Ends in Themselves and the Predisposition to Personality:
Reappraising the Grounds of Unconditional Value in Kantian Thought

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In section II of the *Groundwork*, after formulating the practical principle of morality in formal terms, as a categorical imperative bidding rational agents to act only in accordance with maxims through which they can at the same time will to be valid as universal laws (*Gr. 4: 421*), Kant turns his attention to a consequent critical question: What would be the material of such special kinds of maxims, or, the objective ground for a will to adopt them (*Gr. 4: 427; 437*)? Given his tenet a) that every action of a rational will inextricably “contains” an end (*MS 6: 385; 395*), and b) that the moral value of an action can never be found in arbitrary subjective ends of volition (*Gr. 4: 399, 428*)—namely, in whatever effects rational agents seek to produce responding to their needs and desires based on inclinations—this question ends up to mean the detection of an unconditional, self-sufficient and absolutely valuable end, of an end in itself. Were it not for such an end to actually exist, derived by reason alone and holding equally for all rational beings, nothing at all could ever serve as the objective ground for the self-determination of every rational will (*Gr. 4: 427*), rendering thus the ultimate practical principle of morality a chimerical idea, a mere phantom of the brain (*Gr. 4: 445*).

Kant holds, though in an aporetic manner, that the end meeting the above standards must be the rational human being and every rational being in general: “rational nature exists as an end in itself” (*Gr. 4: 428*). As he informs us, it is thanks to this exceptional status as ends in themselves, that rational beings and they alone are entitled to be called persons, in the sense that their very nature requires their not being used merely as means but always also as objects of respect or reverence, thereby constituting “the supreme limiting condition of the freedom of action of every human being” (*Gr. 4: 431*). Since the end in itself can serve as the ground for universal legislation, a second formula, the Formula of the End in Itself (FEI), appears:

“So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means” (*Gr. 4: 429*).

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1 The Formula of Universal Law (FUL).
Kant claims that his second formula provides (from the subjective point of view, as compared to FUL) a better access to the idea of the moral law by bringing it closer to intuition (Gr. 4: 436-437). However, in the *Groundwork* 4: 427-436 introducing FEI and its interconnections with other formulas (of universal law and of autonomy), he appears to identify as end in itself “humanity”, “persons”, “morality” having dignity as incommensurable value, “rational being” and “rational nature”. Given, now, that those concepts are far from identical, a fundamental question rises up: what is that capacity, property, characteristic or whatever that in the strictest sense renders human beings objects of nonnegotiable esteem?

All but odd then, it is this same question that has been fueling considerable debates among the most prominent Kantian scholars over the last decades. In her highly influential study *Kant’s Formula of Humanity*, first published in 1986, C.M. Korsgaard argues that the end in question, the end in itself, cannot be other than humanity, construed as the general power of rational choice. She bases much of her analysis on Kant’s main argument leading to FEI (Gr. 4: 427-429), where the philosopher, apparently seeking for the unconditionally valuable end, consecutively rejects objects of inclination, inclinations themselves, and non-rational beings. For her, what Kant actually carries out on those lines is a *regress upon the conditions* of the rational concept of goodness to the detection of the ultimate unconditional condition grounding all value found in our world; and, she proceeds, he finds this condition in the general rational capacity of free choice, of rationally setting and adopting ends, any ends whatsoever (non-moral as well as morally obligatory ones). Thus, she concludes, what FEI actually dictates is never to act against this very capacity by using it as a mere means for whatever other purposes, on account that, as the unconditionally good end to be preserved and furthered, it is rational nature in general that generates and *confers* the value of whatever other purposes a rational agent may set in the first place. A.W. Wood, leaving some of his refinements of the concept of humanity apart, endorses fully the Korsgaardian view; he notes that the capacity to choose ends and prudentially combine them into an overall representation of our well-being as well as instrumentally select the appropriate means to them, indicates what Kant calls ‘negative freedom’, on its turn denoting the positive freedom or autonomy that, in Kant’s own words in the *Groundwork*, flows from the former (see: Gr. 4: 446). And P. Guyer, although stands critical to some of Korsgaard’s views, maintains that, for Kant, the absolutely valuable property manifested in end setting cannot be other than freedom *per se*, and that, as *Naturrect Feyerabend* clearly shows, it is by virtue of freedom that humanity in the sense described above is properly considered as the end in itself.

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6 See: Guyer, P., *Kant* (2006), pp. 177ff. Guyer quotes 27:1321 from *Naturrect Feyerabend*, where Kant asserts that: “if only rational beings can be an end in themselves, that is not because they have
What seems to be common in all those views is a trend to upgrade the worthiness of the so-called non-moral end-setting and, by doing so, of the non-moral or empirical functions of practical reason. This move, on its turn, indicates that those scholars tend, usually more implicitly rather than explicitly, to attribute to mere practical freedom (construed by them negatively, as the ability to resist the immediate coercion of instinct and impulse for the sake of ends set by reason, no matter how those ends are ultimately traceable to the human being’s sensuous nature), a somehow intrinsic value. Prima facie, such a trend seems to be traceable to Kant’s assertion, explicitly made in the Groundwork, that since moral laws hold for rational beings as such, morality ought to be derived from “the general concept of a rational being as such” (Gr. 4: 412; 79). In particular, the underlying notion, roughly, runs as follows: Since rational agency is identical to possessing a will or practical reason, and since the defining property of a will is to be a causality able to work independently of determination by the laws of nature (“alien causes” – Gr. 4: 446), which is exactly what negative freedom amounts to, it follows that emancipation from the natural bondages of instinct and impulse particularly manifested in all end-setting is the exceptional element of practical rationality in general. Taking now into consideration that morality derives from the “general concept of a rational being as such”, and positive freedom (autonomy) flows (fliesst) from the negative one, it follows that it is the capacity of free rational choice, including, but without exclusively referring to morally laden choices, that stands as the unconditional end to be protected and furthered. If now, one wishes to confirm the aforementioned reasoning, he may just pay attention to the Metaphysics of Morals’ “Doctrine of Virtue” and to the derivation, mainly from FEI, of the imperfect positive duties of self-perfection and of promoting the happiness of others. Do not those duties, explicitly calling for the enhancement and cultivation of our rational competencies in general, not only our moral ones, as well as for our contribution to our societies’ collective skills to accomplish all sorts of ends, directly demonstrate the intrinsic and insurmountable value that Kant grants to the rational capacity of adopting non-morally laden ends? (see: Gr. 4:431, MS: 6: 385-88; 6: 392)?

On the other hand, J. Timmermann, severely opposing to Korsgaard\(^8\), argues that the sole exceptionally valuable thing in humane rationality is personality (Persönlichkeit) or the capacity to be motivated by pure practical reason alone and that it is persons, conceived as special kinds of entities that claim for incommensurable value, for the value of dignity. According to his reading, in order to construe Kant’s practical philosophy in a correct basis we must draw a sharp line between the admirable, prominent normative role Kant reserves for pure practical reason which makes possible the autonomous adoption of moral ends, and the trivial, deficient in normativity, empirical employment of practical reason. The latter, consisting in skillful and prudential faculties both grounded in hypothetical imperatives cannot have any substantive contribution to the objective value bestowed to persons and to the positive concept of moral freedom or autonomy which is the sole genuinely priceless

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\(^{7}\) See: Denis, L., Kant’s Formula of the End in Itself (2007), pp.251-252.

kind of freedom rational agents are capable of. Hence, for him, Kant is adamant that the only ends agents adopt completely freely are the morally obligatory ones⁹ and to think the matter otherwise, the way Korsgaard does, is just to blur the crucial distinction between pure and empirical practical reason.

*Mutandis mutatis* a similar reading has been provided by a series of prominent scholars, in most cases supported by strong textual support both in the *Groundwork* and in other major Kantian moral works. G. Prauss, in his classical work *Kant über Freiheit als Autonomie*, pays considerable attention to the Kantian statement in the second part of the *Groundwork* that it is only morality and the capacity to give the law to itself that elevates the rational being to its prominent status of worth, the status of an *end in itself* (see: *Gr.* 4: 435)¹⁰. H.J. Paton, following the pace of Kant’s inaugural phrase in *Groundwork I* that “[I]t is impossible to think of anything at all in the world, or indeed even beyond it, that could be considered good without limitation except a good will” (*Gr.* 4: 393), detects the unconditional value of rational human beings in their common capacity of having a pure, practical of itself, genuinely autonomous (good) will, a will which must (and can) manifest itself in all action even if it never actually does¹¹. And H.E. Allison, in his landmark work *Kant’s Theory of Freedom*, although not directly addressing the matter at issue, maintains that Kant from the *Groundwork* onwards had never been sincerely engaged in an endeavor to derive moral conclusions from morally neutral premises about the nature of rational agency *simpliciter*; that instead of what had been the case in the *Critique of Pure Reason* where the possibility of free rational agency had been solely based upon the mere capacity of the will not to be causally *necessitated* by laws of nature (the concept of mere *practical freedom*), his actual starting point in his major moral works has been the thick concept of *transcendental freedom*, conceived as a compete “independence from everything empirical and hence from nature generally” (*KprV* 5: 97). Hence, for Allison it is only transcendental freedom that leads to *personality* by incorporating the capacity of rational agents to be motivated from respect for the moral law, and thus, the concept of freedom required for genuine autonomous agency¹². Undoubtedly, all those approaches suffice to spur some considerable doubts against the reasoning founding the identification of the end in itself with the general capacity of rational choice.

The criticalness of the matter is obvious, for it affects our understanding of Kant’s derivative basis for the duties to ourselves and to other human beings, of his theory of value of other things beyond morality - such as happiness--., and even our conception of the whole of Kant’s practical thought and his moral agency theory. The purpose of this paper is to provide a

⁹ “[...], he [i.e. Kant] is adamant that the only ends we adopt completely freely *are* morally obligatory ends. Only the adoption of moral ends is directly an expression of human autonomy [...]. We are free to reject the ends proposed by inclinations on moral grounds; we are free to adopt morally obligatory ends; and that is why, in a sense, we are in charge of and freely adopt all our ends. Yet there is no positive freedom over and above the choice of morally obligatory ends. What really distinguishes rational agents like ourselves is this capacity, the capacity to be moral “ (Timmermann [2006], p. 81)


reading in support of the view that in Kantian moral theory personality or, equivalently, the property of autonomy of the will, stands as the sole rational capacity identified with an end in itself. Drawing mainly upon Kant's fundamental distinction between actions conducted from inclination or from duty we will argue, in line with Alisson, that transcendental freedom and personality are both the necessary and the sole sufficient conditions not only for the so-called morally obligatory actions and ends, but for the very rationality of all actions a rational being takes up qua free. At the same time, we will address a common misconception and the worries accompanying it, namely that the identification of a genuine free rational agency with the autonomy of the will and the latter with the requirement to be motivated in all our actions from duty and respect for the law alone, leaves absurdly narrow the whole exercise of the power of freedom. We will see in particular that a rational finite being is genuinely (positively) free, that is autonomous, not only when it adopts morally obligatory ends as Timmermann somehow provocatively suggests, but in the adoption of even sensually-driven ends on condition that it is governed by the ultimate norm of moral reason. Finally, extending Timmermann's critical remarks on the value-conferring argument, we will show that the main assumptions of this argument disregard de profundis Kant' doctrine of radical evil and thus the metaphysical premise all his moral theory is based upon, that is the overriding authority of pure reason over the subjective constitution of our empirical selves.

- II -

In order to disqualify the claim that for Kant's moral theory it is humanity or the general rational capacity of free choice that renders human beings ends in themselves we need to take a deeper insight of the dominant argument in the literature, the one that we may call here “the argument from the justification of objective goodness”. As mentioned, this argument has been first articulated by Korsgaard in her 1986 paper Kant's Formula of Humanity. Following her reasoning, Wood in his monography Kant's Moral Thought (1999) has provided a developed version of that argument, focusing his analysis in a crucial for its cogency condition remaining somewhat unclear by the Korsgardian perspective, namely for the possibility of FEI being readily derivative from the capacity of rational human beings for making free rational choices.

In rough terms both versions of the argument are based upon two fundamental views about Kant's general account of practical rationality, both of them being strongly supported by textual evidence mainly in the Groundwork.

The first of those views concerns the clarification of the term “humanity” in its technical usage in FEI: “[R]ational nature is distinguished from others in that it proposes an end to itself” (Gr. 4: 437) and the end in question cannot be other than “the subject of all possible

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13 For a summary of some of these worries, see: Denis (2007), pp. 249-252.
ends” (Gr. 4: 437). On the basis of such pieces of evidence, both scholars conclude that humanity is the exceptional capacity of rational beings (as contrasted to merely leaving animals) to direct their faculty of desire to certain ends set by reason, and thus to rationally guide their actions to the realization of them. In this sense, it is the broad capacity of all end-setting, regardless of whether the adoption of those ends stems from humane sensual nature or from pure moral incentives:

“[W]hen Kant says that the characteristic of humanity is the power to set an end..., he is not merely referring to personality [...]. Rather, he is referring to a more general capacity for choosing, desiring, or valuing ends; [...] the distinctive feature of humanity, as such, is simply the capacity to take a rational interest in something”.

As the capacity of practical reason in setting and selecting ends, humanity thus construed signifies the unfettering of the human being qua rational from the natural bondages of instinctual coercion and impulse, thus elevating it once and for all from mere beast (an arbitrium brutum) to a free rational being (an arbitrium liberum). In this sense, humanity both presupposes and marks the Kantian negative concept of practical freedom, namely the capacity of will to be a kind of causality not governed by natural necessitation, no matter how influenced it may be by sensually driven incentives for adopting its ends.

The second view concerns an interpretation of the Kantian reasoning lying behind the main twofold argument leading to FEI (Gr. 4: 427-29). As mentioned in part I, the first and negative fold of the argument consists in a consecutive rejection of objects of inclination, inclinations themselves, and non-rational beings as potential candidates for being objects of unconditional value (and thus serving as ends in themselves). The ground for the rejection is that all those things have at their very best only agent-relative worth, fully dependent on “a specially constituted faculty of desire... of the subject [that] gives them they worth” (Gr. 4: 428) or/and serving as a mere means for either the satisfaction of an immediate need or for the attainment of some material (inclination-based) subjective end. As mentioned, this sequential exploratory process has led Korsgaard to her main assumption of her analysis, that Kant, in order to locate the unconditionally valuable end, executes a regress upon the conditions of the rational concept of goodness to the detection of the ultimate unconditional condition grounding the value of whatever subjective (relative) ends human beings set for themselves. Both the Kantian conception of goodness as well as the regress possess are then to cast light onto the second, most crucial and positive fold of the argument, the one wherein Kant attempts to infer the ultimate objective principle of morality from the necessary rational representation of an end in itself valid for all rational beings. This fold runs as follows:

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15 See: Korsgaard (1986), p.110; also Wood (1999), pp. 117, 118-119, 126-127. Korsgaard provides further textual evidence from the Metaphysical Principles of Virtue where Kant particularly referring to humanity argues that “[T]he capacity to propose an end to oneself is the characteristic of humanity (as distinguished from animality)” (MS 6: 392).

