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Kantian Constructivism, Respect, and Moral Depth

Abstract This paper defends a version of Kantian constructivism that focuses on the role of the feeling of respect for the moral law. For Kant, the moral worth of an action is constructed by the subject in a way analogous to the way the subject constructs objects of experience in the first *Critique*. Just as the formulations of the categorical imperative can be seen to be analogous to the categories of the understanding, so also can the feeling of respect be understood to be analogous to the a priori forms of intuition in the first *Critique*. By our focusing on the role of the feeling of respect in constructing the moral worth of an action, Kantian constructivism can be defended against some of its critics. We can also see that for Kant the nature of moral worth requires an understanding of the moral law rather than knowledge of it.

What justifies a conception of justice is not its being true to an order antecedent to and given to us, but its congruence with our deeper understanding of ourselves and our aspirations.
– John Rawls, “Kantian Constructivism in Moral Theory,” p. 519

In the second book of *Emile*, Rousseau argues, against Locke, that one should not reason with children. According to Rousseau, of all the faculties of man, reason is the one that develops with the most difficulty and the latest. He provides the following parody of a moral lesson to a child:

Master: You must not do that.
Child: And why must I not do it?
Master: Because it is bad to do.
Child: Bad to do! What is bad to do?
Master: What you are forbidden to do.
Child: What is bad about doing what I am forbidden to do?
Master: You are punished for having disobeyed.
Child: I shall fix it so that nothing is known about it.
Master: You will be spied on.
Child: I shall hide.
Master: You will be questioned.
Child: I shall lie.
Master: You must not lie.

Child: Why must I not lie?

Master: Because it is bad to do, etc. [...]¹

Rousseau continues to say that, since children cannot grasp (*sentir*) the reason for duty,² when one tries to reason with them about what is the right thing to do, what results is that

you teach (children) to be dissemblers, fakers, and liars in order to extort rewards or escape punishments. Finally by accustoming them always to cover a secret motive with an apparent motive, you yourselves give them the means of deceiving you ceaselessly, of depriving you of the knowledge of their true character, and of fobbing you and others off with vain words when the occasion serves. (Rousseau 1979, p. 91)

For Rousseau, children do not understand why they must do their duty because they do not yet have the faculty of reason. As a result, morality for them is like a mask that they can put on or take off. But what exactly is it that children are missing? What is it about the faculty of reason that enables those who possess it appropriately to grasp their duty and be moral such that they are not dissemblers or fakers?

I think that we can find in Kant an account of practical reason that shows how we are capable of grasping our duty through reason and hence how reason can be the source of morality. I will make my case by means of a discussion of Kant's metaethics, specifically, a defense of Kant as a metaethical constructivist. For Kant, the rightness of an action is something that is constructed by us from the activity of our own faculty of reason. I am able to grasp my duty and have a good will because I am the one who has constructed what it is that I ought to do. By "grasping my duty" I mean understanding the reason why some action is right for me to do. I will argue that for Kant the activity of the construction of moral value, in addition to being the practical activity of solving the problem of what I ought to do, as in Christine Korsgaard's account, is also that through which I understand why I ought to do what I ought to do.

Much of the contemporary debate over metaethics concerns whether moral philosophy should be taken to be a kind of knowledge. According to Korsgaard, what is wrong with moral realism is that it considers ethics to be a kind of applied knowledge.³ For her, morality cannot consist of facts we can know, but

1 Rousseau (1979, p. 90).

2 "Connaître le bien et le mal, sentir la raison des devoirs de l'homme, n'est pas l'affaire d'un enfant."

3 See Korsgaard (2008b, p. 317).

rather is what results from the practical activity of thinking about what one ought to do. Only in this way can morality be something we have to care about.⁴ This constructivist view of ethics is inspired by Korsgaard's interpretation of Kant. Korsgaard's version of constructivism has, however, recently been subject to much criticism. Critics have argued that Korsgaard does not rule out moral realism, and, moreover that she should not, since she cannot show that we can get morality simply from what is constitutive of rational agency. I will argue, however, that for Kant morality is a kind of cognition, albeit a kind different from the standard realist version, and that once we see this Kant's own constructivism can be defended against many of the realist criticisms that have been leveled against Korsgaard's version of constructivism. Once we see that for Kant rational agency requires a grasping, or understanding, of the moral law, then we will see how rational agency can indeed give us normativity.

My interpretation of Kant will focus on the role of the feeling of respect in his moral philosophy.⁵ Kant writes that respect is a feeling that is

self-wrought by a rational concept and therefore specifically different from all feelings (received by influence), which come down to inclination or fear. What I recognize immediately as a law for myself I recognize with respect, which signifies merely the consciousness of the subordination of my will to law, without mediation of other influences on my sense. (GMS: 402)⁶

I will argue that, for Kant, the feeling of respect with which I recognize a law as a law for myself plays a role in the construction of the moral worth of an action. Moreover, I will argue that the feeling of respect involves a kind of knowledge of the moral law, namely an understanding of it, which is how I will interpret what Rousseau refers to as a "grasping" (*sentir*) of the reason for our duty. By focusing

⁴ Cf. Korsgaard (1996, pp. 13f.).

⁵ See Bagnoli (2013). Bagnoli also argues that "the feeling of respect plays a cognitive but non evidential role in the account of the cognitive and practical powers of reason" (Bagnoli 2013, p. 155). According to Bagnoli, "the 'basis of construction' is the subjective experience of respect for the legislative capacity itself. It is an emotional mode of practical knowledge of oneself as an agent" (Bagnoli 2013, p. 155). In what follows, I am in agreement with Bagnoli. I hope my paper contributes to Bagnoli's insights by showing how the feeling of respect can provide an argument against the threat of moral skepticism that Korsgaard thinks comes with moral realism. I also show how for Kant the self-understanding that is the result of the feeling of respect for the moral law is systematic.

