

Kant's Moral Intuitionism: The Fact of Reason and Moral Predispositions

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In his lectures on “Fundamental Questions of Ethics”, delivered in the Winter Semester of 1902/3, Husserl presented a highly critical account of Kant’s moral philosophy. Like others before him, Husserl reproaches Kant for failing to offer “any closer examination” (Husserl 1988: 408) of the world of moral feelings. Husserl claims that Kant defends “an extreme and almost absurd rationalism” (ibid.: 412), an “extreme intellectualism” (ibid.: 412) which is bound up with an “abstruse formalism” (ibid.: 415).¹ And in fact, to this day, it has remained a commonplace of philosophical discourse to say that Kant conceded no substantial significance to the role of feelings in his moral philosophy. According to Sonja Rinofner-Kreidl, for instance,² Kant “banishes every kind of feeling from the sphere of morality (except the peculiar *intellectual* feeling of respect for the moral law)” (Rinofner-Kreidl, 2011, 423); for Kant, she says, “acting reasonably is based on purely cognitive abilities” (a.a.O, 426). I shall show that quite the opposite is true. To begin with, Kant consistently argues that reason can only effect action by means

¹ I’m grateful for very helpful comments made by Luis Placencia at a conference at the University of Navarra (organized by Mark Alznauer José Maria Torralba, Sep. 2012) as well as by Jochen Bojanowski and the two referees of *Kant Studies Online*. I am also indebted to Sophie Loidolt and Sonja Rinofner-Kreidl for drawing my attention to a number of very interesting passages in Heidegger and Husserl in this connection.

² There are numerous examples. Eva-Maria Engelen, for instance, in her book *Gefühle* (2007: 35) claims that acts “which are meant to result from rational considerations cannot be realized without the motivating and evaluative power of emotions”. She is quite right; but she also names Kant as a thinker who specifically *denies* this claim, and that is false. Cf. the similar, though somewhat more differentiated observations in Hastedt (2005, 30ff.)

of feelings.³ Here I would simply refer to his observations in the *Groundwork for the Metaphysics of Morals*: “In order for a sensibly affected rational being to will that for which reason alone prescribes the ‘ought,’ it is admittedly required that his reason have the capacity to induce a feeling of pleasure or of delight in the fulfillment of duty, and thus there is required a causality of reason to determine sensibility in conformity with its principles” (GMM: 460). An interest, says Kant, “is that by which reason becomes practical, i.e. becomes a cause determining the will” (GMM: 459, Footnote), and since “all so-called moral interest consists solely in respect for the law” (GMM: 401, Footnote), the feeling of pleasure through which pure reason becomes practical is itself the feeling of respect.

Here I shall be concerned with another, and much more ambitious, Kantian thesis. And since it is one that has rarely been adequately recognized, it is worth paying particular attention to it. The thesis in question is this: *It is through feelings that we recognize the validity of the moral law*. Kant is by no means the pure rationalist that Husserl and others represented him as being. I claim, on the contrary, that Kant is an ethical intuitionist, i.e. he belongs to those ethicists who hold the view that we recognize the validity of the moral law, the moral *You ought*, not by some kind of deductive reasoning, but by means of a certain kind of self-evidence, by a feeling, the crucial phenomenological aspect of which is *givenness*.⁴ By way of contrast: Non-intuitionism in ethics holds that there is way to demonstrate by strength of arguments that it is rational to obey moral laws (The Golden Rule, Contractarianism, something along these lines).

³ Husserl also acknowledges this, but thinks that Kant is being “inconsistent” (Husserl 1988: 416) when he allows “respect” to be an incentive to moral action. According to Husserl, Kant did note the indispensability of respect as an incentive, but nonetheless “did not want to concede this” (ibid.).

⁴ Oliver Sensen (2011) argues that according to Kant personality is not a quality of absolute intrinsic value. The arguments he presents are very well worth considering. However, I still think that the traditional interpretation is correct; and what then needs to be understood is how the feeling of respect cognizes this quality. This would be another version of Kant’s intuitionism; both versions of intuitionism (validity-intuitionism and value-intuitionism) imply moral realism. This paper is about validity-intuitionism only.

In the first part (1), I shall draw on the theory of the *fact of reason* that Kant develops in the second *Critique*. In the second part (2), I shall show that in the later *Doctrine of Virtue* Kant presents a theory of moral predispositions that basically implies that the binding claim which moral laws make on us cannot even be thought without reference to feelings.

Generally speaking, I'm not a Kantian, by the way; but I do believe that Kant's intuitionism is right and defensible. Yet this is not a paper on intuitionism; it's a paper on Kant's intuitionism. It is an interpretative essay.⁵

1. The Felt Fact of Reason

In §7 of the *Critique of Practical Reason* (henceforth: CPrR), Kant formulates the categorical imperative (henceforth: CI). A bit later, in the Remark to this §7, he says that one could call the “consciousness of this fundamental law a fact of reason” (CPrR: 31,24).⁶ Suppose we call this Kant's factum theory (or, a bit less ambitious: Kant's factum thesis) the consciousness of the CI is a fact of reason. In what follows, I'll argue for three interpretative theses:

1. The factum theory explains our insight into the binding character of the moral law; it is a theory of justification.
2. In our consciousness of the CI, the moral law is immediately given in its unconditional and binding validity.
3. The unconditional validity of the CI is given in the feeling of respect.

Let me emphasize from the outset how I wish *not* to be understood: My claim is not that on Kant's factum thesis we

⁵ For a more detailed analysis as well as a defence of the fact of reason, cf. Schönecker (2013).

⁶ Kant's moral writings are cited from the translation by Mary J. Gregor in the volume *Practical Philosophy (The Cambridge Edition of the Works of Immanuel Kant)*, Cambridge 1996. All page and line numbers refer to the pagination of the Academy Edition, which are also included in all modern English translations of Kant's works.

can cognize the entire content of either the general CI or of specific imperatives (such as not to lie) by feeling; to comprehend the meaning of the CI we need both reason and feeling. Also, the moral law itself does not depend for its validity on the moral feeling of respect; it's not that the moral law is valid *because* we have that feeling. Furthermore, we do not, at least not typically, cognize how we ought to act through moral feelings; on Kant's account, it's not that we somehow feel that we ought not to lie to a Nazi at the front door, that we ought not to carry out abortions or that active euthanasia is wrong. The point is not that we feel that, for instance, the maxim "if you find yourself in a dangerous situation, bear false witness against an honourable man" is wrong; however, along with cognizing that the maxim of bearing false witness against an honourable man cannot be a universal law we *do* know by a certain feeling (respect) that we indeed *ought not* to act on such a maxim. Thus, the basic idea is this: The CI has both (a more or less formal) content, to wit, the idea of universalization; this content that we grasp is not by feeling but by reason. However, the CI is also a command. That it really *is* a command that we ought to act only on maxims that we can think and want as general laws⁷ is the element of the CI that we can only cognize by the feeling of respect. It's not that for Kant respect is „ein Gefühl im Sinne einer Haltung, welche durch die Einsicht in das Sittengesetz hervorgerufen wird“ (as Demmerling/Landweer write, 2007, 46). For we have to ask in what consists such an 'insight' in the first place; and the answer to this question is that respect is part of, or a means to, this insight itself.

⁷ Something like this, anyway; the exact formulation (and interpretation thereof) is irrelevant here.