“The ground of this principle is: rational nature exists as an end in itself. The human being necessarily represents his own existence in this way; so far it is thus a subjective principle of human actions. But every other rational being also represents his existence in this way consequent on just the same rational ground that also holds for me; thus it is at the same time an objective principle from which, as a supreme practical ground, it must be possible to derive all laws of the will. The practical imperative will therefore be the following: So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means” (Gr. 4:429).

In particular, both scholars argue that, in order to detect how this second fold of the argument is supposed to work, we must first take into consideration two interconnected implications of the Kantian doctrine of goodness as a rational concept, a concept the context of which Kant is clearly picturing when saying that “the will is a faculty of choosing only that which reason, independently of inclination, recognizes as practical necessary, i.e. as good” (Gr. 4: 412; 429): First, that since it fails under the authority of reason to be determined, good must be a harmonious and objective concept in the sense that all rational beings, qua rational, necessarily acknowledge and share as such (see also: KprV, 5: 60-61); second and as a result of the previous point, that in so far as human beings represent themselves as rational, they take themselves to be acting reasonably, meaning for justifiable or good reasons. This in turn means that after all what characterizes all end-setting as distinct from blind respond to instinct and impulse is that rational beings deem the ends upon which they act as objectively good, that is, as ones that raise universal claims on others to contain them in their will too (see: Gr. 4: 423; 430; MS 6: 393) 17. For Korsgaard the connotation of those two views combined together is simply that the merely relative goodness of whatever subjective ends rational human beings set for themselves will indeed turn objective only in so far as end-setting and responding action are completely justified, in other words, only when there are indeed sufficient reasons (ones fully endorsed by pure or moral reason) for accommodating the end in the first place18. Since now for Kant all inclination-based ends, the assured end of happiness included, are conditional, this complete rational justification would never be possible unless there is a self-existent objective and absolutely valuable end in the sense of an unconditional condition of goodness that all agents, in all their actions and ends, must always at the same time meet, protect and respect.

Thus, the most crucial step for understanding the Kantian argument is the specification of the locus of the unconditional condition of goodness. Considering that no empirical (material) end could ever provide a way out to unconditional goodness, Korsgaard concludes that the very characteristic making the objects of volition objectively good must be the precise fact that they are objects (ends) of rational choice. In her own words: “Kant’s answer, as I understand him is that what makes the object of your rational choice good is that it is the object of a rational choice […]. His idea is that rational choice has what I will call

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a value conferring status\textsuperscript{19}, and a few pages earlier: “Humanity can be regarded as an unconditionally good thing, and a source of justification for things that are only conditionally good”\textsuperscript{20}. In this sense when Kant is resorting to agents’ self-worth representation he is just referring to their self-conceived capacity to confer objective or universally acclaimed value upon the objects surrounding them in virtue of their rational nature; when he says that “every other rational being also represents his existence in this way consequent on just the same rational ground that also holds for me” he simply states the obvious, that “if you view yourself as having a value conferring status..., you must view anyone who has the power of rational choice as having, in virtue of that power, a value-conferring status”\textsuperscript{21}.

Wood, following a similar tenor of rational justification, focuses especially on the second fold the argument, trying to explain how the value conferring model is to provide an inference from the subjective principle of self-representation of every rational being as an end in itself to an objective principle valid for all rational beings. He points out that instead of taking this subjective principle as an empirical, psychological generalization, we must conceive it as an inseparable part of practical rationality, as the fundamental rational ground for all end-setting.\textsuperscript{22} As he puts it: “The thought is not that all goodness is only subjective (because it depends on the choice the being who sets the end and considers it good), but on the contrary, that rational choice of ends is the act through which objective goodness enters the world\textsuperscript{23}. In line with Korsgaard, he identifies this ground in the capacity of every rational being to ascribe objective, that is, universal goodness to his actions and ends. But he adds that when rational agents represent themselves as having this very capacity, they implicitly do so by virtue of ascribing to the very selves a kind of objective value, as making a universal claim for their own worth as ends in themselves bidding on the volition of all rational beings. In this sense, the unconditional objective goodness of the will of every rational being which is at the same time valid for all of them as an objective principle rests precisely in its capacity to claim for universal prescriptions by being itself the source of the objective prescriptivity of all of the rationally based actions and ends.

Although it is somehow unclear how Wood’s perspective is to provide a decisive support to the cogency of the Korsgaardian view\textsuperscript{24}—for one main reason, it seems as if it simply begs the question about where the objective goodness of the will lies, placing it in the objectivity of its ends, an objectivity which yet comes in the very first place as the effect of the will’s status as the source of all objective prescriptions—it makes even clearer that the rational capacity to be moral beings holds no exclusive place in the identification of rational nature as an end in itself. As Wood emphatically insists, this is supposedly because the capacity wherein the unconditional goodness of the will lies, that is the capacity to raise prescriptions

\textsuperscript{22} Wood (1999), pp. 126.
\textsuperscript{23} Wood (1999), pp. 129.
\textsuperscript{24} In her later work, The Sources of Normativity first published in 1996, Korsgaard had already incorporated the notion of the capacity of rational agents to confer value even on themselves in a revised version of her “conferring status” model (see in particular in p. 122).
as universally bidding on the volition of all rational beings, holds under both hypothetical as well as categorical imperatives (even though in the first case the action determined is objectively good only as a means for all those that have set the intended end, whereas in the second it is good in itself, that is irrespective of any further end). In this sense, the unconditional goodness of humanity is taken to be founded upon all its rational faculties, from its technical capacities to manipulate things as means for its arbitrary ends and its pragmatic capacity to organize those ends into a whole by forming the ideal of happiness to its capacity to respond and meet the commands of pure reason or morality as well.

What appears to be notably paradoxical in the justification argument so construed is a glaring tendency to ignore a series of decisive textual evidence strongly indicating that for Kant it is only morality, a pure (good) will or equivalently the moral law, what actually entitles human beings to be considered as ends of unconditional, absolute worth. The first, and admittedly the most ambiguous of them, comes in the very beginning of the *Groundwork* (4: 393) and the followed analysis where Kant presents as a notion of common rational moral cognition that it is the good will, and it alone, that stands for unconditional goodness, thus “conferring” genuine value to a person’s character and to whatever other things such as talents, gifts of fortune and happiness that human beings estimate as valuable for themselves. Dealing with the topic, Wood argues that this thesis cannot taken to mean that for Kant only the virtuous or those who manifest a good will in their actions and ends are entitled to be ends in themselves (since, admittedly, what FEI dictates is to unconditionally respect the dignity of all human beings). Yet, it is quite sure that Kant never meant to endorse such a moralistic notion as far as the value of human beings is concerned. In particular, what Kant actually means is becoming crystal clear in the *Religion* where he attributes a good will to all agents irrespectively of being virtuous or lacking (even totally) in virtue. Hence, what he maintains there is that having a good will (Wille) in the sense of the rational capacity to be under moral laws and of being capable of being sufficiently motivated by moral reasons is compatible with radical evil (see: *Religion* 6:32; 36; 39; 44). What is more, in the same work he tells us that this capacity, as the predisposition (Anlage) to personality, is constituted in the very determinate nature (Bestimmung) of all rational human beings and holds in principle for all of them qua rational (see: *Religion* 6: 26). Thus, construed as the capacity of rational agents to be autonomous agents even if they

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26 See: Wood (1999), pp.120-121.
27 It is a fundamental axiom of Kant’s moral theory that the property of a good will, however we should call it, as moral predisposition, pure practical rationality, personality or whatever, and in whatever way it manifests itself, namely as moral feeling, conscience, accountability or self-respect, is present even in the most wicked person to be found. This is besides the reason why, although a propensity to evil is inextricably woven with and rooted in human nature itself, no rational agent could ever possess an absolutely evil (diabolic) will (see: MS, 6:399-403; Religion, 6: 27-28; 32; 35-36).
always fail to manifest this capacity in their actions and ends\(^{28}\), Kant’s inauguration statement is in pace with his statement leading to FEI that “generally every rational being exists as an end in itself”\(^{29}\). In this sense Wood’s point, although correct, provides nothing in favor of the identification of the end in itself with humanity rather than personality.

Yet, it is the latter capacity that the second and most crucial textual evidence indicates as to be the sole source of human beings unconditional value. This evidence comes in the second part of the Groundwork when, after developing all formulations of the categorical imperative and his concept of the ideal of a Kingdom of Ends (Gr. 4: 433), he returns back to the conception of the dignity of all rational beings stating that:

“No, morality (Moralität) is the condition under which alone a rational being can be an end in itself, since only through this is it possible to be a lawgiving member in the kingdom of ends. Hence morality and humanity insofar as it is capable of morality, is that which alone has dignity” (Gr. 4: 435).

And then after a few lines, that:

“For, nothing can have a worth other than that which the law determines for it. [...]. Autonomy is therefore the ground of the dignity of human nature and of every rational nature” (Gr. 4: 436).

Given Kant’s tendency in the most part of Groundwork II to strictly correlate, or indeed, jumble humanity with the status of rational beings as persons, the criticalness of those lines is quite obvious. As indicated by the previous point, when Kant is referring here to the capability of human beings to morality, he does not mean the actual fulfillment of the requirements of the moral law, but personality as the substantial capacity or predisposition of them to recognize and be motivated by that law as the supreme practical principle (and hence being in principle possible for them to fulfil its requirements). What is more, since the latter capacity is identified with the autonomy of the will, his reference to humanity “insofar as it is capable of morality” reveals that, contrary to the appearances, Kant already from the Groundwork has drawn a conceptual distinguishing line between the empirically-driven faculties of humanity (humanity in the narrow sense or as we will see next, the predisposition to humanity), and the pure or moral faculties of reason, and treats them as species of the genus “humanity” in the broad sense, the sense admittedly dominating in the

\(^{28}\) As Paton emphatically points out, a will “under moral laws” and a will which always obeys moral laws are two quite different wills; even a bad will is under moral laws and is free. See: Paton (1947), pp. 213-214.

\(^{29}\) See also in the Metaphysics of Morals, 6: 329-330, 402-403, 462-463.

\(^{30}\) For an opposing view see mainly: Dean, R., What Should We Treat as an End in Itself? (1996), pp. 268-285. For Dean the passage in 4: 435 considered in view of Kant’s inaugurating statement about the unconditional status of the good will, can only mean that humanity as used in FEI should be equated with the will of an agent committed to the obedience of the moral law (see: ibid 271-274; 277). Yet, as Lara Denis correctly replies, “Being merely ‘capable of morality’, however, is not the same as having a good will” (Denis, [2007] p. 249).
conception of FEI. Besides, this last point is more emphatically confirmed in part III of the same work, where Kant argues that:

“[..] to my will affected by sensible desires there is added the idea of the same will but belonging to the world of the understanding - a will pure and practical of itself, which contains the supreme condition (e.g. the categorical imperative), in accordance with reason, of the former will” (Gr. 4: 454).

Although the role Kant holds for that distinction remains (for now) unclear by the way he articulates FEI, the fact that he does draw it, as well as his persistence that it is morality or pure reason the condition under which humanity (in the broad sense) draws all of its absolute value, are more than enough to decisively challenge the finding of the source of that value in an undifferentiated capacity to make rational choices. Consequently, the question now is how both scholars, apparently well aware of those texts, they nonetheless insist that it is the faculties of practical rationality in general that in the very first place ground such a value.

- III -

As already indicated, the answer to the closing question of the previous part, and the reasoning supporting it, must be primarily sought into the meaning both scholars give to the Kantian thesis that the concept of the categorical imperative ought to be derived from the “general concept of a rational being as such” (Gr. 4: 412). In particular, they take it as an explicit reference of Kant to the general and neutral principles of practical rationality, or as Alisson puts it, to the nature of rational agency simpliciter, that allegedly hold together all of a human being's rational faculties, both the empirically constituted and the moral or pure ones. As also mentioned in the first part, this interpretation is supposedly reaffirmed by Kant's claim in the third part of the Groundwork that autonomy flows from the negative concept of freedom. Since that negative (practical) freedom is equivalent with the capacity to act under general rational principles and the latter with humanity (supposedly in its broad sense) it should unproblematically follow that it is that principles and humanity in general that ground the highest rational capacity of rational beings to respond to moral incentive and ends.

Korsgaard gives us the clearest picture of such understanding from the first pages of her study, where, disclaiming the view that the FEI is directly based upon the one of FUL, she states that:

“That those who make such a supposition err not only by ignoring the fact that the Categorical Imperative is not 'deduced' in the Groundwork until the Third Section, but also by ignoring the fact that each formulation is intended to represent some characteristic feature of rational principles. In particular,
'humanity' is argued to be the appropriate material for a rational principle, just as universality is its appropriate form.”

As her reference to the deduction of the categorical imperative makes clear, the argued point here is that the identification of an absolutely valuable end as the proper material of a (fully) rational maxim stems from the neutral concept of practical rationality, as universality (the proper form for all maxims) correspondingly is mounted in the same concept as well. In this sense, the identification of an end in itself represents just a further step (additional to universality) into the metaphysics of morals, a step which is to ground the possible concept of the categorical imperative in rational agency simpliciter, not to be inferred from the subjection of the will to moral law, since the latter is only proven in the third section of the *Groundwork*. Accordingly, the status of rational beings as persons is derived from their generally construed rational nature. As also mentioned earlier, a similar reading is followed by Wood in his explanation of the supposed inference going from the self-personal worth representation (for him being itself a substantial element of rational agency) and the capacity of the will to make universal claims for its objects to the objective principle of morality.

We can take a deeper understanding of this reasoning when we come to examine, as Korsgaard implies, the inexpugnable role played by the formal principle of universality for the justification of the goodness of an action and thus for its reasonableness. In order to sketch this role one should consider his conception of having a will or practical reason as “the capacity to act in accordance... with principles” (Gr. 4: 412). The gist of this conception is expressed in a famous footnote:

“A maxim is the subjective principle of acting, and must be distinguished from the objective principle, namely the practical law. The former contains the practical rule determined by reason conformably with the conditions of the subject (often his ignorance or also his inclinations), and is therefore the principle in accordance with which the subject acts; but the law is the objective principle valid for every rational being, and the principle in accordance with which he ought to act, i.e., an imperative” (Gr. 4: 421 note)

Although this passage has been interpreted in various ways, it communicates three commonly accepted views about Kant’s account of practical rationality: First, that an action, in order to be action at all (and not for example an instinctual response), must always be undertaken under the drive of a maxim. In specific, as self-imposed rules (sich selbst auferlegten Regeln – Gr. 4: 438), all maxims are freely (spontaneously) adopted by the agents, which in turn means that for Kant “acting” necessarily pre-supposes the capacity of negative freedom at least in its mere practical sense. Second, all maxims are kinds of rationally based polices that provide a reason for acting in certain ways (or types of ways) in specific circumstances or under similar conditions. The major points here is that since they are determined by practical reason, maxims or the reasons they provide have always been subject to criteria of reasonableness. Third, since objective principles are those in accordance with which agents ought to act (with the “ought” here be that of rationality in general) it

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follows that the criteria in question are stipulated by those principles or imperatives (both hypothetical and categorical); and, as the sentence “valid for every rational being” indicates, the basic idea behind imperatives standing as criteria of the reasonableness of maxims is that each and every one of them expresses a necessitation of the will, an ought, that applies universally.

