will cannot be specified without referring to the moral law. If the very idea of a good will involves a commitment to act from respect for the moral law, it is hard to see how its value could be antecedent to the law. Moreover, ascribing absolute value to the good will is no different from acknowledging the authority of the moral law and the deliberative priority of considerations of duty. Kant asserts that the good will is (among other things) the condition of the goodness of any other thing, so that nothing is fully good unless used or acquired in conformity with moral principles. Thus, to assert the absolute value of the good will is just to recognize the special weight of moral reasons—that is, to recognize the moral law as a law. The problem with Guyer's reading of this argument is that at the opening of the *Groundwork*, Kant is not constructing morality from the ground up, beginning from an independent claim about value but, rather, is already deeply embedded in ordinary moral thought. Kant starts, as it were, in the middle of things, assuming the overall shape of moral thought so as to separate out its basic presuppositions.

b) Guyer regards the argument for the FH as teleological for similar reasons: the value of humanity as an end in itself is the antecedent ground of the moral law, not an end to which we are led by our prior acceptance of the moral law (p. 145). He claims that in both *Groundwork*

I and II, “it is ultimately agreed that an unconditional law can only be derived from something with absolute value” (p. 147).

The rough structure of such a derivation might look like this:

1. Because rational agents are necessarily committed to valuing their humanity, it is an end in itself. (Value)
2. Therefore, we are required to treat humanity as an end, and never merely as a means. (Law)
3. We respect humanity as an end by refraining from actions that undermine rational agency and by supporting the exercise of rational agency in oneself and others. (Subsidiary universal principles of respect for rational agency)

Although Kant clearly says that the value of humanity as an end in itself is the ground of a categorical imperative (*G* 428–29), this value is structured by some notions of the right. Free rational agency is not, as it were, an intrinsic value to be promoted wherever it is found. Rather, the value is the incomparable value of the rational agency of each person, which can also be characterized as the fundamental equal and incomparable worth of each person in virtue of possessing the capacities for rational agency. This value (in each person) is assigned deliberative priority in practical reasoning. In this way, intuitive considerations of the right (the *incomparable* and *equal* value of each person) are built into the value.²⁴ Thus, it would be implausible to claim that this argument grounds the law in an antecedent value. Furthermore, it is significant that the value of humanity as an end in itself is based in necessary commitments of rational agents. Thus, Kant’s argument for the value (step 1 above), as sketchy as it is, appears to rely on the recognition of something like a law.²⁵

24. In his discussion of passages from the *Naturrecht Feyerabend*, Guyer comes close to suggesting that a maximizing principle follows from the intrinsic value of freedom as part of the content of Kant’s moral conception: the consistency among the ends of a plurality of agents achieved through “the requirement of universalizability is argued to be necessary in order to maximize the exercise of this freedom and thus maximally realize its potential intrinsic value”; “no free being should act against the freedom of any other, for that only diminishes the total amount of freedom” (pp. 156, 157). Such a reading would make the theory a form of teleology, or consequentialism, in the standard contemporary sense. These remarks strike me as misleading, and not supported by the passage, which says only that since man is an end, “the human will is therefore restricted to the condition of universal agreement with the will of others.—If there is to be a system of ends, then the end and will of a rational being must agree with that of every other” (*GS* 27:1319, quoted by Guyer, p. 157). It seems more plausible to read the passage as saying that, given the equal value of each agent, freedom should be exercised in accordance with universally valid principles that render the freedom of each consistent with the equal freedom of all. Elsewhere, Guyer tends to read Kant along these lines, too.

25. The argument for the absolute value of humanity at *G* 428–29 may tacitly presuppose the prior recognition of the moral law. On one rendition of the “subjective principle,” that an agent represents herself as an end, one does so by taking one’s ends,

