

In this paper I offer an interpretation of the nature and role of the “Fact of Reason” (FOR) in Kant’s *Critique of Practical Reason (KPV)*. I argue that there are two related, but ultimately distinct, senses of the FOR in *KPV*. The first sense refers to our taking the Moral Law as supremely authoritative, whereas the second sense refers to our consciousness of the content of Moral Law. My interpretation diverges from those preferred by Rawls and Allison and, if it is correct, suggests that the view which emerges from Kant’s treatment of the FOR is not significantly at odds with the view found in the earlier *Groundwork*. I argue that Rawls’ and Allison’s views are too strong in placing more weight on the FOR than it can bear, and consequently some of their more ambitious claims about what the FOR allows us to assert must be softened or abandoned. In so doing I also argue for a specific account of what Kant means by phrases such as “from a practical point of view” and “from the standpoint of practice” which coheres best with my interpretation of the FOR, and entails that some central features of the positions advocated by Rawls and Allison must be either rejected or understood in a highly restricted, deflationary manner.

### I--The *Groundwork* Account

Kant’s motivational analysis argument in *Groundwork* I yields the judgment that the special moral value exhibited by a Good Will lies in acting out of pure reverence for the ML. The latter is argued to be derived from reason alone, hence not based on desire and inclination, and yet is capable of providing a sufficient motive to act in the absence of and even contrary to inclination. This, Kant alleges, is what our ordinary moral understanding presupposes and thus requires. The argument in *Groundwork* II is that since morality commands categorically, and since categorical imperatives require autonomy of the will, our ordinary moral understanding also presupposes autonomy of the will. Two central questions that remain at the end of *G* II are: are we the kind of entity that can act out of pure reverence for the ML, i.e., independently of and even contrary to our inclinations (from *G* I), and are we autonomous agents, who can freely choose to act only on maxims that that can be consistently willed as universal laws, i.e., an entity that is capable of responding to categorical commands (from *G* II)? Kant recognizes that the arguments of *G* I and II leave these questions unresolved; given the structure of the argument in *G* I and II, neither claim has been established.<sup>1</sup> All that’s been shown is that our ordinary moral understanding presupposes that i) pure reason can be practical insofar as it presupposes the capacity to be motivated by pure reverence for the ML, and ii) moral agents can respond to categorical as well as hypothetical imperatives, which also seems to require that pure reason be practical.

Kant maintains that only a critique of pure practical reason, which he views as a daunting project that he must postpone for another work, could demonstrate that pure reason can be practical, and in *G* III he outlines the general approach that such a critique

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<sup>1</sup> The arguments of *G* I and II are conditional: if there is anything that is good without qualification (which our ordinary moral understanding presupposes) it must be a good will, which will act on the motive of reverence for the moral law and in accordance the principle of a good will (*G* I), and given that morality commands categorically rather than hypothetically (again, as our ordinary moral understanding presupposes), then since only an autonomous being is capable of responding to categorical moral commands, our idea of moral responsibility presupposes the idea of autonomous agency (*G* II).

would need to incorporate: pure reason can of itself be practical only if a synthetic a priori use of pure practical reason is possible (at *G* 445). This in turn would show that morality is “something real” and not “an illusory idea” or “phantom of the brain”; perfectly rational entities *would* act in accordance with the ML, and imperfectly rational entities, i.e., those who are both rational and subject to inclination, *should* act in accordance with and for the sake of the ML.<sup>2</sup>

But Kant undertakes no such critique in the *Groundwork*; instead he adopts a different approach to the issue of whether the Moral Law applies to us. At *G* 448 he states that “we must prove that freedom belongs universally to the activity of rational beings endowed with a will,” and since a free will is subject to the ML, we would be subject to it. What emerges from *G* III are the following two arguments: i) we must see ourselves as autonomous insofar as we see ourselves as agents, which would mean that from our point of view, laws that apply to autonomous agents would apply to us just as surely as they would if we were actually autonomous, and ii) from the standpoint of seeing ourselves as members of the intelligible world (“consciousness of [ourselves] as an intelligence”—*G* 457) we must see ourselves as autonomous, but from the standpoint of seeing ourselves as members of the sensible world we must see ourselves as causally conditioned. Each of these standpoints is equally legitimate and inescapable for imperfectly rational beings who are both sensibly conditioned and capable of acting as agents.<sup>3</sup>

A common response to the arguments in *G* III is that each argument shows only that from a certain point of view, that of seeing ourselves as agents and as members of the intelligible world, we must conceive of ourselves as not wholly conditioned by sensibility and inclination, as beings for whom acting out of reverence for the ML is possible, and as capable of acting independently of the empirical causal realm, hence autonomously. But these arguments show neither that we are capable of being motivated by pure reverence for the ML, nor that we are capable of acting autonomously; all we get is the claim that we must conceive of ourselves as having those capacities. Nor does either show that the ML is a principle of pure reason, which is also a central feature of Kant’s moral theory.

Kant cannot establish that we have autonomous wills for multiple reasons. For one thing, his conception of autonomy presupposes that we possess transcendental freedom, but no experience could possibly confirm that we are transcendently free given Kant’s “opacity thesis,” according to which each of our actions is amenable to explanation in terms of ordinary, garden-variety, inclination-based motives. Further, since all of our experience, in being sensibly conditioned, is amenable to a purely empirically causal explanation, hence subject to the category of causality, we cannot know that we are negatively free. Nor can we be shown to be positively free because asserting positive freedom, insofar as it includes the idea that we act as an original cause, a *causa noumenon*, would be a classic piece of overexpansive metaphysical speculation, and certainly not confirmable by any possible experience. Consequently, since no experience could demonstrate either that we are capable of acting independently of the causal nexus,

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<sup>2</sup> I follow Lewis White Beck, *A Commentary on Kant’s Critique of Practical Reason*, on the statement of the ML.

<sup>3</sup> That we must conceive of ourselves as free, and thus as being subject to the demands of morality (acting according to the CI out of pure reverence for the ML), is hardly chump change, and Kant was aware of this: he points out that since we must conceive of ourselves as free (insofar as we see ourselves as endowed with a will), “all laws inseparably bound up with freedom are valid for such a being just as if his will could be proved to be free . . . by theoretical reason” (*G* 448).

or that we are capable of being an original cause, no experience can confirm that we possess transcendental freedom.<sup>4</sup> Realizing that he cannot establish that we are transcendently free, Kant retreats to the position that insofar as we must think of ourselves as agents we must also see ourselves as autonomous, and that this is sufficient to establish that “from the standpoint of practice,” the Moral Law applies to us just as surely as it would if we had demonstrated that we are free.

## II— How is the Argument in *KPV* different from that in *G*?

Kant’s explicitly mentioning that a critique of practical reason, which he says is required to support the *Groundwork* account, would be postponed and taken up in a subsequent work provides some reason to see the second *Critique* as elaborating on the earlier account.<sup>5</sup> But Rawls insists that a fundamental change has taken place. He points out that in the *Groundwork*, Kant “tries to derive the Moral Law from the idea of freedom,” whereas in the second *Critique* Kant’s aim is to show that our consciousness of the ML gives rise to the idea of freedom.<sup>6</sup> And Rawls is clearly correct insofar as in *G* III Kant seems to think that if he can establish that we are free, then it would be settled that the Moral Law applies to us, whereas in *KPV* the order of business is different. Early in the second *Critique* Kant announces that even though freedom is “a practical concept” and must be limited to “practical use,” “what in the speculative critique could only be thought is now confirmed by fact” (*KPV* 6). How so? It is the moral law, which first presents itself to us when we first construct maxims of the will, which “leads directly to the concept of freedom” (*KPV* 30).