The inference to draw is just that rational agents, qua being rational, must necessarily regard the maxims upon which they actually act as in some sense universalizable or legitimate for all rational beings and the reasons for acting as from some respect good ones. To be sure, one may very well believe that a reason applies by exception only for him and the states of affairs he alone undergoes (thus, in the Critique of Practical Reason Kant defines maxims as those practical principles in which “the condition [Bedingung] is regarded by the subject as valid only for his own will” [KprV 5: 18-19]). However, what one cannot do as rational agent, it is argued, is to deny to any hypothetical agent in the same condition as him, all things considered, to raise the same claims for action. But for every agent to necessarily deliberate on the face of an universalizability test, to claim that a reason he acts upon is a good one and one every other rational agent would have rightfully acted upon even if only they had worn their shoes, it is exactly to justify his action in a rationally-based way. This inference in its turn clearly indicates that acting according to (what it is believed to be) justified maxims by means of (a kind of) universalizability test is an inseparable feature of rational willing, in other words an objective practical principle working under all conditions. It also implies that if, per impossible, the universalizability of maxim would be sincerely proven, then the action per se would be at least from some respect a reasonable one, meaning, justified. Given now that our commitment to universalisable maxims is just what the categorical imperative (FUL) enjoins for, both commentators seem to be right to assume that it is this reasoning what after all provides the linkage between the “general concept of a rational being as such” with the moral law and thus, that it is this very reasoning Kant is committed to reveal in the second, and prove in the third part of the Groundwork.

Yet, the profound problem with this syllogism is that its fundamental assumption, that of the derivation of rational beings’ subjection to the moral law from the general principles of practical rationality, is one that Kant axiomatically denies. As Allison highlights twice in his Kant’s Theory of Freedom, the most explicit though mostly neglected passage of this denial is given in the Religion, in a critical note accompanying Kant’s conception of the constituent elements of the determinate nature of the human being, the original predispositions to

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32 Allison’s analysis of the matter of universalizability or justification test as an intrinsic element of practical rationality in general, meaning without any special reference to morality, is highly illuminating; as he points out “[T]his is, of course, not to say that such agents always act on the basis of good and sufficient reasons or that, in retrospect, they must always believe themselves to have done so. The point is rather the familiar one that agents for whom the whole question of justification is irrelevant, who never weigh the reasons for their action, who act without at least believing at the same time that their reasons are good reasons, would not be regarded as rational. [...] it would seem..., that rational agents cannot reject the universalizability test without, at the same time, denying their rationality” (Allison [1990], p. 205).

33 See: Allison (1990), 149-150; 206-207.
animality, humanity and personality. The note is particularly referring to the impossibility of the derivation of a human being’s personality “as a rational and at the same time responsible being” from the previous of humanity in him, “as a living and at the same time rational being” (Religion 6: 26), and goes as follows:

“We cannot consider this predisposition as already included in the concept of the preceding one, but must necessarily treat it as a special predisposition. For from the fact that a being has reason does not at all follow that, simply by virtue of representing its maxims as suited to universal legislation, this reason contains a faculty of determining the power of choice unconditionally, and hence to be “practical” on its own; at least, not so far as we can see. The most rational being of this world might still need certain incentives, coming to him from the objects of inclination, to determine his power of choice. He might apply the most rational reflection to these objects - about what concerns their greatest sum as well as the means for attaining the goal determined through them - without thereby even suspecting the possibility of such a thing as the absolutely imperative moral law which announces to be itself an incentive, and, indeed, the highest incentive. Were this law not given to us from within, no amount of subtle reasoning on our part would produce it or win our power of choice over to it. Yet this law is the only law that makes us conscious of the independence of our power of choice from determination by all other incentives (of our freedom) and thereby also of the accountability of all our actions” (Religion 6: 26 note).

The significance of this lengthy footnote lays not so much in Kant’s refusal of the derivation in question, but in the fact that it concisely lays down the reasons for considering it totally impossible. Those reasons relate exclusively to incentives, or more appropriately, as the proclamation of the moral law as the highest incentive implies, to the ultimate motivational grounds of action. As he explains a few lines later, the predisposition to humanity is itself “rooted in reason which is indeed practical”, but only as subservient to sensually-driven incentives stemming from rational (comparative) self-love and inclination. Personality on the other hand is defined by Kant as “the susceptibility to respect for the moral law as of itself a sufficient incentive to the power of choice”; it is thus the sole constituent of human nature that is “rooted in reason practical of itself, i.e. in reason legislating unconditionally” (Religion 6: 28). In plain words, Kant’s point here is that when we view finite rational beings like ourselves from a strictly empirical point of view, then –even if we ex hypothesi admit that the actions of those beings are indeed expression of a genuine spontaneity of their will– we cannot have any denotation that even the actions of the most well-disposed of them are finally driven by anything else than conditional maxims determined by the egocentric grounds of self-love and happiness (see: Gr. 4: 407). Accordingly, it is these reasons that make Kant to succinctly content that the capacity of an agent to justify his actions by the mere representation of the fitness of his maxims to be laid down as universal laws by no means leads to the concept of a pure practical reason capable of determining the will unconditionally.

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Actually, the footnote summarizes a classical objection that many contemporary commentators have put forward against Kant’s analytical procedure in the *Groundwork* from the common rational moral cognition up to the concept of the ultimate principle of morality. The objection concerns the existence of a methodological gap between the categorical imperative, the intended outcome of the procedure, and the theory of action set in the same work, the conceptual basis that is supposed to directly lead to that outcome. In particular, it is correctly argued that whereas the determination of all actions from maxims can in its best provide an ultimate imperative of the reasonableness of action of the type “always act according to universalizable maxims”, one simply cannot move from this kind of imperative to the one which is necessary for the genuine moral worth of an action, that is, the one stipulating to “act only in accordance with that maxim through which you can at the same time will that it become a universal law” (*Gr.* 4: 421)\(^{34}\). Nonetheless, Kant not only appears to be fully aware of this gap here —apparently “the most rational being of this world” is one who *ex hypothesi* always acts according to hypothetical imperatives and hence does act according to a some kind of universalizable maxims— but, as mentioned before, he gives us the reason for considering it totally unbridgeable. His point is that *all* empirically-constituted faculties of reason, precisely because they are grounded in empirical grounds, are by their very nature totally impotent to establish the kind of universalizability expressed by categorical imperatives. In other words, the gap not only does not constitute a methodological flaw of his moral theory in the *Groundwork*, but instead it is a fundamental metaphysical premise of that theory working from its beginning to its very end.

\(^{34}\) Not surprisingly, a version of that criticism had been expressed by Wood (see: *Kant on the Rationality of Morals* [1976], pp. 94-109). Firmly believing that this is Kant’s movement in the *Groundwork*, he places the example of a rational egoist who conceives as a rational principle the achievement of his own well-being. The point for Wood is that since the rational egoist is engaged in such kind of (rational) principle then, if he is to be indeed rational, he must acknowledge that it is a universal principle all other rational agent’s sound be permitted to act upon. But this rational requirement need not to imply, and actually in a rational egoist’s case cannot imply, that he can will that all other rational agents behave likewise. Although the criticism is sound of itself, it is quite irrelevant as far as Kant’s rational and moral theory is concerned. As we will argue right after this is because even the rationally egoist cannot *sincerely* regard his principle as an actually universalizable one.

A differentiated version of the same criticism has been articulated by Bruce Aune in his text: *Kant’s Theory of Morals* (1979). According to him, the closest possible formula to FUL that one can establish from Kant’s assumptions on rational willing in the *Groundwork* is the one of the type: “conform your actions to universal law” which is very much the same with the one dictating to “act only in accordance with universalizable maxims”. He points out that although Kant (as he reads him) takes them to be equivalent with FUL, there is a major *gap* between them that makes the derivation of the latter from the former impossible. In particular, he contends that the two principles cannot be equivalent on the Grounds that the former establishes a decision procedure for choosing maxims whereas latter the does not (see: ibid, pp. 29-30).

Yet, when we come to see that when Kant argues for the form of the principle of morality he at the same time provides the *reason* for a rational being to choose it, it becomes evident that the gap does not lie (not decisively at least) in the place Aune locates it.
The best way to carry through with this metaphysical premise is by means of a Kantian example in the *Groundwork*. The one that fits best to our purpose here is that of the honest shopkeeper. Kant writes:

“For example, it certainly conforms with duty that a shopkeeper not overcharge an inexperienced customer, and where there is a good deal of trade a prudent merchant does not overcharge but keeps a fixed general price for everyone, so that a child can buy from him as well as everyone else. People are thus served honestly; but this is not nearly enough for us to believe that the merchant acted in this way from duty and basic principles of honesty; his advantage required it; it cannot be assumed here that he had, besides, an immediate inclination toward his customers, so as from love, as it were, to give no one preference over another in the matter of price. Thus the action was done neither from duty nor from immediate inclination but merely for purposes of self-interest” (*Gr.* 4: 397).

It is undeniable that in the given context the honest shopkeeper’s manifested behavior succeeds in conforming to all kinds of the related hypothetical imperatives. In particular, his behavior reveals what Kant describes as “prudence” in the strong sense, implicating not only the capacity (cunningness) to manipulate others for his own purposes, but to choose the best means (honest transactions) for his enduring advantage and the maximization of his well-being (see: *Gr.* 4: 416; 417n). More than that, the prudential imperative has committed the shopkeeper to a lasting policy that determines to act in an externally just way or, what amounts to the same thing, according to the dictates of the perfect duty not to cheat others even when there is an opportunity to do so. To be sure, it is so strong an imperative that firm conformity to it not only guarantees that the shopkeeper will act in an externally just way, but as Kant signifies in his *Doctrine of Right*, it constitutes the sole conformity required from all members of a society in order to establish its rightful function in trading practices (for, that is to say, business ethics). Nonetheless, Kant tells us that commitment to this kind of imperative can never be even “nearly enough” for us to believe that the merchant acted in this way from duty and basic principles of honesty. His reason for denying any moral appraisal to the shopkeeper’s honest actions is simply because they have been motivated by self-interest and the “natural” desire for happiness instead of a pure moral interest, that is, from respect for the moral law. In other words, acting in an externally honest way in the given context is a necessary but not a sufficient condition for the genuine moral worth of an action; it must also be an honest action, conducted from duty, that is, for the right reasons.

As for what those morally right reasons are, Kant’s contrast between categorical and hypothetical imperatives in respect of their content is fully illuminating:

“When I think of a hypothetical imperative in general I do not know beforehand what it will contain; I do not know this until I am given the condition. But when I think of a categorical imperative I know at once what it contains. For, since the imperative contains, beyond the law, only the necessity that the maxim be in conformity with this law, while the law contains no condition to which it would be limited, nothing is left with which the maxim of action is to conform but the universality of a law as such; and
this conformity alone is what the imperative properly represents as necessary (Gr. 4: 420-21).

What Kant tells us here is that, instead of what is the case with hypothetical imperatives the content of which is always determined by some empirical context of the subject and hence by the conditions of that context, that of the categorical imperative is conformity with the universality of the moral law as such. In the language of the justification of the reasonableness of an action described above, the difference between the two kinds of imperatives is consisted in dissimilarity (Ungleichheit) in the necessitation of the will and hence in the concept of goodness expressed by them. In particular, hypothetical imperatives always express the necessity (goodness) of an action as a means to some possible (in case of technical ones) or actual (in the case of the assertoric imperatives of happiness) conditional purpose35. In this sense the universalizability commanded by them is strictly limited to the agents sharing that purpose under the same or a similar empirical context. Instead, the categorical imperative expresses a necessitation of the will that must be obeyed and followed irrespectively and even contrary to any conditional intentions and ends. Consequently, the universalizability required for the moral goodness of an action is meant to apply to all agents independently of any empirical condition, that is, unconditionally (Gr. 4: 415-16; also 420).

In other words, what the principle of morality does enjoin is not only to act according to universalisable maxims period, but far more than that, to adopt unconditionally universalisable maxims just for the sake of their universalizability alone (see: Gr. 4: 390)36, motivated “solely from the supremacy of the law and the respect owed it” (Gr. 4: 426), in the same sense that in the example of the shopkeeper morality commands not merely treating customers honestly, but to always do so for the sake of the “basic principles of honesty”. Hence the full content of the categorical imperative comes as a result of Kant’s unnegotiable metaphysical assumption that a morally right reason can never be sought in relation to empirical reason and the status of a human will as subservient to sensually driven incentives and, finally, to whatever purposes it sets as such. It is this fundamental assumption that makes Kant holding that the moral goodness of an action has nothing to do with its result and thus with its mere conformity with the dictates of duty which may very possibly be contingent and precarious (Gr. 4: 390; 416) but with “the principle of volition in accordance with which the action is done without regard for any object of the faculty of desire” (Gr. 4: 399-400). Accordingly, it is because of that assumption that the moral worth is preserved only for actions determinable by categorical imperatives and by no means by hypothetical ones (see: Gr. 4: 425).

35 As Timmerman has correctly pointed out, hypothetical imperatives are totally deficient in normativity with respect to the material proper of our inclination-based ends on accounts that, after all, they do not enact ends at all but they merely revise the claims of our sensually driven nature: “Freedom requires laws of reason; but there is no imperative addressed to the choice of non-moral ends” (Timmermann, [2006], p. 82). As we will see in the next part, this is the key reason making Kant hold that no empirical principle and no empirical end can ever serve as a proper Ground of universal legislation valid for all rational beings.

36 See also the full Formula of Autonomy of the will (FA): “act in accordance with maxims that can at the same time have as their object themselves as universal laws of nature” (Gr. 4: 437).
The analysis up to now has already revealed that the mere capacity to act according to rational (universalizable) principles cannot by itself pave a way out to moral goodness of action and hence to the unconditional subjection to the moral law expressed by the categorical imperative. In specific, what has been shown is that unconditional agency in the sense of a full independence from inclination-based incentives and ends is both a necessary and the only sufficient condition for the moral worth of an action. Correlatively it provides sufficient evidence that Kant’s sincere intentions when arguing for the derivation of the categorical from the “general concept of a rational being as such” has never been a deduction (even in a loose form) of the reality of moral obligation from the general capacity of rational beings to represent the maxims of their actions as rationally justifiable and universally bidding. What he has meant instead is to exclude any reference to empirical reason as a potential basis of genuine moral principles; to highlight in the most emphatic way that any admixture of pure moral incentives with “empirical motives and laws”, with anything derived from the special natural constitution of humanity and of human reason that “would not have to hold necessarily for the will of every rational being” is about to condemn any endeavor for the establishment of genuine moral metaphysics from that ground (Gr. 4: 425; see also: 388-89; 411-12; 414; 426).

