Constructivism within the Bounds of Practical Wisdom

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In the contemporary literature, constructivism is usually defined as the view that moral principles must respect a procedure of construction that incorporates the formal constraints of practical reason.¹ This generic definition encompasses two types of constructivism, sometimes called deep and shallow constructivism.² Deep constructivism accounts for practical judgement in a way that does not presuppose any objective reason, but rather explicates how objectivity itself is constructed through the subject’s compliance with the procedure of ideal reflection. In Kantian constructivism, for example, the notion of objective reason itself is said to be constructed insofar as the subordination of the subject’s maxims to the requirements of a universal legislation produces categorical imperatives, which count as objective reasons to do or not to do something. In shallow constructivism, by contrast, moral and political objectivity depends on the subject having certain objective reasons to favour certain principles rather than others. Even though the procedure remains a central feature, it is itself built around a subject in charge of passing a practical judgement in light of a set of objective reasons that he holds independently of the construction procedure. Thus, in Rawlsian constructivism, the parties are required to make a call about the most appropriate principles of justice in light of a certain conception of the citizen and society that is integral to the liberal doctrine rather than the original position itself. Here it is not the formal point of view of the procedure, but the practical point of view of the subject which constitutes the genuine source of objectivity.³

The difference between deep and shallow constructivism can also be accounted for in terms of the underlying distinction between constitutive and doctrinal autonomy. While deep constructivism rests on the notion of constitutive autonomy, according to which values are constituted by reason alone, through the activity of universal lawgiving, shallow constructivism relies on a doctrinal understanding of the notion, in which values are not, properly speaking, constituted by reason, but simply ordered through the procedure of ideal reflection by subjects holding reason-independent conceptions. Constitutive autonomy is obviously deeper than doctrinal autonomy, since it concerns the very constitution of the order of values through the activity of practical reason itself.⁴ It corresponds to this radical understanding in which any normative principle has to stand trial, so to speak, at the bar

⁴ Rawls, Political Liberalism, 99: See also A Theory of Justice, 392-396.
of the supremely authoritative principles of pure practical reason. Kant himself conceives of autonomy in this way, as translating the fundamental intuition that rational beings are endowed with positive practical freedom, namely a capacity of self-determination by principles represented entirely a priori by reason. The problem with this conception is that, as Hegel, Sidgwick and Rawls pointed out, two individuals may conform their maxims of actions to the formal constraints of the procedure and nevertheless endorse substantially incompatible ideals of life. Mere respect for the formal conditions of autonomous lawgiving does not suffice, in other words, to guarantee that legitimate ends systematically take precedence over illegitimate ones. Something is missing in Kantian constructivism that shows that “acting from the moral law expresses our nature in a way that acting from another set of principles does not.” With the intention to make up for this shortcoming, shallow constructivism establishes, through the notion of doctrinal autonomy, a relation between our nature – or the way we conceive of this nature – and the set of moral principles we ought to endorse. In this view, the procedure is not the only determining principle of the will, not even its decisive determining ground. A certain conception of human nature and the human condition is brought into the picture to help determine the appropriate principles.

This is the solution Rawls famously advocates in §40 of *Theory of Justice*, when offering to detach the Kantian doctrine of justice from “its background in transcendental idealism” and recast “within the framework of an empirical theory.” This implies to introduce in the description of the procedure of construction the ends contained in reason-independent conceptions of the citizen and society. These conceptions, initially conceived as belonging to the liberal doctrine, are finally described, in *Political Liberalism*, as integral to the public political culture of western democratic societies. The problem is that political constructivism so defined is unable to address some of the most pressing issues political theory has to face, such as, in particular, the problem of global justice. Though political constructivism may be appropriate to domestic justice, insofar as fellow citizens of western democratic societies share in common at least conception of the citizen as willing to abide by fair terms of social cooperation among equals, it is clearly unfit to a global framework, which does not offer a unified public political culture with a robust conception of social cooperation. My aim, in this paper, is therefore to bring to light another brand of constructivism that also takes seriously the need of complementing formalism with an element of materiality, but refuses to resort with Rawls to