⁶ For the citation system to works by Kant, see "Literature" section of this paper.

on the feeling of respect, I think it is possible to provide a *Kantian* response to some of the criticisms of Korsgaard's version of Kantian constructivism.⁷

I therefore agree with recent commentators who have noted that what is wrong with moral realism from an anti-realist, constructivist, perspective is not really that it considers morality to be a kind of knowledge rather than a practical activity, as Korsgaard argues. This is because it is possible for knowledge itself to be a practical activity. The problem, then, is not with taking morality to be a kind of knowledge, but with taking it to be a specific kind of knowledge, namely, knowledge of moral facts that are part of the "fabric of the world" and independent of us.⁸ It is therefore possible for there to be a constructivist account of practical knowledge. My view is that once we consider moral cognition in terms of understanding rather than knowledge, we can see that Kant in fact has a constructivist account of practical cognition. I will argue that for Kant, the feeling of respect is that through which we understand the authority of the moral law and this understanding is the result of our systematically determining, or constructing, our will with regard to it. Moreover, I will argue, only if we construct our actions in this way can they have moral worth.

I will proceed as follows. In section 1, I will present a realist criticism of Korsgaard's Kantian constructivism. In section 2, I will give my own version of Kantian constructivism that differs from Korsgaard's and which can address the criticism discussed in section 1, namely that Korsgaard's constructivism does not rule out realism. In section 3, I will provide an account of the feeling of respect in Kant's moral philosophy and show the role it plays in the construction of morality. In section 4, I will then show how my version of Kantian constructivism can be also used to respond to the realist criticisms of constructivism that it cannot show that normativity is constitutive of agency.

1 Fitzpatrick's Critique of Korsgaard

Constructivism is the metaethical position that argues that moral values and moral norms are made – constructed – by human agents. This view has its origin in Rawls' interpretation of Kant, according to which moral truths are: "constructions of reason" (Rawls 1980, p. 519). Constructivist moral theories are opposed

⁷ See Bagnoli (2013, p. 155): "The 'basis of construction' is the subjective experience of respect for the self-legislative capacity itself. This moral feeling conveys our rational awareness of rational agency and shows our responsiveness to the demands of practical reason. It is an emotional mode of practical knowledge of oneself as an agent."

⁸ See Bagnoli (2013), Engstrom (2013) and Bojanowski (2012).

to realist theories, which claim that there are moral truths independent of us that we can know or discover. However, as the use of the term “constructivist” implies, for the constructivist, the fact that morality is made, rather than discovered, by us does not mean that it is merely subjective or based on a whim. Rather, this construction occurs according to a plan, or, as in Rawls’ account, from some “point of view that all can accept” (Rawls 1980, p. 519), and is therefore objective.

Today, when philosophers discuss Kantian constructivism, we usually have Korsgaard’s version of constructivism in mind, which is based on her interpretation of Kant. According to Korsgaard, Kant is a moral constructivist because he sees moral value – what is right or good – as what is the result of a rational procedure. As Korsgaard puts it: “according to constructivism, normative concepts are not (in the first instance [...]) the names of objects or of facts [...] that we encounter in the world. They are the names of the solutions of problems (that is, practical problems faced by an agent), problems to which we give names to make them out as objects for practical thought” (Korsgaard 2008b, p. 322). According to Korsgaard, ethics is therefore not a kind of knowledge, but is rather the practical activity of solving practical problems. Indeed, this must be the case if ethics, which is supposed to tell us what we ought to do, is to be a guide for action. Solutions to practical problems, not the knowledge of moral facts, are what guide action.

For Korsgaard, morality is what solves the problem of what I ought to do. We solve this problem in a way that is compelling to us by constructing the solution from the ingredients of the problem itself. The constructivist asks: “is there some feature of the problem itself, or of the function named by the concept, that will show us the way to its solution?” (Korsgaard 2008b, p. 323) For example, what Kant saw as the problem of free action, namely, “how can we act according to a principle and still be free?” can be solved once we see that the principle that we act on is the principle that results from the use of our own reason. Here, the principle is not a fact about the world, but something that we construct as the answer to the problem of how it is possible to act with a free will. In the same way, the answer to the question of what I ought to do is one that I come up with myself by reflecting on the conditions of agency. According to Korsgaard, once we think about what are the conditions for rational agency, we will see that in order to be able to act, we must value something, and in order to be able to value something, we must value that which is the source of value, which is our humanity. For Korsgaard, then, once we understand what it is to be an agent, we will see that it requires that we value humanity as an end in itself. In addition, constructivism solves the problem of moral motivation, since if what is the right thing to do is my solution to a problem that is mine, then I will

be motivated to do it. If, by contrast, what is the right thing to do is simply some fact that we can know, then it is still an open question of whether we will be motivated to perform this action.

The constructivist account of ethics that Korsgaard has argued for has, however, been subject to much criticism. William Fitzpatrick's paper "The Practical Turn in Ethical Theory: Korsgaard's Constructivism, Realism and the Nature of Normativity" pinpoints several flaws in Korsgaard's arguments. Central among them are the claims that Korsgaard does not have a convincing argument against realism and that she does not show that we can get normativity from the generic conditions of the exercise of agency.

