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KANT AND THE GROUND(S) OF DIGNITY:
THE CENTRALITY OF THE FACT OF REASON

by

WILLIAM ANDREW BRITTON

Under the Direction of Eric Wilson, PhD

ABSTRACT

Kant famously claims that autonomy is the ground of dignity. If he is correct about the grounding relationship, then doubts about our autonomy entail doubts about our dignity. Here, I attempt to show that Kant is sensitive to this problem, and invokes the ‘fact of reason’ (*Faktum der Vernunft*) as the key piece of evidence for our autonomy, and therefore our dignity. But as is well known, Kant’s appeal to the *Faktum* is controversial. After presenting an exegetical case for the connection between dignity and the fact of reason, I respond to two prominent criticisms of Kant’s strategy in the *Critique of Practical Reason* in attempt to defend Kant’s use of the *Faktum*, and hence to preserve his conception of the dignity of humanity.

INDEX WORDS: Immanuel Kant, Dignity, Fact of Reason, Autonomy, Moral philosophy

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by

WILLIAM ANDREW BRITTON

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1 INTRODUCTION

For there is something in us that we cannot cease to wonder at when we have once seen it, the same thing that raises *humanity* in its idea to a dignity we should never have suspected in the human being as an object of experience.

-Kant, *The Conflict of the Faculties*¹

The notion of human dignity is central to a great deal of moral and political discourse. For example, the German Constitution claims, "Human dignity is inviolable. To respect it and protect it is the duty of all state power."² Likewise, the United Nations' Universal Declaration states, "All human beings are born free and equal in dignity and rights".³ Articulating what dignity means in these contexts is difficult, and the question of what grounds, or could ground, such a conception is a matter of great importance. Some 40 years after Kant's death, in *On the Basis of Morality*, Schopenhauer discussed Kant's influence on German thought at length, and, capitalizing on the difficulty of the question at hand, wrote, "[t]hat expression, *dignity of man*, once uttered by Kant, afterward became the shibboleth of all the perplexed and empty-headed moralists who concealed behind that imposing expression their lack of any real basis of morals, or, at any rate, of one that had any meaning".⁴ This is a genuine concern. Is the concept of human dignity simply vacuous and hence unfit to play the role it has been assigned in our moral and political discourse?

Understandably, many people turn to Kant's moral philosophy for insight. Kant was particularly concerned with what exactly it is that raises humanity above nature. Drawing on the Stoic use of *dignitas*⁵, Kant claims in the *Groundwork* that humanity has a dignity insofar as it is raised "above any price" (*GMS*, 4:434). He later argues that "humanity itself is a dignity" in virtue of its status as an end-in-itself (*MS* 6:462). Unlike many before him, Kant did not ground the dignity of

¹ *SF* 7:58

² Rosen (2012), p. 2

³ *Ibid.*, p. 2

⁴ Schopenhauer (1840), p. 100

⁵ Cf. *RGV* 6:57-58

humanity in the *imago Dei*, but rather connected it to the freedom of the will. However, pinpointing exactly how freedom establishes human dignity is complicated. Here, I will examine Kant's argument for the ground of dignity and follow the explanation to its end – his appeal to the ‘fact of reason’ to establish the autonomy of the will (and thereby the dignity of humanity).⁶

2 THE EXEGETICAL ACCOUNT

2.1 The Dignity of Humanity

Dignity is a common theme in Kant's discussion of the formulas of humanity, autonomy, and the kingdom of ends. He claims: "what is elevated above any price...has a dignity" (*GMS*, 4:434), dignity is "inner worth" (435), humanity has a dignity in virtue of its capacity for morality (435), moral legislation has dignity (436), dignity is an "unconditional, incomparable worth" (436), and finally that "autonomy is the ground of...dignity" (436). It seems that a key feature of these different uses of dignity involves the concept of elevation. That is, something has a dignity insofar as it is raised above something else. On Kant's account, humanity is raised above the rest of nature in virtue of freedom. However, not all of these claims are easily reducible to mere elevation. Rather, Kant equates dignity with an inner, unconditional, and incomparable worth and distinguishes such dignity from price. He writes, "[i]n the kingdom of ends everything has either a price, or a dignity. What has a price can be replaced with something else, as its *equivalent*; whereas what is elevated above any price, and hence allows of no equivalent, has a dignity" (*GMS* 4:434). Here, it is clear that a conception of elevation is being employed. However, as he continues, a more determinate understanding of dignity comes to the forefront insofar as its relation to being an end-in-itself is identified. After recognizing the connection between inclinations and price, Kant claims,

⁶ Kant's employment of the fact of reason is a matter of much controversy among scholars. Although I will provide some reasons why one might accept such a ‘fact’, the ultimate success or failure of Kant's employment of the fact of reason is an open question and will certainly not be settled here.

“what constitutes the condition under which alone something can be an end in itself does not merely have a relative worth, i.e. a price, but an inner worth, i.e. dignity” (*GMS* 4:435). Here, the close connection between dignity and the end in itself is established, and it is maintained throughout Kant’s corpus. For example, later in the *Metaphysics of Morals*, he writes that a human being “is not to be valued merely as a means to the ends of others or even to his own ends, but as an end in himself, that is, he possesses a *dignity* (an absolute inner worth)” (*MS* 6:434-5). However, this raises an obvious question: in claiming that dignity is to be attributed to that which ‘constitutes the condition under which something can be an end in itself’, to what does ‘that’ refer? Or rather, what is the condition under which a being is an end in itself?

In short, Kant’s answer is *morality*: “morality is the condition under which alone a rational being can be an end in itself” (*GMS* 4:435). *Prima facie*, this seems to suggest that dignity should be attributed only to morality, but Kant makes a further claim: “morality and humanity, in so far as it is capable of morality, is that which alone has dignity” (*GMS* 4:435). Later, Kant explains why we should attribute dignity to morality *and* humanity in virtue of its capacity for morality. First, insofar as morality is the condition under which a being is an end in itself, morality has dignity. Moreover, since maxims, or subjective principles of action, derive their worth from the moral law’s determination, and the agent herself is capable of self-legislating via these maxims, it follows that moral legislation itself has dignity. However, in saying that *moral* legislation has dignity Kant is careful not to endow all types of legislation with such an attribute. For example, if I adopt a principle of action based upon my inclinations or subjective desires, then that principle is not sufficient to become a law since it holds only for my will. Rather, in order to legislate morally, my maxim must be such that it “can belong to a universal legislation” to which I subject myself (*GMS* 4:436). Such legislation must be “free with regard to all laws of nature, obeying only those that it

itself gives”, and Kant’s term for moral self-legislation is *autonomy*. Thus, he concludes that “[a]utonomy is...the ground of the dignity of a human and of every rational nature” (*GMS* 4:436).