Thus Rawls is correct insofar as in the *Groundwork*, the thought that we must see ourselves as free supplies the ground for claiming that we must view ourselves as subject to the Moral Law, whereas in the second *Critique*, it is our “consciousness” of the Moral Law which gives rise to the idea of freedom.<sup>7</sup> That is one change, and I agree with Rawls

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<sup>4</sup> Rawls makes a similar point in *Lectures*, at p. 260. See *KPV* 29 and *G* 453 for examples of Kant’s position on why we cannot know that we are free. The opacity thesis appears in the *Groundwork* at 407-408. Support for the opacity thesis is also found at *DV* 392 and 447. It receives no mention in *KPV*. That Kant reaffirms the opacity theses in the *Tugendlehre* indicates that he should not be taken as abandoning it in the second *Critique*. This point is important in evaluating claims that the Fact of Reason enables us to “know” that we are free. For example, see discussion of Allison’s “submission thesis” below.

<sup>5</sup> Kant also asserts that *KPV* “presupposes” the *Groundwork*, insofar as the latter provides a “preliminary acquaintance with the principle of duty and a definite formula of it,” although *KPV* remains “an independent work,” at *KPV* 8.

<sup>6</sup> TKMP 102. See also *Lectures* 271-272: “the doctrine of the fact of reason [in the second *Critique*] marks a fundamental change in Kant’s view and how he understands the basis of pure practical reason.”

<sup>7</sup> Rawls points out that at *KPV* 29, “after discussing whether our knowledge of the moral law precedes our knowledge of freedom or vice-versa, Kant says: ‘It is . . . the moral law, of which we become immediately conscious as soon as we construct maxims for the will, which first presents itself to us’.” While this might be taken as the psychological story (that we “become aware of the one then the other”), it might actually be the epistemological story, insofar as the ML grounds the belief in transcendental freedom; our awareness of the Moral Law authorizes us to postulate our own freedom. But of course this authorization is limited to the practical point of view, and as we shall see, this qualification must be understood in a fairly restrictive manner. The best gloss might be that when we deliberate about acting (framing maxims for the will), we become aware of the authority of the Moral Law in that we see ourselves as being subject to its provisions. But this in itself will not get us to postulating freedom: only in light of the content of the Moral Law as a

that it is an important change in Kant's view. For now I temporarily put aside questions about what exactly is meant by "consciousness of the moral law," how this "reveals our freedom to us," and the like.<sup>8</sup> Instead I will briefly consider whether there are any other significant differences between the view that emerges from the *Groundwork* and that in *KPV*.

Rawls claims that the account in the second *Critique* shows that Kant had abandoned his "vain attempt" to derive the Moral Law from the ideal of freedom.<sup>9</sup> But as I read the *Groundwork*, Kant had already realized that this would be impossible, since he couldn't establish that we are free. There Kant doesn't try to derive the Moral Law from freedom as much as he argues that since we must see ourselves as free, then we must also see ourselves as subject to the Moral Law, since the Moral Law is a law of freedom.<sup>10</sup>

That issue aside, the mere presence of Kant's doctrine of the Fact of Reason in the second *Critique* arguably represents a significant change from the *Groundwork* account, in which there is no mention of such a "fact."<sup>11</sup> Moreover, Kant argues for two important roles for the Fact of Reason, specifically that i) the FOR provides a "credential" and an "authorization" for the Moral Law, and ii) the FOR "discloses our freedom to us."<sup>12</sup> On the first point, the *Groundwork* does not directly address the issue of providing an "authentication" or "credential" for the Moral Law: there he often mentions his worry that that morality might turn out to be a "mere phantom," a "phantom of the brain," and "a chimera or an illusory idea" (at 407, 445 and 462). That the FOR provides a "credential" for the Moral Law is something that Kant takes up in the *KPV*. Regarding the second point, the *Groundwork* account involves the view that since we must regard ourselves as free, we must in turn regard ourselves as subject to the Moral Law, but there is no mention of anything like a "Fact of Reason" as "disclosing" our freedom; instead the claim is, as we saw above, that it is our viewing ourselves as agents, and adopting the standpoint of seeing ourselves as members of the intelligible world, each of which Kant holds to be inescapable, that require that we also see ourselves as possessing autonomous wills. And since the Moral Law is a law of an autonomous will, Kant concludes that we must see ourselves as subject to it.

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law of freedom would we get from the authoritativeness of the Moral Law to the thought that we are transcendently free.

<sup>8</sup> As the ensuing discussion will make clear, "our consciousness of the moral law" is ambiguous, and how this "reveals our freedom" raises a host of difficult questions.

<sup>9</sup> "[T]he doctrine of the fact of reason settles a question that had long bothered Kant: namely, whether our knowledge of the moral law is rooted in our moral consciousness of this law or in our consciousness of our freedom as reasonable beings. Kant holds that our consciousness of the moral law cannot be based on our consciousness of our freedom. For this would imply that we have an intellectual intuition of our freedom, whereas our intuitions . . . are always subject to the conditions of sensibility. The order of knowledge is the other way around: the fact of reason, our shared consciousness of the moral law as supremely authoritative, [make sure this is noted in the section on R's view] is the basic fact from which our moral knowledge and conception of ourselves as free must begin." (Rawls *Lectures* 260) [maybe pare down the quote]

<sup>10</sup> See *G* 447.

<sup>11</sup> I follow the enumeration of passages in which Kant discusses the "Fact of Reason" in *KPV* offered by Rawls in *Lectures* at 255-256, and Lewis White Beck in *Commentary* at 166, which generally agree on the textual issues.

<sup>12</sup> Claims about providing a "credential" occur at *KPV* 47, 48, and 56. That the Moral Law is claimed to disclose our freedom can be seen at, *inter alia*, *KPV* 4: "Freedom, however, among all Ideas of speculative reason, is the only one whose possibility we know a priori. We do not understand it, but we know it as the condition of the moral law which we do know."

In this paper I will focus on two central questions regarding Kant's view, viz. i) what is the Fact of Reason?, and ii) what role does it play in the structure of Kant's moral theory? On the question of what the "Fact of Reason" is, interpreters of Kant's moral theory agree that the term refers to one and only one phenomenon, although they do not necessarily agree on details regarding that phenomenon. There is little doubt that the Fact of Reason is taken to refer to our "consciousness of the Moral Law," but I will argue that this term can be understood in two distinct senses. I will also argue that each of these distinct senses plays a different, but in each case, pivotal, role within Kant's moral theory, and carries important implications for other central components of Kant's ethics.

For instance, Rawls argues that (*Lectures 260*—TKMP 101 is almost identical) "The fact of reason is the fact that, as reasonable beings, we are conscious of the moral law as the supremely authoritative and regulative law for us and in our ordinary thought and judgment we recognize it as such." "Therefore I conclude that the fact of reason is our consciousness of the moral law as supremely authoritative and regulative for us."<sup>13</sup> While I agree that Kant does use the term "Fact of Reason" to refer to our taking the moral law as authoritative, as we shall see shortly, Kant actually makes two distinct claims about the influence that the Moral Law has over us, and refers to each of these as a "Fact of Reason." This is born out by the following two claims, each of which Kant asserts is a "fact" of reason: "the fact that every common human reason recognizes the highest practical principle as the supreme law of its will" (the "authoritativeness" of the Moral Law--at 91), and "the fact by which pure reason shows itself to be practical" (the content of the Moral Law--at 42). Thus I claim that Kant actually employs two distinct senses of the term "Fact of Reason" in the second *Critique*. According to the first sense, (the sense I believe Rawls has in mind) we recognize the Moral Law's *authority* over us and regard it as regulative over what we are permitted to do: in this sense the "Fact of Reason" is that "fact" that we see ourselves as subject to the Moral Law.<sup>14</sup> According to the second sense the Fact of Reason refers to our awareness (or our becoming aware) of the *content* of the Moral Law. Kant claims that this awareness develops in the process of and as a result of our framing maxims for the will: we come to realize that perfectly rational beings would and imperfectly rational beings should act only on maxims that can be consistently willed as universal laws. In this way, Kant alleges, the process of constructing maxims for the will leads to the "concept of a pure will." It also reveals "the concept of freedom" and, as we shall see, it also establishes that pure reason can be practical. That we have an "awareness of duty" or "moral consciousness" could not by itself do this: instead what's required is the idea that what duty requires is acting only as the moral law prescribes because the moral law requires it. Thus the second sense refers to the "fact" of our awareness of the content of the Moral Law.