According to Fitzpatrick, Korsgaard has done nothing to argue against the realist, who claims that "among a set of rival normative principles that equally solve a practical problem of agency, one principle is best if it has the virtue of being true" (Fitzpatrick 2005, p. 685). In fact, Fitzpatrick argues: "Korsgaard's idea of anchoring a practical principle to the will via its role in practical problem solving turns out to be entirely compatible with realism" (Fitzpatrick 2005, p. 685). Fitzpatrick notes that if the formula of humanity turned out to be a truth about the absolute value of humanity as an end in itself rather than a construction of reason, this could serve just as well as the solution to the problem of what the end of my actions must be. Indeed, its truth could make it the best solution to the problem. But, whereas Korsgaard argues that a principle can only have normative force for us if it is one that we ourselves construct, Fitzpatrick replies that if a principle is in fact true, then this can also give it a normative force. Certainly a principle that is constructed, but false, would have no genuine normative force. And, knowing that a practical principle is the right one can indeed motivate us to act on it. As Fitzpatrick notes: "the connection to agency [...] is no less clear and secure just because the principle is a realist truth instead of being constructed. A principle needn't be constructed from the will's procedures in order to be shown to have practical relevance for it" (Fitzpatrick 2005, p. 688). He continues to argue that, although ethics is no doubt practical, this does not mean that it is not also theoretical. It can be the "search for knowledge of a normative truth for the sake of the practical end of living well – and the theoretical aspect needn't pose any obstacle to meeting the demand for practical relevance" (Fitzpatrick 2005, p. 691). Whether or not Korsgaard can respond to Fitzpatrick, I think that Kant can. In what follows, I will present my own version of Kantian constructivism that can respond to the challenges that Fitzpatrick makes to Korsgaard's version of constructivism.

2 Kant's Constructivism

What distinguishes constructivism from realism is the idea that moral worth and moral norms are what result from the activity of practical reason and are not truths that exist independently of the subject. For the constructivist, something has moral worth because practical reasoners value it; we are the source of the value of the action. We do not value it because it already has some independent value. My own account of Kantian constructivism will emphasize that we are the source of the moral worth of an action because it is something that we construct, in the sense of *make*.⁹ It therefore cannot be some truth independent of us that we discover, as the realist claims, since no moral value exists independently of our making it.

As Fitzpatrick points out, Korsgaard's description of constructivism, which makes morality the "solution to a problem" leaves it ambiguous how this solution comes into being. For example, in mathematics, although I can arrive at the solution to some problem through a mathematical procedure, it is arguable and indeed very plausible that the following of the procedure is not what makes the answer true. The answer is true because it is a fact of mathematics, and following the procedure has simply helped me to figure this out. Although I might *understand* why the solution is true through the following of the procedure, it is not the procedure that makes the solution true, nor is the procedure what must compel me to assent to its truth. What makes me say that the solution to a math problem is true is simply the fact that it is true. Similarly, Fitzpatrick would argue, although it is possible that I will be motivated to perform a certain action if it is the solution I have come up with to a problem that I, myself, have, this does not mean that I have constructed the moral value of the action. It could still be something independent of me. Nor does it mean that construction is the only source of motivation. According to Fitzpatrick, from Korsgaard's account, it is still possible that ethics is "a branch of knowledge, knowledge of the normative part of the world" (Korsgaard 1996, p. 37).

My account of Kantian constructivism avoids this criticism of Korsgaard by showing that constructivism is in fact incompatible with realism because it argues that what it means for the morality of an action to be constructed is not simply that the action is the solution to a problem, but also that it is something that we make in the sense of putting something new into the world. When I solve the practical problem of what to do, not only do I now gain the knowledge of what

⁹ See Bagnoli (2013, p. 167), and Bojanowski (2012, p. 4).

action I should perform, but I *make* my will into a good will. There is now an instance of rightness in the world where previously there was not.

In this way, Kant's practical philosophy is like his theoretical philosophy. Fredrick Rauscher has convincingly compared Kant's moral philosophy to his theoretical philosophy and argued that it is also transcendently ideal. Rauscher argues that for Kant, moral norms, like the objectivity of experience in his theoretical philosophy, are mind-dependent, and hence ideal and not real. Therefore Kant should be taken to be a moral anti-realist.¹⁰ In addition, however, I think that a comparison to Kant's theoretical philosophy can also show that Kant is not simply a moral anti-realist for whom morality is dependent on the subject, but also a constructivist, for whom morality is something that we *make*.¹¹ In the *Critique of Pure Reason*, Kant explicitly endorses the kind of constructivism I have in mind when he writes: "we can cognize a priori in things only what we ourselves have put into them" (KrV: Bxvii). Kant's point here is that we can cognize objects of experience a priori because we are the ones who have constructed them. Our own cognitive faculties are what produce a spatio-temporal ordering of representations according to a priori rules, and such an order would not be there were it not for our cognitive activity.

For Kant, the moral worth of an action is constructed by the subject in a way analogous to the way the subject constructs objects of experience in the first *Critique*. The way that I construct the moral worth of an action is by following the "formulae" (*Formeln*) (GMS: 436) of the moral law, the three versions of the categorical imperative. Just as, in Kant's first *Critique*, the concepts of our faculty of understanding – the categories – provide the a priori rule according to which we can synthesize representations and construct an object of thought, so, in Kant's moral philosophy, the formulae of the moral law, which is the law of our own reason, provide the a priori rules according to which we can construct a moral "object," that is, a right action and a will that has moral worth.

But this is not all. According to Kant's argument in the first *Critique*, when objects are thought by the categories alone, our knowledge is transcendent and goes beyond the bounds of experience. Therefore, in addition to the categories of the understanding, which provide the discursive condition for the construction of the objects of experience, another, sensible, component is required for experience to be possible. These are the a priori forms of intuition, space and

¹⁰ See Rauscher (2002, p. 485): "moral right depends for Kant in its entirety upon actual human consciousness of the categorical imperative, and is ideal and not real."