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6 *TJ*, 255.
7 *TJ*, 165. See also “Kantian Constructivism in Moral Theory”, in *CP*, 304.
8 *TJ*, 226.
material ends defined in relation to social reality. This alternative approach draws instead on the Kantian notion of pure practical teleology, according to which the choice of practical principles should be influenced by the ends set before us a priori by reason.\textsuperscript{10} This solution means a return to constitutive autonomy and the underlying intuition that rational beings are endowed with positive practical freedom. The problem is that most Kantian scholars regard practical freedom as grounded in transcendental freedom. Any reference to practical freedom therefore immediately introduces the suspicion that constructivism in general remains committed to transcendental idealism. In section 1, I maintain against this view that Kantian constructivism only needs an assumption of practical freedom, legitimately dissociable from a presupposition of transcendental freedom. The concept of transcendental freedom, on the one hand, arises in the context of the Third Antinomy, as a solution to the cosmological problem and the necessity induced by the fundamental principle of speculative reason to postulate an absolutely spontaneous beginning to the determinate sequence of all phenomena that take place within nature. Practical freedom, on the other hand, is a concept attached to the methodological choice, in absence of a theoretical demonstration of the objective validity of rational being’s capacity for self-determination, of postulating freedom, from a practical point of view only and independently of any speculative consideration, as a necessary property of the will. This difficult question of Kantian scholarship cannot be avoided if one wants to show that constructivism is based on an assumption of practical freedom.

In sections 2 to 4, I show that the assumption of practical freedom incorporates a teleological component that can serve as a basis to a form of constructivism that not only expresses the autonomy of practical reason, but also contains the material element necessary to the deduction of substantive principles of justice likely of implementation in the world as we know it. I also revise the Kantian notion of pure practical teleology in order to make it suitable for a contemporary treatment of the problem of global justice. This implies to reject as improper any end whose physical possibility, in the manner of the Kantian idea of the highest good, cannot be ascertained independently of the postulation of some metaphysical entity.\textsuperscript{11} A proper end is an end that is not only necessary from a practical point of view – that is, in line with what duty in general requires – but an end whose physical possibility in the world as we know it does not depend on anything lying beyond the scope of possible experience. This is a path Kant himself trod, in his treaty \textit{Toward Perpetual Peace}, when substituting the concept of the highest good with the idea of perpetual peace among states. The problem of a harmonization of the practical necessity of perpetual peace with its physical possibility does not even arise insofar as the advent of perpetual peace in the world does not depend on the accord of this projected end with the inner constitution of nature. It only depends on the will of


\textsuperscript{11} \textit{Critique of Judgement}, V: 450.
human beings, organized in states, to undertake the steps necessary to its achievement – a will of which we are a priori assured and dogmatically certain insofar as it proceeds from moral duty. Now I show that the rationale for identifying the idea of perpetual peace as a proper final end in the employment of our freedom can be legitimately extended to another final end, namely a certain idea of inter-state relations as fair cooperation among equals.

Finally in section 5, I strive to ascertain the objective reality of this final end by revising the content of the doctrine of rational faith. I show that replacing, the highest good with this end, as the a priori object of the will, implies to revise the content of rational faith, which no longer includes the postulates of God and the immortality of soul, but requires instead certain beliefs about human nature and the social world. Rational faith so defined has the merit of legitimating a call to the general laws of social theory in the course of an a priori deduction of the principles of justice and thereby offers a chance to meet the Hegelian challenge of reconciling normative theorizing with the materiality of social life.

1. The dissociation of transcendental and practical freedom

Let’s start by recalling the terms of the distinction between transcendental and practical freedom.