These points bear on the issue of whether actions that conform to universal law have only instrumental value. There is not enough distance between 1 and 3 above to permit the claim that conformity to universal law has only instrumental value because of its contribution to the exercise of free agency. To assert that humanity is an end in itself is just to recognize the law expressed in 2 and to accept the commitment to act from the subsidiary principles specified by 3. Likewise, it is by taking the considerations identified by the principles at issue in 3 (e.g., the fact that a certain action would undermine the agency of another) as overriding reasons for action that one, in practice, acknowledges the value expressed in 1. One wants to say here that acknowledging the value of rational agency and accepting certain kinds of considerations as overriding reasons, that is, as the basis of laws, are just different aspects of the same phenomenon. Actions performed out of respect for universal law, although their end may be the preservation of rational agency in some instance, are not a means to the realization of freedom; rather, they are direct expressions of respect for humanity as an end.²⁶ None of this is to deny that respect for rational agency is in some sense the end of moral conduct, that many morally good actions aim at preserving and enhancing rational agency, or that the attitude toward rational agency expressed by an action figures as a right- or wrong-making characteristic with explanatory value.

c) In point *b* above, the issue is whether the content of the moral law is derived from an antecedent conception of value. But Guyer is more concerned to show that a “teleological derivation” of the moral

needs, or agency to have value for others—i.e., to make moral claims on others. That is to say that one takes oneself qua rational agent to be a law for others, in which case one is committed to viewing other agents as laws for oneself. If some such reconstruction is needed to arrive at the desired objective principle, then this argument—like the opening of *Groundwork I*—is spelling out the presuppositions of certain ordinary moral commitments that are simply being assumed. If this is the best reading of the argument, it would not derive either the content of the law or its authority from a value that is prior to or independent of recognition of the law.

26. Given the distinction between free rational agency as a ground-level moral value and as a higher-order value for the individual, it is worth noting two different ways in which one might claim that conformity to universal law contributes to the realization of freedom. When I act from various duties, my end might be the preservation or enhancement of the free agency of the agent on the receiving end of my action—including myself if the duty is to oneself (say, to develop my natural talents). But in addition, by acting from the moral law I realize my own capacity for free and autonomous agency. It is not always clear to me in which of these ways Guyer wishes to claim that conformity to universal law is a means to the realization of freedom, but I assume that he has the former in mind. Clearly, it is even harder to claim that conformity to universal law is the means to the realization of the agent’s freedom in the second way, because free and autonomous agency just is the capacity to act from universal laws that are self-given through reason.

law supplies not the content of the moral law but the reasons for complying with it—that is, that an antecedent conception of value plays a role in establishing the authority of the moral law (pp. 138–47, 151–55, 162–63, 190–200). He argues that the “deontological method” that relies on an analysis of the concept of a practical law does yield a statement of the Categorical Imperative (the FUL), and with it some duties, but fails to explain why we have reason to conform to universal law. This lacuna is filled by connecting the moral law to the intrinsic value of freedom, which is a (ground-level) moral value that we clearly care about. How is this value connected with the moral law so as to provide a reason to adhere, or as Guyer says, “to compel any rational being to adopt the principle of morality” (p. 145)? There are two possible readings of the argument to consider. One is that the formalistic arguments that introduce the FUL yield a conception of the moral law that leads to substantive prescriptions and duties. The second is that these arguments lead only to the bare principle of conformity to universal law, which is insufficient by itself to indicate what universal laws there are. Someone who takes the second route might claim that the value of freedom is needed to add content, as well as a reason to conform to the moral law. Kant took such a route in the 1762 Prize Essay in which he held that a material principle is needed to determine the content of obligation. But Guyer puts the mature Kant on the first route, according to which the value of freedom supplies a reason to adhere to a law whose content is already in hand (or at least within reach). He appears to argue that the FUL gives us a set of prescriptions whose point is opaque and which lacks an authoritative motive. But free agency has clear and intelligible value. Thus, once we see that universalizable maxims aim at preserving and enhancing the exercise of freedom (e.g., by preserving the possibility of consent on the part of agents affected by an action [p. 192]), we see why we have reason to care about conformity to universal law.