In fact, Kant had prejudged this outcome already from his second fold of the argument leading to FEI. In particular, again in the form of a note, he had informed us there that the ground for the objective status of every human being as an end in itself is put forward only as a postulate in the argument, established only in the third part of the Groundwork (see: Gr. 4: 429note). Since what is to be shown in that part is the reality of the subordination of finite rational beings in the moral law (see: Gr. 4: 445), in one word their personality, the conclusion drawn can only be that the mere capacity or rational agent’s to place value to their ends and through it to their very selves cannot ground morality. In view of Kant’s doctrine about the predispositions of humanity and personality as distinct, non-dedusable from one another elements of human rational nature, his statement is now quite comprehensible: The subjective representation that any human being holds for his own existence as an end in itself is the direct consequence of the ontological fact of rational self-love holding together all empirical faculties of reason. From this respect Wood is absolutely correct to claim that the value every human being holds for itself cannot be for Kant a doubtful empirical generalization; yet both Wood and Korsgaard are wrong to suggest that it is a genuine manifestation of human being’s conception of the non-personal and universally bidding absolute value all rational beings share as persons. Accordingly, it is the metaphysical fact of the gap between the empirical and the pure faculties of reason that blocks any regression from the subjective (relative) goodness the human beings ascribe to

37 See: Prauss (1983), p. 139. Paton outlines the issue clearly, by saying that up to the end of section II, Kant merely engage to the task of explaining the connotations of a possibility (the possibility of the categorical imperative) that he has taken in advance as already established; the most difficult task for Kant begins in section III, when he undertakes to examine the establishment of that possibility from scratch. See: Paton (1947), pp. 127-128.

38 This point we be fully illustrated at the end of the next part. For its textual confirmation in the Groundwork, see particularly the note 55.
their sensually-based ends as creatures of desire and inclination to the standards set by pure reason and morality, standards which, as Korsgaard have correctly pointed out, are the only sufficient conditions for the complete justification and genuine objectivity of those same ends.

It’s now time for us to examine Kant’s momentous statement in the third part of the *Groundwork* about the relation between the negative concept of freedom and autonomy of the will which seems to give justice to both scholars’ reading about the derivation of the latter from morally neutral rational principles. When we have unraveled the confusion about the true meaning of “negative freedom” in the framework of that part of the *Groundwork* we will see that the same conclusions as those drawn above follow unproblematically. Yet, before we get there let us recall Kant’s summarizing statement in the footnote of the *Religion* quoted above:

> “Yet this law is the only law that makes us conscious of the independence of our power of choice from determination by all other incentives (of our freedom) and thereby also of the accountability of all our actions” (*Religion* 6: 26n).

Kant’s statement here is only one of the many found in his moral works that expresses his firm view on the inextricable bondage between the moral law and freedom, the latter construed as a moral being’s complete independence of its power of choice from determination by all inclination-based incentives. To be sure, it is so strong a bondage that Kant argues at least twice that if freedom of the will were presupposed then the logical connection between a free will and a will under the moral law would be analytic (see: *Gr.* 4: 447; *KprV* 5: 31; 93-94). This (hypothetical) standpoint is then expressed by one of Kant’s landmark theses, commonly known as the *Reciprocity Thesis*, claiming that morality and freedom are reciprocal concepts both implying one another (see: *KprV* 5: 29). As he puts it in *Groundwork* III: “a free will and a will under moral laws are one and the same” (*Gr.* 4: 447). Nonetheless, Kant consistently insists that the principle of morality (the categorical imperative) is always a synthetic proposition since it is impossible from the analysis of the concept of even an absolutely good, that is, a fully rational will, to derive the supreme limiting condition of all its maxims which is “to act on no other maxim than that which can also have as object itself as a universal law” (*Gr.* 4: 447; 445; 449). Following exactly the same tenor in the second part of the *Groundwork* he informs us that the determining ground of the categorical imperative (i.e., respect for the law) connects an action from duty a priori and hence necessarily with the will “without a presupposed condition from any inclination”,

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39 As Kant puts it in the third part of the *Groundwork*: “…for beings like us - who are also affected by sensibility, by incentives of a different kind, and in whose case that which reason by itself would do is not always done… the subjective necessity is distinguished from the objective” (*Gr.* 4: 449).

40 It is first thus termed By Allison (1990) pp. 201 ff.

41 For the equation of an absolutely good will with that of a perfectly rational one see: Paton (1947), p. 201; Allison (1990), p. 226.
and in this sense it “connects it immediately with the concept of the will of a rational being as something that is not contained in it” (Gr. 4: 420note). All this finally leads Kant to argue in *Groundwork III* that a deduction of the categorical imperative (necessary for establishing the reality of morality), cannot proceed straightforwardly from the concept of a rational being *with* will, but that it needs a *third term* (the idea of our membership in an intelligible world [Verstandeswelt]) connecting such a will with the moral law.

Although this short analysis about the relation of freedom with the moral law and *vice versa* seems quite puzzling, it gets us just to the point when we start considering it in view of the whole footnote passage of the *Religion*. The critical point in that footnote is that Kant takes for granted that a being has practical reason (*a power of choice*) if only as subservient to incentives stemming from its empirical, sensuously affected nature. As also made clear, this power of choice involves the capacity to act on the bases of even the higher (pragmatic) hypothetical imperatives and thus it presupposes a spontaneity for self-determination; in other words we can safely conclude that such a being, as embowed with the power of choice, is presumed by Kant to be *practically free* in the negative sense taken by Korsgaard and Wood as the necessary condition for genuine rational agency (as emancipation from laws of nature as regards both setting the ends and choosing the means for them). If this point is right, it can only mean three interconnected things: a) that this conception of practical freedom is not only substantially different from freedom construed by Kant as “independence of our power of choice from determination by all other incentives” but, far more, quite insufficient in leading to it; b) that it cannot be the conception of freedom communicated in the reciprocity thesis; c) that the conception of freedom presupposed for that connection and for the deduction of the reality of morality (if such a deduction is possible at all) cannot be other than that of thick transcendental freedom construed as a compete “independence from everything empirical and hence from nature generally” (KprV 5: 97);

Now, the major problem for the argument of the two scholars is that the concept of negative freedom in the beginning of the third part of the *Groundwork* does not seem to bare any resemblance with the mere concept of practical freedom but instead to be exactly the thick transcendental concept of the footnote’s closing sentence. To recall it:

> “Will is a kind of causality of living beings insofar as they are rational, and freedom would be that property of such causality that it can be efficient independently of alien causes determining it, just as natural necessity is the property of the causality of all non-rational beings to be determined to activity by the influence of alien causes.

> The preceding definition of freedom is negative and therefore unfruitful for insight into its essence; but there flows from it a positive concept of freedom, which is so much the richer and more fruitful” (Gr. 4: 446).

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43 As far as our purposes are concerned here, it suffices that the argumentation of both Korsgaard and Wood is totally depended upon the supposition that the point drawn here is indeed right.
Considering closely this passage one should observe that its burden lies not just in the conception of freedom as a property of the will to be a kind of causality different from natural necessity, but in the contention that it is actually an *efficient* one. Given that a will’s activity always presupposes a determining (motivational) ground, plus that Kant here tell as that its efficiency in action stands in independence from whatever alien causes might provide a determining ground from outside, his contention can only mean that a will (or practical reason) meets its role by providing a determining ground already located in itself. This reading yet, which by the way is strongly supported by the concept of duty as a necessary action “without a presupposed condition from any inclination”, is just what the faculty of pure reason to be practical of itself (of its autonomy) amounts to. The concept of freedom of will canvassed so far is “negative” only in the sense that its “essence” has not been yet clarified, that is, the immune laws that allows such a will to be such a kind of *efficient* causality, indeed a causality at all (given that a lawless causality is an absurdity). This is just what Kant proceeds to indicate (see: *Gr.* 4: 446-47), by identifying this law of a (pure) will with itself and thus freedom of the will with the property of autonomy, that is, freedom in its “positive” sense. Since the will’s property of being a law to itself is just the categorical imperative, the “reciprocity thesis” readily follows. In this sense, the negative and the positive concept of a will’s status as an efficient causality constitute the two sides of the same coin, that is, of transcendental freedom. Given then that it is the “negative” concept of *transcendental* freedom that Kant is resourcing to as the very first step of his arduous attempt to prove the reality of the categorical imperative (a step that in fact he never gave up through the course of that attempt), it follows that he has never tried to derive the autonomy of the will and its principle from the mere concept of rational agency *simpliciter* and the concept of freedom (the mere practical one) pertaining to it.

Following the foregoing, the most decisive point for the impossibility of deriving autonomy of the will— and thus its principle, the categorical imperative— from the mere concept of a rational being comes from Kant’s firm contention for the *synthetic* character of that principle. As mentioned, this means that it is impossible to derive the determining ground (unconditional respect for the law) which connects rational will with its moral imperative and its necessary actions under that imperative (duties) by a mere analysis of the concept of such a will; hence we must look for it “as something that is not contained in it”. This is why, after all a *third term* is needed in order to connect the notion of freedom of even a perfectly rational will with the ultimate condition (the universal validity of its maxims as a law) limiting all its actions (see: *Gr.* 4: 449). Now, let us consider the key upshot of the justification argument. To use Korsgaard’s exact words this is that “rational nature (e.g. construed as that the power of rational choice in general) becomes a limiting condition of the rationality of *choice and action*”\(^{46}\). The apparent problem with it is that it locates the determining ground of the categorical imperative (FEI) precisely in the place (the concept of practical rationality) that Kant himself considers to be fully inappropriate. To put it bluntly, if the ultimate limited

\(^{44}\) See the full concept of the Formula of the Autonomy of the will (FA): 4: 432; 34; 37 and esp. 40.

\(^{45}\) As D. Henrich has insightfully pointed out, freedom of the will (transcendental freedom) is both a necessary and a sufficient condition of the moral law (see: *Die Deduktion des Sittengesetzes* [1975], pp. 89-90).

condition of a rational action were to be grounded in its mere nature as a rational action, then the categorical imperative would be an analytical proposition, and all Kant’s pertinacity in the synthetic character of it should have been taken by all of us as an indescribable failure of him to see through the deeper implications of his own doctrine.

One objection to the last point would allegedly be that after all this is what Kant argues that it would be the case if freedom of the will or rational agency were presupposed. Such an objection nevertheless would have been totally misconceived. As mentioned above, the analytical connection between the moral law and freedom comes as an immediate result of the reciprocity thesis claiming that the presupposition of freedom actually rests on moral considerations and vice versa. In this sense, freedom has already been equated with the capacity of a will to give the law to itself (see: Gr. 4: 450). Thus, what this thesis has revealed at that stage of Kant’s analysis in part III of the Groundwork is that there seems to be no route to freedom from extra-moral considerations and therefore no genuine deduction of morality from non-moral premises. Yet, this disavowed route on Kant’s behalf is exactly what the value-conferring model requires if it is to provide a persuasive account for the derivation of the objective principle of morality from the subjective principle of end-setting supposedly grounding all kinds of ends.

Actually, Kant’s attempt in part III is indeed in dire need of a morally-neutral premise, primary with a view to removing the suspicion of a hidden circle in the deduction of the categorical imperative, namely “that we perhaps took as a ground the idea of freedom only for the sake of the moral law, so that we could afterwards infer the latter in turn from freedom”(Gr. 4: 450). However, this morally-neutral premise, which by the way can be pointed only by freedom’s positive concept (see: Gr. 4: 447), has never been sought in some supposed principles governing rational agency us such. And Kant has a very good reason for considering such an option totally closed to him. In specific, given the apodictic character of the categorical imperative in relation to freedom (Gr. 4: 415), the point for him would have been that if moral consideration were not presupposed, then nothing could ever verify that a rational being does have a will (that his reason is practical): that what he conceives as his will is indeed an exceptional kind of causality and not just the product of some hidden “mechanism of nature”. As we know, this was Kant’s main tenet about practical rationality and freedom in the first Critique (see: A803/B831). Besides, he makes a quite similar point in the very beginning of the Groundwork, in the teleological argument concerning nature’s purpose for the “practical use” of reason. According to that argument, if nature’s end for a rational being were not a good will but happiness, then nothing could justify why nature, a far a better servant for the attainment of happiness than reason, has abdicated the control of both ends and means for the reason’s sake. In that hypothetical case, if reason were actually given by nature to its favored creature, it should have been constrained by her in the theoretical faculty “to contemplate the fortunate constitution of its nature” (Gr. 4: 395).

47 This is exactly the point Kant makes in the first part of the section titled “OF THE INTEREST ATTACHING TO THE IDEAS OF MORALITY” (Gr. 4: 448-50).

48 Thus, in the Second Critique Kant proclaims the moral law “the ratio cognoscenti of freedom” (KprV V: 4 note).
At last, this is why Kant looks for his required extra-moral premise just in an analogy of practical rationality with reason’s theoretical function (see: Gr. 4: 451), and by means of it in his doctrine of transcendental idealism. It is this doctrine then and its notorious “two different standpoints” under which a rational being necessarily regards itself (the one as member in an intelligible world, the other as a naturally necessitated being) that first provides the justification ground for genuinely attributing to a rational being a free will, and then connects his own “necessary (i.e., pure) will” as intelligence with “the moral ought” of the will of the same being, considered as such (an ought) “only insofar as he regards himself at the same time as a member of the world of sense” (Gr. 4: 455).

To sum up, the Kantian austere requisite for the moral worth in action and the concept of transcendental freedom that inseparably accompanies it suffice to disqualify the cogency of the value-conferring model at least in the way construed by Korsgaard and Wood, that is as a supposed bridging between the subjective capacity of human beings to raise universal claims of goodness and the objective principle of morality valid unconditionally for all human beings. However, what has not adequately revealed yet is that unconditional subjection to the moral law is the sole sufficient condition for the goodness of the very capacity of an agent to freely adopt ends, of his whole exercise of the power of freedom. When we come to see why Kant believes this to be the case we will have proved why the general power of free choice cannot be the source of all value found in the world. Furthermore we will be in place to fully understand how Kant conceives the conceptual relation between humanity and personality, and hence what the true content of the dictation of FEI is all about.

- IV -

A critical issue on Kantian ethics as a whole that has troubled generations of commentators is the reconciliation of the autonomy of the will with the conditions of the possibility of agency in toto. As we saw in the previous part, the categorical imperative by which pure practical reason expresses its moral necessitation to finite rational beings as ourselves, is a principle stipulating to act according to unconditionally universalizable maxims independently and even contrary to any kind or sensually driven incentives. Accordingly, when an agent acts according to such maxims, his actions have genuine moral value and the action is conducted from duty. The whole problematic though stems from the fact that the category of actions directly involving the performance of a perfect or imperfect duty can by no means constitute the whole range of actions a rational finite being is called to take in his practical bios. Hence, it suits fairly well to our moral intuitions that duty alone may prevent a desperate person from committing suicide (a prefect duty to oneself), motivate a person in a benevolent action (an imperfect duty to others), be the determinate reason for keeping fixed prices for anyone, keeping contracts, not lying and so on (perfect duties to others). However, it seems to be quite paradoxical to claim that it is some similar pure sense of duty that urged for instance the shopkeeper to sell a product to a customer in the first place, or a promisor to engage himself to the convention of a promise, not to mention all the trivial everyday deeds—such as making myself a cup of coffee or go to cinema—that seem to be
totally insusceptible to the notion of moral worthiness and, subsequently, to the ultimate practical principle of morality. And this in turn means that the maxims of those actions do not appear to be ever possible to be unconditional after all.