1. Freedom in the transcendental sense is the power to begin a state spontaneously – the power of absolute spontaneity.¹²

2. Freedom in the practical sense has both a negative and a positive aspect:

   a. Negative practical freedom is “the will’s independence of coercion through sensuous impulses.”¹³ It is independence from sensibility.

   b. Positive practical freedom is “the property of the will to be a law to itself.”¹⁴ It is positive self-legislation, i.e. autonomy of the will.

The difficulty is to specify the relationship between freedom in its transcendental meaning of absolute spontaneity and freedom in its positive practical meaning of autonomy. The dominant interpretation among Kant scholars is that freedom as absolute spontaneity is the general power of self-origination of a state while autonomy of the will is only a specific type of self-origination, namely the self-origination of a state in the specific domain of activity of rational beings. Freedom as absolute spontaneity and autonomy of the will would therefore stand in a generic relationship, the former delimiting the essence of the latter. This interpretation helps to make sense of Kant’s oft-quoted claim from the Dialectic that “the denial of transcendental freedom involves the elimination

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¹² CPR, A533/B561.
¹³ CPR, A534/B562.
¹⁴ Groundwork, IV: 440.
of all practical freedom.” As Heidegger, for instance, has it: “Were there no absolute spontaneity there would be no autonomy. The possibility of autonomy is grounded in spontaneity and practical freedom is grounded in transcendental freedom.”

While acknowledging this interpretation as Kant’s mature position, some scholars have pointed out that Kant’s thinking has evolved in the course of the redaction of the first Critique, between the Doctrine of Method and the Dialectic. While the Dialectic displays a generic understanding of the relationship between transcendental and practical freedom, the prior text of the Doctrine of Method lays out two types of radically heterogeneous freedom: transcendental freedom, which remains a problematic concept of reason insofar as its reality seems to contradict the law of nature, and positive practical freedom, which is known by experience as natural efficient causality in the determination of the will. In this last account, our considering the pure practical use of reason in determining moral laws should not be affected by the question of transcendental freedom’s reality. As Kant himself puts it, in apparent contradiction with his claim of the Dialectic, “[t]he question of transcendental freedom is a matter for speculative knowledge only, and when we are dealing with the practical, we can leave it aside as being an issue with which we have no concern.”

Our task in this section is not to try to make sense of the evolution of Kant’s thinking on this point, but only to determine whether his position in the Doctrine of Method can coherently be endorsed by a constructivist. We have to decide whether there is room in the Kantian doctrine for a dissociation of transcendental and practical freedom that would not threaten the very meaning of the constructivist enterprise. As a first approximation, one might be tempted to rely on his understanding of the respective roles of transcendental and practical investigations in Kantian philosophy in general. A transcendental problem is a problem which does not regard the object itself, but rather the conditions of our knowledge of it, that is, the conditions of a synthesis a priori. As Kant puts it, transcendental investigation is “occupied in general not so much with objects as with the kind of knowledge we have of objects, insofar as this is possible a priori.” If the concept of transcendental freedom has any meaning, it must therefore be in relation to the question of the possibility of freedom, not in relation to the question of freedom as it actually exists in men. In contrast, a practical problem is a problem which regards the conditions of a possible employment of human freedom in the world rather than the conditions of knowledge in general. The question of whether freedom actually exists in men might, however, also be set aside as one which is only decisive in the context of a metaphysical investigation of the specific situation of human beings with

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15 CPR, A534/B562.
17 CPR, A803-804/B832.
19 CPR, A800/B828.
respect to natural determinism. What is decisive in the context of a practical investigation into the conditions of human beings’ employment of their capacity of self-determination is only the possibility of a regulative use of the idea of freedom. The actual existence of human freedom is irrelevant and does not affect the validity of the investigation’s outcome, which remains in all cases valid from a regulative point of view. So the question we have to address is finally whether a practical investigation into the possibility of a regulative use of the idea of freedom can be run in insolation from a transcendental investigation into the possibility of freedom in general.