*Ad 1) The Theory of the Fact of Reason
as a Theory of Justification*

The first thesis claims that the factum theory offers a theory of justification insofar as the fact of reason justifies our belief that the moral law as a CI is absolutely valid, absolutely binding on us.⁸ First of all, it is necessary to consider the general context of the argument here: according to Kant (in the CPrR), there is no direct or immediate consciousness, and likewise no experience, of transcendental-practical freedom. We have no consciousness and no experience of negative freedom (in the sense of independence in principle from all sensuous incentives). Nor do we have any immediate consciousness or experience that in any particular act we are actually determined by the moral law, i.e., are acting out of duty. That is to say, we have no consciousness and no experience of positive freedom as transcendental-practical self-determination through the moral law. That such freedom does indeed exist, Kant submits, is something that we know solely through the moral law, of which we are immediately conscious, namely in that ‘consciousness of this fundamental law’, in our moral consciousness: “if pure reason of itself can be and really is practical, as the consciousness of the moral law proves it to be...” (CPrR: 121). This basic thesis, which Kant presents repeatedly throughout the second *Critique*, is already expressed in the *Preface*, where Kant says in a famous footnote that “whereas freedom is indeed the *ratio essendi* of the moral law, the moral law is the *ratio cognoscendi* of freedom”

⁸ O’Neill (2002, 88f.) reads Henrich (“and numerous others”, *ibid.*) as claiming that “the Fact of Reason marks the moment at which Kant gives up on the idea that he can justify any Fundamental Law of Pure Practical Reason” (*ibid.*). On her own reading, Kant does not even “intend the Fact of Reason as a justification of practical reason”. (By the way, one of those ‘numerous others’ would be Prauss to whom Kant’s theory of a Faktum der Vernunft is just a “Verzweiflungstat” [Prauss, 1983, S. 67].)

(CPrR: 4, footnote). The consciousness of the moral law is thus supposed to be the *ratio cognoscendi* of our belief that we are free. But this consciousness can only perform this role if it is *real* in turn (a consciousness that human beings actually possess), and if we are epistemically *justified* (warranted) in relying upon it; if this consciousness were merely “a phantom” (GMM: 445,8), then our belief that freedom is real would also be groundless, and freedom itself perhaps just such a phantom. The factum theory is thus a theory regarding the way in which we are justified in our belief concerning the “reality” (CPrR: 47,15; 48,6) of the moral law. Only if we know that morality is real, do we know too that freedom is real.⁹

Now, in connection with the CI, Kant defines a “deduction” as “the justification of its objective and universal validity and the insight into the possibility of such a synthetic proposition a priori” (CPrR: 46,20). Kant then says quite clearly such a deduction of the CI is *not* something that can be accomplished: “Hence the objective reality of the moral law cannot be proved by any deduction” (CPrR: 47,15). This gives the impression that a ‘justification of the objective and universal validity’ of the CI is impossible. As it turns out, however, Kant speaks positively of the “justification of moral principles” (CPrR: 91,33); as we will see in more detail later, there *is* a justification of the CI. But this must not be a contradiction. For the impossibility of providing a deduction of the CI does not mean that there is not, and cannot in principle be, any demonstration of the reality of the CI. Even if ‘the objective reality of the moral law *cannot be proved by any deduction*’, it could still be proved in *another* way, and indeed the same sentence ends by saying that this objective reality “is nevertheless firmly established of itself” (CPrR: 47,19). The CI thus cannot be proved by any deduction, but ‘*is nevertheless firmly established of itself*.’ Nor does the impossibility

⁹ That is why Heidegger can quite rightly say (1982: 282) that if freedom is supposed to “manifest” itself through the law, as Kant claims, this law must “therefore first itself be manifest as actual.”

of providing a deduction of the CI imply that there can be no ‘justification of the validity’ of the CI. It is therefore noteworthy that Kant’s definition of ‘deduction’ is conjunctive: It involves both the ‘justification of the validity’ of the CI ‘*and*’ the ‘insight into the possibility’ with regard to the “basic faculty” (CPrR: 47,1) in question. As far as the basic faculty of pure practical reason is concerned, such an ‘insight’ is in indeed impossible; and precisely because it is impossible, there can be no ‘deduction’ of the CI. Nonetheless, the other aspect – the ‘justification of the validity’ of the CI – could still be established, and indeed my thesis here is that the ‘fact of reason’ accomplishes just this justification. For the CI is ‘firmly established of itself’ inasmuch as it is given as a ‘fact’. The belief that the CI has binding validity is justified by the fact of reason. In this sense, Kant can write:

“[R3] [R3.1] It was necessary first to establish and justify the purity of its origin [i.e. that of the categorical imperative] even in the *judgment of this common reason* before science would take it in hand in order to make use of it, so to speak, [R3.2] as a fact that precedes all subtle reasoning about its possibility and all the consequences that may be drawn from it. [R4] But this circumstance can also be very well explained from what has just been said; it is because practical pure reason must necessarily begin from principles, which must therefore, as the first data, be put at the basis of all science and cannot first arise from it. [R5] [R5.1] But for this reason the justification of moral principles as principles of a pure reason could also be carried out very well and with sufficient certainty by a mere appeal to the judgment of common human understanding ...”

(CPrR: 91; I shall come back to this passage at a later stage of the argument).

Here Kant speaks twice of the ‘justification’ of the CI: firstly, he talks about the need to ‘*justify*’ ([R 3.1]; CPrR:

91,25) the ‘highest practical principle’, and specifically ‘*as a fact*’; and he refers to this process of ‘justifying’ the moral law once again when he talks of the already quoted ‘*justification of moral principles*’ ([R.5.1]; CPrR: 91,33). It is the consciousness of the CI as a fact of reason that thus justifies the CI in its absolute validity. It is quite true that Kant also says, in another passage, that the moral law “has no need of justifying grounds” (CPrR: 47,28). But these ‘grounds’ that the CI is said *not* to require should be understood as *deductive* grounds. If we understand ‘justification’ (or warrant) in quite general terms as that element which turns true belief into knowledge, then the justification to believe a specific proposition *p* may lie in our being able to present other propositions on the basis of which we can legitimately hold *p* to be true; a properly basic proposition, on the other hand, is one that we hold to be true without (deductive) derivation and may *prima facie* rightly hold to be true.¹⁰ The conviction that the CI possesses ‘reality’, and thus is actually valid, is justified, although it is not justified by any particular ‘grounds’, but only ‘through itself’ as a ‘fact’. And this brings us to the second thesis, namely that the ‘validity’ of the CI is something *given* to us.

¹⁰ I believe that Kant’s critical attitude to the project of deduction here represents a form of self-criticism; he is criticizing the kind of deduction that he himself had presented in Section III of the *Groundwork for the Metaphysics of Morals*. For who else had ever attempted such a deduction of the categorical imperative itself? Kant can only be alluding to himself and this attempted deduction when he speaks in the second *Critique* of the “vainly sought deduction” (CPrR: 47,22); but this is a very broad issue that I cannot properly address here; cf. Schönecker (1999). – Luis Placencia points out to me that in the *Preface* of the second *Critique*, Kant says that the CPrR presupposes the *Groundwork*, “but only insofar as this [GMM] constitutes preliminary acquaintance with the principle of duty and provides and *justifies* a determinate formula of it” (CPrR: 8, m.e.). Placencia takes this ‘justification’ to refer to the deduction of GMM III. But this seems clearly wrong to me; what is being ‘justified’ here is not the CI as such, but the ‘*determinate formula*’ of it; this conceptual determination takes place in *GMM I/II*.

*Ad 2) The Factum Theory as a Theory
of Self-Evidence*

It is only in the Remark to §7 that Kant carries out the terminological baptism ('fact of reason'). I cite the relevant passage here before offering a *kommentarische* interpretation:¹¹

“[1] [1.1] Consciousness of this fundamental law may be called a fact of reason [1.2] because one cannot reason it out from antecedent data of reason, for example, from consciousness of freedom (since this is not antecedently given to us) and [1.3] because it instead forces itself upon us of itself as a synthetic a priori proposition that is not based on any intuition, either pure or empirical, [1.4] although it would be analytic if the freedom of the will were presupposed, but for this, as a positive concept, an intellectual intuition would be required, which certainly cannot be assumed here. [2] [2.1] However, in order to avoid misinterpretation in regarding this law as *given*, it must be noted carefully [2.2] that it is not an empirical fact but the sole fact of pure reason [2.3] which, by it, announces itself as originally lawgiving (*sic volo, sic jubeo*).”