This dual awareness of the authority and content of the ML gives rise to two distinct features of Kant's moral theory. That we recognize the authority of the Moral Law entails that we must see ourselves as free, since the Moral Law is a law of freedom. But, as I argue below, this represents little or no change from the account in *G III*, and indeed explicitly incorporates the two standpoints doctrine. Apprehending the content of the Moral Law presents us with the idea of a will that can act autonomously, i.e., as an

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<sup>13</sup> Beck, at 166-169 refers to it as the fact "that we are conscious of a moral law," which he glosses as "moral consciousness, consciousness of duty."

<sup>14</sup> This would seem to be roughly what Beck has in mind as well.

original cause, independently of the empirical causal order, not simply subject to the influence of our inclination-based desires, and which is properly held to be morally responsible for what it does.

Further, each of these two senses of the FOR plays an important role within the structure of Kant's moral theory. Roughly, the fact that we take the moral law as authoritative concerns how we conceive of ourselves, but I will argue, represents little or no change from the doctrines of *Groundwork* III. The "fact" that we can discern the content of the moral law relates most closely to Kant's promised critique of practical reason, and is alleged by Kant to justify the claim that pure reason can be practical. Thus these two senses of the FOR should be understood as being directed at, and providing Kant's answers to, distinct sets of questions raised by Kant's moral theory. These include whether the Moral Law is a principle of pure reason, whether we are justified in thinking that the Moral Law applies to us, how the Moral Law reveals our freedom to us, and in what sense the FOR provides a "credential" for the Moral Law.

### III—The Fact of Reason As Our Regarding the Moral Law as Supremely Authoritative

As I stated above, I wish to defend the claim that Kant uses the term "Fact of Reason" to refer to two distinct, but related, phenomena. Only brief references to the "Fact of Reason" appear in the introductory sections of the second *Critique* (at 4 and 6). These references point to a "fact" that confirms what could only be thought in the first *Critique*, that being the idea of freedom, which is "revealed through the Moral Law" and is "confirmed by fact." But neither passage reveals much about exactly what that "fact" is, or how it reveals our freedom to us. The first sustained discussion of the Fact of Reason occurs in the infamous gallows and false witness passages (*KPV* 30). The issue that Kant claims to be addressing in these passages is "how consciousness of the Moral Law is possible." But as I suggested earlier, the term "consciousness of the ML" is ambiguous. One can be conscious of the ML in the sense of taking the ML as authoritative in one's deliberations, or in the sense of apprehending the content of the ML. It is thus necessary to examine Kant's arguments carefully in order to determine in which sense the gallows and false witness passages reveal how consciousness of the ML is possible.

In the gallows passage we are asked to imagine a man who claims to have an irresistible carnal desire. But Kant claims that if this man were threatened with the gallows should he act on this allegedly irresistible desire, he would realize that his love of life would enable him to resist that desire. In the false witness case it is not the man's love of life but the thought of the Moral Law that can overcome the threat of sudden death. Kant claims that if a powerful political figure threatened him with death unless he gave false testimony, this man would realize that it would be possible for him to disobey the order to lie. The gallows example is supposed to show that an agent can resist any desire if it conflicts with the desire to continue to live, and in the false witness case it is not the love of life but the ML that can overcome the threat of sudden death. Kant concludes that this person judges "that he can do something because he knows that he ought, and he recognizes that he is free—a fact which, without the moral law, would have remained unknown to him" (*KPV* 30). Still, it's one thing to say that a being who is transcendently free would not recognize his freedom without the ML, but it's quite

another to say that a being who is conscious of the ML in the sense of taking the ML as authoritative in his deliberations thereby knows that he is transcendently free. If i) what Kant has in mind is that in our deliberations we regard the ML as authoritative, i.e., that we are having an experience in which it seems to us that we take the ML as authoritative, and ii) it is possible for a being who is as a matter of fact not transcendently free to have an experience of appearing to submit to the ML, then having the experience of seeming to submit would not allow us to recognize that we are free—it would not demonstrate that we possess transcendental freedom. Perhaps this is true: if “taking or regarding the ML as authoritative” means that the ML actually influences one’s deliberations in the sense that one “freely submits” to the ML, then it would follow—i.e., if “taking the ML as authoritative” just means “freely submitting.” But as I shall argue below, the problem is that none of us could ever know that we are freely submitting—the best we have is that we seem to submit to the ML.<sup>15</sup>

My present concern is to discern exactly what the “fact” is to which Kant refers, and what this “fact” reveals about our consciousness of the moral law and our freedom. It is worthwhile first to examine Rawls’ take on these important passages. Regarding the gallows passage, Rawls argues that the person threatened with the gallows would surely “realize that there are other desires, if necessary his love of life—the sum total of all natural desires as expressive of life—which would intervene to resist this alleged irresistible desire. In the last resort the love of life, when equally vividly aroused, is able to control all other natural desires. Kant thinks that as purely rational and natural beings we cannot act against the love of life” (TKMP, 111). On this point Rawls gets Kant’s position right; even a desire that one might claim to be irresistible could be overwhelmed by a conjunction of all of our other desires, whose satisfaction requires that we actually be alive. But in the false witness example “[t]his time, however, it is the desire to act from the moral law that opposes the love of life. Here Kant thinks that while perhaps none of us would want to say that we would do in such a situation, we do know, as this man would know of himself, that it would be *possible* for us to disobey the sovereign’s order to testify falsely or be killed. Of this man Kant says ‘He judges that he can do something because he knows that he ought, and he recognizes that he is free—a fact which, without the moral law, would have remained unknown to him’” (TKMP, 112). Here Rawls’ portrayal of Kant’s position is again correct: concern for the Moral Law can oppose and even overwhelm even the desire for life.

Still, one might question whether Kant’s conclusions require more than his arguments can bear. It’s not as if the gallows passage demonstrates that a person actually would be able to overcome a strong carnal desire if faced with the gallows: what Kant seems to get is only that most of us think of ourselves as being able to resist the urge if faced with the gallows. And even those who might profess to be overcome by an “irresistible” desire might quickly retreat from that position if faced with the gallows. Still, the gallows passage seems to be an argument about empirical psychology, and more specifically, how we conceive of ourselves. It’s that fear of sudden, immanent death is something that most of us believe would overwhelm any desire, regardless of its strength. And as an empirical, psychological claim, it’s also subject to refutation by empirical, psychological counterexample. It’s at best uncertain that we might not be able to conceive of a person

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<sup>15</sup> This also raises difficulties for Allison’s “submission thesis,” which I discuss below.

whose carnal desire is so strong that he would accept the gallows as the price for satisfying it.