Answering this question requires accounting more specifically for the context in which each of these types of freedom respectively arises in relation to pure reason. As we will see, the concept of transcendental freedom, which entirely belongs to reason in its speculative use, arises in the first Critique, in the context of an investigation of the conditions of possibility of an a priori knowledge of the world regarded as the totality of appearances in their causal succession. In contrast, the concept of practical freedom belongs to pure practical reason and arises in the course of the second Critique’s investigation into the conditions of possibility of human beings’ specific power of self-determination. To resituate the concepts of transcendental and practical freedom within these two specific contexts of investigation will help further clarify the conceptual relationship which unites them and determine whether it can be dissolved for our purpose.

A. Transcendental freedom as a solution to the cosmological problem

The aim of the first Critique is to investigate into the conditions of possibility of our knowledge of nature by asking how synthetic a priori propositions are possible. The answer to this question depends on whether intuitions, without which no object can be given to consciousness and can therefore be cognized synthetically, are possible a priori.20 Kant, who occupies in this respect a very distinct position in the history of philosophy, rejects all forms of intellectual intuition and maintains that sensible intuitions gained by experience are the only legitimate source of speculative knowledge. No other synthetic a priori propositions can inhabit the understanding than those grounded in sensible intuition.21 Now, the synthesis of objects in general is governed by the fundamental principle of unconditioned unity, according to which complete comprehensibility cannot be attained unless (i) the understanding follows the chain of each phenomenon given in sensible intuition up to its most remote condition; and (ii) reason ultimately goes beyond the entire sum of these conditions to reach the unconditioned. Any knowledge of the world of nature must satisfy these two conditions if it is to respect the fundamental principle of speculative reason which recommends to “find for the

conditioned knowledge given through the understanding the unconditioned whereby its unity is brought to completion.”

The cosmological problem arises from the apparent incompatibility of the fundamental principle of speculative reason with the principle of natural causality which governs the totality of phenomena in their succession. These phenomena are not incidentally and erratically connected in time, but rather stand under definite *a priori* rules which determine their layout. As Kant puts it, “all appearances are, as regard their existence, subject *a priori* to rules determining their relation to one another in time.” This principle of temporal succession is an integral part of the more general principle of natural causality. Two phenomena are linked by a cause and effect relationship when the second is the outcome of the first. Accordingly, a cause is a cause only with respect to a subsequent state which it brings about and an effect is an effect only insofar as it follows from an antecedent state. The cause an effect relationship involves, in other words, the succession of two states or two phenomena in time.

If the world is ruled by the law of natural causality, according to which “nothing takes place without a cause sufficiently determined *a priori,*” then every phenomenon presupposes a prior state from which it necessarily follows and this state in turn supposes a prior phenomenon from which it follows. This, however, makes the law of natural causality self-contradictory in light of the fundamental principle of speculative reason, which requires that the origin of all phenomena be represented in its completeness. If nothing can take place which does not have a sufficiently determinate cause and no cause can be identified which is not itself determined by a prior cause, then nothing at all can take place. The only way to escape this contradiction is to postulate the existence of a first cause owing its existence to itself only and which might serve as a starting point to the determinate sequence of all phenomena. The very possibility of this original causation out of absolute spontaneity is *transcendental freedom.* Transcendental freedom is the specific kind of causality which must be postulated if we are to make the law of nature compatible with pure speculative reason and its fundamental principle of complete determination.

The concept of transcendental freedom emerges as the necessary solution to the speculative problem of a complete and determinate knowledge of the world governed by the law of nature. It makes it possible to account for the origin of the series of all phenomena and thereby bring the knowledge of the world to its completeness. In this respect, transcendental freedom bears no direct relation to practical freedom understood as the power of self-determination specific to human beings. It only answers the necessity of respecting the fundamental interest of speculative reason, as