Correlatively, we seem to be in front of a dilemma: either we have to consider that the vast variety of actions that a human being takes as a result of his sensual nature—actions that is very reasonable for one to expect that are conducted from inclination rather than from duty—are ruled out by Kant as heteronomous, and thus impermissible in moral terms. Or we should conclude that in Kantian moral theory of freedom there is room for an autonomy-neutral notion of freedom, of actions and ends that, although they constitute real expressions of the spontaneity of the agent, cannot be amenable to a strict moral requirement of the autonomy of the will. Those actions would be those determined by all kinds of hypothetical imperatives that they do not conflict with moral imperatives, neither with perfect nor imperfect duties. In this sense they should be properly termed morally-neutral, non-moral, or at least morally permissible ones.\footnote{For a classical discussion of the issue, especially in relation with the aspect of the accountability of “non-moral” actions, see: Sidgwick, H., The Kantian Conception of Free Will (1988), pp. 405-412.}

Given that the first reply to the dilemma is one that even our most moralistic intuitions is impossible to endorse, it is obvious why the second one is the dominant one in modern Kantian scholarship. After all it is a reading that prima facie finds considerable support in one of the most debated arguments placed by Kant in the \textit{Groundwork}, the famous non-contradiction test Kant uses in order to rationally disqualify immoral actions, that is, actions (or omissions from actions) that transgress either a narrow (perfect) or a wide (imperfect) duty. In the language of that test, while I may will to act in accordance to maxims resulting in immoral actions, I cannot at the same time \textit{be able to will} that they become a universal law of nature according to which all agents by necessitation act upon, without my will somehow contradicting with itself (see: Gr. 4: 424). As it is commonly argued the sole thing logically inferred from that test by the way Kant articulates it is that \textit{if} the maxim of an action cannot at the same time be willed by the agent as universal law then that action will definitely transgress some duty. What cannot be inferred is that the morally worthy actions and policies are the only ones that pass the test; in other words there remains wide open the possibility that there are some actions that pass the test without nevertheless deserving any moral appraisal. For example, all actions determined from inclination that happen to accord with duty seem to be capable of passing the test, since there seem to be no apparent obstacle for the will of an agent to will at the same time both a maxim and the universalization even in case the action produced happens to lack in moral worth, that is, it is not an action from duty. In other words, those actions must accordingly be considered as morally-neutral, morally indifferent, or just permissible ones.

This stream of thinking finally leads to the reading that the property of the autonomy of the will is applicable only to a narrow field of practical agency and that the actions susceptible to it constitute a special subset of the general power of freedom of choice. It is the subset constituted in the moral categories of morally obligatory actions of perfect duties and of the actions involved in the realization of morally obligatory ends or imperfect duties.
Accordingly, the capacity of humanity in its broad sense is considered to be the more general capacity, subsuming all spontaneously adopted actions and ends, both those stemming from our sensual nature (the predisposition to humanity) that are determinable by hypothetical imperatives, as well as those stemming from pure reason (the predisposition to personality) which are, or better, ought to be determined by categorical imperatives. It would be pointless to note that this stream of thinking constitutes a great underlying support to the claim that humanity, constituted in all of his rational capacities, is the unconditional end in itself. Actually it is a disguised expression of the very same assumption that personality is a capacity readily derivative from the general capacity of practical freedom and the principles of practical rationality simpliciter.

What is not pointless to mention here is only some of the apparent absurdities that come along with this inference, absurdities that finally undermine Kant’s moral theory as a whole. Take the example of dutiful actions involved in perfect duties: on the one hand those actions are profoundly moral; yet, on the other we come to consider them as morally indifferent or permissible when they are conducted from inclination and happen to accord with duty. If we consider that both an action that merely accords with duty and the same action conducted from duty pass the non-contradiction test, then it seems as if respect for the law works as a kind of permissive law that the agent is called to decide whether and when he is going to use, to decide in other words whether his dutiful actions are to have moral worth or not.50 Apparently this is a result that erodes de profundis all the idea behind the normative status of the moral law as a genuine necessitation of the will. More than that, the supposed success of actions that merely accord with duty in passing the non-contradiction test is at odds with the fundamental reason Kant holds for the rational necessity to always act from duty, that is under unconditional maxims determined by categorical imperatives. In particular, rightly after the presentation of all formulations of the categorical imperative in the Groundwork, he states that the categorical imperative is the kind of principle a rational will must always act on, because it is “the sole condition under which a will can never be in conflict with itself” (Gr. 4: 437). In other words, here Kant leaves wide open the possibility that a will may conflict with itself even when its actions conducted from inclination happen ex hypothesi always to accord with the dictates of duty. Correlatively, if Kant’s words here are to have any meaning at all, then the distinction between actions conducted from duty and actions conducted from inclination must be much more profound for the moral determination of an action from what the above interpretation of the non-contradiction test can ever imply.

In order to clear thinks up we must start examine the deepest misconception concerning the Kantian theory of moral agency, a misconception that lies in the very basis of the whole problematic about the supposed impossibility of reconciling this theory with the possibility of rational agency. It concerns the way the thought of duty determines all conduct, either in cases of dutiful actions or in actions that strictly speaking do not possess moral worth. When this misconception is dissolved, we will be in place to see what the distinction all Kant’s moral theory is based upon, namely the one between actions conducted from inclination or from duty, amounts to. We will see in particular why an action conducted from

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50 See indicatively in Wood (1999), p. 363, the notes 7 and 8.
inclination will be one always in conflict with the will of a rational being, even when it happens to conform to duty.

As Alisson emphatically has pointed out, the whole misconception lies in an assumption of Hegelian origins that Kant rejects, namely, that the motive of an action must necessarily coincide with the immediate purpose (Absicht) or the end (Zweck) of the same action. Driven by that assumption, most commentators tend to interpret the action from duty as an action whose sole purpose is respect for the law and whose sole end is duty. Accordingly, since they must be actions grounded in unconditional maxims, commentators infer that the categorical imperative commands us to rule out any sensually-based intentions, desires, and inclinations. The main reason for attributing to Kant this understanding is that it fits relatively well in the cases of dutiful actions. Where apparently it does not work is in taking up decisions such as be a shopkeeper or a promisor in a contract since then, clearly, a strict notion of duty cannot be the sole object of reason or at least a sufficient ground for making the agent to take up the decision in the first place.

However, the critical issue is that for Kant duty can never serve as the intention, end or object of an action, not even in cases of dutiful ones. According to Alisson, what is critically missed is that for Kant the very same end, let’s say to alleviate other’s suffering or to be honest in transactions, can be adopted by an agent from either inclination or duty. In this sense, the fundamental distinction in his whole moral theory is not between some different ends or results to be effected when conducting an action, but between the determining (motivational) grounds in the sense of Bestimmungsgrund that provide the sufficient reason for making that end one's own. Therefore, while in the case of the honest shopkeeper both the immediate intention of his behavior and the result of his actions remain the same, namely honest dealing, only when his determinate reason is the consciousness of the moral law and “basic principles of honesty” rather than his lasting flourishing, his behavior is a morally appropriate one, that is, one conducted from duty.

Following the same tune, Timmermann has located the sources of the conflation in a misunderstanding of Kant’s claim in the Groundwork that “what serves the will as the objective ground of its self-determination is an end, and this, if it is given by reason alone, must hold equally for all rational beings” (Gr. 4: 427). As he points out objective in this sentence is attributed to all kinds of ends both to those he later calls subjective or relative and to the objective ones, that is to the universally bound for all rational beings given by


52 Hegel, whose criticism against Kant focuses particularly to moral actions would definitely reject that the thought of duty alone could have ever served as a sufficient motive even in “dutiful” actions (see: Phenomenology of Spirit, English translation p. 386. According to Wood’s reconstruction of the Hegelian critique, Hegel’s essential claim is that even in morally-driven action there must always be an internal reason grounded in the subject’s sensual interests, inclinations and so on in order for the agent to be motivated to perform the action in the first place. In this sense an action motivated solely from duty and conducted from duty’s sake is nothing else than a vacuous requirement impossible for sensual creatures like us to come to terms with at all (see: Wood, The Emptiness of the Moral Will, (1989), pp 454-5; 462).

reason alone. And this in turn means that for Kant the characterization of all ends as the 
objective determination grounds of the will can only indicate the conceptual dualistic 
subject-object distinction that Kant, instead of some of his successors in German Idealism 
such as Hegel and Shelling, never gave up. In this sense, “objective” refers literally to the 
object (Objekt) or reason as perceived by the agent from a first-person point of view (see: 
MS 6: 381), after all as something for the sake of it the subject of deliberation is called to 
act.54

Actually, Timmermann never goes on to explain how exactly his clarification applies to Kant’s 
sharp conceptual distinction between the motivational grounds of an action, and the 
grounds of the same action determined by the Objekt intended. Yet, he gives us a clear hint 
by explaining, in view of that clarification, Kant’s aporetic approach:

“Kant is now approaching the question of what type of object never ought 
to be used as a mere means but rather be treated in a different, special way 
[...]. Ends that can be brought about as the effects of my actions... are 
relative to incentives and therefore unsuitable as the foundation of ethical 
theory. Such relative ends merely yield hypothetical imperatives [...]. Others 
[i.e. rational beings] are objectively good in the sense that they must be 
considered valuable impartially and universally.”55


It should be noted that Timmerman moves to extend this reading also to the second fold of the 4: 
427-429 argument, and particularly to Kant’s statement that every human being necessarily 
represents subjectively (as a subjective principle of his will) its own existence as an end in itself. 
Hence, he interprets it as a reference of Kant to the acknowledgement of our status as persons from a 
first-person perspective, as this status presents itself in the deliberation of the subject (see: 
Timmermann [2006], pp. 85-86). However, this move cannot be interpretatively correct, or consistent 
with the Kantian text. The problem is not that the necessary object of pure reason (persons) cannot 
be viewed by the subject’s point of view; on the contrary this is the only possible explanation of 
Kant’s statement that the ground of all practical lawgiving lies subjectively in the end (Gr. 4: 431). The 
problems is that it cannot be the meaning Kant attributes to the phrase “subjective principle” in the 4: 
427-429 argument, since, there, it is contrasted with the objective principle of human being’s 
absolute value, the latter clearly in the sense of a universally valid ground.

In particular, if by the statement that every human being necessarily represents subjectively its own 
existence as an end in itself, Kant meant the self-representation of its status as a person, then the 
contrast between that subjective principle and the “same” objective principle would be no more than a 
pleonasm. This is because, the rational self-representation of human beings as persons necessarily 
involves the non-personal value of every human being as the supreme limiting condition of all 
subjective choices (in the very same sense that all rational beings, thanks to their personality, 
necessarily acknowledge the valid claims the law makes in them). Accordingly it would be an objective 
value representation, and its principle would correlatively be represented as an objective one, even if 
the rational being always had been failing to follow its commands in action. Besides, if otherwise, 
then Kant’s admission that the objective status of this principle is set only as a postulate whose 
validity is to be deduced along with the reality of the categorical imperative and personality, would be 
quite pointless.

Thus, the only meaning Kant may have attributed to the subjective principle of every rational being as 
an end in itself, is that of the empirical and universal for all finite beings principle, grounded in self-
love, to arbitrarily make our “subjective determining grounds of choice into the objective determining 
ground of the will in general” (KprV 5: 74); to arbitrarily “make”, so to speak, our own “humanity” the
The inference is simply that as sensually-driven incentives signal subjective (relative) ends as objects of desire to be produced or fulfilled, in the same way the moral law dictates for an object of unconditional esteem, for an object of pure reason which, as objectively (universally) valid for all rational beings, can never be used as mere means (see: Gr. 4: 431). In other words, for Kant motives on the one hand and ends as objects of reason on the other, have a distinct function in the theory of the rational determination of action, with the latter undoubtedly to depend or rest on the former, but never to coincide as identical. As Korsgaard puts it perfectly: “Having humanity as an end is not an incentive for adopting the moral law; rather, the moral law commands that humanity be treated as an end”. Accordingly, the whole misconception concerning the Kantian motive-end relation stems from the false standpoint to take the absolute value of rational nature as the sole motive (Bewegungsgrund) of a good will with respect to FEI, as respect for the law and duty is the same motive with respect to FUL. Once the step to this standpoint is taken, it is quite easy for one to equate respect for rational nature in general with respect for the law and by doing so to argue in favor of humanity (construed as the whole of rational faculties of whatever rational “nature”) as the unconditional source of all value, the supreme moral value included.

The confirmation of the reading of two scholars comes directly from FEI. The point is simply that although Kant unequivocally maintains that if an action is to have moral worth then it must be conducted from respect for the law and duty alone, FEI proves that he never claimed in an equivalent manner that a morally worthy or appropriate action must be one whose sole end is humanity or persons as ends in themselves. What FEI demands for us as rational agents when conducting an action is never to use persons merely as means but always at the same time as ends, not that we must use persons exclusively as ends or that unconditional end of our actions. Kant uses exactly this meaning of a subjective principle or representation a few lines later in the Groundwork, when stating that the principle of humanity as end in itself is not borrowed by experience on the grounds that “…is represented not as an end of human beings (subjectively), that is, not as an object that we of ourselves actually make our end, but as an objective end that, whatever ends we may have, ought as law to constitute the supreme limiting condition of all subjective ends” (Gr. 4: 431).

It is precisely the subjective principle or representation to arbitrarily elevate our empirical selves to the pedestal of an end in itself that Kant collates here with the real, given by pure reason alone, end in itself, and it is the same notion of subjectivity he calls forth in the 4: 427-429 argument.

56 If we pass by this critical difference in function between motives and ends as regards the rational determination of a will, then it is impossible to comprehend why Kant does distinguish between them by saying that: “subjective ends... rest on incentives, and objective ends... depend on motives” (Gr. 4: 428, my underlining).


58 Concisely, this is the reasoning all argumentation of Wood in favor of humanity is based upon. For his conception of the equation between the worth of humanity in someone’s person with the motive or the determining ground of moral action see mainly in Wood (1999), pp. 111-114; 363 note 7. On how the same conception leads him to the view that personality is founded in humanity and particularly in the capacity to set and value whatever ends, see ibid, pp. 364-366 the lengthy note 11. What is notably interesting there is that Wood attempts to support his position contra the thoroughly discussed in this paper footnote of the Religion (6: 26) confirming the exact opposite. Not surprisingly, all of his analysis is devoid of any textual support.
they must be the exclusive ends of our actions. From this respect then it is impossible respect for the law and duty on the one hand, and the objective, rationally given end on the other, to serve as identical grounds for the rational determination of a good will, simply because the requirements each of them set for the morality of an action are quite different, the former enjoining exclusiveness whereas the latter apparently does not.