¹¹ According to Bojanowski, Kant should be understood to be a moral idealist. He writes: "The idealism I want to ascribe to Kant holds not that the good depends on the human mind, but that its existence depends on self-affection in moral cognizers" (Bojanowski 2012, p.4).

time, which provide the sensible condition for the objects of our experience, and which are also the limiting conditions of our experience. Objects that do not appear to us in a spatial or temporal form are transcendent and cannot be objects of experience. Similarly, in Kant's moral philosophy, there is, I believe, a condition for the construction of morality analogous to that of sensibility in his theoretical philosophy. In addition to the formal condition – the formulae of the moral law – there is also the feeling of respect for the moral law, which is the limiting condition for the will. If I do not act from respect for the moral law, then I am following the CI procedure in a way that can be said to be “transcendent.” A transcendent moral action is one that is willed just for the sake of its “rightness,” or its conformity to what the moral law prescribes in general, without attending to how one's own will should be determined by the moral law in this particular instance. In this case my will is “objectively determined” by the moral law but not also “subjectively determined” (GMS: 400f.) by it and the moral worth of my action can be said to be “empty” in a way analogous to the way concepts without intuition are empty in the first Critique. I have made my will conform with what is right, but still do not grasp why it is right. That is to say, I do not act with respect for the moral law.

When, in the *Critique of Practical Reason*, Kant writes that the moral law strikes down our self-conceit, he is indicating the limiting function of the feeling of respect. Our respect for the moral law is the recognition of its power to humiliate our self-conceit. Kant writes that the moral law

strikes down self-conceit altogether, since all claims to esteem for oneself that precede accord (*Übereinstimmung*) with the moral law are null and quite unwarranted because certainty of a disposition in accord with this law is the first condition of any worth of a person [...] and any presumption prior to this is false and opposed to the law. (KpV: 73)

In other words, the feeling of respect for the moral law is the “certainty of a disposition in accord with this law.” It is what limits our false esteem of ourselves that we have worth – even, and perhaps especially, when we are doing our duty – and ensures that such worth is only possible when our actions are performed in accord with the moral law, that is, with respect for the moral law.¹²

12 Ware argues that self-conceit is a kind of transcendental illusion. He writes that for Kant self-conceit is “the illusion of mistaking a maxim of satisfying the inclinations for an unconditional principle of the will”

(Ware 2014, p. 736). Kant indeed writes that self-conceit is what occurs when self-love, without taking the moral law into account, “makes itself lawgiving and the unconditional practical principle” (KpV: 74), and this implies that actions done from self-conceit would not have the

Here the feeling of respect for the moral law is what distinguishes someone from Rousseau's child, who could presumptuously claim esteem for himself when he does not do "what is bad to do," but without having the certainty of a disposition in accord with this law, that is, the feeling of respect.

Once we pay attention to the role the feeling of respect for the moral law plays in the construction of an action, we can see how a constructivist account of moral worth in Kant is in fact incompatible with a realist account of morality according to which what is right is a truth that is independent of us. For Kant, an action that is willed just for the sake of following a moral principle but without the feeling of respect – even if this principle is in fact true and something independent of us, as realists claim – cannot be an action that has moral worth. Such an action would be morally transcendent, or empty. It would be an action that is done just for rightness sake, but not one that produces a good will. It is therefore not an action we ought to do.

For Kant, the actions that we ought to perform are only those that are from respect for the moral law.¹³ In other words, the feeling of respect for the moral law is part of what constitutes not only the goodness of the will but also the rightness of its action. What I ought to do is that action which is from the feeling of respect for the moral law. It is not that action of which I merely have knowledge that it is the right thing to do and for which I therefore ought to have respect. For Kant, respect is not simply that feeling that I have with regard to what I know is right. The feeling of respect is rather part of what constitutes the rightness of the action in the first place. Kant writes that "[r]espect is actually the representation of a worth that infringes on my self-love" (GMS: 401, note). Without the feeling of respect, we would not be conscious of the worth of the moral law in our action. If I do not feel respect for the moral law in performing my action then it is not one that, from a moral point of view, I ought to be performing. Here Kant's moral philosophy is different from his theoretical philosophy where there are two distinct faculties that constitute experience: understanding and sensibility. In Kant's moral philosophy, just one faculty is the source of morality; reason. The feeling of respect is not some moral sense distinct from reason, but is instead a feeling that is "self-wrought" from a concept of rea-

form of a moral action. We would lie, for example, and justify this with respect to self-love. I am arguing, however, that there is a form of self-conceit in which our actions can still have the external form of morality, but are not moral since the certainty of their rightness is prior to any determination by the moral law. I could simply be motivated by the self-conceit of my self-righteousness of doing what is "right" (see Zinkin 2006, p. 49).

13 Cf.: "duty is the necessity of an action from respect for the law" (GMS: 400).

son, the moral law. As such, respect is a part of the structure of our rational agency and of what is constitutive of morality.

Let us take as an example the giving of an apology. I can, for example, know that I have hurt you and that an apology is in order and is what I ought to do. But what morality requires is not simply giving an apology because I know I ought to – because it is the solution of the problem of what I ought to do – but rather the giving of an apology with the knowledge of *why* I have wronged you and thus of why the apology really is in order. That is, the action that is required is one that is from respect for the moral law through which I recognize the worth of the moral law as what infringes on my self-conceit. But if this is the case, then the moral worth of the action that is required is one that can only be constructed by me, as a result of my own rational activity, since part of the requirement is that it be from respect for the moral law.