In sum, humanity, insofar as it is capable of morality, has a dignity, and this dignity is grounded in the autonomy of the will. Autonomy, at the most basic level, consists in a rational being’s ability to give itself laws. So, insofar as an agent's maxims "can belong to a universal legislation (to which he at the same time subjects himself)" that agent is autonomous, and on the basis of this autonomy, or being a law to himself, the agent has a dignity (*GMS* 4:436). Moreover, it is important to note that the dignity derived from autonomy does not consist in simply being under the moral law. Rather, dignity is grounded in humanity's active role in morality. That is, humanity's 'sublimity' (which Kant associates with dignity on *GMS* 4:440 and elsewhere) is not derivative of his being merely "*subject* to the moral law; but there is [sublimity], in so far as with regard to [the moral law] he is at the same time *legislating* and only because of that subordinated to it” (*GMS* 4:440). Kant concludes this discussion by stressing that the dignity of humanity is grounded in its capacity to legislate universal laws to which it, at the same time, subjects itself. That is, humanity's dignity is grounded in the autonomy of the will.

2.2 Autonomy and Freedom

As is well known, autonomy of the will as being a ‘law to itself’ is intimately related to Kant's conception of freedom. In fact, in the *Groundwork*, he calls freedom the "key to the explanation of the autonomy of the will" (*GMS* 4:446). However, Kant's conception of freedom is notoriously dense, nuanced, and according to some, nonsensical. Without giving a comprehensive exposition of transcendental freedom and empirical determination, one can infer what Kant's view of freedom contributes to this particular discussion of autonomy by recognizing the negative and positive aspects of freedom. According to Kant, since our sensible experiences only indicate our

determination in the sensible world, it follows that freedom cannot be inferred from experience.⁷ In fact, given the relevant knowledge of a person's predispositions, propensities, and so forth, "we could calculate a human being's conduct for the future with as much certainty as a lunar or solar eclipse" (*KpV* 5:99). Although this implies that a human being's actions are entirely determined, Kant thinks that this only holds insofar as the human is considered as a part of the sensible world, or empirically, as an appearance. So, despite the deterministic language in the above quote, Kant concludes by saying "[we] could nevertheless maintain that the human being's conduct is free".⁸ But importantly, insofar as the will that is purported to be free cannot be an appearance, it must be considered independent from all empirical (i.e., spatio-temporal) conditions: freedom considered "in the strictest, that is, in the transcendental sense" (*KpV* 5:29).

However, this independence from empirical conditions is, as it were, only one piece of the puzzle. That is, the independence referenced above is only a negative concept, of 'not being determined'. In order for the will to legislate, i.e., to be autonomous, this negative conception is necessary, but not sufficient to explain the autonomy of the will. Rather, the will needs a positive determining ground likewise independent from empirical conditions, and Kant finds this other component in unconditional practical law. That is, it is not enough to be independent from certain conditions; it is also necessary for the will to determine itself positively, and Kant argues that such determinations (via laws) must be considered independently of their matter, i.e., of their ends, or their objects. If this is possible, then the only thing left in such a law is the form, and this form alone can fulfill the requirement of being independent of sensible conditions. Hence, Kant concludes, "[t]he lawgiving form, insofar as this is contained in the maxim, is therefore the only thing that can constitute a determining ground of the will" (*KpV* 5:29). Kant famously claims that

⁷ In fact, everything situated in time has an antecedent state, and if it has an antecedent state, then it is determined, cf. *KrV* A189/B232-A211/B256.

⁸ Cf. *KpV* 5:99

these two things, i.e., independence from "the natural law of appearance" and unconditional practical law, "reciprocally imply each other" (*KpV* 5:29). That is, if a will is determined by the "mere lawgiving form of maxims", then this will is free, and if the will is free, this lawgiving form "is the only thing that can constitute a determining ground of the will" (*KpV* 5:29). Or what is the same, "a free will and a will under moral laws are one and the same" (*GMS* 4:47).

Importantly, this 'Reciprocity Thesis'⁹ does not constitute an attempt at a proof for the freedom of the will. Kant thinks that a proof, commonly understood, is impossible, given that it is impossible to cognize freedom empirically.¹⁰ Rather, the Reciprocity Thesis is designed to provide a conceptual analysis of freedom such that *if* one can produce a reason for assuming the freedom of the will, then the thesis holds.¹¹ Or, as Henry Allison claims, "[t]he argument at this point is completely hypothetical and consequently does not involve any claims concerning the reality of either freedom or an unconditional practical law".¹² Moreover, Allison calls attention to Kant's claim that the moral law "would be analytic if the freedom of the will were presupposed" (*KpV* 5:31). That is, if we have reason to suppose the autonomy of the will, the reality of the moral law is entailed. Likewise, if we cognize the reality of the moral law, then our freedom is entailed. But even if we suppose that this biconditional claim is sound, how might one go about arguing for our access to either side of the claim? Moreover, what sort of access is available to Kant in light of his remarks about the status of positive freedom as an attribute of humanity as it is in itself, and for that matter, in light of his restriction of knowledge to appearances and their conditions that the first *Critique* was designed to defend? And finally, if such a proof is possible, what does it tell us about dignity?

⁹ I borrow this term from Henry Allison. See Allison (1990), 201.

¹⁰ However, he will later give what amounts to a 'proof' in one sense, but it is not a proof commonly understood. That is, it is not a logical deduction.

¹¹ On this point, I benefitted greatly from Kleingeld (2010)

¹² Allison (1990), p. 202

2.3 Priority of the Moral Law and the Fact of Reason

Following Kant's discussion of the Reciprocity Thesis, he considers whether the moral law or freedom is cognized first. His answer, in short, is that the moral law is cognized prior to freedom. Freedom is first introduced as a negative concept, as 'not being determined'. Thus, the fact that there is a transition to positive freedom, to 'determining oneself', implies that our knowledge of freedom is mediate, and if it is mediate, it cannot be foundational. Moreover, as was argued earlier, we cannot know that we are free from experience, "since experience lets us cognize only the law of appearances and hence the mechanism of nature, the direct opposite of freedom" (*KpV* 5:29). Rather, the moral law is what we are immediately conscious of, and it "leads directly to the concept of freedom" (*KpV* 5:30). In order to demonstrate how such consciousness is possible, Kant gives the following example:

But ask him whether, if his prince demanded, on pain of...immediate execution, that he give false testimony against an honorable man whom the prince would like to destroy under a plausible pretext, he would consider it possible to overcome his love of life, however great it may be. He would perhaps not venture to assert whether he would do it or not, but he must admit without hesitation that it would be possible for him. He judges, therefore, that he can do something because he is aware that he ought to do it and cognizes freedom within him, which, without the moral law, would have remained unknown to him. (*KpV* 5:30)