This argument would not move Kant’s theory in a teleological direction if a teleological conception is one whose content is the promotion of an antecedent conception of value (i.e., if the distinction between deontology and teleology concerns the structure and content of a moral conception). But Guyer’s claim is that the value of free agency plays a role in establishing the authority of the moral law. He argues persuasively that the introduction of humanity as an end in itself advances this task by providing an end and a motive for moral conduct. Does this mean that the law is derived from (i.e., its authority established by appeal to) an antecedent conception of value? It would not, for the reasons given above. The value which provides the reason

to care about conformity to universal law is the basic equal worth of each person, and it is not independent of all notions of the right.²⁷

d) Guyer identifies an argumentative strand found in both the *Groundwork* and the second *Critique* that grounds the moral law in the dignity of autonomy (pp. 153–55).²⁸ By acting from the moral law we “elevate” ourselves above the mechanism of nature and achieve our higher vocation as free rational agents, a vocation that we hold in “reverence.” The incomparable intrinsic values (dignity) of autonomous self-determination and independence from natural mechanism that are realized by acting from universal law explain the rationality of accepting the authority of the Categorical Imperative. Guyer finds that such arguments push the second *Critique* in a teleological direction, commenting that “in spite of its avowedly deontological rather than teleological character, the argument of the *Critique of Practical Reason* culminates in the same assertion of the absolute value of the freedom of rational agency” (p. 154).

Arguably, Kant does appeal to a value of self-determination or independence in these passages that can be specified initially without referring to the moral law or any notions of right. These passages appear to argue that acting from the moral law and acknowledging the priority of moral considerations is a value or good for the agent. If so, one needs a way to understand that value that does not simply assume that acting

27. I am inclined to think that the FH restates the content of morality in a way that brings out reasons we have for caring about and complying with universally valid principles. It does so by identifying the ground-level moral value which is at stake in and in some way provides the point of moral conduct, and whose clear intuitive importance makes it plausible as a regulative value that is to be given deliberative priority. If the FH restates the content of the moral law and if humanity is plausible as a regulative value, then we have taken a step toward showing that it is reasonable to acknowledge the deliberative priority of considerations of duty (the necessity of conforming to universal law) that is expressed by the FUL. But observe that the question raised about the FUL at *G* 426—“is it a necessary law for all rational beings always to appraise their actions in accordance with such maxims as they themselves could will to serve as universal laws?”—could in principle be raised about the FH. Is it really necessary always to respect humanity as an end, and to make it the limiting condition of all of one’s choices, given the demands which such a principle imposes? One can read *Groundwork* III as trying to establish a positive answer to both questions, through appeal to the higher-order value of free agency—specifically, to the necessary interest that any agent has in realizing his or her free agency.

28. The *Groundwork* passages are found at *G* 434–36 and 438–40. See, e.g., *G* 434, where Kant refers to “the dignity of a rational being, who obeys no law other than that which he at the same time gives,” and *G* 439, which cites the “sublimity” of maxims that display independence from all incentives of advantage. Guyer also quotes a lengthy passage from *KpV* 86, where Kant traces the origin of duty (“the root of [its] noble descent”) to “personality, that is, freedom and independence from the mechanism of the whole of nature.” Personality “elevates a human being above himself (as a part of the sensible world)” and is said to be our “highest vocation.”

from the moral law is good in itself. A description of moral conduct that connects it to values with normative force outside of a narrowly moral context would connect acting from the moral law with an agent's good. The values of independence and free self-determination, or the value of realizing one's nature as a free and self-determining agent, are such values. The idea might be that one's identity, and the conception under which one values oneself, is that of a free and self-determining agent, and the realization of that identity is in fact one's good. The authority of the moral law lies in the fact that in acting from the moral law, one realizes these values of self-determination and independence and achieves the good that is bound up with one's identity.

Since this kind of argument concerns the authority of the moral law, whose content is in hand, it would not push the theory in a teleological direction if that is a question of its structure and content, for the reasons given in *c* above. That point aside, it is important to note that the foundational role of free agency in these arguments is very different from what is seen in *b* and *c* above. The argument just sketched does not appeal to the ground-level moral value of free agency (as in *c* above) but to (what I have called) freedom as a higher-order value for the individual.²⁹ This kind of argument does need a way to understand the value of acting from the moral law without assuming prior acceptance of the law, and it is an important component of Kant's foundational project. Nonetheless, it is difficult to keep the notions of law and value apart in the end. Kant argues that free agency requires governance by some law, and it turns out that the moral law is the unique positive specification of freedom. The notion of free self-determination is empty without some guiding principle. The connection between law and freedom is best explained by saying that the moral law is constitutive of free self-determination: it is the principle that one must follow for one's actions to count as autonomous and self-determined. It is when one acts from the moral law—from principles that are self-legislated through reason—that one determines oneself to action (as opposed to permitting oneself to be guided by external sources of reasons). Accordingly, it would be implausible to say that conformity to universal law is valuable only instrumentally as a means to realizing the value of free self-determination. Action that is fully independent and self-determined just is action guided by universal law.