Analysis of the false witness case would seem to require even greater levels of caution. The example seems to show only that we think of ourselves as having the capacity to refuse to bear false witness even if threatened with death for refusing to do so. Most importantly, we must be careful not to jump to the conclusion that the false witness case demonstrates that any actual person can be motivated purely by reverence for the moral law to act contrary to all of his inclinations. For one thing, our estimate of what it is possible for us to do in such circumstances is clearly fallible. Rawls is aware of this in admitting that none of us might be able to say with any level of confidence what we might actually do in such circumstances. Further, given Kant's opacity thesis, any psychological state that we believe confirms the presence of the moral motive might turn out to be only the dear self dressed in moral finery.<sup>16</sup> So even if we're correct in thinking that we could refuse to lie, and it seems to us that we would be doing so for purely moral reasons, this would not confirm that the moral motive is capable of opposing and overwhelming the desire for life. This would be the case even if one did as a matter of fact refuse to lie for what seemed to be moral reasons. And regardless, the most that we can get out of such a thought experiment is that this is how we think of ourselves—as being able to act morally even when all our inclination-based interests point in the opposite direction. Nor do these passages get us anything more than what emerges from *G I*—that we think of ourselves as being motivated by moral considerations, and as being capable of acting in accordance with morality's demands even to the detriment of all our inclinations. So it is difficult to see how these examples demonstrate how a person can judge that he can do something because he knows that he ought, let alone that he can recognize that he is free in any strict, i.e., theoretical, sense.<sup>17</sup>

For my purposes, the main issues addressed in these passages are how these passages reveal our "consciousness of the Moral Law," and how they illustrate the doctrine of the "Fact of Reason." The gallows passage reveals only Kant's belief that our desire for life can overwhelm any desire we might have. Rawls goes further and claims that it shows that we cannot act against the desire for life, but clearly this is too strong—some might choose to face the gallows. And if our taking the moral law as authoritative shows that we can accept death rather than lie to the sovereign, that cannot be the case. The sense in which the false witness case reveals our consciousness of the Moral Law is in our taking the Moral Law as authoritative—when even our desire for life conflicts with the Moral Law, at least according to Kant, we conceive of ourselves as being able to act in accordance with its demands, even when they conflict with our desire for life. And as for the role of any "fact" "of reason," the line has to be that it is a fact that we take the Moral Law, which is a law of reason, as authoritative in our deliberations. And indeed this is how Rawls characterizes it: Rawls argues that issue is that "The fact of reason is the fact that, as reasonable beings, we are conscious of the moral law as the supremely authoritative and regulative law for us and in our ordinary thought and judgment we

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<sup>16</sup> Kant's discussion of the opacity thesis and the dear self problem (at *G* 407-408) can be seen as a recognition that the psychological egoist cannot be defeated by counterexample, whether actual or hypothetical.

<sup>17</sup> Kant holds that we can do so from a practical (as opposed to theoretical) point of view, which I discuss below.

recognize it as such.”<sup>18</sup> But does any of this show that we know that we can resist even the desire for life, or that we know we are free? Clearly not: all we can know is that this is how we conceive of ourselves.<sup>19</sup> Indeed this seems to reiterate the position that Kant endorsed in *Groundwork* III—that from the standpoint of seeing ourselves as members of the intelligible world we see ourselves as capable of being motivated in a way entirely distinct from our empirical desires, which we view as part of the sensible world and as part of the empirical causal nexus. Thus I conclude that at least in these passages, there is little to distinguish the account in the second *Critique* from that in the *Groundwork*.

Further treatment of the Fact of Reason as our regarding the Moral Law as authoritative resurfaces much later in the text—reference to such a “fact” occurs in *KPV* at 91 and 104. Analysis of these and their surrounding passages supports Rawls’ claim that the Fact of Reason refers to our taking the Moral Law as authoritative. But they are also limited in the same manner as the “fact” referred to in the false witness example, and further, they explicitly invoke and rely upon the two standpoints doctrine, and thus fail to represent much that goes beyond Kant’s position in *Groundwork* III.

In the first of these passages Kant argues that in order to show that pure reason can be practical, one needs to appeal to “the commonest practical use of reason” to show that its principle (the moral law) is “recognized by every human reason as the supreme law of its will.” To “establish and justify” this principle would require showing “its origin in the judgment of common reason . . . as a fact which preceded all disputation about its possibility and all consequences which may be drawn from it.”<sup>20</sup> It seems clear that the “fact” to which Kant refers is the fact that we, i.e., those who possess “the commonest human reason,” take the ML to be authoritative in our deliberations.

The second passage that contains explicit reference to such a “fact” begins with Kant’s recalling the resolution of the third antinomy in the first *Critique*, according to which there is, at least Kant’s view, no contradiction in holding that the same act which is, from the point of view of the sensible world, causally conditioned can also be seen as

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<sup>18</sup> *Lectures*, at 260. See also TKMP 101. Rawls also says that the fact of reason refers to “how we represent to ourselves our free and equal moral personality in everyday life” (*TKMP* 97), but there’s little in C2 to support that.

<sup>19</sup> See Rawls, *TKMP*, at 113: “This severe passage expresses the depth of Kant’s conviction that those without a conception of the moral law and lacking in moral sensibility could not know they were free.” But the real issue is whether those who are not transcendently free might still have a conception of the moral law, i.e., apprehend its content, and appear to possess moral sensibility as well, and even be unable to conceive of themselves in any other way. So only those who are transcendently free could know that they are free only via their conception of the moral law and their moral sensibility; but having a conception of the moral law and even “moral” sensibility, i.e., that we seem to be capable of acting out of pure reverence for the moral law, would be insufficient to establish transcendental freedom. In the language of *G* it could all be a phantom of the brain or a chimera.

<sup>20</sup> *KPV* at 91. In this passage Kant also refers to the issue of showing that pure reason can be practical by demonstrating the “proof of the purity of its origin” “completely a priori and independent of any sensuous data” of its principle, the Moral Law. As far as its being immune to “all disputation,” it helps to view this issue in light of the two standpoints doctrine. Disputations would have their origin in the standpoint of the sensible world, but since the idea of pure practical reason requires adoption of the standpoint of the intelligible world, any disputation would fail to reach its target, but this is only because the standpoint of the intelligible world necessarily incorporates the idea of freedom. At least this is how the Kantian line goes. I will address the issue of the Moral Law as a principle of pure reason below, but for now I simply note that the “fact” that we take the Moral Law as authoritative would not alone entail that the Moral Law is a principle of pure reason.

free insofar as it is viewed from the standpoint of the intelligible world. He continues by posing the question as to whether “this ‘can’” could be “changed to an ‘is’”; in other words, whether actions not only can be thought of as free, but whether they are free. His answer is that there could be no “fact” in terms of an actual action to which we could point and which would in turn constitute an example of a free act. A free act requires “an intellectual, sensibly unconditioned, causality” which cannot be found in any experience. Instead Kant refers to a different sort of “fact”; the fact that we regard the “principle of morality,” i.e., the Moral Law, as authoritative—“having long been in the reason of all men and embodied in their being”-- which permits us to claim that such a causality is “determinately and assertorically known,” but only from “a practical point of view.” Kant says we find “unconditioned causality and its principle, freedom” in reason’s capacity to determine the will independently of anything that is sensibly conditioned, which Kant says we find in the familiar conception of morality’s fundamental principle. This I gain access to insofar as I conceive of myself as belonging not only to the world of sense but also to the intelligible world. Then from the practical point of view, the “reality of the intelligible world” is firmly established as immanent for practical purposes, although it would be transcendent for theoretical purposes.<sup>21</sup> But this includes the stipulation that what’s at stake is how we conceive of ourselves, i.e. that “fact” that we take the ML as authoritative.<sup>22</sup> It also clearly has to do with how we “know ourselves,” which would suggest if not entail that any “fact” involved would have to refer to our taking the Moral Law as authoritative.