(CPrR: 31)

Kant names what the 'fact of reason' specifically identifies, namely the 'consciousness of the fundamental law'. Since this 'fundamental law' is the CI which he has just formulated at the beginning of §7,¹² and since the 'reason' in question here

¹¹ For this notion of "kommentarische Interpretation", cf. Schönecker (2004²) and Damschen/Schönecker (2012: 203-272).

¹² At least this is what I shall assume here, even if this has recently been contested; cf. Wolff (2009).

is pure practical reason, Kant's proposition (and thus the factum thesis) reads as follows:

(F 1) The consciousness of the categorical imperative is a fact of pure practical reason.

A slight qualification is in order here. For Kant says that one 'may' (or 'can'; *kann*) describe the fundamental law as a fact. Obviously, therefore, we not *have* to describe it this way, and that is because it is quite different from other 'facts' that are less problematic; hence in the eleven places where the expression 'Faktum' appears, on four occasions Kant specifically adds the adverbial qualification, 'so to speak' (*gleichsam*).¹³ Now although we merely 'may' speak of a 'fact of reason', Kant himself repeatedly does so (albeit sometimes with the aforementioned qualification), and we must therefore assume that he believes this expression, despite the analogical qualification and attendant danger of 'misinterpretation' [2.1], to be legitimate and illuminating.

There is also another and intrinsically more significant qualification to be made with regard to (F1). For generally Kant actually describes the moral law *itself* as a 'fact', and it is only in passage [1.1] that the *consciousness* of this moral law is unambiguously described as a 'fact of reason'. And this difference is also obvious in the passage from §7 that we have just cited. For since the pronoun "it" in [2.2] clearly refers to the 'law' mentioned in [2.1], and the latter in turn clearly refers to the 'fundamental law' at issue and thus to the CI, we must infer the following proposition:

(F2) The categorical imperative is a fact of pure practical reason.

For now, let us simply note this difference between (F1) and (F2). Once we have clarified what 'fact' properly means here, I shall return to this point. Now there is no doubt that

¹³ Cf. CPrR: 47, 55, 91, 104.

Kant, after describing the consciousness of the moral law as a ‘fact’, also proceeds to explain *why* and *in what sense* we are dealing with a ‘fact’, and are also therefore justified in using such an expression here; for both [1.2] and [1.3] are directly linked to the factum thesis through a ‘because’. In this connection the grammatical referent of the pronoun ‘it’ in [1.2] is not immediately clear; for since the grammatical subject of [1.1] is the ‘consciousness of this fundamental law’, one might initially think that it is this ‘consciousness’ that, as Kant says, one ‘cannot reason out from antecedent data, for example, consciousness of freedom’, and this may appear to be a plausible claim. And the pronoun ‘it’ in [1.3] seems likewise to refer back to that ‘consciousness’ mentioned in [1.1]. And yet this cannot be the grammatical referent after all. For what could it mean to say that the *consciousness* of the moral law, rather than this law itself, ‘forces itself upon us of itself as a synthetic a priori proposition’, as Kant then puts it in [1.3]? The CI, not our consciousness of it, is a ‘proposition’. If we abstract from the accompanying elucidatory remarks, the essential claim of [1.2] can be formulated as follows:

(F3) One cannot reason out the categorical imperative from antecedent data of reason.

And this is the first reason (hence the ‘because’) why the consciousness of the CI deserves to be called a ‘fact of pure practical reason’. The second reason can be found, as we have indicated, in [1.3]. If, to start with, we abstract once again from the accompanying elucidatory remarks, the claim can be formulated as follows:

(F4) The categorical imperative forces itself upon us as a synthetic proposition a priori.

But let us for a moment return once again to [2]. We have already observed that the CI is expressly described here as a ‘fact of pure practical reason’ (F2). In the first part of this

passage [2.1] it is claimed that the ‘law’ (once again, the CI) is to be regarded as ‘given’, and this amounts to the claim:

(F5) The categorical imperative is given.

This claim (F5) is decisive for a genuine understanding of Kant’s factum thesis. Now one might perhaps think that the property of being ‘given’ on the part of the CI can in turn be *distinguished* from its property of being a ‘fact’. But not only does nothing speak *for* this reading, since Kant does not actually say: “Yet, in order to regard this law *in addition* as something given, we must observe that ...,” or anything of the kind. What also speaks *against* the idea that the CI is a ‘fact’ *and also* something ‘given’, is the circumstance that in some of the subsequent passages regarding the fact of reason Kant similarly links or identifies this givenness with the factum itself. Above all, we must recognize [2.2] as an explicit elucidation of the expression ‘fact of reason’. One cannot counter the danger of ‘misinterpretation’ with regard to this givenness, expressed in [2.1], merely by emphasizing that the law is not *empirically* given. Rather, any potential ‘misinterpretation’ of such talk about the givenness of the moral law is only obviated by both the following claims which are implied in [2.2]:

(F6) The categorical imperative is not an empirical fact.

(F7) The categorical imperative is the sole fact of pure practical reason.

The emphasis upon the unique character of this fact (‘the sole fact’) in this connection saves us from a ‘misinterpretation’ that could arise from the way in which Kant describes the CI in [1.1] as ‘*a* fact of reason’. For this formulation might just give the impression that there are a number of such facts of reason. The talk of givenness is thus preserved from possible ‘misinterpretation’ by a specific elucidation of ‘fact’ in this connection. Kant does not say that the moral law is ‘not

empirically given'; rather, what he says is that the moral law is 'not an empirical fact'. And that means the following: to say that the CI is a (or the sole) fact of pure practical reason just *is* to say that it is something *given*. Thus Kant claims that the CI is 'given'; and since the consciousness of the CI assumes the place of the consciousness of freedom (that is, of a consciousness that, were it given, would be a 'datum' of reason), the 'fact of reason' itself can mean nothing but the givenness of the CI itself. This becomes quite clear in [1.3]: the notion of 'reasoning out' [*Herausvernünfteln*] [1.2] finds its counterpart in the notion that the CI 'forces itself upon us'.¹⁴ And since it requires no 'antecedent' datum [1.2] for it to appear in consciousness, Kant writes in [1.3] that the CI 'forces itself upon us *of itself*', that is, entirely without mediation through any 'antecedent' datum. To say that the consciousness of the CI is a 'fact of reason' is therefore to say the following: the CI is 'given' to us insofar as 'it forces itself upon us of itself' without any further mediation through a consciousness of *negative* freedom or any further conceptual analysis or logical derivation; and that is why it is "firmly established *of itself*" (CPrR: 47,19; m.e.). It is also no surprise therefore that in the second edition of the *Critique of Pure Reason* Kant speaks of moral laws as "data" (CPR: B xxi and B xxviii) – and thus as something 'given' – that allow us to recognize the Unconditioned (namely freedom).

But why does Kant understand the 'fact' at issue both as the moral law *itself* and as the *consciousness* of this law? We can begin to answer this question if we clarify what 'fact of reason' properly signifies in semantic-grammatical terms. The expression 'fact of reason' can obviously be read both as a *Genitivus subjectivus* and as *Genitivus objectivus*. For the moral law (the CI) is without doubt, as Kant says, a "product of reason" (CPrR: 20,7), and in one sense of the word 'fact' it is a deed or act *of* (i.e. on the part of) reason, and thus a

¹⁴ Cf. also Kant's remarks in *Religion within the Boundaries of Mere Reason*: "Were this law not *given* to us from within, no amount of subtle reasoning on our part would produce it" (26, Footnote; m.e.).