By focusing on the role of the feeling of respect in Kant's account of morality, we can now see that morality is not a matter of knowledge of moral facts, as realists claim, but rather of what I will call the understanding of what is one's duty. That is, it is a matter of me determining my subject in such a way such that I perform an action in the right way – with an understanding of my duty. Here we can now say that for Kant morality is a kind of cognition. Rather than simply being the solution to a problem, as Korsgaard claims, morality involves an understanding of what I ought to do. Unlike knowledge, which is propositional, understanding concerns how the parts relate to a whole, and hence need not be propositional. And, whereas knowledge can be of isolated facts, understanding is of systems. Understanding, like a skill or *techne*, indicates a kind of mastery. To understand something is to be able to explain how it works or how it is done and to see how the parts are organized with respect to the whole.¹⁴ This sense of understanding as a *techne* is, I think, behind Kant's constructivist statement in the first *Critique* cited earlier that “we cognize a priori in things only what we have ourselves put into them” (KrV: Bxiii). I think it also plays a role in his moral philosophy. For Kant, we have an understanding of why something is our duty because we have made it our duty through following the formulae of the categorical imperative. Through following the CI procedure (systematically, for all three formulae, as will become clear in what follows) we gain a respect for the moral law – which indicates our understanding of its authority for us. And, understanding why an action is our duty is part of what makes it what

¹⁴ See Zagzebski (2001, pp. 240f.).

we ought to do.¹⁵ If I do not understand why I ought to apologize, then I ought not to. Or else, I will be like Rousseau's child who uses "vain words when the occasion serves."

By seeing morality as a kind of understanding rather than knowledge, we can respond to Fitzpatrick's criticism of Korsgaard by saying that, even though, in mathematics, the *truth* of the solution to a problem might not depend on the construction procedure by which I arrive at it, but can be independent of it, nevertheless, in the case of moral action, the *understanding* of the rightness of the action is indeed dependent on the procedure by which I arrive at its rightness. And it is in the *understanding* of why an action is the one I ought to perform that its moral worth, as well as its normativity for me, consists, rather than in any independent moral truth. We can then say that for Kant the norm that is the result of a construction procedure is not simply the solution to a moral problem that we have, but is also a norm that – through the construction procedure – we come to understand as normative for us.¹⁶

3 Respect

I will now give a more detailed account of the subjective determination of the will through the feeling of respect for the moral law that shows the role it plays for Kant in constructing morality. Once we are clear about the role of respect in Kant's moral philosophy we can see how morality is indeed constitutive of rational agency. Kant can therefore respond to Fitzpatrick's and others' second criticism of Korsgaard that one cannot get normativity simply from rational agency. I will argue that for Kant rational agency includes not just the requirement that in order to act we need a reason in the sense of an end that is a good

15 See Engstrom: "Also contained in that self-consciousness (of practical knowledge) is the understanding that the power of agency belonging to the self that figures in such self-knowledge lies in the efficacy of its capacity for practical knowledge, so that it is through judging that they should φ that persons choose to φ and thereby φ . Persons, then, as practical knowers, necessarily understand their agency as the efficacy of a capacity for such rational self-knowledge [...]" (Engstrom 2013, p. 147).

16 See Bojanowski: "Genuine practical cognition is not only the cognition of a given object as good. Instead, the existence of the object needs to be brought about by the cognition itself. Practical cognition therefore must precede the given normative facts that obtain in the world. In order to issue an action, it must, in contrast to theoretical knowledge, be the source of an emotion; the feeling of 'respect for the moral law'" (Bojanowski 2012, p. 13).

worth pursuing, as in Korsgaard's account,¹⁷ but also that we need a reason in the sense of an explanation that we can grasp. We need to understand why, in the scheme of things, our action is significant and is worth performing. This would not be an explanation from the third-person theoretical perspective,¹⁸ but would rather be a first-person explanation to ourselves through which we understand the reason why we ought to perform an action. It is by understanding our purpose in acting that we constitute our identity in the sense of integrity that Korsgaard herself describes.¹⁹ On my view, practical reason is the source of our integrity because it is what systematically orders our maxims according to their value in a way that we can understand the reason why an action ought to be performed. Because it orders our maxims according to a fundamental principle, it is also the source of the depth of our identity – an identity in which our motives of action are systematically integrated into our self with respect to a practical principle – without which we would merely have the superficial morality of children.²⁰

Respect plays a role in the construction of the moral worth of an action because it is that through which we understand the authority of the moral law. In the *Groundwork*, Kant explains the role of respect as follows. He writes:

[...] *duty is the necessity of an action from respect for law*. For an object as the effect of my proposed action I can indeed have *inclination*, but *never respect*, just because it is merely an effect and never an activity of a will [...] Only what is connected with my will merely as a ground and never as an effect, what does not serve my inclination but outweighs it or at least excludes it altogether from calculations in making a choice – hence the mere law itself – can be an object of respect and so a command. Now an action from duty is to put aside entirely the influence of inclination and with it every object of the will; hence there is left for the will nothing that could determine it except objectively the *law* and subjectively *pure respect* for this practical law, and so the maxim of complying with such a law even if it infringes upon all my inclinations. (GMS: 400f.)

17 Or at least on Fitzpatrick's construal of it (see Fitzpatrick 2005, p. 662). Korsgaard's own view, especially her account of practical identity is more complex than Fitzpatrick allows. See Korsgaard (1996, pp. 100–103). The aim of my paper is not to argue against Korsgaard, but to show how Kant himself could respond to criticisms of Korsgaard's version of Kantian constructivism.