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22 CRP, A308/B364
23 CRP, A189/B232.
24 CRP, A446/B474.
expressed by the principle of unconditioned unity.²⁵ This does not mean, however, that the concept of transcendental freedom does not carry with it at least the possibility of practical freedom. For as soon as the necessity of transcendental freedom has been established in relation to the cosmological problem, it becomes possible to admit, within the course of the world, different series of phenomena with independent beginnings and, consequently, different beings having the power to spontaneously initiate these series.²⁶ Nothing, however, in the cosmological positioning of transcendental freedom, is such as to motivate the ascription of this power to human beings in particular. The concept of transcendental freedom only leads to postulate the existence of an absolutely spontaneous cause in the world, not directly in human beings. Kant himself deals with the problem of human freedom in the context of the Third Antinomy as a mere exemplification of transcendental freedom.²⁷ As he puts it, “the human being is one of the appearances in the world of sense, and to that extent also one of the natural causes whose causality must stand under empirical laws.”²⁸ Yet at the same time one discovers that “the ideas of reason have actually proved their causality in regard to the actions of human beings as appearances, and that therefore these actions have occurred not through empirical causes, but because they were determined by grounds of reason.”²⁹ But this call to our empirical consciousness of a free causation in the world of phenomena through ideas of reasons does not prove anything as to the reality of freedom, not even as to its possibility. Here Kant only draws on the contingent accordance of our subjective experience with the objective demonstration as a didactic way to “sketch the silhouette of a solution to our transcendental problem, so that one might better survey the course of reason in solving it.”³⁰ The resolution of the transcendental problem has been achieved previously and independently from the exemplification, which comes only in conclusion as the most telling way to make this solution accessible even to the most common understanding.

Kant himself is clear that the Transcendental Dialectic of the first Critique does not aim to establish the reality or even the possibility of freedom. Freedom is treated as a transcendental idea only, through which reason is able to think of the series of all appearances as having its origin in something unconditioned.³¹ One might wonder what exactly is to be gained from a demonstration of the necessity to admit transcendental freedom if this does not say anything about its reality, not even about its possibility. The answer is that nothing else is gained than the a priori cognition that transcendental freedom must be admitted, but the value of such cognition should not be underestimated as it introduces the idea of a non-physical causation in the order of nature – an idea

²⁵ CRP, A449/B477.
²⁶ CRP, A450/B478.
²⁷ CRP, A542/B570.
²⁸ CRP, A546/B574.
²⁹ CRP, A550/B578.
³⁰ CRP, A542/B570.
³¹ CRP, A558/B586
of which we can legitimately make at least a regulative use. This \textit{a priori} cognition, which has no foothold in reality, might seem to provide a very shaky ground for the elaboration of a cosmological knowledge of nature, but some of the basic cognitions which rational beings count among the most firmly established rest on no firmer ground. It is the case, in particular, of physical causality, which they admit as the supreme principle governing the world of phenomena without having deeper insight into its conditions of possibility. Rational beings have, in both case, to satisfy themselves with “the \textit{a priori} cognition that such a thing must be presupposed, even though [they] do not in any way comprehend how it is possible for one existence to be posited through another existence.”\textsuperscript{32}

Those among Kant scholars who conceive of transcendental freedom as inseparable of practical freedom usually fail to account for the specifically cosmological setting of the problem which gives rise to it. They regard the concept of transcendental freedom as the necessary enabling condition of practical freedom, but fail to recognize its particular status as a need of reason which does not convert into an objective reality, not even a possibility. Heidegger certainly is the one who more clearly identified the distinctiveness of what he calls the “substantive contexture” within which the concept of transcendental freedom arises. In \textit{The Essence of Human Freedom}, he resituates the emergence of this concept in the perspective of the Third Antinomy as the necessary solution to the antagonism of pure reason itself in its search for a complete knowledge of the world.\textsuperscript{33} Given that the completeness of this knowledge necessarily requires the representation of all phenomena as to their causal origin, the conflict between the two pseudo-rational doctrines maintaining that natural causality either \textit{is} or \textit{is not} the only type of causality in the world can eventually be settled. Natural causality just \textit{cannot} be the only type of causality in the world or no absolute beginning could be found to the causal chain of phenomena. The necessity of a representation of all phenomena as to their origin justifies the acknowledgement of transcendental freedom as a power of spontaneously beginning a series of phenomena.\textsuperscript{34}