Now, following this stream of thought, it is easy for us to see that Kant’s demand to always act from respect of the law and according to categorical imperatives has never been meant to—and does not—entail the impossible, namely to stifle or annihilate our sensually-based intentions, desires and inclinations. In particular, since we use others or ourselves as means only when we have a conditional intention in mind, FEI proves not only that the categorical imperative is compatible with empirical purposes and interests but also that Kant conceives it to be applicable precisely when those purposes or interests are fully operative. Besides, the very same conclusion follows readily from Kant’s general description of the categorical imperative and its connection with the concept of moral worth:

Finally there is one imperative that, without being based upon and having as its condition any other purpose to be attained by certain conduct, commands this conduct immediately. This imperative is categorical. It has to do not with the matter of the action and what is to result from it, but with the form and the principle from which the action itself follows; and the essentially good in the action consists in the disposition, let the result be what it may. This imperative may be called the imperative of morality (Gr. 4: 416).

As the reference to “any other purpose”, “matter” and the “result” of an action makes clear, Kant does not content that the actions governed by categorical imperatives are ones lacking in any other content, purpose, or end than the one of duty. What he does content instead is that the categorical imperative applies immediately, that is independently of what may have ever been the intentions of an agent for taking up and conducting an action; and to say that the categorical imperative applies in such a way is a diametrically different thing from saying that it commands to cast away all of our sensually driven intentions and ends. The same passage also indicates that duty as the rational concept expressing “the necessity of an action from respect for law” (Gr. 4: 400) depends entirely upon the determinate principle from which the action follows, not from the object the action should result in.

The very criticalness of the particular passage though is that it is only one of the very few in the Groundwork in which Kant makes crystal clear that the thought of duty is not just a principle intended to apply only to particular dutiful actions but rather one that characterizes as a “disposition” the moral quality of a genuinely good will. Given that a disposition can only characterize a will as a permanent quality—either good or evil—the natural thing for one to infer is that accordingly duty must be the sole way a good will ever expresses itself. The problem in the Groundwork is that since all its examples are orientated to dutiful actions amenable to the notion of moral worth, Kant never further explained, at least not explicitly, how a disposition is supposed to work as the determinate principle of a good will.

59 See also Kant’s definition of duty with respect to FA: “...the necessity of an action in accordance with this principle is called practical necessitation, that is, duty” (Gr. 4: 434).
Accordingly it is far from clear in what sense duty constitutes the determinate ground for all of its actions and ends. Fortunately, what Kant leaves obscure in the *Groundwork* he comes to fully clarify in the *Religion* by virtue of his doctrine of ethical *rigorism*, a doctrine in which the conception of the disposition (*Gesinnung*) of the will plays the first and last role.

In short, by ethical *rigorism* Kant understands the position professing that in ethics there cannot (and should not) be “anything morally intermediate, either in actions (*adiaphora*) or in human characters” (*Religion* 6: 22), that a moral being and, accordingly, the actions it executes as such are “either morally good or morally evil” (ibid). He contrasts *rigorism* with moral *latitudinarianism* or *indifferentism*, as its opposite extreme strongly suggested by experience, which is the position allowing for the possibility of a moral middle ground between good and evil in the case of both actions and character. As he explains, although moral *latitudinarianism* is strongly proposed by experience, moral *rigorism* is the sole genuine premise capable for grounding pure moral metaphysics. Once again, the metaphysical foundations of Kant’s rigid view lie upon the existence of the predispositions to *humanity* and *personality* as constitutional and yet distinct elements of the determinate nature of the human being. His point here is that since both predispositions are inextricable, so self-love and the desire for happiness as well as the respect for the moral law are non-repudiated motivational forces always operative in the faculty of the power of freedom (*Willkür*). From this standpoint, he then draws two fundamental characteristics about the whole faculty of the power of free choice. The first of them is his well-known *Incorporation Thesis*, according to which the power of choice “cannot be determined to action through any incentive except so far as the human being has incorporated it into his maxim (has made it into a universal rule for himself, according to which he wills to conduct himself)” (*Religion* 6: 24). The second, as immediate result of the first, that when a rational agent fails to comply with the dictates of the law in an action, this happens not as a consequence of a lack of moral incentive or as the result of some “incapacity” of the law to make valid claims, but because the agent chooses to deviate from it by incorporating an opposing sensually-based incentive (see: *Religion* 6: 36). In other words, for Kant, inclination-based incentives always work as positive grounds antagonistic to the law, that is, as determinate principles of action expressing a real “resistance” (*Widerstand*) of the power of choice in following what is genuinely morally good (*Religion* 6: 22 note; also *Gr.* 4: 424).

Taking the aforementioned into account it is now easy to see how for Kant *rigorism* applies to the whole character, and finally how the disposition of the will determines an agent’s *entire usage* of his freedom of choice. Since the principles of self-love and the moral law are mutually antagonistic towards one another, and since the incorporation of each of them is meant to work as a universal principle in *Willkür*, then the incorporation in question can only occur in the inner level of the power of choice: it regards the adoption of a single fundamental or ruling maxim which works as the first (ultimate) subjective ground of all of the maxims it may ever produce. In its turn, this fundamental maxim expresses our attitude towards the moral law (see: *KprV* 5: 99) and consequently our enduring *character*, good or evil, as a moral being:

“The disposition [*Gesinnung*], i.e. the first subjective ground of the adoption of the maxims, can only be a single one, and it applies to the entire use of
freedom universally. This disposition too, however, must be adopted through the free power of choice, for otherwise it could not be imputed” (Religion 6: 25)  

Finally, a few lines later Kant makes crystal clear what the whole difference between a good and an evil will or Gesinnung is all about:

“the difference, whether the human being is good or evil, must not lie in the difference between the incentives that he incorporates into his maxim (not in the material of the maxim) but in their subordination (in the form of the maxim): which of the two he makes the condition of the other. It follows that the human being (even the best) is evil only through the fact that he reverses the moral order of his incentives in incorporating them into his maxims” (Religion 6: 36).

Hence, although the requirement for the incorporation of the moral law in a “single one and universal” ultimate maxim determining all the exercise of freedom seems to bring back the same old problematic about the very possibility of rational agency and indeed in its most intense form, the latter passage makes it plain that a supposing stifling of our sensual-based motives and the “natural” end of happiness” (see: Gr. 4: 415)) has never been what he really meant by projecting the categorical imperative and duty as the sole ground a rational finite being like us must always act upon. What instead have always meant is for us to make the disposition pertaining to a good will the ultimate authoritative norm in the judgment of reason when exercising our “entire” faculty of freedom, to treat a rational being always at the same time as an end when adopting whatever action and end under the inextricable in us principle of self-love and happiness. What he has meant in other words is for us to strive to overmaster the “rooted in humanity itself” and therefore universal for all human beings, propensity (Hang) to evil.

In particular this propensity, which for Kant constitutes the condition of the possibility and the ground of all evil found in the world, lies not “in any object determining the power of choice through inclination, not in any natural impulses” (Religion 6: 21) but precisely in an innate tendency of the humane power of choice (Willkür). This is a power to reverse the moral order of the incentives by subordinating the ultimate authority of the law to self-love and inclination (see: Religion 6: 28; 31; 36). It lies, in other words, in an evil Gesinnung fabricated in the very essence of the human power of choice (Willkür) and expresses the radical evil in it, in the sense that it corrupts all the maxims a rational being acts upon. This is not to mean that an evil Gesinnung necessarily results in empirically manifested evil actions, i.e. actions contrary to law. It rather means that it establishes the very preconditions for granting oneself occasional exceptions from the unconditional binding force of the law by permitting non-moral inclination-based considerations to outweigh moral ones even though the agent’s empirical conduct may generally continue to conform to the law (see: Religion 6: 20; 29-30; 37; also Gr. 4: 424). Accordingly, a will is evil only because it has adopted as its

[31]
ultimate subjective ground to make “the incentives of self-love and their inclinations the condition of compliance with the moral law” (Religion 6: 36). By extension, all its maxims are evil since the “inner principle of maxims” is the sole ground “according to which the morality of an action must be judged” (Religion 6: 22note)\(^{61}\).

The short analysis from the Religion reveals that after all what is at stake in moral agency as a whole is not whether particular actions have moral worth but whether all of a rational agent’s maxims are ones that pertain to a virtuous character, that is, in the language of the Groundwork, to an unconditionally good will, or not. When we come to see this point it is no longer difficult to see how the categorical imperative and the thought of duty determine conduct even in decision and actions such as shop-keeping or signing contracts, namely in cases of actions that would have had poor chances to occur at all if the agent was not intending in the satisfaction of some inclination-based need or interest. What we need to do is to think of those decisions with respect to the fact that morality enjoins to make the law—the principle stipulating never to treat rational natures as mere means—the overriding determinant principle all the sensually-based actions and ends must comply with. The point is that just us a virtuous person in dire need of money will never choose to pursue his inclination-based needs and ends by giving a false promise or cheating others in transactions, in the same way he will refrain from any sensually driven action that is going to take advantage of others as mere means. Instead he will examine other morally permissible ways for fulfilling his ends, and if there is not such a way available to him he will refrain from any action satisfying his needs whatsoever. Accordingly he will be a person that will strive as far as possible to keep his promises when giving ones simply because it is his perfect duty to do so, and he will remain committed to them even when he has an opportunity to violate them without risking any greater danger. In the same sense, a person who is truly committed to morality will chose an honest way to earn his leavings such as shop-keeping, and likewise he will always treat his customers honestly from duty even when there are conditions in which his perceived self-interest calls him to break any rule of prudence. In other words, what the principle of morality and duty actually provide in all decisions of an agent, either when they involve an obligatory (dutiful) action or just permissible actions that strictly speaking cannot ever acclaim moral appraisal, is the ultimate justified reasons for conducting them, the unconditional condition for making whatever purpose of an action one’s own\(^{62}\).

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\(^{61}\) The above is enough evidence to prove that contrary to the widespread conception in modern scholarship holding for morally indifferent dutiful actions in Kantian moral thought, for Kant such an option is by definition closed. And this is because for him what matters at all in the moral judgement of an action is not the action per se but the maxim according to which the action is determined: “the ground of evil cannot lie in any object determining the power of choice through inclination, not in any natural impulses, but only in a rule that the power of choice itself produces for the exercise of its freedom, i.e., in a maxim” (Religion 6: 21). To put it simply, the maxims that incorporate inclinations as the determinate ground for morally-relevant actions are evil ones irrespectively of whether the actions finally run contrary to duty or in conformity with it.

One might object that all that morality enjoins with respect to our sensually-driven ends is to pursue them by means of actions that do not violate the freedom of others. From this respect, the objection would proceed, an externally just action that happens to conform to duty is all that is needed to make an end permissible. However, when we come to see that for Kant all moral categories and judgements, such as moral permissibility, are fundamentally bounded with the ultimate principle or Gesinnung grounding the action and not at all with its result, we can see why the objection is irrelevant as far as his moral theory is concerned. The question Kant makes all over the Groundwork about actions from inclination that simply happen to conform to duty is of whether their maxims are ones that can constitute “the condition of a will good in itself” (Gr. 4: 403) or not. Accordingly the answer he gives is expressly negative on the grounds that when dutiful actions are rested in the principle of self-love and inclination instead of a pure moral interest, their conformity to duty”... is only very contingent and precarious, since a ground that is not moral will indeed now and then produce actions in conformity with the law, but it will also often produce actions contrary to the law” (Gr. 4: 390; also 4: 402-3; 422).

In fact, Kant unambiguously holds for the same contingence and precariousness even when self-interest and happiness are sought under the drive of prudential principles which ground considerably lasting legal policies, such as in cases of honest shop-keeping and of habitual refrainment from lying stemming from a real fear of greater future inconveniences (see: Gr. 402-3). His reason for addressing even those lasting legal policies as contingent is because the rational necessity involved in counsels of prudence are totally depended upon one “subjective and contingent condition, whether this or that man counts this or that in his happiness” (Gr. 4: 416). The point simply is that the externally just behavior of an agent would have never been contingent if the ultimate norm of his conduct was a good Gesinnung, that is, genuine moral considerations. It can be contingent only because the agent subjects all the exercise of his freedom and his commitment to the law in the principle of his own happiness, to an evil Gesinnung in the sense described above. Given that for Kant the concept of happiness is nothing more than an ideal of imagination that can never serve as the ground for objective practical principles valid for every rational being (see: Gr. 4: 418), the consequence of an evil Gesinnung as the first principle of a Willkür entails that there can be no guarantee that the agent will not occasionally deviate from the moral law by executing an immoral action when the perceived self-interest and the circumstances call him to do so. And this in turn means that the maxims of the actions that accord to duty from mere prudential reasons cannot be anything else than evil ones, or equivalently maxims that can never stem from a good will.

We can now see what Kant’s contrast between actions conducted from inclination and actions conducted from duty is all about: It is a contrast between the ultimate subjective grounds of the power of choice that strive for supremacy in the overall scope of the practical bios of an agent, actually between an evil or a good Gesinnung. Returning back to the example of the shopkeeper, when he acts simply according to duty his determinate reason for conduct is self-interest and the responding principle providing that reason is the principle of prudence (the principle of happiness), which stipulates the best use of means for the enduring advantage of his well-being. This is not to mean that he is an agent that lacks moral
considerations, quite to the contrary: he is an agent that uses those considerations—the fact that everybody must be treated honestly and that everyone expects and demands to be thus treated—for his well-being. By doing so he fails to sincerely conform to the unique duty all Kant’s moral theory ends up, to treat others always also as ends (see: MS 6: 380-81). Instead only when he chooses honest dealings from duty, his determinate reason of conduct is respect for the law and his ultimate principle the categorical imperative. The scheme works analogically to the contrast between a simply necessary and the sole both necessary and sufficient condition for the moral worth of an action. As we saw, acting in an externally honest way is a necessary but not a sufficient condition for the genuine moral worth of the shopkeeper’s actions. In just the same sense, not transgressing legal duties in transactions is a necessary condition for not violating a customer’s status as person since otherwise the action would be in direct conflict with its rights as a human being; but unless his actions are determined by a genuine moral disposition, the disposition pertaining to a good will, his conformity with legal obligations is by no means a sufficient condition for the shopkeeper sincerely valuing others as ends, as wrongly it is often asserted to be.

Finally, when we come to understand that all actions from inclination that happen to accord with duty are still reflections and the results of an evil Gesinnung, we can fully conceive why the maxims of those actions cannot be universalizable ones and why a will that acts in this way will always be in conflict with itself. Actually, Kant provides all the conceptual tools we

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Wood’s view on the matter is a striking example: At first he grasps perfectly the notion of the agent’s disposition as the fundamental factor of his moral conduct towards others by saying that “[…], all conduct is regarded fundamentally from the standpoint of what it expresses about the agent’s attitude towards humanity”. Rightly after though, he contradicts with his view by pointing out that “[…], in dealing honestly with you, I treat you with respect whatever my inner state may be. The actions commanded by FH (FEI) (which conform to duty, whether or not they are done from duty) are those that express respect for humanity” (Wood [1999], p. 117). The apparent problems with the second statement of his is that a) he attributes moral worth (in the sense of respect towards others) to the outcome of an action rather than to its determinate ground for conducting it, and b) he misses the point that only the actions commanded by categorical imperatives and conducted from duty express genuine respect to others. As a result, his view finally trivializes Kant’s fundamental distinction between action conducted from duty or from inclination.