18 See Korsgaard (1996, p. 16).

19 See Korsgaard (1996, p. 102).

20 This is not to say that the systematic unity of the self is not part of Korsgaard's account, but rather that she does not make it as central as I do. Korsgaard writes: "In fact deliberative action by its very nature imposes constitutional order on the soul. When you deliberate about what to do and then do it, what you are doing is organizing your appetite, reason and spirit, into the unified system that can be attributed to you as a person. Deliberative action pulls the parts of the soul together into a unified system" (Korsgaard 2008a, p. 119).

To act from respect for the moral law is not simply to know what is the right thing to do – for my will to be “objectively determined” by the law – but also for me to understand why what is objectively the right thing to do is what I ought to do, that is, for my will to be subjectively determined by the law. To act from respect for the moral law is therefore to incorporate the moral law into my own subjective will. For example, I could help someone in need because I know it is “the right thing to do.” This would be for my will to be objectively determined by the law.²¹ But it is only when I ask myself the further question “why have I chosen to do what is the right thing to do?” that my will can be subjectively determined by the law. Here I do not simply adopt an end. Rather, I introspect in order to understand why I have chosen to do this “right” action. I seek to explain this action to myself. Such introspection produces understanding. After reflecting on my motive of action I might come to see that the reason I wanted to do what was the right thing to do is from self-love and the desire for honor. Here, along with a deeper understanding of the structure of my motivations I feel the humiliation that accompanies such self-knowledge of my self-love. But I also now recognize the worth of the moral law as what infringes on my self-love. It is this recognition of the worth of the moral law in subjectively determining my will that gives the will its moral worth. But to recognize the moral law as a law for myself is to understand why it must be the law for my willing – because it is the law of my own reason.

Respect for the moral law is thus the understanding of its authority such that I have a reason to put aside the influence of the inclinations and act for the sake of the law alone.²² Here respect is indeed a kind of intuition – that of the authoritativeness of the moral law as the law of my own will. But, it should be noted, just as in Kant’s first *Critique* in which something can only be an object of intuition because it is structured through forms of intuition that are subjective and a priori, so in Kant’s moral philosophy, we can only grasp the authoritativeness of the moral law because we ourselves have thought through our motives for action with regard to it and come to an understanding of its rightness *for us*. It is in this way that the feeling of respect is “self-wrought.” Just as the a priori forms of intuition are the subjective condition for the construction of particular spatial and

²¹ Here the feeling of respect functions similarly to that of conscience. See Schmidt/Schönecker (2015).

²² See Bagnoli (2013, p. 178): “the experience of respect establishes the special kind of efficacy that is peculiar to practical subjects insofar as they are autonomous. Respect conveys practical knowledge as knowledge of oneself as a practical subject and in this function it can produce a motive. Second, respect works as a deliberative constraint that regulates self-love and self-interest. It thus accounts for the general practice of self-government.”

temporal forms, so our respect for the moral law is the subjective condition for the construction of the normativity and the moral worth of my action.

There are therefore two ways in which an action can be done for the sake of the moral law, only one of which has moral worth. One is for the will to only be objectively determined by the moral law. This would be to obey the law without regard for how it relates to my inclinations. It is to do what is right just because one knows that it is right. Someone who acts in this way has a superficial relation to what is right and can be said to act in a morally “empty” way. Like Rousseau’s child, such a form of morality is “fake.” The action is transcendent and empty of moral worth. This is not because one acts for a motive other than that of the moral law. It is rather because, in following the moral law, one has not engaged in any “calculations in making a choice” and hence has not come to understand how the moral law is authoritative for their own particular set of inclinations. This view of moral worth is consistent with moral realism, for which what is right is something that is part of the “fabric of the world” and distinct from us. Here we can see why, for Korsgaard, such a moral view can lead to moral skepticism. Korsgaard writes that “the moral skeptic is someone who thinks that the explanation of moral concepts will be one that does not support the claims that morality makes on us. He thinks that once we see what is really behind morality, we won’t care about it any more” (Korsgaard 1996, p. 13). If morality is just acting for the sake of the moral law, it is possible that morality is just a superficial mask behind which hides an empty shell, or the thoughts of a child. It is not something that is deeply lodged in us.

The other way to act for the sake of the moral law is for the will to be both objectively determined by the law and subjectively determined by respect for the moral law. In this case, I construct an action that has moral worth since I subjectively determine my will by excluding my inclinations from my calculations in making a choice. I sort through my motives and grasp the one that is most fundamental; the moral law. I help someone in need because I understand that to do so is to be in accord with my own reason and not simply because, as Rousseau’s child might say: “it is my duty.” In this way I am the source of the normativity of my action, since what I ought to do is what results from this procedure of introspection.