Genitivus subjectivus. But the reality of freedom reveals itself at the same time in the freedom of this pure practical reason; pure practical reason as lawgiving reason (and thereby as freedom) is thus itself a fact (reason as factum, or as an *Genitivus objectivus*), although we are only aware of it as a fact precisely insofar as we enjoy a ‘consciousness’ of the moral law. Thus on the one hand Kant emphasizes that the moral law is a product of reason. On the other hand, Kant also emphasizes (and this seems to me the decisive aspect with regard to the fundamental question of how we come to know or recognize freedom itself) that we are conscious of this law – and precisely thereby of the freedom of pure practical reason – in a quite distinctive way, namely in the way that it is given to us “as a fact” (CPrR: 47,12; 91,27; m.e.). The fact of reason is thus the given that gives itself.

We have already seen that it is the givenness of the CI which prompts Kant to speak of a ‘fact’ in this regard. Yet Kant says almost nothing about precisely *how* we are to conceive this givenness. In the Remark to §7 we find nothing beyond the indication (F4) that the CI ‘forces itself upon us’ as a synthetic a priori proposition. *How*, then, is the moral law given to us?

In order to answer this question we need to examine Kant’s famous example, in the second *Critique*, of the man presented with the prospect of being hanged at the gallows¹⁵:

“But ask him whether, if his prince demanded, on pain of the same immediate execution, that he give false testimony against an honourable man whom the prince would like to destroy under a plausible pretext, he would consider it possible to overcome his love of life, however great it may be. He would perhaps not venture to assert whether he would do it or not, but he must admit without hesitation that it would be possible for him. He judges, therefore, that he can do something because he is aware that

¹⁵ Strictly speaking, we are talking about two examples, but I shall pass over that here.

he ought to do it, and cognizes freedom within him, which, without the moral law, would have remained unknown to him.”

(CPrR: 30)

First of all, I would like to draw attention to what is *not* at issue in the gallows example. In contrast to the other famous example of the ‘deposit’, which Kant had introduced a little earlier in the Remark appended to §4, the gallows example is *not* concerned with describing the subject in question, the pleasure-seeker, as reflecting *whether* one ought to bear false witness; that is to say, he does not wish to test whether his possible maxim (such as: “if you find yourself in a dangerous situation, bear false witness against an honourable man”) is also capable, as Kant puts it in the deposit example, of holding “as a universal practical law” (CPrR: 27,26). The pleasure-seeker is not described as someone who is conscious of the CI primarily as a principle for determining the will. The CI is indeed a means of determining the will (Act *so*, that is to say, in such a way ...), but the gallows example is clearly not concerned with this issue. It is concerned, rather, with the moral injunction: *You ought*.

Now even in the gallows example Kant does not describe in any detail *how* the pleasure-seeker becomes aware of this dimension of *You ought*; he merely says that ‘he is aware that he ought to do it’. The “it” here (CPrR: 30,34) refers back to the preceding “something” (CPrR: 30,33), and that in turn refers back to the “it” that has already featured twice (CPrR: 30,31-32), and that again clearly refers back to the act of overcoming his love of life. For it is this love of life that the pleasure-seeker ought to overcome; and he ought to overcome it because he is subject to the moral law that forbids him to bear false witness against an honourable man. The pleasure-seeker thus experiences the dimension of *You ought* in a concrete situation in relation to a specific moral law. Although Kant writes in conclusion that the pleasure-seeker cognizes freedom through ‘*the moral law*’, our cognition of the moral

law (at least in the gallows example) is therefore *not* to be understood as an immediate abstract insight into the *You ought* of the CI *in general*. Kant does not describe the pleasure-seeker as someone who is aware of the CI, as this is formulated in §7 as the ‘fundamental law’. The pleasure-seeker experiences the *You ought* through a *specific You ought* in the specific imperative: “You ought not to bear false witness against an honourable man.”

We should not therefore understand the consciousness of the CI as if it entertained a pure and abstract knowledge regarding the validity of the moral law, a knowledge that is not directly related to the individual in question.¹⁶ This is important in two respects: in the first place, Kant naturally does not understand the consciousness of the moral law as a merely negating knowledge of this law, in the sense that someone might say: “I know, of course, that some people claim the moral law exists, and in this sense I am also conscious of the moral law; but I do not believe that it is actually valid or binding.” The consciousness of the moral law is therefore not the consciousness of the moral skeptic or anti-realist. Nor is it the consciousness of someone who does not contest the validity of the moral law, yet does not recognize its relation *to himself*. For if I am to infer *my* freedom from the ought, as the pleasure-seeker in the example does, then I cannot be conscious of the moral law in the sense that while I know there is a moral ought, I do not know that it is binding on me (just as I might know that while universal military service is obligatory in a certain country, I remain unaffected since I do not believe myself to be a citizen of the country in question). Consciousness of the moral law must imply that *I* am aware that *I* am addressed by the law. Thus it is also no accident that Kant should describe the pleasure-seeker as follows: ‘*He* judges, therefore, that *he* can do something because *he* is aware that *he* ought to do it and cognizes freedom *within him*, which,

¹⁶ Cf. Loidolt (2010) who to some extent proposes a phenomenological reading of Kant’s fact of reason and yet underestimates its personal and affective character.

without the moral law, would have remained unknown to *him*'.

We can now relate the gallows example directly to the rather abstract considerations on the moral consciousness at the beginning of the Remark to §6; for the gallows example is actually supposed to confirm and provide more vivid concrete form to these abstract considerations:¹⁷

“[1] [1.1] It is therefore the *moral law*, of which we become immediately conscious (as soon as we draw up maxims of the will for ourselves), [1.2] that first offers itself to us and, [1.3] inasmuch as reason presents it as a determining ground not to be outweighed by any sensible conditions and indeed quite independent of them, leads directly to the concept of freedom. [2] But how is consciousness of that moral law possible? [3] [3.1] We can become aware of pure practical laws, [3.2] just as we are aware of pure theoretical principles, [3.3] by attending to the necessity with which reason prescribes them to us and to the setting aside of all empirical conditions to which reason directs us.”

(CPrR: 29f.)

The principal claim in [1.1] – that we ‘become immediately aware’ of the moral law, that is, of the CI – should be read against the background of the preceding considerations regarding the impossibility of any consciousness of freedom (hence the ‘therefore’ at the beginning of the sentence). Thus we become ‘*immediately* aware’ of the CI inasmuch as we become aware of it without reference to any consciousness of freedom; and [1.2] then claims accordingly that the moral law ‘*first* offers itself to us’, that is to say, *before* any consciousness of freedom.

The claim in [1.1] runs as follows:

¹⁷ Cf. CPrR: 30,21: “But experience also confirms this order of concepts in us.” The gallows example then follows immediately in the text.

(B1) We become immediately aware of the moral law as soon as we draw up maxims of the will for ourselves.

This particular passage is very problematic. The problem initially lies in the fact that [1.1], as cited above, may contain a misprint. In the Meiner edition of the second *Critique*, prepared by Horst Brandt and Heiner Klemme, the text is slightly different, with the verb *unterwerfen* [*to subject*] in place of the verb *entwerfen* [*to draw up* or *project*]. The bracketed observation then reads: “... (as soon as we subject ourselves to maxims of the will),” where the Academy Edition reads: “... (as soon as we draw up maxims for ourselves).” General grammatical considerations, and Kant’s particular use of language, actually rather support the inadvertent textual variant of the Meiner edition.¹⁸ Although it is quite true, according to Grimm’s classic historical dictionary, that there is such a reflexive use of the verb *entwerfen*, the three documented instances of this use do not readily fit with the specific expression ‘draw up maxims for oneself’. For we do not draw up maxims ‘for ourselves’, but rather, if anything, simply ‘draw up maxims’. It is also worth noting, therefore, that neither the supposed expression ‘draw up maxims for ourselves’ nor the simpler expression ‘draw up maxims’ is actually used anywhere else in Kant’s work.