The surrounding passages confirm that here Kant is referring to the “fact” that we take the ML as authoritative. He reasserts the two standpoints doctrine from *G III*, mentions how this is necessary to “save freedom,” and maintains that our appearing to act out of pure reverence for the ML is the fact that he is referring to. And the argument about saving freedom is essentially that from the standpoint of the sensible world, the only freedom that could be attributed to agents would be the “freedom of a turnspit,” or that of a marionette or a Leibizian *automaton spirituale*, whose actions are all causally determined, however they may be said to spring from their own nature. Hence Kant concludes that the standpoint of the intelligible world is necessary for there to be any meaningful account of freedom; the original causality of positive freedom necessarily involves seeing myself as outside the spatio-temporal realm. So it is only from the point of view of the intelligible world that I can see myself as free. This reiterates the doctrines of *G I* and *III*.

One noteworthy difference between the *Groundwork* and *KPV* accounts lies in exactly how Kant characterizes the standpoint of the intelligible world, and what follows from it. In the *Groundwork* the idea is that we see ourselves as agents, which entails that we see ourselves as free, and since the ML is a law of freedom, he concludes that from the standpoint of the intelligible world, the ML applies to us just as surely as it would if we were shown to be free according to theoretical reason. But the picture in *KPV* is subtly but importantly different. Here the thought is that the standpoint of the intelligible world arises from our seeing ourselves as subject to the ML—that we take it

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<sup>21</sup> I take up the issue of the practical point of view below.

<sup>22</sup> Kant also reiterates the two standpoints doctrine insofar as he claims that all of this relies on the claim that “we know ourselves, on the one hand, as intelligible beings determined because of their freedom by the moral law, and, on the other, as acting according to this determination in the world of sense” *KPV*, 104-105.

as authoritative. Since the ML is a law of freedom, we see ourselves as free. But freedom, insofar as it involves the idea of a *causa noumenon*, requires adopting the standpoint of the intelligible world. This is the gist of Kant's argument at *KPV* 95, in which he argues that from the point of view of the sensible world there is no way to attribute freedom to an agent, since "natural necessity" governs all events, including agents' actions. So in order to "save freedom," we must see ourselves within the spatio-temporal framework only as an appearance; seeing ourselves as a thing-in-itself involves seeing ourselves as a member of the intelligible world, possessed of a will that is transcendently free.

Finally, how is taking the ML as authoritative alleged to be a "fact" "of reason"? It is alleged by Kant to be a psychological fact that deliberating agents actually do take the Moral Law as providing a reason for acting and refraining from acting. It is alleged to be a fact "of reason" insofar as Kant believes that the motive to act in accordance with the Moral Law is one that must be derived from reason, since this motive gets us to act independently of and contrary to inclination-based motives. Whether Kant is right about this is another matter: there might be psychopaths for whom moral considerations play no role in deliberation, so it may not be true that we find this psychological phenomenon exemplified in all agents. Kant also offers the argument that our taking the ML as authoritative is not something that can be "ferreted out" from experience, from which he concludes that its origin must lie in reason, but there may be reason to be sceptical about that claim as well. As for the claim that this is a fact "of reason," there is the problem that the presence of moral motive might be amenable to an alternate explanation: the dear self, social conditioning and self-deception come to mind. It all could be, to use Kant's phrase from the *Groundwork*, a chimera of the brain, or perhaps the product not of reason but of imagination or some other psychological source.

#### IV--The Fact of Reason as Consciousness of the Content of the Moral Law

Discussion of the Fact of Reason as our apprehension of the content of the ML (a rational being would act only on maxims that can be consistently willed a universal laws, and an imperfectly rational being should do so out of reverence for the ML) occurs primarily between 31 and 47 in *KPV*. Kant argues that this sense of the FOR establishes that pure reason can be practical, and thus plays a pivotal role in the critique of practical reason. I will argue that it is our awareness of the ML's content, not that we take it to be authoritative, that Kant believes establishes that pure reason can be practical, and which also establishes the "objective reality" of freedom and provides a credential for the ML. Taking the ML as authoritative couldn't do any of that—only that the ML has the specific content that makes it a law of freedom can do so. And that "consciousness" of the ML's content reveals that we can think the thought that pure reason can be practical, i.e., the fact that we can think the thought that pure reason can be practical, is alleged to be a "fact" of pure reason, since (at least K claims) no other source (i.e., experience) could have produced that thought, and that thought is bound up with, and even presupposes, the idea of an autonomous will.

Kant's discussion at *KPV* 31 contains explicitly reference to a "fact of reason." He writes: "The will is *thought of* as independent of all empirical conditions, determined by the mere form of the [moral] law" (emphasis added), hence it "is at least not impossible to conceive of a law that alone serves the purpose of the *subjective* form of principles and

yet is a ground of determination by virtue of the *objective* form of a law in general. The consciousness of this fundamental law may be called a fact of reason” (*KPV* 31). In this passage Kant is referring to the “fact” that we can conceive of a will that is capable of acting on moral considerations: that an objective moral law can conceivably serve as the principle on which a will is capable of acting. Our consciousness of the *content* of the Moral Law shows that we can think the thought that pure reason can be practical: we can conceive of a will that is capable of being motivated by rational considerations through the thought of the ML itself. The moral law is alleged to be on objective principle that holds (prescriptively) for all rational beings, and the moral law is alleged to show that rational beings are capable of acting on such a principle. It is in this sense that principles that are objective can also serve as principles governing the actions of both perfectly and imperfectly rational beings.

In this way, Kant argues, “pure reason, practical in itself, is law-giving.” The idea that a will that is thought of as capable of acting in accordance with and for the sake of the moral law is one that is capable of acting “independent[ly] of empirical conditions,” insofar as its reasons and motivations aren’t limited to those that are sensibly conditioned, viz. through inclination-based desires and aversions. The “consciousness of this fundamental law” that links the subjective form of principles (that the will acts on) to “the objective form of a law in general” (acting on only universally willable maxims), “may be called a fact of reason . . . . It is not an empirical fact but the sole fact of pure reason by which it [reason] proclaims itself as originating law.” It is the specific content of the moral law, viz. what it stipulates about what perfectly rational beings would do and imperfectly rational beings ought to do, that Kant believes grounds these inferences. Hence I conclude that here the FOR refers here not to the fact that we view the ML as supremely authoritative, but rather our consciousness of the ML itself, i.e., its content as opposed to its authoritativeness for us.

Further confirmation is found in Kant’s summary of this segment of the “Analytic of Pure Practical Reason.” Kant concludes that “[t]his Analytic proves that pure reason can be practical, i.e., that of itself and independently of everything empirical it can determine the will. This it does through a fact wherein pure reason shows itself actually to be practical. This fact is autonomy in the principle of morality by which reason determines the will to action” (*KPV* 42). But exactly what is the “fact” by which pure reason shows itself actually to be practical? This “fact” is alleged by Kant to be “autonomy in the principle of morality, by which reason determined the will to action.” My understanding of this claim is as follows: The fact that we can discern the content of the moral law shows that pure reason can be practical since it includes the conception of a will capable of being purely moral concerns, which for Kant means that pure reason can be practical. But for Kant, only an autonomous will can be motivated by purely moral concerns, and therefore “this fact to be inextricably bound up with the consciousness of freedom of the will [as opposed to freedom of *my* will], and actually to be identical with it” (*KPV* 42).<sup>23</sup> The principle of morality includes the idea of an autonomous will: this is “autonomy in the principle of morality.”