Let me note one further complication. Kant wants to establish that the moral law is normatively necessary and not just that it is the avenue

29. Guyer does not appear to distinguish these two (in my view) very different ways in which freedom functions as a value, judging from the fact that this discussion (pp. 152–55) closes a section that considers what it is to treat rational nature as an end in itself, i.e., how free agency functions as a ground-level moral value.

to an attractive ideal of self-realization. To do so, he must establish a necessary connection between acting on the moral law and our identity as free rational agents—a connection forged by showing that the moral law is the constitutive principle of free self-determination (the law of our identity). In addition, he must show that this identity is necessary and inescapable. Here I am inclined to think that Kant must appeal to necessary commitments that are in some way built into the nature of agency. But if the normative authority of the moral law is based ultimately on the necessary commitments of rational agency, we seem to be moving back toward assigning a fundamental role to some notion of law. The conclusion to draw here is not that notions of value are never fundamental, or that notions of law are prior to all notions of value; rather, notions of law and value are intimately and intricately connected throughout Kant's moral thought. Guyer might well accept this way of putting things.

III. THE POSSIBILITY OF THE CATEGORICAL IMPERATIVE

“The Possibility of the Categorical Imperative” (chap. 5) offers a unified answer to a set of interpretive issues in the *Groundwork*, including questions about the individuation of the main formulations of the Categorical Imperative, the relations between them, and the “possibility question” with which it is concerned. Focusing on the latter, Guyer proposes a view about the overall structure of the argument of *Groundwork* II. Again, some background will provide perspective on Guyer's proposal.

Groundwork II and III address the question, How are moral imperatives possible? The ostensible concern is to show how “the necessitation of the will” expressed by moral imperatives is possible, given their purportedly categorical nature (*G* 417; II, par. 24). Categorical imperatives are unconditionally binding, providing authoritative and overriding reasons that do not presuppose any empirically given interests or ends. The possibility question is how there can be requirements or reasons for action whose normative force presupposes no specific prior and merely discretionary state or act of volition on the part of an agent. The difficulty is that a categorical imperative is “a synthetic a priori practical proposition” that “connects the deed with the will, without a presupposed condition from any inclination, a priori and hence necessarily” (*G* 420n.; II, par. 27n.). For our purposes, synthetic a priori practical principles may be understood as substantive requirements of reason concerning principles or ends to be chosen for their own sake, or substantive value claims that any rational agent must accept or is committed to willing. They hold for all rational agents (or for a class of rational agents) without presupposing any prior acts of volition or interests that a rational agent (or members of that class) could lack; in that way they are not “empirical.” Nor are they analytic of rational choice, as is the

Hypothetical Imperative or other purely formal requirements of consistency familiar from contemporary conceptions of rational choice that impose no substantive limits on ends, values, preferences, and so on; they are “synthetic” or substantive.³⁰ The difficulties to which Kant points are real, since it is a contested question whether reason yields substantive requirements on choice of this nature, and if so, how.

On one standard reading of the argument, *Groundwork* II and III address a single possibility question that is resolved by establishing one synthetic a priori practical principle—namely, the authority of the moral law in its imperatival form addressed to human (finite) rational agents such as ourselves. The Second Section is analytical, as are the opening paragraphs of the Third Section, and all the statements of the Categorical Imperative are provisional, stating only what morality requires if there is such a thing. No synthetic principles are established until the Third Section. But there are a number of puzzling features of the argument. Kant is not completely consistent in his statement of the synthetic a priori whose possibility is in question, and the line between the analytical and synthetic parts of the argument is not easy to draw. Further, the argument for the FH does not fit neatly into this scheme in all respects. The claim that there is a supreme practical law if and only if there is an end of absolute and objective value may be arrived at analytically (*G* 428; II, par. 47; 428–29, II, pars. 48–49), but not the claim that rational nature is that end. The latter is synthetic. Moreover, it is difficult to see why it is only provisionally asserted in the Second Section. Kant says in a note that this claim is advanced only as a postulate whose grounds are given in the Third Section (*G* 429n.; II, par. 49n.). But he never returns to this question, and it is unclear how the arguments of the Third Section provide the needed grounds.³¹