Here it should be emphasized that an action is not something distinct from the way in which it is performed. Rather, the respect for the law with which I act is part of my action. It is not the case that there is an action, such as not enslaving someone and then, in addition to this, my performing the action from respect for the moral law. For Kant, acting from respect for the law is what constitutes – or constructs – the action as the action that it is, namely, one that has moral worth. An action done without respect for the moral law and one done with re-

spect for the moral law are two distinct actions. This is analogous to Kant's theoretical philosophy in which the mere concept of a substance is not the same thing as a substance as a possible object of experience. The former can be the concept of a soul. The latter cannot be. A concept of what is right is not itself right. What is right is our making our will conform to the concept.²³

I have argued that it is, in part, through respect for the moral law that we construct the moral worth of an action. The feeling of respect gives an action its moral worth because it is that through which we understand, or "grasp" the authoritativeness of the moral law with regard to our maxims of action and hence "make" our own subjective will a good will. Without the feeling of respect, there would be nothing of real moral value in the world. Rather there would only be a superficial moral value, or morality in name only. Just as, with-

23 Here one can give a response to realist critics of Korsgaard who argue that the rightness of, for example, not treating someone like a slave, is not constructed through the activity of willing according to the categorical imperative, as Korsgaard claims, but rather that the rightness is there all along as a fact about humanity, and it is this fact that is the source of the rightness of the action. In Watkins/Fitzpatrick (2002, p. 361) the authors argue that moral realism provides a more natural and direct way to think about moral worth. They write: "What is wrong about enslaving someone, for example, seems to be something straightforwardly and simply about her, given what she is – the dignity that belongs to her as a rational being. To cash out the wrongness of such an action and its normative force for me in a way that requires a detour through a story about what I have to do in order to exercise my will at all seems like a move in precisely the wrong direction. It does not seem true to ordinary moral experience, which certainly does not represent other people's value and its significance for us as deriving from commitments bound up with the exercise of our own wills under certain generic constraints inherent to the nature of willing. The phenomenology, for what it is worth, is that other people, as rational agents, simply matter, and that this makes it inappropriate for us to treat them as if they did not, apart from any commitments that might arise generally through the exercise of our own wills." According to Watkins and Fitzpatrick, constructivist accounts thus give us a counterintuitive and roundabout way of arguing for the rightness or wrongness of an action. But their argument against constructivism assumes that what is at issue is the worth of actions considered in abstraction from the will that performs them, that is, with the wrongness of enslavement, rather than with the worth of the will that enslaves someone. Yet Kant is not concerned with the worth of moral facts as such, but rather with the worth of a good will. For Kant, a story about the exercise of the will is thus not a detour around the wrongness of the action, but is instead what focuses on that in which the morality of the action consists, namely, the will. On my interpretation of Kant, even if it is a fact about us that we have a dignity in virtue of our rational nature, what gives our action moral worth is that we act from respect for the moral law which instructs us about this fact, that is, that we refrain from enslaving someone for the right reasons. For Kant, what we ought to do is not simply not enslave someone, but not enslave them for the right reasons, that is, from respect for the moral law.

out the a priori forms of intuition in the first *Critique*, we would only have concepts that are “empty.”

I therefore think that Kant has the feeling of respect in mind as what is “analogous” to intuition when, at the conclusion of his discussion of the three formulae of the categorical imperative, he notes that the dissimilarity between them is “indeed subjectively rather than objectively practical, namely to bring an idea of reason closer to intuition (according to a certain analogy) and thereby to feeling” (GMS: 436). What I take Kant to mean here is that it is by using all three different formulae one can come to a deeper understanding of the moral law such that we grasp its authoritativeness for us and act from respect for it. Kant continues in this passage to say:

For all maxims have 1) a form [...] 2) a matter [...] (and) 3) a complete determination of all maxims by means of that formula, namely that all maxims from one’s own lawgiving are to harmonize with a possible kingdom of ends as with a kingdom of nature. A progression takes place here, as through the categories of the unity of the form of the will (its universality), the plurality of the matter (of objects, i.e., of ends), and the *allness* or totality of the system of these. But one does better always to proceed in moral *appraisal* (*Beurteilung*) by the strict method and put at its basis the universal formula of the categorical imperative: act in accordance with a maxim that can at the same time make itself a universal law. If, however, one wants to provide access for the moral law, it is very useful to bring one and the same action under the three concepts mentioned above and thereby, as far as possible bring it closer to intuition. (GMS: 436f.)

Here we see Kant describing a progression through which we integrate the moral law into our subjective will. Kant writes that if one simply wants to appraise one’s action for its morality, one does best “to proceed by the strict method and put at its basis the universal formula of the categorical imperative.” This would be to objectively determine one’s will by the moral law. If, however, one wants to go deeper, and “also to provide access for the moral law,” and to bring the moral law “closer to intuition,” Kant writes that it is useful “to bring one and the same action under the three concepts mentioned above,” that is, to fit it into the system of the three formulae of the moral law.²⁴

Bringing one and the same action under the systematic unity of the three formulae of the categorical imperative provides access to the moral law and brings it closer to intuition because it is through this activity that one is able most completely to determine one’s will subjectively, that is, to make the moral law our

²⁴ See here Schönecker/Wood (2015, p. 174). They write that the formula of the realm of ends is here effectively the formula of autonomy, which is “stronger than the FUL and the FH, for this formula not only tells us which maxims can be thought or willed but also which maxims ought to be binding on us.”

sole incentive of action, and hence act from respect for the moral law. When we do this, and hence bring the moral law closer to intuition, we understand our duty.²⁵ We do what practical reason requires of us in order to be moral, and what children, who do not have the faculty of reason cannot do. This understanding of our duty is what it means to act from respect for the moral law, it is also what gives our action moral worth.