This reading of the Third Antinomy makes part of a broader preparatory work aimed at the introduction of the analytics of \textit{Dasein} as \textit{Fundamentalontologie}. Heidegger considers that the way in which Kant conceives of freedom, as a particular kind of natural causality, can only fail to account for it proper essence. Freedom, in his view, should be regarded instead as the very ground of the possibility of \textit{Dasein}, \textit{i.e.} as “something prior even to being and time.”\textsuperscript{35} This divergence does not affect, however, his analysis of the conditions of emergence of the concept of transcendental freedom, which remains valid independently of his subsequent philosophical claims and confirms our own interpretation. Freedom in the transcendental sense is a speculative concept accounting for the

\textsuperscript{32} CRP, A448/B476.


\textsuperscript{34} CRP, A413-422/B443-449.

\textsuperscript{35} M. Heidegger, \textit{The Essence of Human Freedom}, 93 [133-134].
possibility of a complete knowledge of the world conceived as the totality of natural phenomena given to sensible intuition. Transcendental freedom is this origin which has to be postulated beyond the series of all natural causes if we are to follow the recommendation of reason to achieve an unconditioned knowledge of the world. As such, it is distinct from the problem of practical freedom regarded as the property of the will to be a law to itself. As Heidegger puts it, “the problem of man is drawn into the universal ontological problem. More precisely, the metaphysical-ontological problem of Existence [i.e. the problem of man as an independently existing being endowed with practical freedom] does not break through, but is held back in the universal and self-evident ontological problematic of traditional metaphysics.”

This last sentence does not only confirm our interpretation of the problem of transcendental freedom in the first Critique; it also contains an important remark with respect to Kant’s treatment of traditional metaphysics as knowledge of supersensible objects. Heidegger suggests that Kant’s answer to the question of the possibility of metaphysics remains unsatisfactory because his general investigation of the possibility of a knowledge of supersensible objects is arbitrarily limited to God, the soul and the world in its unity, namely to three objects which have been made self-evident to him by the Christian traditional disciplines of rational theology, rational psychology and rational cosmology respectively. This arbitrary restriction of the domain of investigation is all the more surprising that the doctrine of rational faith contains, as we will see in the remainder of this paper, the necessary resources for an extension beyond these traditional boundaries.

B. Practical freedom and its derivatives: postulated freedom and freedom as autocracy

The critique of pure practical reason investigates into the conditions of free volition by asking whether the determination of the will can only take place by means of empirical representations or whether pure reason can determine the will immediately out of itself. Since the first Critique concluded to a rejection of all sorts of intellectual intuition, this investigation cannot start from the recognition of the objective reality of freedom. It has to start instead from human beings’ empirical experience of freedom of choice, when they do not let themselves be passively determined through sensible impressions, but rather actively determine themselves through the representation of that which is morally good. Nothing at this stage indicates, however, whether this empirical consciousness of self-determination corresponds in reality to a capacity for autonomous willing or whether it is just a deceptive impression translating the ignorance of further objective criteria of determination. The main interest of Kantian constructivism as a method of moral reasoning is to resort to the postulate

37 M. Heidegger, The Essence of Human Freedom, 168 [245-246].
38 M. Heidegger, 141-144 [203-207].
39 Groundwork, IV: 448.
of practical freedom in order to relieve us from the insuperable burden of establishing theoretically the objective reality of this capacity for self-determination.\(^{40}\) As Kant puts it in *Groundwork* III,

> “I follow this route – that of assuming freedom, sufficiently for our purpose, only as laid down by rational beings merely in idea as a ground for their actions – so that I need not be bound to prove freedom in a theoretical respect as well.”\(^ {41}\)