30. The footnote continues by saying that a synthetic a priori practical proposition “does not derive the volition of an action analytically from another volition already presupposed . . . but connects it immediately with the concept of the will of a rational being as something not already contained in it” (*G* 420n.; II, 28n.). So they are not desire- or interest-based, nor are they analytically derivable from the concept of a rational agent. For useful discussions, see Hill, *Dignity and Practical Reason*, pp. 127–31; and Rawls, *Lectures on the History of Moral Philosophy*, pp. 247–50. The Categorical Imperative employs a formal criterion of universalizability, but on standard interpretations it is not purely formal since, among other things, it requires the adoption of certain ends.

31. The placement of Kant’s note indicates that the claim advanced as a postulate is that all other rational beings represent themselves as ends in themselves on a ground that holds also for me, i.e., is a reason for me to regard each of them as ends in themselves. This claim is needed to move from “the subjective principle of human action” to the objective principle that rational nature is an end in itself. Presumably our freedom, or membership in an intelligible world, warrants the assertion of this postulate, but it is unclear how it does so. For discussion of this point, see Allen Wood, *Kant’s Ethical Thought* (New York: Cambridge University Press, 1999), pp. 131–32.

Guyer proposes a more complex reading of the structure of the argument. He argues that Kant takes on two distinct possibility questions, one in *Groundwork* II and the other in *Groundwork* III, which lead to distinct synthetic a priori practical principles. The first question is how it is possible for any rational being to act from the Categorical Imperative. The second question—deferred until the *Groundwork* III—is how it is possible for us human beings to act from the Categorical Imperative (pp. 176–79). In each case, the possibility of acting from the Categorical Imperative is established by showing that there are rationally compelling grounds for its adoption. Guyer thus argues that, contrary to Kant’s stated intentions, *Groundwork* II is a mix of analytic and synthetic elements. Analysis of the concept of a practical law yields a statement of the FUL. Further analysis of the concept of a rational agent yields a set of conditions that this or any practical principle must satisfy to be rationally adopted. For example, the principle must state a consistent rule of action, there must be an end that is realized by adoption of the principle (since rational action must always have some end in view), and there must be a motive that can lead to its adoption. The series of four formulations of the moral law—universal law, humanity, autonomy, and the kingdom of ends—taken together state the conditions under which any rational being has a ground to adopt the moral law (pp. 179–85). The last three involve synthetic a priori elements and establish the synthetic a priori claim that any rational agent has a compelling reason to adopt the FUL (pp. 183–84, 194).³² This claim about the authority of the moral law for any rational being must precede any claims about its authority for us human (finite rational) beings.

I’ll comment briefly on the synthetic elements that Guyer finds in the formulas of humanity and autonomy, both of which bring out the foundational roles of the values associated with free rational agency. That rational nature is an end in itself is certainly a substantive value claim with the marks of a synthetic a priori practical principle. According to Guyer, Kant asserts in *Groundwork* II that this value claim holds for any rational being (cf. *G* 428; II, par. 48). Since the preservation and enhancement of rational nature is the end realized by acting on the FUL, it makes adoption of the FUL intelligible for any rational being. Guyer also claims that the absolute value of rational nature is introduced as a fundamental value claim which we can see to be valid but for which

32. Guyer pursues an interesting analogy with the distinction in Kant’s theoretical philosophy between the “logical” and “real possibility” of a concept. The condition seen in the FUL, that a principle state a consistent rule of action, corresponds to the condition of logical consistency and requires no synthetic elements. The conditions stated by the formulas of humanity, autonomy, and the kingdom of ends, by contrast, concern the “real possibility” of the Categorical Imperative; all involve synthetic a priori elements.