The moral worth of an action is therefore what is constructed by us through the use of our own reason in deciding what to do. Here, I think that the answer to the question “why be moral?” does not just concern what can be called the motivational question of “what do I gain from this action?” (to which Korsgaard replies: “your humanity”), but also the “understanding” or teleological question of “what is the significance of this action?” to which the answer is that it fits in with who I consider myself to be (what Rawls means by its “congruence with our deeper understanding of ourselves and our aspirations,” and Korsgaard means by our “integrity”). Here I am arguing that the systematizing function of the faculty of reason (which pertains to reason in both its theoretical and practical use) and not just its ends setting function is the fundamental source of the moral worth of an action. This systematizing function plays a role in morality, as we have seen, in “leading the same action” through all three formulae of the moral law so as to bring it closer to intuition. And the systematic ordering of our own ends (as well as of our ends with others) is required by the Kingdom of Ends formulation of the categorical imperative. When Kant describes the Kingdom of Ends, he does not just refer to a systematic union of various rational beings, but also to a whole “of the ends of his own that each may set for himself” (GMS: 433). That is to say that Kant considers that there ought to be a systematic unity of ends for each individual. In fact, in the *Metaphysics of Morals* Kant writes that ethics can be defined as the system of the *ends* of pure practical reason, that is, ends that are also duties,²⁶ which are one’s own perfection and the happiness of others. Ethics therefore consists in systematically ordering our max-

25 Or “insight.” In the *Jäsche Logic*, Kant puts insight as the second highest degree of cognition. He writes: “to cognize something through reason, or to have insight into it (*perspicere*)” (JL: 65). This point we reach in few things, and our cognitions become fewer and fewer the more we wish to perfect them as to content. In the *Critique of Pure Reason*, Kant writes: “When Gallileo rolled balls of weight chosen by himself down an inclined plane, or when Torricelli made the air bear a weight [...] or when Stahl [...] a light dawned on all those who study nature. They comprehended that reason has insight only into what it itself produces according to its own design [...]” (KrV: Bxii f.). For a fascinating discussion of the concept of insight in Kant, see Hebbeler (2015).

26 See TL: 381.

ims with regard to these ends, and it is through being systematically organized that they gain their moral worth.²⁷

In order systematically to unify our ends we must understand our actions with regard to their organizing principle. To order our ends systematically, we must place limitations on those ends that are not our duties and, indeed, strike down those of our motives whose ends are self-love and self-conceit. Such ordering is done with regard to that principle of reason with respect to which a systematic order is possible and for which it is the goal; the moral law.

4 Systematicity and Moral Agency

Once we see that reason has a systematizing role in Kant's moral philosophy that enables us to understand what our purpose is in acting, I think we can show how Kant can answer critics of constructivism, such as Fitzpatrick, who say that one cannot get morality simply from rational agency. According to Fitzpatrick, Korsgaard is wrong to say that we must adopt the formula of humanity as practically necessary in order to solve the practical problem of agency,²⁸ and that we must have a normative conception of what there is a reason to do in order to act at all. Fitzpatrick argues that it is not necessary that we value humanity in order to have a reason to act. But Kant himself has resources to respond to Fitzpatrick who focuses on Korsgaard's use of Kant's formula of humanity. Kant can say that in order to be a rational agent, one must have some ordering principle according to which one chooses one's actions. But there is only one principle that can order our reasons for action and that is the principle of practical reason itself, the moral law. Because it is what orders our ends, we are also committed to that principle by which we think through which of our ends is most "congruent with our deeper understanding of ourself" and create a systematic unity of our own ends. This commitment is what results from the procedure of acting from respect for the moral law, by which we strike down those of our ends that are from self-conceit and which cannot fit in with a rational system of ends. In other words, to act from reasons is to participate in a systematic structuring of reasons, whose principle is the moral law.²⁹

Similarly, as a final point, I think that David Enoch's criticism of Korsgaard's view that normativity is constitutive of agency can be addressed by the Kantian

²⁷ See also TL: 216 and Sensen's paper in this volume.

²⁸ See Fitzpatrick (2005, p. 681).

²⁹ See Ferrero (2009).

constructivism I have presented in this paper. Enoch argues that even if the norm of self-constitution is constitutive of agency, we still need a reason to be an agent in the first place. According to Enoch, it is possible to be a schmagent, that is, someone who acts but does not have any stake in his or her action – “a nonagent who is very similar to agents but who lacks the aim (constitutive of agency but not of schmagency) of self-constitution” (Enoch 2006, p. 179). Indeed, why can’t we just be aimless slackers?³⁰ Enoch’s point is that the normativity of acting is something that is in addition to action and hence requires an additional justification than simply being what is derived from agency, since it is possible to be a schmagent and simply not care about any norms for acting.

I think Kant’s answer to this objection would be just to agree that such schmagents, or slackers, are a different kind of person than agents and non-slackers, just as children are different from adults. They are people who do not or cannot make use of what Kant calls the faculty of practical reason. As a result, not only do they not have any ends in acting, but, moreover, they do not care about any ends they could have, since they have no feeling of respect for any norms. I hope to have shown that, for Kant, the faculty of practical reason is not only constitutive of the moral worth of an action but also, as that faculty from which the feeling of respect is self-wrought, it is what is constitutive of our caring about an action such that what is normative for us is a deep part of ourselves.

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Kant

- GMS Grundlegung zur Metaphysik der Sitten, AA 4
- JL Jäsche Logik, AA 9
- KpV Kritik der praktischen Vernunft, AA 5
- KrV Kritik der reinen Vernunft, AA 3 (B) und 4 (A)
- TL Metaphysische Anfangsgründe der Tugendlehre, AA 6

English translations are taken from the series *The Cambridge Edition of the Works of Immanuel Kant*, Cambridge University Press (1992ff.), except for the *Logic*, edited and translated by Robert S. Hartman and Wolfgang Schwartz, New York: Dover (1988).

³⁰ See Milgram (2012).

All page and line numbers in parentheses refer to the so-called Akademie-Ausgabe (AA), i.e., to *Kant's gesammelte Schriften*, herausgegeben von der *Königlich Preußischen Akademie der Wissenschaften*, Berlin: Walter de Gruyter (1900 ff.).

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