Apparently, the trend to consider actions that simply accord with duty as respectful to a rational being’s person flows from the excessive attention paid to Kant’s claim that humanity as the unconditionally valuable end works in deliberations mostly negatively, as and end that primarily must never be acted against (see: Gr. 4: 430; 431; 434; 437). Thus in the examples of the imperfect duties to us and to others Kant speaks for actions (or better behaviors) which do not transgress perfect duties as ones that are at least in “agreement” or “consistent with the preservation of humanity as an end in itself” (Gr. 4: 430). Given that Kant’s main purpose in those passages of the *Groundwork* is to show how the unconditional end works in particular actions, his insistence in the negative usage of it and for the “agreement” of actions which do not readily assault humanity are both quite comprehensible (apparently in most cases of particular actions humanity works mostly in such a manner). What is usually neglected though is that Kant develops all his examples as ones that characterize (or should characterize) an unconditionally good will, not of any will. In this sense, the question is not if a good will will always act in such a protective manner in particular occasions, which for sure will do, but if acting in such a manner is a sufficient reason for proclaiming a will as good irrespectively of its grounds. In view of this consideration we will see rightly after that the critical point in the example of the fortunate egoist is that the mere taking up of actions that do not directly conflict with humanity is all but enough to characterize a will as morally good, that is, as one sincerely disposed to treat human beings as ends in themselves when acting.
need for this inference already from the *Groundwork*. In particular, although he never refers directly there to the self-contradiction of a will determined by an evil *Gesinnung*, it is precisely what he implicitly does by calling forth the examples of imperfect duties, those that in the *Doctrine of Virtue* he more properly specifies as duties of virtue or ethical ones.

Let us consider Kant’s counterexample of a rational egoist. It regards an hypothetical fortunate agent who is committed to an uncharitable cast of mind towards others whom he could very well help, on condition that he does not do anything to harm them, cheat them, or even ask for their help (see: *Gr.* 4: 423). In other words, the uncharitable agent believes that as far as he does not transgress any legal obligation and he does not wish charity, his “life rule” (*Lebensregeln*) expressing the settled uncharitable disposition of his will towards others is fully justified even in moral terms. Yet, as we well know Kant disqualifies such an egoistic attitude as self-contradictory and hence as irrational (immoral). His point is that the rational egoist cannot sincerely will the universalization of his maxim since, as a finite rational being, he would never repudiate the possibility of being in need for others’ help. This is why after all, while the egoist’s actions conform to perfect duties towards others, his fundamental maxim is glaringly opposed to the ethical or wide duty dictating to contain in himself the end of the promotion of other rational beings’ happiness.

What the example indicates is that the obligation of the ethical duty of beneficence is strictly related with a fundamental practical principle that rules the agent’s moral attitude towards other human beings, not with a maxim driving a particular course of action (or omission) under some given circumstances. Hence, instead of what is the case with legal duties which can be imposed externally (and thus the agent may be compelled to follow them for morally irrelevant reasons), all ethical duties depend for their imposition on an “inner legislation” of the agent and for their fulfillment on a commitment or “self-constraint” of the agent to the settled life policies stipulated by that legislation (see: *MS* 6: 216-22). In other words, the commitment or non-commitment of an agent to the positive duty of beneficence reflects the lasting disposition of his will towards other’s happiness and finally whether he sincerely estimates their value as ends in themselves or not. Given that the egoist’s disposition is one that transgress this duty, it cannot be nothing else than an evil one. Accordingly, this disposition characterizes all of his maxims, even those that accord with legal duties since, as Kant puts it in the *Religion*, “a human being [cannot] be morally good in some parts, and at the same time evil in others” (*Religion* 6:24). In plain words, the egoist’s legal actions are also based upon evil maxims that cannot belong to a good will, which in turn means that they cannot be maxims that at the same time sincerely esteem the value of others as ends in themselves.

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64 See: Beck (1960), p. 78.

65 Kant makes exactly this point rightly after the implementation of FEI in a person who misuses others as mere means by making false promises. Concluding the example he says:

“This conflict with the principle of other human beings is seen more distinctly if examples of assaults on the freedom and property of others are brought forward. For then it is obvious that he who transgresses the rights of human beings intends to make use of the person of others merely as means, without taking into consideration that, as rational beings, they are
As we well know from the non-contradiction test, the critical difference between perfect and imperfect duties lies in the fact that their infringement involves two different types of self-contradiction. In particular, when the infringement involves a perfect duty, then the maxim “cannot even be thought without contradiction as a universal law of nature” (Gr. 4: 424). We are mostly familiar with it under the term “contradiction in conception”. The point for Kant here is that those maxims cannot even be thought without contradiction as universalizable ones, since a universal status of them would eliminate the very possibility of using the action as a means in the first place (see: Gr. 4: 422). Unlike, when the infringement involves a perfect duty of virtue, the contradiction does not occur because it is impossible for the maxim per se to subsist as a universal law, but because it is nonetheless impossible for a rational agent to will the implementation of such a law (see: Gr. 4: 423-24). It involves in other words a “contradiction in the will”. It is obvious why the actions that accord with duty from prudential reasons as their determinate grounds cannot conflict with the will of the agent that adopts them in “the contradiction in conception” sense: Those actions would apparently continue to serve as effective means for one’s own well-being even if legal action based on self-interest were the only legal actions found in the world (actually our empirical experience strongly suggest that it is prudential reasons that mostly make people to act legitimately at all). Quite obvious must now be why an agent, while he can will to act in conformity to duty based on his principle of happiness, he cannot at the same time will all rational being behaving likewise. The problem here does not lie in the actions per se but in the ultimate principle, an evil Gesinnung, grounding them in the first place. In fact, as we will explain right now, it is exactly the same problem with that making the rational egoist’s will to contradict with itself.

As Korsgaard has correctly pointed out, since both types of the non-contradiction test are intended to prove moral reason and the categorical imperative as the full rational criterion for the maxim of an action, the contradiction must be one that fails under the scope of the empirical (non-moral) exercise of our faculty of practical reason. When we look closer to the example of the rational egoist we will find that it is indeed the case with the rational egoist, since what his egocentric ultimate principle of happiness is contradicted to, is precisely his prospects of a lasting well-being as a finite being. Besides, as it has been convincingly argued, this is the reason why the egoist’s attitude in the end turns against his own status as a person of absolute value by opposing to the wide moral obligation to use the necessary means (the aid of others) for the promotion of his perfection and happiness (see always to be valued at the same time as ends, that is, only as beings who must also be able to contain in themselves the end of the very same action” (Gr. 4:430).

The only way we can take Kant’s sayings here is that transgressions of the rights of others are not the sole occasions an agent uses others as mere means, although they are the most evident ones. Not accidentally, in order to exemplify a principle that may conflict with the principle of other human beings even when there is not any apparent infringement of legal duties Kant refers precisely to a rational egoist who “would gladly agree that others should not benefit him if only he might be excused from showing them beneficence” (ibid, note).

Gr. 4: 399). Yet the critical thing here is that Kant takes the contradiction more or less as an axiom, not as a doubtful empirical generalization. This happens because for him the assumption about a human being’s dependence on others is strictly ontological. In the Groundwork Kant communicates this point by arguing that in a possible kingdom of Ends a human being can never be the sovereign because as finite one he will always be subject to “the will of any other” (Gr. 4: 433-34). In the Religion he establishes the same point by arguing that happiness has its grounds in comparative self-love and finally in the predisposition to humanity which concerns our social condition and the comparison of our- self with others (see: Religion 6: 28). For Kant this ontological premise leads to the conclusion that a finite being, if fully rational in its empirical exercise of practical reason, would always will qua finite his desire for happiness to be endorsed and esteemed by other rational wills, and hence to be treated also as an end in itself, that is, as a rational being who makes universal claims for all of his empirical ends. It is precisely this reasoning, stemming from the ontological fact of our finitude and rational self-love that inextricably accompanies it, that leads Kant to the claim that every rational being necessarily represents his existence from a subjective point of view as an end in itself: “Since our self-love cannot be separated from our need to be loved (helped in case of need) by others as well, we therefore make ourselves an end for others” (MS 6: 393). It is in other words a claim that for Kant comes as a postulate of the subjectively-constituted faculty of empirical practical reason of every human being.

Following this stream of thought, and given the previous inference that for Kant a rational will that subordinates morality to self-interest and happiness is one who never sincerely treats others also as unconditionally valuable ends, we have to conclude that it is precisely this claim or postulate of empirical practical reason that can never come to terms with an evil Gesinnung. In other words, whereas empirical reason’s determinate principle rests on the agent-relative and subjective principle of self-love and happiness, it is the same agent-relative principle that we can never accept as the ultimate univeralizable principle valid for all rational beings. Kant makes exactly this point in the Second Critique by stating that:

“For whereas elsewhere a universal law of nature makes everything harmonious, here, if one wanted to give the maxim the universality of a law, the most extreme opposite of harmony would follow, the worst conflict, and the complete annihilation of the maxim itself and its purpose. For then the will of all has not one and the same object but each has his own (his own welfare), which can indeed happen to accord with the purposes of others who are likewise pursuing their own but which is far from sufficing for a law because the exceptions that one is warranted in making upon occasion are endless and cannot be determinately embraced in a universal rule…

Empirical determining grounds are not fit for any universal external legislation and are no more fit for internal lawgiving; for each puts at the basis of inclination his subject- another, another subject- and even within each subject now the influence of one inclination preponderates and now that of another. To discover a law that under this condition would govern them all - that is to say, with omnilateral concord- is quite impossible” (KprV 5: 528).
As mentioned above, the inherent contradiction in the nature of empirical reason is the consequence of its total deficiency in forming universal normative standards for the content of happiness—the ultimate end subsuming in a whole all inclination based-behavior—and thus any harmonious pattern of rational agency objectively acceptable and esteemed by all rational agents. The critical addition of the passage above is Kant’s contention that empirical grounds are not even fit for “external legislation”. What Kant tells us here is that empirical grounds are not sufficient even for objectively grounding actions and policies that accord with duty since it is after all only contingent and precarious if the agent’s perceived self-interest and happiness would be one in pace with prudential principles. In other words, it is impossible for empirical practical reason to establish on its own right (or, for its own use) objective, universal rational concepts such as honesty, sincerity (in the case of promises) or, finally, objective goodness. Accordingly, no rational finite agent—not only a rational egoist but even the most insightful for them—could ever really have the will to subordinate morality to the ultimate principle of happiness. If the latter were the ultimate principle of practical rationality for all rational beings, nothing at all would rationally prevent others from granting exemptions for themselves at the expense of his own rights and freedom (see: KprV 5: 28).

Finally, it is only by subjecting all of our sensually driven ends to the supreme limiting condition of the moral law stipulating to always value both ourselves and others as persons that those ends turn out to be really objective in the sense that it is always possible for others to contain them in their maxims. Accordingly, it is the sole condition for a will never to contradict with its very self. Thus, it is moral law and it alone what constitutes the ultimate criterion for the full rationality of any action and end and the unconditional condition of all objective value found in the world. This limiting condition can by no means derive from the mere capacity of human beings to raise universal claims of value for their empirical ends, simply because it is a capacity stemming from self-love, the empirical ground for the entire exercise of our freedom as sensually-affected, finite beings. In other words, the only value representation this capacity can ever provide for our own selves is the egocentric worthiness each and every one of us hold for our existence as empirical beings. Yet, as the example of the rational egoist and the transgression of the imperfect duties to himself highlights, this rational representation is not even enough for truly considering our own existence as persons of absolute value, far much less others. This egocentric value and

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69 It is this stream of thought that makes Kant claim in the Metaphysics of Morals that the juridical duties are “indirectly ethical” (MS 6: 221). No doubt, the statement of itself expresses his deepest assumption that a legal system of justice can only be grounded in ethics. Yet the critical point is that his reason for proclaiming those duties ethical even in the indirect sense of not belonging to duties of virtue is that because even those are stipulated by the same “inner legislation” as duties of virtue, namely the inner legislation of a good will. There is no need to mention that for an action to be indirectly ethical and stipulated by inner legislation is a completely different thing from being merely morally permissible, let alone morally indifferent or neutral one. For an insightful conception about the derivation of perfect [narrow] duties readily from the duties of virtue see: Nell (1975), pp. 43-58.

70 The point here is that every attitude stemming from an evil Gesinnung, and every maxim that subordinates the moral motive to inclination, is one that always involves a kind of rational egoism, although the manifestation of it may differ substantially from one occasion to another. For example, although the behavior of the man of a sympathetic temperament is “without any motive of vanity of
its inherent consequence, the radical evil fabricated in the very constitution of the human power of choice, is exactly what the consciousness of morality and unconditional rational agency is called to remedy in the world of experience.\footnote{71}

Returning back to the point where we started, it must be known quite obvious that in Kant’s theory of freedom there cannot be any room for morally-neutral exercise of freedom, let alone for morally indifferent actions and ends. Instead, it is the entire power of the exercise of freedom that first and foremost ought to be under the ultimate authority of the moral law. In this respect, a reading restricting the implementation of the principle of autonomy and the scope of personality to a narrow field of practical rationality misconceives Kant’s moral theory from scratch. As Kant himself clearly puts it in the \textit{Religion}, the difference between the predispositions to humanity and personality is only a \textit{conceptual} one with personality constituting nothing more or less than “the idea of humanity considered wholly intellectually” (\textit{Religion} 6: 27-28). In this sense, morally relative categories (moral obligation and moral permissibility) share exactly the same scope of practical rationality as the empirical faculties of reason, yet from a quite different point of view. In specific, personality’s view is that of the thick concept of a transcendentally free rational being, of a being capable of \textit{always} subjecting \textit{all} of his actions and ends to the ultimate rule of the moral law independently and even contrary to his sensually driven motives and inclination; on the other hand, the view of the predisposition to humanity is that of a negatively free yet finite rational agent, of one whose exercise of freedom is working exclusively for the sake of sensually-driven incentives stemming from rational (comparative) self-love and inclination. Thus, what the broad conception of humanity (the dominant one in the \textit{Groundwork}) expresses is not some capacity supposedly more general and extensive in its scope of the exercise of freedom from personality,\footnote{72} but only the conceptually inclusive notion of rational selfishness” (Gr. 4: 398), it is still a behavior grounded in the subordination of the duty of beneficence to inclination and hence a behavior grounded in self-love. This is why after all this man draws self-satisfaction when helping others even at the expense of his own basic needs, infringing likewise the imperfect duties toward his own self (or he may very well dragged in helping someone to commit a crime transgressing thus perfect duties to others). Correlatively, it is self-love that drives a desperate person to commit suicide in view of greater misfortune in the future. A great deal of misconception comes as the result of the fact that we tent to expect the manifestation of self-love and egoism in the mainstream view of an agent acting on his behalf. But doing this we accordingly tend to consider as an empirical generalization and not in the way meant by Kant, that is, as an ontological fact that grounds all inclination-based actions.