Although this set of claims might be viewed as obscure and confusing, I believe there is a fairly straightforward way of glossing the passages in question. While it is true that Kant believes that we see ourselves as having just this kind of will, the central point

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<sup>23</sup> At 33: “The moral law expresses nothing else than the autonomy of pure practical reason, i.e., freedom.”

here concerns our conception of a will. More specifically, “autonomy in the principle of morality” is one thing and “autonomy in me” is quite another. And similarly, it is one thing to claim that “pure reason can be practical,” and quite another to claim that “pure reason is practical in me” or that “I am endowed with pure practical reason.” I see Kant’s discussion here as clearly addressing the nature of autonomy and practical reason, as opposed to how if at all we can describe or make judgments about autonomy or practical reason as they might be instantiated in us. The fact that I can conceive of a will motivated solely by pure practical reason, that I can conceive of a being who would act only on universally willable maxims simply because that’s what morality requires doesn’t show that pure reason is practical in me—it might not even show that there are in fact any entities in whom pure reason is practical. Quite straightforwardly, showing that pure reason *can* be practical wouldn’t entail that pure reason is practical *in me*.<sup>24</sup> Further, if this “fact” were taken to refer to “consciousness of freedom of *my* will” it would seem to be indistinguishable from what was seen in *G* III, viz. that we conceive of ourselves as free—it can’t be that we are actually “conscious” of our autonomy, since our autonomy is not something that we can be conscious of at all, since we can’t be conscious that we are transcendently free. It certainly isn’t consciousness of the (actual) freedom of my will in a way amenable to theoretical reason’s asserting that I have an autonomous will. But there is no claim that my will is actually autonomous, nor any fact that I can point to which shows that my will has on some specific occasion been motivated by purely moral concerns. There can be no such “fact” that could confirm that pure reason had actually determined not just my will but any actual will—indeed Kant here isn’t concerned with my actual will or my conception of myself at all. It’s all about our conceptions of agency and pure reason, and our idea of a will, insofar as what can serve as a motive for it to act, as established by the “fact” that we are conscious of the content of the Moral Law. Of course this doesn’t show that pure reason is practical in us, or that the ML applies to us. So the “fact” to which Kant is referring here is that we can conceive of a will that is capable of being moved by pure reason alone, insofar as pure reason determines such a will to act on purely moral concerns. Thus I conclude that autonomy in the principle of morality should not be taken to entail anything about whether I actually possess an autonomous will.

Kant’s argument at *KPV* 42-43 follows a similar line, and should be understood in much the same manner: the Moral Law contains the idea that pure reason can be practical in that, as the ML states, a perfectly rational being would, and an imperfectly rational one should, act only on maxims that can be consistently willed as universal laws regardless of the presence or absence of any inclination-based desires and aversions. It then follows that pure reason can be practical, since in following the ML it is reason alone that determines the will (of the perfectly and imperfectly rational beings) to act. Further, rational beings must be transcendently free, in being capable of acting both independently of and indeed (for the imperfectly rational being) contrary to inclination-based desires. Once again, this is what I take to be “autonomy in the principle of morality”: the principle of morality, i.e., the moral law, includes the idea of an

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<sup>24</sup> Clearly Kant must have thought so as well. More specifically, if it is possible for a being to possess theoretical reason but not practical reason, and if it is possible that a being possess empirical practical reason but not pure practical reason, then even if pure reason can be practical, this would not entail that it is practical in me—if I possess either only theoretical reason or only empirical practical reason.

autonomous will, given what it stipulates about how perfectly rational beings would act and imperfectly rational ones ought to act. Hence I conclude that Kant uses the term here to refer to our awareness of the content of the ML, which establishes that pure reason can be practical. This does not involve the claim that pure reason is practical for any actual wills, let alone my own.<sup>25</sup>

#### V—The “Objective Reality” of Freedom and the “Credential” for the Moral Law

In this section I argue that it is the sense of the FOR as our consciousness of the content of the moral law that Kant utilizes in addressing questions regarding the “credential” for the ML and the “objective reality” of freedom.<sup>26</sup>

Rawls argues that the credential for the ML is that it shows the objective reality of freedom, which theoretical reason had assumed. But while Rawls is correct in maintaining that the FOR provides a credential or authentication of the ML, it is only the sense of the FOR as consciousness of the content of the ML that can accomplish this, since it is through the FOR in that sense that the objective reality of freedom is established. That we view ourselves as subject to the ML, that we take it to be authoritative, could never confer “objective reality” on freedom.

#### VI--The “Practical Point of View”

I understand Kant’s use of the phrase “for practical use” as restricting the domain of discourse in question to the employment of practical reason alone. For example, early in the second Critique Kant asserts that freedom “is a practical concept and as such is subject only to practical use; but what in the speculative critique could only be thought [as possible] is now confirmed by fact” (*KPV*, 6). And at 49 there is a passage that resembles the “two standpoints” discussion in *G III*, in which the idea of freedom is linked to the standpoint of the intelligible world, but the idea of freedom as an original cause is limited to being employed “for a practical purpose,” and its significance is also claimed to be “exclusively practical.” In each case Kant’s position is that since practical reason requires that we think of ourselves as free, we are authorized to conceive of

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<sup>25</sup> Toward the end of the *Critique* Kant puts the point this way: “if pure reason can be practical, as the consciousness of the ML shows it to be” (at 121). Once again, this cannot be taken to refer to the “fact” that we regard the ML as authoritative, but instead must refer to the fact that we are able to discern the content of the ML, and that the ML’s content reveals that pure reason can be practical.

Further confirmation occurs at *KPV* 47, where Kant claims that “the moral law is given, as an apodictically certain fact, as it were, of pure reason, a fact of which we are a priori conscious, even if it be granted that no example could be found in which it had been followed exactly.” Here it is consciousness of the content of the ML that is alleged to be the fact of pure reason: its “being given” “a priori” as an “apodictically certain fact.” Any “fact” that we are “a priori conscious of” cannot be the “fact” that we take the ML as authoritative. But what’s being asserted is that we, via what K believes could only be our use of pure reason, can be conscious of the “fact” that perfectly rational beings would, and imperfectly rational beings should, act only on maxims that can be consistently willed as universal laws, i.e., the content of the moral law. But again, this is purely conceptual and doesn’t suggest, let alone entail, that there are any actual perfectly or even imperfectly rational beings, nor does it suggest that this “fact” demonstrates that we are capable of acting accordingly.