With this, Kant presents the familiar 'ought implies can' principle, and for all intents and purposes, this example constitutes his 'proof' of the freedom of the will. Our immediate knowledge of what we ought to do (i.e., the consciousness of the moral law and its authority over us) discloses our freedom, and with this 'proof' (combined with the Reciprocity Thesis), Kant reveals the fundamental law of pure practical reason: "So act that the maxim of your will could always hold at the same time as a principle in a giving of universal law" (*KpV* 5:30). Simply put, the Reciprocity Thesis discloses the nature of the 'can' in abstraction and its relation to 'ought', and the deduction of freedom consists in inferring that one actually 'can' by showing that one 'ought'. However, all of this

is dependent on the immediate consciousness of the moral law, and thus Kant introduces the 'fact of reason' (*Faktum der Vernunft*) as the consciousness of this fundamental law. He calls this consciousness a 'fact' (*Faktum*) because it "forces itself upon us of itself as a synthetic a priori proposition" (*KpV* 5:31). The fact of reason is not given in any intuition, but it is given as the "sole fact of pure reason" directly to *consciousness*, unmediated by any empirical conditions (*KpV* 5:31). It is synthetic because it does not follow from our concepts of will or obligation, but rather posits something new, namely the direct consciousness of the moral law. In sum, the Reciprocity Thesis holds that freedom and morality reciprocally imply each other, and insofar as we have a primitive consciousness of the moral law (via the *Faktum*), our freedom is disclosed.

Later, in "On the Deduction of the Principles of Pure Practical Reason", Kant returns to this discussion in his defense of beginning, cognitively speaking¹³, with the reality of practical laws rather than with intuition, as he did in the *Critique of Pure Reason* (*KpV* 5:42). There, he argues that freedom's basis lies in pure practical laws, which are possible only in relation to freedom, which entails that freedom is necessary because such laws are necessary. The fact of reason is the consciousness of the fundamental law, and Kant claims that this consciousness "*cannot be further explained*" (*KpV* 5:46 - emphasis mine).¹⁴ Although Kant mentions the fact of reason elsewhere throughout the second *Critique*, the passage in §7 is where it plays the most important role. The passage from the Deduction is secondary, but helpful in understanding the role of the fact of reason, and these two passages will suffice for my purposes here.

¹³ Cf. *KpV* 5:29: "I ask instead from what our *cognition* of the unconditionally practical starts, whether from freedom or from the practical law."

¹⁴ Kant refers to the 'fact of reason' in many different ways, one of which is the "consciousness of freedom" (*KpV* 5:42). However, a comprehensive analysis of all of his uses of the term is beyond the scope of this paper. For a convincing defense of treating the *Faktum* proper as the consciousness of the moral law, see Rawls (2000) p. 260-261.

2.4 The Common Thread

Thus far, I have examined dignity's immediate ground in autonomy, autonomy's necessary relation to freedom, freedom's reciprocal relation to the moral law, and identified the fact of reason as the end, so to speak, of the entire justificatory thread (inasmuch as it cannot be further explained). It is important to understand the essential role this 'fact' plays in Kant's moral system, given that its exclusion entails the exclusion of other integral features of Kant's practical project – most specifically, the dignity of humanity. According to the standard reading of dignity in Kant's system, the dignity of humanity provides the ground of the requirement to respect oneself and others. For example, in the *Metaphysics of Morals*, Kant writes,

But a human being regarded as a *person*, that is, as the subject of a morally practical reason, is exalted above any price...that is, he possesses a *dignity* (an absolute inner worth) by which he exacts *respect* for himself from all other rational beings...he can measure himself with every other being of this kind and value himself on a footing of equality with them. (*MS* 6:434-435)

But, as I have attempted to show, Kant's justification leads ultimately to the fact of reason, or the direct consciousness of the moral law, that cannot be further explained. Thus, it seems that the dignity's justification bottoms out, as it were, with an appeal to the fact of reason.

2.5 The Notion of a 'Ground'

If what has been said so far is correct, the fact of reason ought to be understood as the 'ground' of autonomy, which serves as the 'ground' of dignity. However, these are two different notions of 'ground'. The term 'ground' (*Grund*) is used in several different senses throughout the Kantian corpus. Predictably, Kant's use of *Grund* is related to justification, although the type of justification being discussed is not always clear. In an early work, *A New Elucidation of the First Principles of Metaphysical Cognition*, Kant distinguishes between two different conceptions of *Grund*:

For example, suppose we seek for the ground of all evils in the world. We thus have the proposition: the world contains a number of evils. What is being sought is not the ground *that*, in other words, not the ground of knowing, for experience takes its place. What has to be specified is the ground *why*, that is to say, the ground of becoming. (ND 1:392)

According to this, grounds can be epistemologically concerned, as grounds ‘that’, or ontologically concerned, as grounds ‘why’. In the Preface to the *Critique of Practical Reason*, Kant makes a similar move. He claims that freedom is the condition of the moral law, which seems to directly contradict what he argues later in the *Analytic* – that the moral law is cognized prior to freedom.¹⁵ However, in a well-known and helpful footnote, he claims that there is no contradiction, once the nature of the relationship between freedom and the moral law is clarified: “I want only to remark that whereas freedom is indeed the *ratio essendi* of the moral law, the moral law is the *ratio cognoscendi* of freedom” (KpV 5:4 n). These ought to be understood as ‘grounds’ as well, and they map nicely onto the distinction Kant makes in the *New Elucidation*. We can understand Kant’s employment of *ratio cognoscendi* as analogous to ‘grounds *that*’, in the language of the *New Elucidation*, or grounds of our cognitive access to something. Taking his example from the second *Critique*, in claiming that the moral law is the *ratio cognoscendi* of freedom, Kant is explaining our cognitive access to freedom – how we know our freedom – in light of the fact that we cannot have empirical access to it (as was argued above). That is, “the moral law is the condition under which we first *become aware of freedom*” (KpV 5:4 n). However, he also claims that the freedom is the *ratio essendi*, or the ‘ground *why*’, of the moral law. This claim is concerned with the content of freedom itself, rather than our cognitive access to it. That is, freedom is the essence of the moral law insofar as it is the very condition of the law itself.

If this distinction holds, then what does it tell us about dignity and the fact of reason? Given that autonomy is the ‘ground’ of dignity, how should we understand Kant’s use of *Grund* in this

¹⁵ Cf. KpV 5:30

instance? The discussion occurs towards the end of section two of the *Groundwork*, which Kant stresses is “merely analytic” (*GMS* 4:445). That is, Kant is analyzing our common conceptions of duty and will and what these concepts entail. In the process, we find that autonomy is the ground of dignity. Thus, if through analysis we find that autonomy entails dignity, then autonomy’s grounding relationship is best seen as a *ratio essendi*. However, I have also claimed that the fact of reason is the ground of dignity. That is, if our dignity follows from our autonomy, then the next step in establishing that *we* have dignity is establishing that we are actually autonomous. To do this, a conception of freedom is requisite. But since we have no direct access to freedom, Kant claims that our freedom is known through the moral law, which is given. And if the moral law explains our cognitive access to freedom, then the consciousness of the moral law – or, the fact of reason – is the *ratio cognoscendi* of autonomy, and therefore of dignity.¹⁶

Thus, while autonomy is the *ratio essendi* of dignity, the fact of reason is the *ratio cognoscendi* of autonomy. If this is correct, then doubts about the *Faktum* entail doubts about our dignity, insofar as the key piece of evidence for our autonomy is our consciousness of the moral law. That is, our knowledge of our dignity turns on whether or not what the *Faktum* discloses is absurd. And hence, an investigation into the dignity of humanity cannot omit an investigation into the legitimacy of the fact of reason.