Let us accept for now that the unintended emendation in the Meiner edition is actually an improvement and that the claim therefore runs as follows:

(B1)* We become immediately aware of the moral law as soon as we subject ourselves to maxims of the will.

I would then interpret this thesis in the following way: to subject oneself to maxims of the will is to accept certain principles of action as unconditionally valid or binding. But

¹⁸ In personal correspondence with the author, Horst Brandt has confirmed that this was simply a printing error in their edition, although he also thinks that it has effectively produced a defensible alternative reading.

that simply means that we subject ourselves to moral laws which are only maxims insofar as they are precisely *our own* principles of action, principles which nonetheless coincide precisely with objective principles of action. (B1*) would therefore claim that in the act of subjecting ourselves to moral principles we possess a consciousness of the moral law as a consciousness of the moral *You ought* (hence the phrase ‘as soon as’). And I think this fits very well with the gallows example. The pleasure-seeker subjects himself to the maxim that he ought not to bear false witness against an honourable man, that is, he recognizes this maxim as absolutely valid and binding for him, and as soon as he does so, or rather: inasmuch as he does so, he possesses a consciousness of the moral law.

It becomes rather more difficult to interpret the relevant passage, it seems to me, if we decide not to accept the proposed textual emendation. For what can we really make of the thesis that we become immediately aware of the moral law ‘as soon as we draw up maxims for ourselves’? How or in what sense can I said to become aware of the moral law if I ‘draw up’ a maxim? The answer is perhaps by no means obvious, but if the text presented in the Academy Edition is indeed reliable here, then perhaps it is plausible to suggest the following: human beings frame maxims for themselves as principles for determining the will. Such maxims always raise the question as to whether these maxims are capable of functioning as a universal law; and since this question can only be answered by employing the CI as the criterion for testing our maxims, while the moral law appears in the CI in the form of the Ought, then I am aware, by asking this question, of the moral law as a CI and thereby of the *You ought*. But not only does this interpretation assume a specific linguistic expression that Kant does not otherwise employ (and indeed cannot be found anywhere else); it also does not seem to fit with the gallows example either, since this example is precisely *not* concerned with the question of testing our maxims.

I shall return to this difficulty once more later on; let's now turn to how Kant proceeds to extend the argument. In [2] he explicitly asks 'how the consciousness of that moral law is possible'. Whatever the precise answer turns out to be, it is clear that moral laws must involve two characteristic features: 'necessity' (i.e. absolute validity) and 'the setting aside of all empirical conditions' (i.e. purity). Both features are clearly revealed in the gallows example: the absolute validity of the moral law extends so far that it must be obeyed even at the potential cost of one's own death; and the purity of the moral law is revealed by the way in which it commands us independently of the most powerful conceivable inclination and even against such an inclination (against one's 'love of life'). Again, Kant himself puts the question: 'But how is consciousness of that moral law possible?' Although the phrasing of this question arguably permits two specific readings, for reasons of space I shall here explore only one of them. And on this reading the question is understood as follows:

[2]* How do we come to form moral consciousness?

The question here is not *how* we recognize moral laws. Rather, the question concerns the essence of moral consciousness itself, or the particular mode and manner in which the moral laws is 'given'. This reading is supported, above all, by the following considerations: in the light of the gallows example and in the context of the discussion of the 'fact of reason' in the Remark to §7, the consciousness of the moral law in [1.1] should be understood as the consciousness of the moral ought, and both [2] and [3.1] are quite clearly picking up on this very point. The gallows example, as we saw, is *not* concerned with the question of how we know or recognize moral laws or maxims which are in conformity with duty. Now it is true that Kant says nothing further about what he means at the end of the cited passage by 'attending' [*Acht haben auf*] [3.3] to the necessity of pure practical laws and the

setting aside of all empirical conditions; thus it may still seem unclear what consciousness of the moral law precisely consists in. But since the necessity and purity of the moral law as possessing absolute validity [3.3] are anything but the moral *You ought*, the question at issue is how to grasp this *You ought*. On this reading of the text, Kant's thesis runs as follows:

(B2)* We form a consciousness of moral laws inasmuch as we grasp the absolute validity and purity of the latter.

And my own final thesis regarding the factum theory is that we grasp this purity precisely through the feeling of respect.

Ad 3) The Fact of Reason as the Feeling of Respect

Kant's basic thesis, let us recall, is this: the fact of reason must take the place of a deduction of the CI. The 'fact' in question, as a kind of moral self-evidence that manifests itself in the judgment of every human being – as it does in the judgment of the pleasure-seeker in the gallows example –, serves as a 'justification of moral principles'.¹⁹ I cite the relevant passage once again, this time in its full context:

“[R3.1] It was necessary first to establish and justify the purity of its origin [i.e. of the categorical imperative] even *in the judgment of this common reason* before science would take it in hand in order to make use of it, [R3.2] so to

¹⁹ Kant refers again and again to “our common (moral) cognition” and its judgment on the basis of the ‘fact of reason’. I cannot pursue this point in any further detail here, but cf. the Remark to §7 (CPrR: 32), where Kant says: “The fact [*Faktum*] mentioned above is undeniable. One need only analyze the judgment that people pass on the lawfulness of their actions ...” For a particularly emphatic criticism of this aspect of the factum theory, cf. Heidegger (1982: 286-288).

speak, as a fact that precedes all subtle reasoning about its possibility and all the consequences that may be drawn from it. [R4] But this circumstance can also be very well explained from what has just been said; it is because practical pure reason must necessarily begin from principles, which must therefore, as the first data, be put at the basis of all science and cannot first arise from it. [R5] [R5.1] But for this reason the justification of moral principles as principles of a pure reason could also be carried out very well and with sufficient certainty by a mere appeal to the judgment of common human understanding, [R5.2] because anything empirical that might slip into our maxims as a determining ground of the will *makes itself known [sich kenntlich macht]* at once by the feeling of gratification or pain that necessarily attaches to it insofar as it arouses desire, whereas pure practical reason directly *opposes* taking this feeling into its principles as a condition. [R6] [R6.1] The dissimilarity of determining grounds (empirical and rational) is made known by this resistance of a practically lawgiving reason to every meddling inclination, by a special kind of *feeling [eine eigentümliche Art von Empfindung]*, which, however, does not precede the lawgiving of practical reason but is instead produced only by it and indeed as a constraint, namely, through the feeling of a respect [*das Gefühl einer Achtung*] such as no human being has for inclinations of whatever kind but does have for the law; and it is made known so saliently and so prominently [*so gehoben und vorstehend*] [R6.2] that no one, not even the most common human understanding, can fail to see at once, in an example presented to him, that he can indeed be advised by empirical grounds of volition to follow their charms but that he can never be expected to *obey* anything but the pure practical law of reason alone.”

(CPrR: 91f.)

The inner relationship between ‘fact’, ‘justification’, and ‘respect’ to which we have alluded is unmistakable here. But I

should like to begin by isolating and clarifying the claims advanced in [R5.2]. The first claim is the following:

(R5.2a) The feeling of gratification or pain necessarily attaches to anything empirical insofar as it arouses desire.

Kant does not tell us exactly what he means by the ‘empirical’ here, but it is clear that he is thinking of ‘inclinations’ or, more generally, of “representations of the agreeable or disagreeable as the matter of the faculty of desire, which is always an empirical condition of principles” (CPrR: 24,37). Now it is important that the ‘feeling of gratification or pain’ which attaches to the ‘empirical’ reliably indicates, that is, brings to conscious awareness, that this ‘empirical’ dimension does tend to infiltrate the process of forming our maxims (is something ‘that might slip into our maxims as a determining ground of the will’). It is quite illuminating that Kant speaks once again in this connection of the formation of our *maxims*; for it is not entirely clear, recall, what he means by saying in [B1.1] that ‘we become immediately conscious of the moral law (as soon as we draw up maxims of the will for ourselves)’. Now the second claim in [R5.2] can be reformulated as follows:

(R5.2b) Anything empirical makes itself known at once, in relation to the formation of our maxims, through the feeling of gratification or pain.