\footnote{71} See mainly Kant’s description of self-conceit in the \textit{Critique of Practical Reason} as the propensity of human beings to arbitrarily make themselves the very ground of universally bidding legislation: “This propensity to make oneself as having subjective determining grounds of choice into the objective determining ground of the will in general can be called self-love; and if self-love makes itself lawgiving and the unconditional practical principle, it can be called self-conceit. Now the moral law, which alone is truly objective (namely objective in every respect), excludes altogether the influence of self-love on the supreme practical principle and infringes without end upon self-conceit, which prescribes as laws the subjective conditions of self-love” (KprV 5: 74).

\footnote{72} Thus, in a highly significant note aiming at rejecting moral indifferentism with respect to any kind of action Kant states that:
nature subsuming the whole variety of the faculties of practical reason –both empirical and pure– of a finite rational being and the norms inextricably fabricated in its very essence as a rational and finite being.

Once we come to realize Kant’s actual understanding of the humanity-personality conceptual relation and the pervasive status of the latter to the whole exercise of the power of choice, it gets quite easy for us to see the true meaning of the moral imperative to use humanity, whether in our person or in the person of any other, always at the same time as an unconditionally valuable end and never as mere means. Specifically, when Kant tells us that “rational nature [i.e. humanity in its broad sense] exists as an end in itself” (Gr. 4: 429), he does not mean that all of its rational capacities –both empirical and pure– somehow contribute in its absolute value, nor that they are all indiscriminately capacities of unconditional respect. Fortunately (in anticipation of what would probably be the most blatant contradiction in the history of western philosophy), he does not mean that the humane power of choice, the ground of radical evil and thus the source of all evil found in the world, is simultaneously the sole self-existent, self-sufficient end and the unconditional condition of all goodness found in the world. What he does mean instead is that humanity is the absolute end in itself because of its intellectual and transcendental character as personality, because of the sole predisposition present in its rational nature “onto which nothing evil can be grafted” (Religion 6:28). It is the goodness of the morally legislative reason, of the good (pure) will (Wille) that every human being possess as a member of the intelligible world, that renders all of them persons of unconditional respect and ends in themselves, even if they never manifest this will as members of the sensible world (Gr. 4: 455). Correlatively, when Kant says that we can never use humanity in someone’s person as a mere means, his point is that we can never use our rational faculties only from the standpoint of our empirical selves, as faculties subservient to our inclination-based ends and driven from technical and prudential imperatives, but at the same time to use them as homo noumenon, the only standpoint of our rational nature always in harmony with the status of ourselves and of others as unconditionally valuable ends.

“A morally indifferent action (adiaphoron morale) would be one that merely follows upon the laws of nature, and hence stands in no relation at all to the moral law as law of freedom –for such an action is not a factum, and with respect to it neither command, nor prohibition, nor yet permission (authorization according to law), intervenes or is necessary” (Religion 6: 22 note).

In the previous part we saw that in Kantian rational agency any action must always be taken up under the drive of a maxim, and that a maxim is always the rational product of the spontaneity of the agent (see: Gr. 4: 421 note). Consequently, a morally indifferent “action” is actually not a “factum” of the exercise of freedom and from this respect it cannot be considered an action at all. Reversing the argument, when an agent’s response cannot be judged by moral or pure reason then for Kant there is nothing that would allow us to consider this response a product of reason instead of an effect of the causality of nature.

Finally, the fact that humanity draws all of its value from its conceptual character as pure intelligence and personality by no means entails that our personal competencies as well of our societies’ collective skills to carry out all sorts of ends are deprived of value and unworthy of respect. However, it for sure means that all those capacities and the whole exercise of our freedom to the realization of our “non-moral” ends have in their best only conditional value. Kant dedicates two full paragraphs in the beginning of the *Groundwork* only to tell us that all those things human beings normally consider as desirable and good, the talents of the mind, the gifts of fortune like health and happiness, even all the conducive qualities to a good will like moderation and self-control, “have no inner unconditional worth but always presuppose a good will, which...does not permit their being taken as absolutely good” (Gr. 4:393-94). It is not a supposed unconditional value of the general capacity to set and realize ends —a supposition that Kant adamantly rejects— that regressively renders human beings absolutely valuable ends, but the metaphysical, non-deducible *factum* of all rational beings’ absolute value as *persons*, that generates *categorically* both the perfect duties towards ourselves and others as well as the imperfect (positive) ones to enhance our own and others capacities to realize our subjective ends74.

74 For Kant self-preservation in life is a perfect duty of man to oneself stemming from his nature as an animal being (the predisposition to animality [see: MS 420-21]). It goes without saying that self-preservation of a rational being is the very (empirical) precondition for the exercise of all of its faculties of freedom. More than that, as Kant himself admits, to preserve our life is the very (empirical) precondition for the exercise of all of its faculties of freedom in our world (see: MS 422-23). Nonetheless, it still remains for him a conditional end (and by extension so conditional remains the end of exercising our rational faculties in the world of experience) that can never override the ultimate principle of morality never to use ourselves and others only as means. Thus he dedicates the brief text *On a supposed right to lie from philanthropy* (1797) —a response to political philosopher Benjamin Constant— just to disqualify the claim that we allegedly have a right to tell a well-meant lie to an aspirant murderer “who asked us whether a friend of ours whom he is pursuing has taken refuge in our house” (8: 425; also 427). Kant’s point there is that no (positive) duty of benevolence could ever morally justify the transgression of the duty of truthfulness (*Wahrhaftigkeit*), which in turn is an unconditional one on the grounds that any lie (*Lüge*) whatsoever uses the whole of humanity (and not only the recipient of the lie) merely as means (see: 8: 426-27).

In this sense, strictly speaking it is not the predisposition to personality or the capacity to be moral agents as expressed in the empirical world that must be identified with an end in itself, but the consciousness of the moral law as personality *in itself*. Kant makes this point in the *Religion*, when stating that:

“The idea of the moral law alone, together with the respect that is inseparable from it, cannot be properly called a predisposition to personality; it is personality itself (the idea of humanity considered wholly intellectually). The subjective ground, however, of our incorporating this incentive into our maxims seems to be an addition to personality, and hence seems to deserve the name of a predisposition on behalf of it” (*Religion* 6: 27-28).
Although the analysis of the previous parts is more than enough to disqualify the value-conferring model and the entire argument in favor of the general capacity of rational choice as the Kantian end in itself, a final critical consideration of the Korsgaardian reading is still necessary in order for us to come to a close. This is because, at least some of her critical outcomes are very much the same with what we have argued for in all of this study. For example, she, contrary to Wood, unqualifingly endorses the Kantian inaugurating view for the unconditional goodness of a good will. Moreover, when she deals with the Kantian conception of happiness, she points out that it is also a conditional end whose objectiveness depends upon the good will as “the source of all good in the world”\(^ {75} \). After all, the capstone of her interpretation is a correct one, namely that morality provides the sufficient reasons for the full reasonableness (in the sense of objective goodness) of human ends. On the other hand yet, she adamantly claims that it is our rational capacity to set ends in general and not moral or pure reason that constitutes the unconditional condition of goodness, that it is this capacity—not the good will or the law— that can never be acted against. Now, although the two main views of her apparently conflict with each other, she nonetheless insists that the contradiction in question is only a seeming one. Unfortunately, the explanation she gives us for their supposed compatibility, is the proof that her understanding of Kant’s metaphysic theory of morals is misinterpreted from scratch.

In short, in order to deal with the problem, Korsgaard resorts precisely to the predispositions to humanity and personality as given in the Religion. Having totally neglected their exegetical footnote and hence their status as distinct, non-dedusable from one another elements of human rational nature, she notes that: “Humanity, completed and perfected becomes personality, so that in treating the first as an end in itself we will inevitably be lead to realize the second”\(^ {76} \). Then, she proceeds in an absurd correlation between personality and the good will that is supposed to remove once and for all any worries of contradiction: “Humanity...is completed and perfected only in the realization of ‘personality’ which is the good will. But the possession of humanity and the capacity for the good will, whether or not that capacity is realized, is enough to establish a claim on being treated as an unconditional end”\(^ {77} \). According to her reading, thus, there is not any contradiction between the two views since humanity (supposedly both in the Groundwork and the Religion) as the most general, inclusive, rational capacity\(^ {78} \), subsumes its own perfection which is exactly the realization of personality or a good will.

The critical question here is how one, following her tenor, should exactly conceive humanity in its inclusive form and at the same time as one which, by means of a notion of perfection, becomes personality or, what seems for her to amount to the same thing, the realization of the good will. In particular, there are two points that are in need of immediate clarification: What the capacity of humanity consists in before its supposing state of perfection or full

rational realization? And, given this point, what should be taken as its state of full perfection?

As far as we can see, one might distinguish two separate conceptions of “imperfect” humanity as a rational capacity in the Kantian corpus, from which, only the first is to presuppose the capacity of personality (and thus being correctly considered as inclusive), where the second apparently is not. The conception of “imperfect” and yet inclusive humanity is what we could equate with the conception of the imperfect human will, the one that it has the roots of its imperfection in its subjective constitution as a rational yet sensually affected will (see: Gr. 4: 412-14). It is clearly the conception of humanity that dominates in all of Kant’s metaphysical moral works and mostly in the Groundwork (humanity in the broad sense). In specific, each and every human will is thus constituted that, whereas it is necessitated by the objective practical principles of reason in order to represent what is good, it nonetheless remains one that “by its nature... does not always do something just because it is represented to it that it would be good to do that thing” (Gr. 4: 413). This is because human beings qua finite are not only autonomous moral agents but also creatures of desire and inclination, the latter being not necessarily in agreement with the commands of the moral law (KprV 5: 84). It is on this kind of subjectively imperfect wills, as contrasted with a divine or with holy ones (Gr. 4: 414; KprV 5: 122) that objective practical principles are expressed as imperatives (both hypothetical and categorical); and it is this kind of imperfection, fabricated in the very essence of the transcendentally free yet finite beings, that explains the compatibility of the capacity of a good will with the universal propensity to evil. What is more, it is the conception of this substantial imperfection that makes Kant to contend that the highest condition of moral perfection a man can ever hope to attain is virtue, the strength (Fertigkeit) to continually strive with all his power to make the law the ultimate determinant of his conduct (see: MS 6: 391; 394; 352; 354; 410; 473).

The second conception of an “imperfect” humanity is the one that we may conventionally call here the anthropological imperfection. It is the one which dominates in Kant’s historical writings and mainly in the Conjectural Beginning of Human History. In this text Kant presents a genealogy of human practical rationality speculating about the steps taken by humanity in its transformation from an arbitrium brutum to an arbitrium liberum, and from there to a completely rational, that is, a moral being. In this speculative evolutionary process, “imperfect” humanity represents the rational nature of human beings before morality (the capacity of personality) enter the game and fulfil its purpose, which is to provide the ultimate rational guidance in choosing actions and ends by dictating the worthiness proper of them. More to the point, it represents the state in which practical reason totally grounded in the subjective grounds of self-love and comparison, directs the faculty of desire to an ever-increasing range of inclination-based ends. Hence, humanity so construed is closely akin to the predisposition to humanity given in the Religion, and in a parallel to Kant’s theory of freedom would represent a practically free yet heteronomous (in the sense of lacking the property of autonomy) rational will. For Korgsaard, who precisely calls forth this historical conception in order to establish her understanding of humanity, the critical point lies in Kant’s insistence that in the development of rational agency morality comes only at the very end of it; that its rules come to complete or perfect rational guidance in choosing ends,
without nonetheless chancing the fact that it has been desertion of natural instinct that has elevated, one and for all, men from beast⁷⁹. In this sense then it is obvious that rational perfection primarily comes as a result of the emergence of moral reason and personality, irrespectively of whether human beings are truly committed or fail to commit in its demands.

The very question now is under which from the aforementioned two conceptions Korsgaard finally understands humanity as the unconditional condition of all value found in the world. It should have become clear that her understanding of humanity steps on two boats: Clearly her conception of humanity as one that becomes personality echoes the second conception. Yet, on the other hand, she firmly insists that humanity is the capacity to freely deliberate upon both morally-neutral and morally-laden actions and ends and that the capacity to realize a good will suffices to render human beings self-existent ends. In this respect, it is the first conception that mostly suits her approach. The apparent problem, though, is that it finally leads to attribute to Kant a vociferous vicious circle: That although humanity is to lead to personality or to the good will by means of its own perfection, it is nonetheless personality that brings about the perfection of humanity in the first place, since it is only thanks to the good will, being in her own words the sole “source of all good in the world”, that all of its actions and ends can turn objectively good, that is fully justified in rational terms. The only plausible explanation is that she first takes the predisposition to humanity as one that already encompasses the capacity of human beings to respond to pure moral incentives, and then that it takes personality (the capacity for a good will) as synonymous to virtue. We have thoroughly explained that both thoughts are totally wrong. Yet, in order to reach such an impasse, Korsgaard has failed from the beginning of her analysis to see two major points:

The first is that personality, as a predisposition constituted in the very determinate nature of all rational human beings, is not a capacity to be produced or created by some pre-existed faculty of practical reason. As presented in the previous part, subjection to the consciousness of the moral law of rational yet sensually affected beings like us is for Kant a metaphysical fact⁸⁰ readily derivable from his doctrine of transcendental idealism. This is not to mean of course that we should not strive as much as we can to cultivate our moral consciousness and by means of it our capacity to respond to law commands. Quite to the contrary, Kant repeatedly insists that we must be ceaselessly in pursuit of virtue, and that we have the (indirect) duty to create conditions that facilitate our efficient respond to moral commands, such as the assurance of our own happiness (see: Gr. 4:399) and the cultivation of sympathetic feelings towards other human beings (see: MS 6:457). This is diametrically different, however, from arguing that all those things are to bring about our very inherent capacity to respond to pure moral incentives.

The second is that the historical (and strongly speculative) theory upon which she considerably lies her understanding of humanity, is by definition totally unsuitable for

⁷⁹ See: Korsgaard (1996), pp. 112-113
⁸⁰ In the language of the Second Critique, a fact (Faktum) of practical reason (see: KprV 5: 6; 31; 42; 43; 47; 55; 91; 104).
grounding metaphysics of morals as Kant conceives the task. In particular, by calling upon the historical notion of humanity she commits what Kant alerts us to be the greater danger in the establishment of the supreme principle of morality: She looks for evidence for grounding that principle not in the a priori concepts of pure reason but “in the nature of the human being” and “in the circumstances of the world in which he is placed... which is based on principles of mere experience” (Gr. 4: 4389), in one word, in “anthropology”.

Finally, this mix of the concept of the proper moral grounds with empirical ones borrowed from anthropology is the reason why, while she correctly insists that only morality is capable of turning human being’s relative ends in their objective status, she nonetheless stops her regress up to the power of rational choice and she does not proceed to the otherwise obvious last step upwards, recognizing moral goodness as that which renders all objects (ends) of reason objectively good.
REFERENCES


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