3 IS THE FACT OF REASON ABSURD?

Although critics of fact of reason are legion, two accounts are especially prominent in the relevant secondary literature. The first, found in Paul Guyer’s ‘Naturalistic and Transcendental Moments in Kant’s Moral Philosophy’, announces that the *Faktum* relies on “a good deal of foot-stamping” or, what may be worse, “an appeal to innate ideas”.¹⁷ The second is found in Allen

¹⁶ For a similar interpretation of the fact of reason, see Ameriks (2000), p. 71.

¹⁷ Guyer (2007), p. 462

Wood's *Kantian Ethics*. There, Wood claims that Kant's appeal to the fact of reason is nothing more than "moralistic bluster" and ought to be rejected.¹⁸ In what follows, I examine both of these claims and argue that both are misguided.

3.1 Guyer, Innate Ideas, and Mystery

Despite the great deal of attention given to the foot-stamping charge in the secondary literature¹⁹, Guyer's claim here is far from a serious criticism of Kant's doctrine. Its larger context is one in which Guyer launches a sustained critique of *GMS III* in order to bolster the case for a return to Kant's earlier 'naturalistic' approach to moral philosophy – specifically, one which relies on human love for freedom. He reveals his dismissive attitude toward the *Critique of Practical Reason*, almost in passing, in the last paragraph of the article, but this could hardly be called a serious attempt to undermine the *Faktum*. However, by pairing this charge with a discussion from his earlier *Kant of Freedom, Law, and Happiness* – according to which Kant's appeal to the *Faktum* is unacceptably mysterious – we may piece together a more complete understanding of Guyer's dissatisfaction with the *Critique of Practical Reason's* reliance on the fact of reason. Both complaints signal important *prima facie* objections to Kant's doctrine, and in what follows I shall address both and attempt to show that neither are sufficient to dismiss the basic strategy of the second *Critique*.

3.1.1 Innateness and 'Facts'

As I read him, Guyer's dismissal of the fact of reason rests on two primary objections. The first is the 'foot-stamping' charge, which accuses Kant of simply insisting – without justification – that we know the moral law, and hence implies that Kant's account rests on an illegitimate appeal to innate ideas. Guyer's second objection is that Kant's reliance on the fact of reason is essentially

¹⁸ Wood (2008), p. 135

¹⁹ See, for example, Grenberg (2013) p. 137, Kleingeld (2010) p. 61, Ware (2014) p. 1.

mysterious, and therefore unsatisfactory. Part and parcel of both of Guyer's objections is a dissatisfaction regarding Kant's insistence that we know the moral law as a synthetic a priori 'fact'.²⁰ Insofar as the *Faktum* is a primitive consciousness of the moral law that cannot be further explained, one can see the legitimacy of the worries behind statements such as Guyer's – both of innateness and mystery.

Regarding the first objection, a bit of stage setting is in order. First, we must ask what conception of innateness Guyer is supposing and whether or not it accurately describes Kant's position. Unfortunately, Guyer is not as specific as one may hope, and hence we must do some interpretative work to present the objection clearly. If by 'innate' Guyer intends on charging Kant with the view that human beings come out of the womb with an actualized, conscious knowledge of the moral law, then he is surely right to dismiss Kant's view. However, there is no reason to think that Kant intended to construe our consciousness of the moral law this simplistically. Rather, Kant seems to suggest a more modest thesis, namely, that we have *a priori* access to moral principles, but that these principles are produced by us, rather than implanted in us by another. That is, although Kant does not view our knowledge of morality as actualized and complete from birth, he certainly rejects the view that we discover moral principles *a posteriori*, or from without. For example, in a famous passage from the conclusion of the *Critique of Practical Reason*, Kant claims that admiration and awe (*Ehrfurcht*) follow from his reflection upon the "*moral law within*" (*KpV* 5:162). Moreover, the stress Kant puts on the importance of common moral cognition (*gemeine sittliche Vernunftkenntnis*) serves to confirm this primitive consciousness of the moral law. Although this theme is present throughout Kant's moral writings, an interesting instance of it can be seen in his introduction of the moral catechism in the *Metaphysics of Morals*. There, Kant claims that moral catechisms are substantively distinct from religious ones, presumably because religious catechisms

²⁰ Wood says some similar things in *Kantian Ethics*, but more on this later.

must rely on revelation, and consequently cannot be developed from pure reason alone. However, moral catechisms do not suffer from the same difficulty precisely because they "can be developed from ordinary human reason", and therefore the content of the catechism is designed to "draw from the pupil's reason" rather than teach the pupil something entirely alien to her (*MS* 6:479). Hence, Kant is undoubtedly committed to the view that moral principles are drawn from our own reason, not given to us from without.

But does the moral law's innateness follow from its being *a priori*? Although what an innate idea is, historically, a far-reaching and dense debate, Allen Wood provides a helpful gloss on how Kant tends to treat these terms. Wood writes, "[w]hat is innate is *implanted* in us at birth (by God, for example, or through our genetic constitution), independently of both sense experience and the exercise of our faculties. What is *a priori*, by contrast, we ourselves produce through the exercise of our faculties".²¹ Wood argues that, on this sketch, moral principles cannot be innate since a principle's innateness would entail that it was given by another, rather than by the agent herself. Or, in other words, a principle's innateness entails its heteronomy, which is sufficient for Kant to reject innate moral principles.

Hence, on this level, Guyer's charge simply misses the mark. If Wood's gloss is correct, then Kant conceives of the moral law as something of which we are *a priori* aware, but *not* one to which we have innate access. Nevertheless, this does not mean that Guyer's criticism is devoid of all its bite. Even if the argument of the second *Critique* does not bottom out with an appeal to innate ideas as Wood conceives of them, Kant does say that the fact of reason is given *a priori*, it is synthetic, and that it permits of no deduction. In other words, the investigation of the second *Critique* turns on a given, *a priori* 'fact', and in light of these peculiar claims, Guyer is certainly right to be suspicious. However, as mentioned above, I do not think that simply noting the peculiarity of the *a priori* status

²¹ Wood (1999), 59.