The claim is therefore this: when we form maxims and find ourselves influenced in this regard by our inclinations, we experience ‘a feeling of gratification or pain’, at least insofar as an impulse (‘desire’) is actually involved. This seems to be Kant’s claim, although it might in fact be more plausible to claim that we first experience a ‘feeling of gratification or pain’ when a particular act on the basis of a particular maxim actually leads to success (‘the feeling of gratification’) or

failure ('the feeling of pain'). The third claim, presented in [R5.2] is the following:

(R5.2c) Pure practical reason opposes the feeling of gratification or pain and thereby hinders the influence of the empirical on the formation of our maxims.

[R5.2c] only becomes intelligible in the next section of the text. For in [R6.1] we read about the 'resistance of a practically lawgiving reason to every meddling inclination'; and 'this *resistance*' is the hindering power of pure practical reason which, being a counter-force within the mechanics of forces²⁰ otherwise determining the will, works against the influence of the inclinations. Through a parallel deployment of the preposition "by" [*durch*] (CPrR: 92,6; 92,7) this 'resistance' is *identified* with the 'feeling of respect for the law'; the active counter-force in question is therefore the feeling of respect. However, this is not actually the principal claim in [R6.1]. For the principal claim there is this:

(R6.1)* The dissimilarity of empirical and moral (of empirical and rational) determining grounds of the will is made known by or through the feeling of respect for the law.

It is respect, therefore, that lets us know the moral law as binding, and indeed as a law that one must 'obey', as Kant says in [R6.2]. And this in turn implies the following: the consciousness of the moral law as a CI is mediated through

²⁰ One of the anonymous referees is quite right in pointing out that this needs much more clarification. The basic idea, nevertheless, is that Kant denies causal predeterminism, *not* intelligible determinism; a defence of this claim would require a detailed analysis of Kant's concept of *Achtung* and *Demütigung* (to be sure, the mechanistic language in the Triebfeder-chapter of CPrR is striking: Triebfeder; Wirkung; intellektuelle Kausalität; Widerstand; Hindernis; Gewicht; Wegschaffung des Gegengewichts; Kraft des reinen praktischen Gesetzes als Triebfeder; Beförderung).

respect,²¹ and since respect is a feeling, Kant's factum thesis is this: we cognize the binding validity of the moral law through an immediately given feeling. Thus the thesis not only implies that respect prompts us to do what is morally right, and that respect is therefore an incentive. Respect is also a feeling through which I *cognize* something; it is through the feeling of respect that the CI is given to us in its absolute validity. We could therefore also say that Kant is an ethical intuitionist, precisely because consciousness of the CI as a fact of reason is itself an intuition, in the sense that it is a non-inferential, epistemically fundamental, and reliable (though not necessarily unrevisable) emotional act of cognition with regard to binding validity. The feeling in question is the feeling of respect. As Kant had already written in the *Groundwork*: "What I cognize immediately as a law for me, I cognize with respect" (GMM: 401,22, footnote). Again, the point is not that I cognize the moral law just by the feeling of respect. I cognize it by reason and respect, but I cognize it '*with respect*'; unless there is respect, there is no cognition of the moral law as an imperative.²²

In marked contrast to Husserl, Heidegger already quite rightly interpreted the feeling of respect in Kant as "that which first enables a receptiveness for the law as moral law" (Heidegger 1991: 156f.). Heidegger argues that the feeling of respect is "the mode in which the law can approach us as such in the first place" (Heidegger 1991: 158). Nonetheless, his analysis of Kant's theory of the fact of reason (1982: especially 282-292) is rather remote from the text itself and is not particularly illuminating. What is crucial for Heidegger here is what he calls "actual willing", and the feeling of respect plays no role in his analysis of the fact of reason (indeed he

²¹ In the *Doctrine of Virtue* Kant even says: "Respect for the law, which in its subjective aspect is called moral feeling, is *identical* with consciousness of one's duty" (DV: 464).

²² In conversation, Luis Placencia directed me to a passage in which Kant says that the feeling of respect serves "*only* as an incentive" (CPrR: 76; m.e.). This obviously is a problem for my interpretation; I have no solution for this at the moment but will return to this issue in a larger project. Generally speaking, it seems fair to say that there is always evidence and counter-evidence; what matters is the entire picture.

speaks of the role of “conscience” only in passing; cf. 291). Amongst others, Dieter Henrich (1973: 249, in particular) has already drawn attention to the close connection between the “fact of reason” and the feeling of “respect” (cf. more recently Willaschek 1992, 174-193; for a critique of Willaschek, however, cf. Steigleder, 2002, 102-108). But it is one thing to claim the existence of such a connection, quite another to demonstrate it by close reference to the text. Unlike the literature on the moral predispositions (see below), the literature pertaining to the theory of the fact of reason is almost endless; it will be discussed in due course. My impression is that little attention was paid to the element of givenness and (or *as*) objective justification, and certainly no attention to the details of the text; cf., for instance, Kleingeld (2010), O’Neill (2002), Rawls (2000, 253-272) and, to some extent, Schadow (2013, 229-236); on the other hand, cf. Geiger (2011), Banham (2003, 93-117), and in particular Kain (2010). Bojanowski (2006, 61-64) deals with the aspect of givenness; but he understands it (with no particular reason, as far as I can tell) as ‘Schöpfung’, and there is no reference to the concept of ‘Achtung’. Allison (1990, 232; 238) explicitly denies the possibility of an intuitionist interpretation of the fact of reason; at the same time, he argues that “the fact is best construed as the consciousness of standing under the moral law” (*ibid.*, 233) and emphasizes the importance of the feeling of respect.

If we turn now to Kant’s *Doctrine of Virtue*, in the *Metaphysics of Morals*, we shall see that this thesis regarding our knowledge or cognition of the law through feelings is also advanced there.

2. Kant's Theory of Moral Predispositions

In chapter XII of the “Introduction” (henceforth: E XII) to the *The Doctrine of Virtue* (henceforth: DV) Kant rather abruptly introduces what the title of this section calls “concepts of what is presupposed on the part of feeling by the mind’s receptivity to concepts of duty as such” (DV: 399,2). He then identifies moral feeling, love of human beings, conscience and respect (for oneself) as the “moral endow-

ments” (DV: 399,4), or “subjective conditions of receptiveness to the concept of duty” (DV: 399,8) and “natural predispositions of the mind [...] on the side of feeling” (DV: 399,11). It is astonishing that until very recently almost nothing has been written on this Kantian theory of moral predispositions, either on the predispositions generally or on the specific predispositions in particular. Here, I cannot offer more than a sketch of this question, and shall concentrate therefore on providing a general account of the role and character of these moral predispositions.²³

Here is the whole of the opening paragraph of E XII (which is then followed by the four subsections (a) to (d) addressing the four moral predispositions that Kant identifies):

“There are certain moral endowments [*moralische Beschaffenheiten*] such that anyone lacking them could have no duty to acquire them. – They are *moral feeling*, *conscience*, *love of one’s neighbour*, and *respect for oneself (self-esteem)*. There is no obligation to have these because they lie at the basis of morality, as *subjective* conditions of receptiveness to the concept of duty, not as objective conditions of morality. All of them are natural predispositions of the mind (*praedispositio*) for being affected by concepts of duty, antecedent predispositions on the side of *feeling* [*ästhetische und vorhergehende, aber natürliche Gemütsanlagen, durch Pflichtbegriffe affiziert zu werden*]. To have these predispositions cannot be considered a duty; rather, every human being has them, and it is by virtue of them that he can be put under obligation. – Consciousness of them is not of empirical origin; it can, instead, only follow from consciousness of a moral law, as the effect this has on the mind.”