“there can be no direct and positive argument” (pp. 195–96).³³ The need for some indemonstrable claim of substantive value seen here is a methodological element that Kant retains from his precritical moral philosophy. Questions about what could motivate the adoption of the FUL arise naturally since it requires that one set aside all empirically given interests. The Formula of Autonomy (FA) establishes that any rational agent has a compelling interest in adopting the FUL by introducing the idea of the moral agent as legislator of universal law. In acting from the FUL, rational agents realize their identity as universal legislators and achieve the value of self-mastery and independence from nature. The compelling interest in realizing this identity is the needed motive. Presumably the values of realizing the identity of universal legislator and achieving self-mastery are synthetic a priori—that is, substantive values with a basis in reason that hold for any rational agent. Presumably, like the absolute value of rational nature, they are also indemonstrable.

Kant’s repeated insistence that no synthetic a priori principles are established in *Groundwork* II obviously counts against Guyer’s reading. But because he intends his reading as a revisionary account of the structure of the argument, it is best assessed by whether it makes sense of what Kant actually does rather than what Kant says he does. Instead of offering a final assessment, I will simply indicate first some advantages, then some disadvantages of Guyer’s proposal.³⁴

First, Kant’s understanding of the synthetic a priori that is the quarry of the *Groundwork* seems to shift. In much of the Second Section the guiding question is whether the FUL is a “necessary law for all

33. Guyer writes: “The Kant of the *Groundwork* . . . supposes that we can see that reason and only reason can be an end in itself, but still suggests no way of deducing that from any more evident premise. So we still seem to be left with the conclusion that there is no direct way to argue for FHE [the Formula of Humanity as an End in itself], although its assertion as a fundamental synthetic a priori proposition may be confirmed by the way it illuminates the examples of the four classes of duty that have already been derived from the FUL” (p. 196).

34. Guyer finds direct evidence for the claim that Kant is concerned with distinct possibility questions in this remark at *G* 417; II, par. 24: “The question now arises: how are all these imperatives possible? This question does not demand to know how the execution of the action that the imperative commands can be conceived, but only how the necessitation of the will can be conceived which the imperative expresses” (Guyer’s translation, p. 176). Guyer assumes that the question about execution that is not at issue is the possibility of us human beings acting from the Categorical Imperative—i.e., that it is his second possibility question. He concludes that it is being deferred until *Groundwork* III and that the possibility of the “necessitation of the will” is a distinct possibility question resolved within *Groundwork* II (pp. 176–77). But a more natural reading, it strikes me, is that Kant is setting aside the execution question altogether; it is mentioned, then set aside, only in order to clarify the possibility question with which he is concerned in both *Groundwork* II and III.

rational beings" (*G* 426; II, par. 45),³⁵ and at one point he explicitly says that it is a law for all human wills only because it holds for every rational being (*G* 425; II, par. 42). But in the Third Section he seems more concerned with the authority of the moral law for us and with showing that we human beings have the rationality and freedom that it presupposes.³⁶ Perhaps these textual features indicate distinct possibility questions. Second, that rational nature is an end in itself is a substantive value claim. Many commentators have offered reconstructions of an argument taken to establish this claim, and they have found the necessary supporting material in *Groundwork* II.³⁷ Thus, de facto, *Groundwork* II is often read as establishing at least one synthetic a priori value claim.

Against the proposal that *Groundwork* II addresses a distinct possibility question, human beings are clearly the species of rational being with which it is concerned, and the argument that rational nature is an end in itself clearly includes human beings in its scope. (Kant asserts that "the human being" represents his existence as an end in itself and is an end in itself.) Likewise, after introducing the FA, Kant refers to "every human will as a will giving universal law," claims that the human being is bound only to his own universal legislation, and asserts that autonomy is the "ground of the dignity of human nature and of every rational nature" (*G* 432; II, pars. 59, 60; 436; II, par. 71). Such remarks make it hard to demarcate a synthetic argument that establishes the authority of the moral law for all rational beings from a separate synthetic argument that establishes it for human beings. Second, although the sequence of formulations of the Categorical Imperative is intended to advance the overall argument, there is some clutter in Guyer's proposal that it does so by providing both an end and a motive for the

35. See also *G* 444; II, par. 89: "The fitness of the maxims of every good will to make themselves into universal laws is the sole law that the will of every rational being imposes upon itself." But note also the next sentence, in which Kant reaffirms that the a priori possibility of "such a synthetic practical proposition" (presumably referring back to this principle) cannot be established in the Second Section. Clearly, Kant does not think that he has yet established any synthetic a priori conclusions.