Kant awards the moral law is sufficient to dismiss his account. To see why, it is helpful to carefully examine the relationship between Kant's employment of the *Faktum der Vernunft* and facts more traditionally understood. That is, by asking what sort of 'fact' the fact of reason is and relating it to a more familiar example, I hope to shed light on why the *a priori* status of the *Faktum* is not as worrisome as Guyer suggests.

Within the secondary literature on the fact of reason, commentators have devoted a great deal of attention to determining whether or not the fact of reason is actually a 'fact', in our sense of the word. That is, when Kant appeals to *das Faktum der Vernunft*, should *Faktum* be translated as 'fact'? The modern German equivalent for 'fact' is *Tatsache*, but Kant does not use this term in the second *Critique*.²² Rather, he uses a Germanized version of the Latin *facere* (to do). Moreover, although the reference is not explicit, the first allusion to the fact of reason in the second *Critique* reads, "[f]or, if as pure reason it is really practical, it proves its reality and that of its concepts by what it does [*durch die That*]..." (*KpV* 5:3). In light of this usage, some commentators argue that translating *Faktum* as 'fact' is misleading. Instead, they suggest that we ought to read the *Faktum* as a deed, or an activity, as opposed to what we normally think of as 'fact'. If this is correct, each reference to the fact of reason is referring to an activity of reason – not a 'fact' – whereby pure reason determines the will. However, some have insisted that this reading is ultimately misguided.

For example, in her book-length defense of the *Faktum*, Jeanine Grenberg argues that these 'Fichtean' interpretations often threaten to strip the moral law of the necessity with which it is purported to hold.²³ Among the leading proponents of these readings, Grenberg identifies Paul Franks and discusses his treatment of the *Faktum* in his *All or Nothing: Systematicity, Transcendental*

²² He does, however, use it in the *Critique of Pure Reason* (e.g., *KrV* B5, B116) and the *Critique of the Power of Judgment* (e.g., *KU* 5:468, 475).

²³ Cf. Grenberg (2013), pp. 148-158

*Arguments, and Skepticism in German Idealism.*²⁴ There, Franks argues that the fact of reason is indicative of an act of reason whereby the subject actively *produces* the feeling of respect that Kant claims follows from our recognition of the moral law.²⁵ However, as Grenberg rightly argues, Kant's account of both the feeling of respect and the example of the man at the gallows (henceforth, the 'Gallows Man'²⁶) seem to be at tension with a view such as this. When Kant discusses the feeling of respect in Chapter III of the *Analytic*, it is hardly obvious how respect could be construed as actively as Franks suggests. There, Kant argues that when we compare our inclinations – which cannot command with necessity – with the moral principle – which does command with necessity – we become humbled, or humiliated. This humiliation produces pain insofar as it strikes down our self-conceit, whereby we treat our subjective determining grounds as if they were objective. However, through the pain the moral law causes us, “it awakens *respect* for itself insofar as it is positive and a determining ground” (*KpV* 5:74). Hence, the pain we inevitably feel when comparing our inclinations with the moral law entails our respect for that same law. If this reconstruction is accurate, how might it bear on Franks' point?

To Franks' credit, Kant certainly treats respect as if it were something attributable to us, insofar as comparing ourselves with the moral law produces the feeling of respect. Nonetheless, without a proper understanding of the activity of the subject, such an account threatens to misconstrue the spirit of Kant's insight. If the fact of reason is essentially constituted by *our* activity such that “we *demonstrate* the reality of freedom by *producing* [the feeling of respect]”, then it becomes incredibly difficult to account for the fact that Kant's exploration of the feeling of respect is, at bottom, *phenomenological*.²⁷ That is, Kant's primary concern is to show “what [the moral law] effects

²⁴ Cf. Franks (2005), pp. 260-336

²⁵ Cf. *KpV*, 5:71-89

²⁶ I borrow this term from Grenberg. See Grenberg (2013).

²⁷ Cf. Allison (1990), p. 121

(or, to put it better, must effect) in the mind insofar as it is an incentive”, and to show this, Kant resorts to an attentive reflection on how the feeling of respect arises (*KpV* 5:72). In doing so, Kant speaks as if the experience of pain that produces respect is something that happens *to us*, not, *pace* Franks, one that we intentionally and actively produce.²⁸ Moreover, if the *Faktum* is as active as Franks suggests, a number of difficult questions arise. How are we make sense of the *Faktum*’s “forced,” or “given” nature (*KpV* 5:31)? What sense does it make to call acts both forced and given? What do given, forced *acts* look like? Moreover, as Pauline Kleingeld notes²⁹, if the fact of reason is simply a deed, how are we to make sense of Kant’s insistence that the moral law *provides* a deed?³⁰

On the opposite end of the spectrum, we also face difficulties in treating the *Faktum* as if it were entirely divorced from the activity of the subject. If it is *just* a brute fact, Guyer is entirely correct to deem the fact of reason an innate idea, even on Wood’s reconstruction of the term. After all, commentators such as Franks – while not entirely correct – are right to recognize Kant’s claim that practical reason proves its practicality by *what it does*.³¹ Furthermore, as mentioned earlier, Kant argues in the *Groundwork* that an agent’s sublimity and dignity consists in her *active* role in morality.³² And thus reading the fact of reason as entirely divorced from the activity of reason threatens some of Kant’s most substantial claims. Hence, if we face dangers in reading the *Faktum* as *just* a fact on the one hand, or *just* an act on the other, we ought to seek a middle road between the two.

²⁸ On the opposite end of the spectrum, Grenberg goes as far as to claim that the feeling of respect is given through sensibility and hence essentially passive. Generally, I think her account is insightful and convincing, though I think this point is weak. See Grenberg (2013), p. 143.

²⁹ Cf. Kleingeld (2011), p. 64

³⁰ Cf.: “On the other hand, the moral law, even though it gives no such *prospect*, nevertheless provides a fact absolutely inexplicable from any data of the sensible world and from the whole compass of our theoretical use of reason, a fact that points to a pure world of the understanding and, indeed, even *determines* it *positively* and let’s us cognize something of it, namely a law” (*KpV* 5:43).

³¹ Cf. *KpV* 5:3

³² Cf. GMS 4:440. Specifically, this is referring to the act of self-legislation.

Pauline Kleingeld recognizes this problem in her ‘Moral consciousness and the ‘fact of reason’’, and her solution to the problem seems to successfully navigate between the two positions while preserving their useful insights.³³ She, I think rightly, argues that we ought to read the *Faktum* “as a fact, that is to take moral consciousness as something which exists – but not as an alien fact...Rather, it is to take moral consciousness as a fact that is the result of reason’s activity.”³⁴ That is to say, the *Faktum* is a fact (*Tatsache*) that refers to a deed (*Tat*) – specifically the act of self-legislation. This allows one to make sense of Kant’s stress on the given nature of our consciousness of the moral law while also recognizing reason’s activity in the accomplishment of such a consciousness.