<sup>26</sup> These issues are discussed primarily in *KPV* at 47-56. I’ll discuss these issues in detail in the section on R below.

ourselves this way, but its legitimate use is limited to what pure practical reason requires of it, and nothing more. And that means only for the purpose of imputation and moral responsibility, since it is for the purpose of making sense of responsibility and imputation that practical reason requires freedom. Alternatively, the idea is that our viewing ourselves as morally responsible agents who are the authors of our own actions, i.e., subject to the ML—that’s the practice--requires the postulation of transcendental freedom.<sup>27</sup> This is further confirmed by Kant’s claim that “these categories [referring to *causa noumenon*, a pure will, transcendental freedom] have references only to beings as intelligences and in them only in relation of reason to the will, and consequently only to the practical; further than that they pretend no knowledge of them. Other characteristics are not to be counted as knowledge but only as a right (for practical purposes, however, as necessity) to assume and presuppose them” (*KPV*, 56-57). Again, my reading of this is that from the standpoint of seeing ourselves as deliberators endowed with pure practical reason, we have a right to employ these ideas, but only in the service of practical reason, and only insofar as practical reason requires them

Further, the restriction to the practical point of view is meant specifically to rule out any theoretical claims. The case of freedom illustrates both Kant’s position on this and his motivation for adopting that position. Consider the following remarks: “because no intuition, which could only be sensible, can support this application, *causa noumenon* is, for the theoretical use of reason, an empty concept, although a possible and thinkable one . . .” (*KPV*, 55). And further, “the concept [of a *causa noumenon*] gains significance [not from a given object but] in the moral law, and consequently a practical relation. Even though I have no intuition which would determine its objective theoretical reality, it nevertheless has a real application exhibited *in concreto* in dispositions of maxims. That is, its practical reality can be pointed out. All this is sufficient to justify the concept even with respect to noumena. . . . [T]his objective reality [of freedom], however, is of only practical application, since it has not the slightest effect in enlarging theoretical knowledge of these objects as insights into their nature by pure reason.” (*KPV* 56). The implication of these passages is that even though there is no theoretical reality ascribable to the idea of a *causa noumenon* (since there is no corresponding no intuition for it), it gains practical reality insofar as the ML states that perfectly rational beings would act on only universally willable maxims; hence their wills would be determined non-empirically. The operation of our deliberative faculty, and that we are aware of the content of the ML, and that we view ourselves as subject to it, means that the idea of freedom as an original cause has “practical reality” for us.

Kant is even more explicit about the nature of this restriction in his discussion of whether this is an overly speculative employment of reason, in *KPV* at 134. There he maintains that “a positive use cannot be made of [freedom, immortality and God] for theoretical purposes.” And since “no intuitions are thereby given (and indeed none can be demanded), and thus no synthetic proposition is made possible by conceding their reality. Consequently, this disclosure does not in the least help us in a speculative respect, but it does aid us with reference to the practical use of pure reason in extending our knowledge in this field.” Indeed, “we can make no theoretical rational use of them, and it is in this

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<sup>27</sup> At 54 “it is not a theoretical but a practical purpose which makes [causality as applied to noumena] a necessity for us.”

that all speculative knowledge of reason actually consists.” It is perhaps most important to note Kant’s insistence that not a single synthetic proposition can be affirmed as a result of practical reason’s postulating freedom of the will. So none of this tells us anything about freedom, other than that there’s nothing contradictory in postulating it (that we got from theoretical reason which showed that it’s thinkable), and that practical reason requires that we postulate it.

[I’ll skip my criticism of Kant’s position in which I argue that of the three postulates of practical reason, only freedom can be plausibly claimed to be inexorably required by practical reason itself—practical reason requires autonomy in a deeper and more fundamental way than it “needs” the ideas of immortality and God.]

## VII—Implications for Rawls’ and Allison’s Interpretations

The central difficulty that this analysis raises for some of the more ambitious claims made for what the FOR establishes for Kant is that while the first sense, that of taking the moral law as authoritative, demonstrates that from the practical point of view, we regard ourselves as free it entails nothing about whether we or any other actual beings are free, except from the practical point of view, which limits the scope of such claims to the exercise of practical reason, i.e., for making sense of moral responsibility and imputation. And while the second sense of the FOR demonstrates that pure reason can be practical, and establishes the objective reality of freedom (from the practical point of view again), it entails nothing about whether freedom is practical in me, i.e., it entails nothing about whether I am actually endowed with pure (in addition to empirical) practical reason.

This should raise questions about even some of the more fundamental claims that Rawls makes about what the FOR establishes. Recall that Rawls identifies the fact of reason as the fact that in our common moral consciousness we recognize and acknowledge the moral law as supremely authoritative and immediately directive for us. He maintains that this imparts to the ML “objective and universal validity” (TKMP 101). But our taking the moral law as authoritative is not what Kant thinks imparts “universal and objective validity” to it; it is the content of the moral law that Kant believes does this. That we take it as authoritative, according to Kant, is what gives rise to seeing ourselves from the standpoint of the intelligible world, and as being capable of acting not only independently of empirical causality, but as an original cause. On its own it entails nothing about the objective and universal validity of the moral law.

Rawls also argues that “Our consciousness of the moral law discloses to us that we can stand fast against the totality of our natural desires; this in turn discloses our capacity to act independently of the natural order” (*Lectures* 254). But this claim is too strong as well. Our taking the moral law as authoritative shows only that, from the practical point of view, we conceive of ourselves as both positively and negatively free, hence capable of acting independently of the natural order. To be sure, from the practical point of view we do see ourselves as being able to resist our natural desires, but to say that the claim that this “discloses that we can stand” against them suggests much more. Rawls goes on to say that “Knowledge that we *can* act from a law of *that* kind—a law that is a principle of autonomy—is what discloses our freedom to us.” While I agree that if we knew that we could act on a law of autonomy, we would know that we are free, our taking the moral law as authoritative cannot accomplish this: it can tell us that we see ourselves as being

able to do so, but not that we can in the sense that we have the capacity to do so.<sup>28</sup> We might not *know* that we *can* act that way, unless that claim understood as being restricted to the practical point of view: insofar as we conceive of ourselves as agents who are capable of acting autonomously we also conceive of ourselves as free. Interestingly, the sense of the FOR as apprehending the content of the moral law isn't helpful in this context either. Although Kant alleges that this sense of the FOR is what shows that pure reason can be practical, it doesn't show that pure reason is practical in me or in any actual beings. As such it is doubtful that it could "disclose our freedom to us" either.<sup>29</sup> Granted, if we really are acting not only in accordance with it but *from* it, then this would, since the moral law is a law of autonomy, disclose our freedom to us. But the problem is that neither sense of the FOR would be sufficient to show that we are acting *from* the moral law.

Indeed it is the claim that the FOR "discloses our freedom to us" that seems the most problematic. Consider the role that the FOR plays in Allison's "submission thesis." His argument is essentially that the act of freely submitting to the moral law establishes our freedom. Allison argues that "in the very act of submitting to it I take it as valid for me, I cannot coherently doubt that I am subject to it; nor can I doubt what follows immediately from being subject to it: namely, that I have both an incentive to do what the law requires and the capacity to do it" (121). The problem, however, is that I can never know that I have ever freely submitted to the moral law, nor could I ever know that I have the capacity to do so.

Allison says that those to submit to the ML show themselves to be transcendently free. At *KPV* 47 Kant argues that the moral law "gives objective reality to" the concept of freedom, which was only established negatively in theoretical philosophy, and which theoretical reason had to assume as possible and which no experience could prove. "This is the faculty of freedom, which the moral law . . . shows "to be not only possible but actual in beings which acknowledge the law as binding upon them." This passage arguably provides the best support for Allison's position: those who acknowledge the ML as binding show themselves not just possibly but actually to have autonomous wills. But one must be careful here. That it appears to me that I submit to the ML, or that I appear to acknowledge the ML as binding on me is not sufficient to establish that I am freely submitting to it, or that I am acknowledging that it is binding on me. After all, no experience, even that of seeming to acknowledge or submit to the binding authority of the ML, can confirm that I am transcendently free. Simply put, I cannot have an "experience" of "freely submitting"—any "experience" is subject to empirical causality, which rules out "freely" anything. So acknowledging that there is a moral law won't

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<sup>28</sup> Cite for Allison's position.