(DV: 399,4-16)

²³ As far as I am aware, the paper by Schönecker (2010), which I draw upon in the following remarks, is the only piece which analyzes the text in detail (cf. the essay by Paul Guyer [2010] that appeared about the same time); it also contains a review of the literature on E XII.

This opening paragraph (henceforth: E XII,I), along with a few passages in the following subsections (a) to (d), amounts to everything that Kant has to say in the *Doctrine of Virtue* on the ‘moral predispositions of the mind’ in general, and there are no other texts from his hand that offer a more sustained account of these predispositions.²⁴ In any event, there seem to be two essential points that clearly emerge from the lines we have quoted: firstly, there can be no duty or obligation on us to possess these moral predispositions. It is noteworthy that this claim is mentioned first of all (in the very opening sentence) and is also separated from the following remarks by a dash, even before Kant goes on to explain what these predispositions of the mind actually are and what their specific function is. In the relatively few lines of the paragraph Kant mentions this claim – that there are “certain moral endowments such that anyone lacking them could have no duties to acquire them” (DV: 399,4) – no less than three times (“... could have no duties”; “There is no obligation,” “... cannot be considered a duty”).²⁵ However we are to understand the claim that the moral predispositions “lie at the basis” (DV: 399,10, m.e.) of the concept of duty, it is quite clear that “to have these predispositions cannot be considered a duty” (DV: 399,12), and this precisely “because” (DV: 399,8; m.e.) they already ‘lie at the basis’ of duty: we cannot be obliged to have something that we must already possess in order to be able to fulfil an obligation in the first place.

Precisely this second point, that the moral predispositions in a certain sense ‘lie at the basis’ of the concept of duty, is

²⁴ That does not mean, of course, that there are no other texts where he speaks of “predispositions” [*Anlagen*] in a sense that is relevant to moral issues (indeed he does so quite explicitly in *Religion within the Bounds of Reason Alone*). But the “moral predispositions of the mind,” as he specifically presents them in the *Doctrine of Virtue*, certainly do not appear anywhere else. Kant deploys the expression “predisposition of the mind” – and the same is true of the terms “*praedispositio*” and “moral endowment” – only a few times throughout his writings, and is it is never explicated any further. On the other hand, I do not mean to imply that the essential core of the reflections presented in the *Doctrine of Virtue* cannot be identified earlier in Kant’s thought.

²⁵ Although Kant does say we have an obligation to “cultivate” the moral predispositions (DV: 399,33; 401,19).

indeed clearly emphasized in the text. But what exactly does this mean? We can distinguish between a weak, a moderate, and a strong interpretation in this connection. The *weak* interpretation ascribes a merely ancillary function to the moral predispositions: they can assist us to accomplish the moral law, but they are not strictly required in this regard. According to the *moderate* interpretation, the moral dispositions also function as incentives, although as sources of pleasure in the realization of morality they represent necessary conditions for us to be moved to moral actions at all. But I would argue that we should actually adopt a *strong* interpretation of the moral predispositions. According to this strong interpretation, the moral predispositions are not merely the sensuous basis that allows us to be motivated by the moral law, but are the basis for us to *comprehend* the moral law as the CI at all. A being that does not comprehend what the compelling character of the moral law as a CI consists in, does not comprehend talk of a ‘categorical imperative’ at all, because this compelling character essentially belongs to it; and if this being needs to be affected by these moral predispositions in order to be able to be affected by the CI in the first place, then it needs these very predispositions in order to comprehend the CI.

Let us begin by looking at the relevant sections of the text more closely. If we ignore the final sentence here,²⁶ there are three formulations which can be grammatically rephrased, while maintaining a neutral interpretation, as follows:

(G1) The moral predispositions lie at the basis of morality as subjective conditions of receptiveness to the concept of duty, not as objective conditions of morality.²⁷

(G2) The moral predispositions are predispositions for

²⁶ The sentence in question (“Consciousness of them [i.e. the moral predispositions] is not of empirical origin; it can, instead, only follow from consciousness of a moral law, as the effect this has on the mind”) is extraordinarily difficult to interpret; for a detailed discussion of the issue, cf. Schönecker (2010).

²⁷ G1 does harbour a certain grammatical ambiguity that it is not possible to examine here; cf. Schönecker (2010).

being affected by concepts of duty.²⁸

(G3) The moral predispositions are predispositions by virtue of which human beings can be put under obligation.²⁹

The fourth important passage in this connection can be found in subsection (a) that discusses the concept of moral feeling: “Since any consciousness of obligation is based upon [zum *Grunde*] moral feeling to make us aware of the necessitation present in the thought of duty, there can be no duty to have moral feeling or to acquire it” (DV: 399,28). Since one must assume that the general characteristics of the moral predispositions that are described in subsections (a) to (d) hold for *all* moral predispositions, we can reformulate the claim expressed in the sentence we have just cited as follows:

(G4) Any consciousness of obligation is based upon moral predispositions in order to make us aware of the necessitation present in the concept of duty.

In subsection (d), on the concept of respect, there is a sentence which involves two further claims that are relevant to the basic issue at stake here: “... this feeling [i.e. of respect] (which is of a special kind [*von eigener Art*]) is the ground of [*Grund*] certain duties, that is, of certain actions that are consistent with his duty to himself. It cannot be said that he *has* a duty of respect toward himself, for he must have respect for the law within himself in order even to think of any duty whatsoever” (DV: 403,1). This can be reformulated to yield the following claims:

²⁸ “... natural predispositions of the mind (*praedispositio*) for being affected by concepts of duty” (DV: 399,11).

²⁹ “... every human being has them, and it is virtue of them that he can be put under obligation (DV: 399,13).

- (G5) The moral predispositions are a ground of certain moral duties.
- (G6) Human beings must already have the moral predispositions in order even to conceive a duty at all.

Kant tells us three times (G1, G4, G5) that, in one way or another, the moral predispositions are a ‘basis’ or somehow ‘lie at the basis’ of morality. But for *what*, and precisely *how*, do they lie ‘at the basis’? In order to answer this question, we must go into some detail. We may begin by noting – and a glance at his discussion of the four moral predispositions in (a) to (d) readily confirms this – that Kant does not speak of moral feeling, conscience, love of human beings, and self-respect merely as predispositions of the mind, that is to say, merely as dispositions. For he also uses this very terminology in relation to the *actual* relevant feeling in each case (the moral feeling, the feeling related to conscience, the feeling of love for human beings, the feeling of self-respect);³⁰ ‘moral feeling’, for example, stands for the disposition itself, as well as for the feeling that is made possible by this disposition (precisely, the moral *feeling*). Hence when Kant writes that the moral predispositions are a ‘foundation’ for something (to sum up this main point in a provisional way), he can refer both to the predispositions themselves and the actual relevant feelings which arise from the way the moral predispositions are affected.