If all of this is correct, then how might it contribute to our response to Guyer’s first objection regarding the alleged innateness of the fact of reason? We have seen that if, as Wood suggests, innate just means implanted at birth, then Guyer’s charge misses the mark. The *Faktum* is *a priori* insofar as it is a given fact referring to an act of reason, but not innate. However, simply claiming that Guyer’s label for the *Faktum* is wrong sheds no light on the *Faktum*’s plausibility, and thus we would do well to try and show that the *Faktum* is not as strange as he suggests.

First, if the fact of reason is the synthetic *a priori* consciousness of the moral law as binding – and this is a fact that refers to an act of reason – then, it is undoubtedly legitimate to be puzzled by such a claim. Yet, this is hardly a reason to dismiss second *Critique*’s strategy *in toto*. On the contrary, if the above analysis is correct, then it bears a striking structural resemblance to a more familiar ‘fact’ – historically and perhaps phenomenologically. Namely, the *Faktum* displays a

³³ For a similar interpretation, see Ware (2014).

³⁴ Kleingeld (2011), p. 65

structural similarity to Descartes' argument for the thinking 'I' in the *Meditations*³⁵, insofar as it is a fact ('I exist') based on an activity of reason (thinking). But, could it not be objected that the analogy is not sufficiently similar since Descartes' argument (by the second *Meditation*, at least) is not mysterious whereas Kant's is? Is it not uncontroversially true that every thinking person has access to the 'I' whereas the *Faktum* relies on a great deal of mystery?³⁶ This brings us to Guyer's second charge.

3.1.2 Mystery and the Practical Point of View

In chapter 4 of his *Kant on Freedom, Law, and Happiness*, Guyer gives a helpful outline of the basic line of argument of the *Critique of Practical Reason*. After summarizing the role of practical laws, the introduction of the fact of reason, how respect functions as both a subjective and objective determining ground, and a discussion of 'internalism' as it relates to the second *Critique's* account of respect, he gives a short appraisal of what he takes Kant to have accomplished. As already mentioned, his complaint – as it pertains to the *Faktum*³⁷ – is essentially that the fact of reason is mysterious. This goes hand in hand with his approach in his later article (discussed above) that calls for a return to Kant's earlier attempt to ground moral philosophy in love for freedom in order to avoid such mysterious implications. Guyer writes,

The theory of respect therefore traces out the psychological effect of our being motivated to act by the moral law alone, but cannot explain how the moral law itself motivates us to comply with it. That it does is what Kant called the fact of reason, but the fact is also a

³⁵ Cf.: "So after considering everything very thoroughly, I must finally conclude that this proposition, *I am, I exist*, is necessarily true whenever it is put forward by me or conceived in my mind." (Descartes, *M*, 25)

³⁶ As mentioned earlier, it is worth stressing that Kant takes the *Faktum* to be something to which every person has access, but one may still complain that this is nonetheless mysterious.

³⁷ Guyer also worries that Kant's theory of moral motivation is problematic. However, an adequate response to this point is beyond my scope here. For a discussion and appraisal of Guyer's book, see Reath (2003). For an alternative view of Kant's relation to internalism, see Stern (2012), especially pp. 91-97.

mystery. And this is what remains profoundly unsatisfying about the argument of the *Critique of Practical Reason*...³⁸

Generally, there is much to say about Kant's relationship to mystery. However, for my purposes here, I will focus on one aspect of this relationship – particularly, the role of mystery as it pertains to the practical point of view (as opposed to the theoretical). As mentioned earlier, if Guyer's primary reason for dismissing the *Faktum* is simply a complaint about the alleged mysteriousness of it, we ought to ask two questions: is it actually mysterious? If so, is that a problem?

As for the first question, there is good reason to think that Kant recognizes a certain strangeness about his reliance on the fact of reason. According to most commentators, his strategy in the second *Critique* indicates a stark contrast with his strategy in the *Groundwork*. Simply put, both accounts hold that freedom and morality reciprocally imply each other, but in the *Groundwork* Kant uses freedom to derive morality, whereas in the second *Critique*, he uses morality to derive freedom.³⁹ This contrast can be clear in Kant's claim – new to the second *Critique* – that the moral law is not amenable to a deduction but is rather forced, or given directly to consciousness. Importantly, Kant's phenomenological language here is no accident. He takes it to be clear that this primitive consciousness of the moral law is available and familiar to all human beings. Interestingly enough, this is the essence of *Faktum* proper – insofar as it is our consciousness of the moral law and its authority. If this relation obtains, it is odd that Guyer deems Kant's analysis of “the moral law and its several formulations is one of the masterpieces of western philosophy”, since Kant takes this analysis to be directly produced by the *Faktum*.⁴⁰ Such a view helps to highlight a tension between

³⁸ Guyer (2000), p. 138

³⁹ I say more on this in 3.2.

⁴⁰ Guyer (2007), p. 445

Guyer's praise for Kant's perceptive analysis of morality and his simultaneous dismissal regarding Kant's explanation for how such an analysis is possible. But what is the source of such a tension?

Perhaps we can make the issue clearer by asking further questions about the *Faktum's* relationship to mystery. Is the presence of our consciousness of the moral law as such mysterious or unclear, or does the mystery pertain to *how we attain* consciousness of the moral law? It does not seem as if the former is the case, and if one claims that our moral consciousness itself is unacceptably mysterious, then it seems as if all that the Kantian has to do is present examples like the Gallows Man to show that one's moral consciousness is present and functioning. If Guyer means to refer to the latter, then why is this a problem? That is, if he admits that moral consciousness is present, then why would mystery about its origin be sufficient to dismiss Kant's reliance on the phenomena itself?

As Guyer is well aware, Kant makes no claim to explain the nature of morality all the way down, as it were. In fact, he explicitly states, "how a law can be of itself and immediately a determining ground of the will (though this is what is essential in all morality) is for human reason an insoluble problem and identical with that of how a free will is possible" (*KpV* 5:72). Moreover, even the more ambitious Kant of the *Groundwork* recognized that were it possible for the moral law to be given to consciousness (as he claims in the second *Critique*), "its possibility would be necessary not for corroboration, but merely for explanation (*Erklärung*)" (*GMS* 4:420). This reinforces the point made above – namely, that the task of practical philosophy is not to give a conclusive *theoretical* explanation for the origin of morality, but to simply explain what is already present in moral consciousness.⁴¹ In other words, the problem (referred to in the above passage from the second

⁴¹ Cf. Ware (2014), p. 2: "...Kant's strategy of justification shifts focus from the theoretical standpoint we adopt as philosophers toward the practical standpoint we adopt as ordinary persons. It is only when we philosophize from a practical, first-personal perspective that we can understand what common reason already knows 'in its heart.'"

Critique) is only insoluble from a *theoretical* perspective. Hence, despite its theoretical insolubility, Kant has no problem concluding that, from the practical perspective, “morality itself...supplies authority to the law, which now alone has influence” (*KpV* 5:76).