Freedom, here postulated from a practical point of view as a necessary property of the will, is neither a concept drawn from sensible experience nor a concept gained by intellectual intuition. It is a mere idea of pure reason whose objective reality has to be proven through the doctrine of the *fact of reason*, namely the fact that what is morally good reveals itself to human beings, under the form of the moral law, as immediately authoritative. Now the specific role played by this fact with respect to the demonstration of practical freedom’s reality can be accounted for in two diverging ways.\(^ {42}\) Those who conceive of practical freedom as irremediably tied to transcendental freedom suggest that the fact of reason only comes into play after the metaphysical possibility of the coexistence of natural determinism with a causality conceived as free – that is, transcendental freedom – has been established in the Transcendental Dialectic of the first *Critique*. Converting this mere possibility into a reality requires finding a real case in which such a free causality is clearly at stake, and this is precisely what the fact of reason would provide by referring to the immediate consciousness that human beings have of the supreme authority of moral law on their conduct, a consciousness which need not be established as a principle insofar as “it has been for long in the reason of all men, [like] integrated into their being.”\(^ {43}\)

But making the possibility of resorting to the fact of reason dependent upon a prior vindication of transcendental freedom does not pay justice to the specificity attached to the methodological choice of *postulating* freedom, from a practical point of view, as a necessary property of the will. Kant insists that it is only insofar as the reality of freedom cannot be directly ascertained, neither through the speculative power of reason, nor through the power of intuition, that its existence has to be postulated from a practical point of view. It has to be postulated in order to account for the fact of reason itself, namely the consciousness of the moral law as immediately authoritative – a fact which reveals itself practically, in relation to human beings’ actions. It is in order to explain the fact, which imposes itself upon them, that the *a priori* concept of the moral law can be of itself alone determining of the will, that human beings are forced to postulate the practical existence of freedom, and they do so *independently of any speculative consideration*. The idea of transcendental

\(^{40}\) For a systematic account of this issue, see for example H. J. Patton, *The Categorical Imperative. A Study in Kant’s Moral Philosophy*, 217-222.

\(^{41}\) *Groundwork*, IV: 448n.

\(^{42}\) *Groundwork*, IV: 444-445.

\(^{43}\) Kant, *Critique of Practical Reason*, V: 89.
freedom, in particular, plays no role in this account. The postulation of freedom as a necessary condition of the very possibility of the fact of reason is a process through which “practical reason of itself, without any collusion with speculative reason, furnishes reality to a supersensible object of the category of causality, namely freedom.”

Rawls calls “coherentism” this aspect of the Kantian doctrine which consists in establishing the objective reality of freedom through the acknowledgment of the fact that “our recognition of the moral law as supremely authoritative for us is manifest in our thought, feeling and conduct.” This appeal to a factual foundation has important consequences, for it amounts to reversing the classical order of moral knowledge according to which the objective reality of human freedom should be established prior to deducing the existence of morality. In Kantian constructivism, by contrast, “the fact or reason, our shared consciousness of the moral law as supremely authoritative, is the basic fact from which our moral knowledge and conception of ourselves as free must begin.”

This inversion in the order of knowledge is a fundamental aspect of Kant’s doctrine which remains central to political constructivism. It does not affect, however, the status of the concept of freedom as the source of all practical reality. Remember that the second Critique starts with a reminder that “the concept of freedom, insofar as its reality is proved by an apodictic law of practical reason, forms the keystone of the whole edifice of a system of pure reason, even of speculative reason.” The objective validity of every other idea of reason depends, in other words, upon its being related to this key concept, which reveals itself as actual through our consciousness of the moral law. So even though the moral law is prior in the order of knowledge, insofar as the very idea of freedom would remain inaccessible to us without the consciousness of the absolute authority of a legislation a priori, freedom remains ontologically prior in that no practical concept, not even the very idea of the moral law, can pretend to objective validity independently from it. And the necessity of a connection with the idea of freedom not only concerns all the other ideas of reason, but also their conditions of possibility, which have to be postulated in order to ensure their conceivability. These conditions cannot acquire practical reality independently of their being ultimately related to the idea of freedom. To use Kant’s vocabulary, freedom is the ratio essendi of the moral law and thereby also the ratio essendi of all its conditions of possibility.