36. See, e.g., *G* 449–50; III, pars. 6–9; *G* 452–55; II, pars. 12–19.

37. Compare, inter alia, Hill, *Dignity and Practical Reason* pp. 143–45; Christine M. Korsgaard, *Creating the Kingdom of Ends* (New York: Cambridge University Press, 1996), pp. 114–24; and Rawls, *Lectures on the History of Moral Philosophy*, pp. 195–99. As noted above, Wood addresses the provisional nature of the argument in *Kant's Ethical Thought*, pp. 131–32. Korsgaard's reading of the argument as a regress to the conditions of a supposition taken as given suggests a way in which it is analytical. Ordinarily, we suppose that the ends of our rational choices are good and provide reasons for other agents. The absolute value of rational nature is the condition needed to support this supposition. (The supposition might be an ineliminable feature of rational choice but whose applicability to us requires that we are transcendently free.)

Categorical Imperative. One might have thought that recognition of an objectively valuable end would suffice to motivate moral conduct in rational beings.³⁸

Finally, the FA and the key idea of the moral agent as universal legislator do appear to be arrived at analytically in *Groundwork* II. Kant argues that these ideas follow from the previous formulations of the Categorical Imperative, but close attention to the text indicates that it follows from the nature of a practical law that a rational agent who is subject to a practical law must be regarded as legislating.³⁹ Kant states at least twice that “analysis of the concepts of morality” shows that the basic principle of morality is a principle of autonomy (*G* 440; II, par. 80; 444–45; II, par. 90). To move from the idea that an agent subject to morality is a universal legislator to the authority of the moral law for any rational agent, Kant needs synthetic elements that do not appear to be available within the analytical framework of the Second Section—for example, that rational agents identify with their legislative capacities.

Let me end with a comment about the indemonstrability of the fundamental value of freedom. Guyer is certainly right to think that Kant accepted fundamental substantive value claims that he did not regard as demonstrable. But claims about the intrinsic value of free agency and autonomy must bear a lot of weight given the foundational role that Guyer properly assigns them. Kant must do more than merely assert value claims that we can see to be valid or find highly plausible. Presumably they are synthetic a priori value claims that present themselves to us with some kind of necessity. Demonstration or (Kantian) deduction is not to be expected, but a story about their necessity is still

38. One might use the distinction between free agency as a ground-level moral value and free agency as a higher-order value for the individual to argue that FH and FA state distinct conditions of the rationality of adopting the FUL. This distinction, however, would not point to a separate end and motive but, rather, indicates how values of free agency provide reasons for action at different levels.

39. After saying that FA follows from FUL and FH (*G* 431; II, par. 55), Kant gives an argument for FA in the ensuing paragraphs that relies only on the fact that willing from duty requires “the renunciation of all interest” (431–32; II, pars. 57–59). In other words, the premise of the argument for FA is the formal feature of both FUL and FH that a categorical imperative is unconditional (requires “the renunciation of all interest”); this is part of the concept of a practical law. The argument, very roughly, is that since a categorical imperative is unconditional, the reasons for complying cannot be based on any empirically given interests; rather, they come from the fact that one is its legislator. I discuss the details in Andrews Reath, “Legislating the Moral Law,” *Noûs* 28 (1994): 442–48. I certainly agree with Guyer that a rational agent has an interest in acting from the Categorical Imperative based in the fact that one thereby realizes one’s identity as autonomous legislator. That one has such a legislative capacity is, of course, synthetic. In addition, the argument for the authority of the law for an agent would appear to require that such agents identify with their legislative capacities. I am inclined to think that any such identification must be a synthetic a priori element that is rooted in the perspective of agency.

in order—for example, one that bases them in the necessary commitments of rational agency or in some way builds them into a perspective of rational deliberation and choice that we find inescapable. Kant does engage in assertion in key places: “Now I say that the human being and in general every rational being exists as an end” (*G* 428; II, par. 48); “Now I assert that to every rational being having a will we must necessarily lend the idea of freedom also, under which alone he acts” (*G* 448; III, par. 4). But many philosophers have tried to place these assertions in the context of a story about what it is to be a rational agent that resonates with deep and inescapable features of our experience of ourselves as agents. This story is difficult to tell, but Kant would seem to need no less.