So theoretical insolubility, or what amounts to the same, ‘mystery’, is not a sufficient ground for dismissal, and this nuance is precisely what is missing from Guyer’s account. In fact, Kant anticipates responses such as these. He claims that they are products of the “perplexing speculation of the schools” (*KpV* 5:35), proponents of which defend, above all, “the omnipotence of theoretical reason” (*MS* 6:378). On Kant’s account, this is simply the wrong attitude to have. Responses that assume this attitude suppose that the phenomenon to which the *Faktum* refers ought to be the conclusion of a moral investigation, rather than the ground it, as Kant does. He is perfectly satisfied with our consciousness of the moral law being mysterious from the theoretical point of view, and furthermore, such mystery is simply irrelevant to Kant’s commitment to attentive reflection on the feeling of obligation presented, for instance, in the Gallows Man example.

In sum, Guyer’s criticism is only a problem *if* one thinks that some non-moral, empirical ground can serve to explain our first-personal moral experience delivered via the *Faktum*. But to make such a supposition is, again, to fall prey to the “perplexing explanations of the schools,” proponents of which, “are brazen enough to shut their ears to that heavenly voice in order to support a theory they need not break their heads over” (*KpV* 5:35).

3.2 Wood, Moralistic Bluster, and the *Groundwork*

As we have seen, Guyer rejects Kant’s efforts to ground/explain the moral law in both the *Groundwork* and the *Critique of Practical Reason*. However, not all share his conviction that *GMS* III is among the “most spectacular train wrecks” of Western philosophy.⁴² Most notably, Allen Wood – in his *Kantian Ethics* – shares Guyer’s disdain for Kant’s reliance on the *Faktum*. But instead of

⁴² Guyer (2007), p. 445

arguing for the adoption of Kant's early approach (i.e., one that relies on human love for freedom), Wood advocates for a return to the *Groundwork's* strategy of justification. After a helpful discussion of the *Groundwork's* account of freedom and its relation to autonomy, Wood discusses and dismisses the second *Critique's* appeal to the fact of reason. In comparing the two accounts, Wood notes that some have viewed the latter as an improvement on the former. He then claims,

Yet it is hard to see how anyone could possibly be crazy enough to think this. [...] When confronted with someone who wonders whether the moral law is a "high flown fantasy" or "figment of the mind," his only resource now is moralistic bluster (the bare assertion that the moral law is a "fact of reason").⁴³

As I see it, Wood's account rests on two basic contentions. First, although it is often thought that the *Critique of Practical Reason* marks a radically different approach to freedom when compared with the *Groundwork's* account, this need not be case. Rather, we ought to read appeals to the fact of reason as "a summary of the argument of the *Groundwork*, not a rejection of it".⁴⁴ Second, if we insist on assuming that the second *Critique* marks a significant departure from the third section of the *Groundwork*, Kant's account is rendered significantly weaker insofar as it has no sensible reply to the moral skeptic, and therefore ought to be seen as 'moralistic bluster'.

Regarding the first contention, I think Wood's case is overstated and textually suspect. While it is true that Kant presupposes acquaintance with the *Groundwork* in the second *Critique's* Preface, it is less than clear that his qualification of this presupposition – "but only insofar as this constitutes preliminary acquaintance with the principle of duty and provides and justifies a determinate formula of it" – ought to be read as an endorsement of all the intricate details regarding his discussion of freedom and its justification in *GMS III (KpV 5:8)*. One such detail involves an interpretative question: ought we view *GMS III* as an attempt at a deduction? I take it for granted

⁴³ Wood (2008), pp. 134-5

⁴⁴ Wood (2008), p. 134

that the most straightforward reading of the *Groundwork* necessitates an answer in the affirmative.⁴⁵

If this is the case, then Wood is faced with an immediately pressing issue: if the fact of reason should be viewed as a summary of the *Groundwork* – specifically, the deduction of the moral law – then how are we to make sense of Kant’s blatant rejection of attempts to provide a deduction of the moral law in the second *Critique*?⁴⁶ Although I think this presents a significant textual problem for Wood’s reading, it is clear that this contention is fueled by his philosophical, rather than textual, objection to the fact of reason, and I will therefore turn to this worry.

Regarding the second contention, I believe Wood’s attitude towards the fact of reason, like Guyer’s, illegitimately suggests that Kant’s reliance on the *Faktum* is unacceptably mysterious, or foreign, and therefore inferior to the *Groundwork*’s account. The crux of Wood’s philosophical rejection of the *Faktum* is as follows: if the *Faktum* is simply the bare assumption of the moral law, then there is no answer to “the charge that the moral law might be a self-conceited illusion of the human mind overreaching itself’.⁴⁷ In other words, if we simply invoke the moral law and use it to ground our freedom, then we have left the moral law ‘high and dry’,⁴⁸ as it were, with no chance of any rational justification. According to Wood, if this marks a break with the *Groundwork*’s discussion of the consciousness of freedom, then it leaves Kant in a significantly weaker position. Rather, we should prefer Kant’s earlier explanation where he relies on the assertion that we must transfer ourselves into an intelligible realm: “For now we see that, when we think of ourselves as free, we transfer ourselves as members into the world of understanding, and cognize autonomy of the will along with its consequence, morality” (*GMS* 4:453). This should be seen as an advantage because

⁴⁵ Wood agrees. See Wood (1999), pp. 171-9. For another helpful account, see Timmermann (2010), p. 76-80.

⁴⁶ Cf.: “Hence the objective reality of the moral law cannot be proved by any deduction...” (*KpV* 5:47)

⁴⁷ Wood (2008), p. 135

⁴⁸ Thanks to Julian Wuerth for this helpful characterization.

the moral skeptic – irrespective of theoretical worries regarding the reality of the moral law – *must* see herself in such a way and cannot therefore consistently entertain the view that morality is simply a phantasm. Hence, if Kant abandons this explanation and resorts to the bare assertion of the moral law to explain our autonomy, ‘it is hard to see how anyone could possibly be crazy enough’ to think of this as an improvement.

Taken one way, I think Wood’s characterization of the fact of reason as a ‘bare assertion’ is – however unsympathetic – essentially correct.⁴⁹ This becomes clear in Kant’s assertions that the *Faktum* is the “sole fact of pure reason” (5:31), that it “cannot be further explained” (5:46), and that it is “apodictically certain” (5:47). However, I believe that Wood’s dismissive attitude is shortsighted. This can be seen in two ways. First, supposing Kant did undergo a change of mind between the *Groundwork* and the second *Critique*, does his appeal to the fact of reason preclude him from utilizing his earlier claim that we must view ourselves as acting under the idea of freedom? If it does, it is not clear why. Rather, it seems to me that Kant is perfectly entitled to claim that we must view ourselves in such a way. In fact, invoking a primitive consciousness of the moral law enforces this view, given that it is an undeniable phenomenon.⁵⁰ If our consciousness of the moral law is undeniable, it follows that we *must* view ourselves as free, since such consciousness discloses our freedom.⁵¹

Second, unlike his earlier position, Kant’s explanation no longer depends solely on the transference of oneself into the world of understanding.⁵² Rather, Kant’s argument rests upon an

⁴⁹ Although technically, classifying the *Faktum* as the bare assumption of the moral law is misleading. The word ‘consciousness’ is doing some work for Kant that is missed in Wood’s reconstruction.