In (G1) Kant lays great emphasis upon the sense in which the moral predispositions do *not* provide a ‘foundation’ for morality: they are not ‘objective conditions of morality’. And this has two implications: firstly, the *objective validity* of the moral law is not bound to these moral predispositions, for the moral law also remains binding even if no one is actually aware of it, or is actually motivated by it. Although, according to Kant, “*every human being*” (DV: 399,13; m.e.) in principle possesses these moral predispositions, we can certainly

³⁰ Cf. DV: 399,25; 449,17; 403,1.

imagine (with Kant) that there are pathological cases where someone or other does not possess them or temporarily relinquishes them. And in such cases, it is quite true that one could not morally command or expect anything of this individual human being; nonetheless, the validity of the moral law would continue to remain universally binding, and for this human being too. Much more important to Kant in this connection, however, is the point we already indicated, namely that the *content* of the moral law in general, and the concrete content of the particular maxims that we may derive from the law, are not determined by the moral predispositions. In this regard Kant is an unambiguous rationalist. It is reason alone (reflection and deliberation) that formulates the moral law and thereby determines *which* actions are morally required. This is a fundamental and constantly repeated conviction of Kant's that finds particularly clear expression in this subsection of the text on moral feeling: no feeling allows us to know *how* we ought to act, and in this sense moral feeling, as a moral predisposition, is "something merely subjective, which yields *no cognition*" (DV: 400,8; m.e.), and thus no cognition of the content of moral maxims. It is precisely in this sense that Kant claims in (G1) that it is only as '*subjective conditions*' that the moral predispositions can be described as a foundation of morality.

Reason and its moral law are thus, as Kant sometimes puts it, the *principium diiudicationis* of morality. It appears plausible, therefore, to understand a moral predisposition simply as the *principium executionis*, the task of which is to motivate us to moral action, and that either in the sense of the weak or the moderate interpretation to which we alluded earlier. And in that case, we would still be talking about the previously quite neglected observation that in the *Doctrine of Virtue* Kant actually recognizes *four different* incentives, including love of one's fellow human beings, and not simply that of 'respect'. And it is certainly true that the moral predispositions do fulfil this function as incentives. But they also fulfil a further and more fundamental function.

Suppose we look somewhat more closely at the claims formulated in G1 to G6. On two occasions Kant employs the expression ‘in order to’ [*um ... zu*] (G4, G6), and on one occasion the expression ‘by virtue of’ [*kraft deren*] (G3). The moral predispositions thus make it possible for us to do something or to be something, and the description of moral predispositions as a ‘basis’ [*Grund*] in G1, G4 and G5 gives expression to this very basal or *grounding* function. G1 and G5 tell us only that the moral predispositions are a ‘basis’ of something, or ‘lie at the basis’ of something - namely the ‘concept of duty’, resp. of ‘morality (G1) and ‘certain moral duties’ (G5). If we ignore for the moment that (G5) refers to ‘*certain* moral duties’, we can capture this claim in the following formulation: moral predispositions lie at the basis of the moral law as a CI. Since this is not to be understood, as we have shown, in terms of the objective validity and the content of the moral law, it is already quite clear that we are talking about ‘subjective conditions’. What is more, it is also clear in principle that the subjectivity of these conditions consists in the ‘*receptiveness* to the concept of duty’, or to morality (G1). For as the title of E XII indicates, we are concerned here with ‘concepts of what is presupposed on the part of feeling by the mind’s *receptivity* [*Empfänglichkeit*] to concepts of duty as such’. According to G1, therefore, the moral predispositions are ‘subjective conditions of receptiveness to the concept of duty as such’, a claim that must be understood, as we have shown, in the sense of subjective conditions of receptiveness to the CI. And if we also regard the expression ‘by virtue of’ [*kraft deren*], which Kant uses in EXII,1, as a reliable and consistent term (and thus also as another way of expressing the ‘in order to’ formulations), then we can provisionally formulate this claim as follows: the moral predispositions lie, in the subjective sense of a receptiveness, ‘at the basis of’ the CI insofar as human beings ‘by virtue of them’ as predispositions (i) can be affected by concepts of duty (G2), (ii) can be obligated (G3), (iii) can become aware of the necessitation that lies in the concept of duty (G4), and (iv) can think or

conceive of duty at all (G6). Since the claim of G3, namely that human beings ‘can be put under obligation’ by virtue of these moral predispositions, simply expresses what we have called their ‘grounding’ function itself, this function of the moral predispositions according to G2 must consist in the fact that human beings can, ‘by virtue of’ the latter, be affected by the CI. But what precisely does that mean? Since Kant seems to exclude any cognitive function on the part of the moral predispositions, or of the feelings that arise from them, and hence also describes them, amongst other things, as matters pertaining to feeling, as “*aesthetic*” (DV: 399,10), it seems as if their only function is this: that by virtue of them human beings are simply motivated to morality in the first place.

Yet here we should recall the claim formulated in G4: ‘Any consciousness of obligation depends on moral predispositions in order to make us aware of the necessitation present in the concept of duty.’ This formulation is most remarkable: not only can human beings, by virtue of their moral predispositions, be affected by the CI, and thus be motivated to morality, but these moral predispositions are required even in order to ‘make us *aware* [*bewusst*] of the necessitation present in the concept of duty’. Thus Kant’s thesis with regard to moral predispositions is not merely surprising in that he actually names *four* incentives by means of which reason becomes practical (rather than simply one, as he does in the *Groundwork* and, in a somewhat more differentiated fashion, in the *Critique of Practical Reason*). It is even more surprising in that he manifestly binds the actual *consciousness of the moral law as a categorical imperative* to these moral predispositions. For the imperative character belonging to the CI consists precisely in the way the moral law essentially involves *obligation* and *necessitation* as far as human beings are concerned (this fundamental Kantian thought need not be explored any further here). Now if Kant says, according to the formulation of G4, that any consciousness of *obligation* depends on moral predispositions, precisely inasmuch as it is only by virtue of the latter that we can be ‘made aware of the necessitation

present in the concept of duty’, this rigorously implies that consciousness of the moral law as a CI is also bound to moral predispositions as a necessary condition, precisely because without this consciousness or awareness of obligation or necessitation one cannot become *conscious or aware* of the moral law as such an imperatively binding, and thus constraining, law in the first place. For it is a ‘necessitation present in the *concept* of duty’ (G4) that we are conscious or aware of. A consciousness of the moral law must thus also always be a consciousness of its binding or obligatory character, and since the moral predispositions are a necessary condition for the consciousness of its obligatory character, they are a necessary condition for the consciousness of the moral law.

The weak interpretation of the moral predispositions is incapable of squaring its principal thesis – that moral predispositions are simply more or less ancillary and contingent, rather than necessary, elements within the complex structure of moral motivation – with the findings presented in G1 to G6. For these findings imply that moral predispositions possess the fundamental grounding function of making us receptive, at least from the motivational perspective, to the moral law as a CI; thus at the very least the moderate interpretation must be correct. Yet the strong interpretation we have offered seems much more plausible: the capacity of moral dispositions to be affected is not only a necessary condition for our being motivated to morality, but also for us to become conscious of the constraining and obligatory character of the CI in the first place, and thereby for us to comprehend the moral law as a CI. We can conclude therefore:

(G*) The capacity of the moral predispositions to be affected is a necessary condition of insight into the binding validity of the categorical imperative.

What emerges from all this, therefore, is a picture of Kantian ethics which is very different from the Husserlian picture which is commonly presented. In his ‘Kritik der

Kantischen Ethik”, Husserl argues: “If we try and imagine someone who was ‘feeling-blind’, as it were, like those we describe as ‘colour-blind’, then the entire moral dimension forfeits its content, and moral concepts become words without a meaning” (Husserl, 1988). Husserl is absolutely right, I think; but he does not realize that the alleged ‘extreme rationalist’ Kant too holds this position. Not only does Kant actually propose a theory of action in which motivation without reference to feelings is inconceivable; and not only does he also offer a highly differentiated theory of feeling, one involving moral feeling, love of human beings, conscience, self-respect, as well as sympathy, love,³¹ and friendship (and we have not even explored *this* picture here); but he also, and above all, ascribes a fundamental epistemic function to human feeling. For it is feelings that allow us to grasp what the validity of the CI as such consists in, and allow us to grasp that the CI is indeed binding.³²

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³¹ Kant distinguishes no fewer than twelve (!) different senses of love; cf. Schönecker (2010).

³² Many thanks to Nicholas Walker for his translation of my paper and to Richard Capobianco for checking some additional lines.

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