<sup>29</sup> Rawls often claims that one important role for the FOR lies in its revealing our freedom to us. Rawls (*Lectures* 254) "only if the moral law is a principle of autonomy in Kant's sense can this law and our capacity to act from it disclose our freedom to us, that is, disclose both our independence from the natural order (negative freedom) and our capacity to act from principles of pure practical reason with a definite content (positive freedom)." But once again we have to be careful about what's being "disclosed": it must be that from a practical point of view, that we see ourselves as subject to the ML and capable of acting in accordance with its requirements (despite being opposed by inclination), we must view ourselves as both negatively and positively free: negative freedom entails that we aren't simply "acting" according to how our inclinations push us around, and positive freedom is required in order that we be viewed as an originating cause, and hence that our actions are properly imputable to us.

establish that I am transcendently free, and acknowledging or submitting to the authority of the ML doesn't establish that I have a rational will that is capable of responding to the demands of morality. Granted, beings who truly acknowledge and freely submit to it are free. But this doesn't establish that there are any beings who have freely submitted to the ML's authority, let alone that I have freely submitted or acknowledged the ML's authority.

Allison argues that this difficulty can be addressed, since "the capacity to be motivated by respect for the law entails the capacity to act out of respect for it" and "the mere fact that we can be motivated by, and act out of respect for, the moral law suffices to establish our transcendental freedom. This replaces the initial assertion that the capacity to impose the law upon ourselves establishes such freedom, since it spells out what is really involved in self-imposition." So it is not the "fact" that we impose the moral law on ourselves—we could never be aware of such a "fact"—but the capacity to be motivated by respect for the moral law, which entails that we can be act out of respect for the moral law that "suffices to establish our transcendental freedom" (125-126). This, Allison claims, is what is actually involved in self-imposition. In short, "what the fact of reason established is not the existence of actions motivated by respect for the law, but merely the capacity to act on the basis of such motivation. This is sufficient to establish the reality of transcendental freedom, at least from the practical point of view, which is alone of concern here" (129).

But the problem is that neither of the senses of the FOR can establish that we have the capacity to be motivated by reverence for the moral law. Our taking the moral law as authoritative establishes only that we conceive of ourselves as having the capacity to be motivated in that fashion, and our apprehension of the content of the moral law establishes only that a rational being endowed with pure practical reason would have that capacity, but it entails nothing about whether I am such a being. Now Allison might respond that all of this must be understood as being limited to the practical point of view, but it is one thing to claim that I postulate transcendental freedom for the sake of and only insofar as I see myself as a deliberating agent whose actions are properly imputable and for which I am morally responsible, and to claim that I have the capacity to act out of reverence for the moral law, that this "establishes my transcendental freedom," and that "I cannot doubt my status as a rational agent with duties." Further, if this is limited to adopting the point of view of the intelligible world, then i) this seems to add little or nothing to the story found in the *Groundwork*, and ii) the idea of being transcendently free seems to follow trivially from the standpoint of seeing myself as a member of the intelligible world, capable of acting as an original cause, and Allison's reliance on the FOR seems beside the point.

Similar criticisms apply to Rawls' claim that "the unconditional and a priori aspects of the moral law . . . explain the sense in which our acting from that law shows our independence of nature and our freedom from determination by the desires and needs aroused in us by natural and psychological causes" (TKMP 109). Here I would agree that our acting from the moral law (i.e., out of reverence for the moral law) would show that we can act independently of the natural order. But the problem is that we can never establish that we have the capacity to act out of reverence for the moral law, let alone that we have done so on any occasion. The unconditional and a priori nature of the moral law has to do with its content, and that we take it as authoritative doesn't "reveal our

freedom” so much as it shows that we conceive of ourselves as deliberators whose actions are properly ours, and for which we are properly held responsible.<sup>30</sup>

Kant himself displayed a similar awareness of the limitations of his account. He states that determining that the good and the evil are “objects of pure practical reason” “is only to discern the possibility or impossibility of willing the action by which a certain object would be made actual, *provided we had the ability to bring it about*,” and “if the a priori law can be regarded as the determining ground of the action, then the judgment as to whether or not something is an object of pure practical reason is wholly independent of any question of our physical ability; the only question is whether we should will an action directed to the existence of an object *if it were within our power*” [my emphasis] (*KPV* 57). What’s significant here is that determining that something is an object of pure practical reason doesn’t commit us to acknowledging that such an object exists—it’s that it would exist if we had the power or capacity to bring it about (and similarly for any other being). If we were perfectly rational we would bring it about, if we are imperfectly rational we should be striving to bring it about, as it were, for its own sake, but this entails nothing about the claim that we have either the ability or the power to bring about the (an) object of pure practical reason. And Rawls seems to let a similar admission slip when he claims that if our moral personality (as reasonable and rational, endowed with pure and empirical practical reason) is not “animated, as it were, in human beings, the moral law would have no basis in the world” (*TKMP* 100). And it’s one thing to claim that we conceive ourselves, or even that we must conceive ourselves, as possessing pure practical reason, and quite another to claim that we have the capacity to act for the sake of the moral law, or that pure practical reason is actually animated in us. So when Rawls claims that the “significance of the fact of reason is that pure practical reason exhibits its reality in [the Fact of Reason] and in what this fact discloses, namely, our freedom,” (*Lectures*, 257) one must bear in mind that the “fact” to which Rawls refers is that we take the moral law as authoritative, and that from neither this nor the “fact” that we can discern the moral law’s content would it follow that we are possessed with pure practical reason. Of course the reality of pure practical reason and freedom remain uncontested from the practical point of view, but that reveals more about the practical point of view than the FOR or what can be inferred from it.

## VIII—Conclusion

I will close by briefly considering two possible counterarguments to my “Two Facts” Thesis: i) they’re the same: to take the ML as authoritative is just to apprehend the content of the ML. But they are clearly conceptually distinct—they neither mean the same thing nor refer to the same phenomenon: it’s one thing to discern the content of the ML and quite another to regard it as supremely authoritative. Alternatively, it’s one thing to say that I acknowledge that moral considerations apply to me, and quite another to say that I recognize the abstract principle that Kant believes underlies those considerations. ii) As a matter of fact those who discern the content of the ML also take it as authoritative, and those who take it as authoritative also discern its content. But that’s at

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<sup>30</sup> Rawls also claims that “the Fact of Reason reveals our freedom to us (*Lectures* 254), and that “pure practical reason exhibits its reality in [the Fact of Reason] and in what this fact discloses, namely, our freedom” (*Lectures* 257).

best a contentious psychological claim, and even if true (and I'm not sure that it is) it wouldn't undercut the claim that, as Hume might say, the two "Facts" of Reason are distinguishable, separable, etc. So even if they as a matter of psychological fact they did always occur together, they would nonetheless remain two distinct "facts." Indeed I would venture a guess that a significant percentage of those who acknowledge morality's authority do not as a matter of fact acknowledge the moral law in Kant's preferred formulation. Moreover, we must remain mindful of Kant's claim that morality's principle must be found within the common reason of agents to be born out, it must be the case that "taking the Moral Law" as authoritative must refer to something like "moral sensibility," i.e., recognizing the normative claim that moral considerations have within our deliberations. So "moral consciousness" or "moral sensibility" as reflected in the fact that we take the moral law as authoritative cannot be understood so as to entail that it is the Kantian conception of the moral law that people take as authoritative. Otherwise the claim that we take the moral law as authoritative, and that this is present in our common moral understanding, would have to be abandoned.

References are to the Academy editions of the *Groundwork* and the second *Critique*, Rawls "Themes in Kant's Moral Philosophy," in Eckhart Forster (ed.), *Kant's Transcendental Deductions*, and *Lectures on the History of Moral Philosophy*, and Henry Allison's "Justification and Freedom in the *Critique of Practical Reason*," in *Kant's Transcendental Deductions*.