⁵⁰ Cf. *KpV* 5:32

⁵¹ Cf.: “He judges, therefore, that he can do something because he is aware that he ought to do it and cognizes freedom within him, which, without the moral law, would have remained unknown to him.” (*KpV* 5:30)

⁵² Interestingly, Kant still uses the transference language on *KpV* 5:43 and elsewhere, but as I attempt to show, it still marks a departure from the sense in which it is used in the *Groundwork*.

undeniable, first-personal phenomenon.⁵³ In fact, upon deeming the *Faktum* undeniable, Kant argues that to see this, “[o]ne need only analyze the judgment that people [*Menschen*] pass on the lawfulness of their actions” (*KpV* 5:32). This echoes themes prominent in the *Groundwork*, where he stresses the importance of common moral judgment. For example, in the *Groundwork*’s preface, Kant claims that a critique of theoretical reason is more urgent than a critique of practical reason, given that “human reason, even in the commonest understanding, can easily be brought to a high measure of correctness and accuracy in moral matters” (*GMS* 4:391). However, the function of such judgment is markedly different in the second *Critique*. In the *Groundwork*, common moral judgment is employed to confirm the deduction of the moral law, whereas in the *Critique*, such judgments themselves serve as a justification of the fundamental law of pure practical reason. Since we have a primitive consciousness of the moral law through the fact of reason, “the justification of moral principles as principles of a pure reason could also be carried out very well and with sufficient certainty by a mere appeal to the judgment of common human understanding” (*KpV* 5:91).⁵⁴

If this is correct, then it sheds light on Kant’s attitude toward skeptical doubts about morality. Again, in the *Groundwork*, his answer is that one must view oneself as acting under the idea of freedom. In the second *Critique*, it is an appeal to the *Faktum*. In both accounts, Kant identifies where his explanation ends. In the *Groundwork*, Kant admits that although it is practically necessary to suppose freedom, “how this presupposition itself is possible can never be understood by any human reason” (*GMS* 4:461). However, as I have argued, the second *Critique*’s account appeals to an undeniable ‘fact’, and on this basis, we gain insight into the possibility of morality. That is, we

⁵³ I think the most plausible way to view this phenomenon is in relation to the feeling of obligation, insofar as the moral law “announces itself as originally lawgiving” (*KpV* 5:31). However, a full discussion is beyond the scope of this paper. For a book length discussion of this topic, see Grenberg (2013).

⁵⁴ Cf. “In short: whereas in 1785 ordinary moral consciousness was used to *support* a deduction of the categorical imperative, in 1788 it is meant to stand on its own to justify – as far as possible – the principle of morality just by itself.” Timmermann (2010), p. 82

infer the possibility of morality *from its actuality*.⁵⁵ Or, in the language of the second *Critique*, “[f]or, if as pure reason it is really practical...all subtle reasoning against the possibility of its being practical is futile” (*KpV* 5:3). So, I think it is clear that Wood overstates his case in claiming that the second *Critique* has literally no reply to the moral skeptic.⁵⁶ The mature Kantian response to moral skepticism⁵⁷ is an appeal to the sole fact of pure reason, whereby we cognize the moral law, which in turn entails the cognition of our freedom. Thus, insofar as the *Faktum* is undeniable and gives us cognitive access to our freedom, we must view ourselves as free beings with obligations. However, this no longer merely rests on the assumption that we transfer ourselves into the world of understanding, but rather utilizes a first-personal, common experience in order to gain insight into the possibility of morality.

4 CONCLUSION

If this analysis is correct, Kant locates the possibility of morality safely within its actuality. That is, we gain insight into the nature of morality and practical reason neither by a disinterested, theoretical analysis nor by a deduction. Rather, pure practical reason proves its reality by what it does – that is, command with necessity. Moreover, to see the *Faktum*’s relation to the principles that guide the judgments of normal human beings, “[o]ne need only analyze the judgment that people pass on the lawfulness of their actions” (*KpV* 5:32). Thus, Kant retains the view that we must view

⁵⁵ Cf.: “The critique cannot have insight into this possibility *a priori* because it concerns the relation of a real ground to a consequence, thus something must be given which can arise from it alone; and from reality possibility can be inferred.” (*N* 19:275) For an interesting discussion of the structural similarity between the first and second *Critiques*, see Ware (2014), especially pp. 5-10.

⁵⁶ Cf. “The only difference [between *GMS* and *KpV*] seems to be that in the *Groundwork*, Kant has some argument for someone who might accept the norms of theoretical reason but refuse to recognize the norm of practical reason (the moral law). In the second *Critique*, he has none.” (Wood (2008), p. 135)

⁵⁷ It is also worth asking whether or not Kant is actually concerned with the same type of moral skepticism Wood supposes he is. However, a full discussion of this is beyond the scope of this paper. For a helpful discussion of Kant’s attitude towards moral skepticism, see Timmermann (2007), pp. 129-30.

ourselves as freely acting, while drawing on a felt experience produced by reason itself. In sum, if this 'fact' provides the key piece of evidence for our autonomy (its *ratio cognoscendi*), autonomy is the essence (*ratio essendi*) of morality, and we have dignity in virtue of our capacity for morality, then an appeal to the dignity of humanity is, at bottom, an appeal to the consciousness of the moral law as a 'fact of reason'.

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*List of abbreviations of Kant's works:**

<i>KrV</i>	<i>Critique of Pure Reason</i>	Trans.: Paul Guyer & Allen Wood
<i>GMS</i>	<i>Groundwork of the Metaphysics of Morals</i>	Trans.: Mary Gregor & Jens Timmermann
<i>KpV</i>	<i>Critique of Practical Reason</i>	Trans.: Mary Gregor
<i>RGV</i>	<i>Religion Within the Boundaries of Mere Reason</i>	Trans.: George di Giovanni
<i>MS</i>	<i>The Metaphysics of Morals</i>	Trans.: Mary Gregor
<i>SF</i>	<i>The Conflict of the Faculties</i>	Trans.: George di Giovanni
<i>N</i>	<i>Notes and Fragments</i>	Trans.: Curties Bowman, Paul Guyer, & Frederick Rauscher

*All refer to the *Akademie* pagination; all of these translations appear in the Cambridge edition of the works of Immanuel Kant.

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