The difficulty is that this initial thesis, propped throughout the Analytic, seems to conflict with the content of the Dialectic, where freedom is listed among the postulates of practical reason, together

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45 LHMP, 273. See also LHMP, 267-268.
46 LHMP, 260. My emphasis.
47 LHMP, 268.
48 Critique of Practical Reason, V: 3.
49 Critique of Practical Reason, V: 4n.
with the existence of God and the immortality of the soul. Freedom as a postulate is said, in this section, to “flow from the necessary presupposition of independence from the sensible world and of the capacity to determine one’s will by the law of an intelligible world.”\textsuperscript{50} But how can freedom be at the same time the \textit{ratio essendi} of the moral law and one of its postulated conditions of possibility? Although this is not what the Dialectic suggests, freedom as a postulate is in fact distinct from practical freedom regarded simply as the capacity of pure will to legislate a law for itself independently of any external influence.\textsuperscript{51} As Kant makes clear in his subsequent writings, postulated freedom, insofar as it results from the acknowledgement of the fact of reason, more precisely consists in the subject’s confidence in his capacity to carry out his moral duty in the world, that is his conviction that it lies within his power to bring his duty to completion in the face of the many natural obstacles which might arise in the process. This difference between the concepts of \textit{practical} and \textit{postulated} freedom is merely analytical: it originates in their distinct modes of construction. While practical freedom is a concept derived from the analysis of the conditions of possibility of the power of self-determination, postulated freedom is a concept gained from the recognition of the fact of reason as an undeniable practical reality. This difference is better appreciated if one bears in mind that, through the fact of reason, the moral law is recognized by human beings as \textit{supremely authoritative} over their conduct. The concept of freedom necessarily postulated to account for this fact must therefore consist in the possibility of \textit{actively} bringing about \textit{in the world} a moral good distinct from the mere feeling of pleasure to be gained from the actualization of an object of desire. For what it means for the moral law to be supremely authoritative on human beings’ conduct is only that it necessarily prevails over any other source of determination. This specific trait of freedom is not made explicit in the concept of practical freedom constructed from an analysis of the conditions of possibility of self-determination by \textit{a priori} principles of reason alone.

Kant sometimes refers the subject’s confidence in his power to successfully implement the moral law in the world as a power of \textit{autocracy (Autokratie)}.\textsuperscript{52} Whereas practical freedom in general merely expresses autonomy, \textit{i.e.} independence from sensible motives and determination of the will by principles originating in reason alone, freedom as autocracy refers more specifically to the subject’s confidence in his capacity for autonomy, that is, to his confidence in his ability to master his natural

\textsuperscript{50} Critique of Practical Reason, V: 132.
\textsuperscript{51} On the distinction between \textit{postulated freedom} and \textit{positive practical freedom}, see P. Ricoeur, “Freedom in the Light of Hope”, in \textit{The Conflicts of Interpretations} (London: Continuum, 2004), 413-414.
inclinations when they rebel against the law.\textsuperscript{53} Now the confidence in one’s capacity to resist what opposes the expression of the moral disposition within himself is non other than \textit{fortitude}, a trait of character identified by classical authors and Kant himself as grounding moral virtue.\textsuperscript{54} The difference is that, where classical authors account for fortitude in terms of \textit{moral psychology}, as a trait of character which might, for example, be forged through moral education, Kant describes it in terms of \textit{substantive ethics}, that is as a disposition resulting from the endorsement of substantive moral ends. He thus starts by pointing out that the influence of sensible inclinations on finite rational beings consists in orienting them towards pleasurable ends which are potentially in contradiction with duty. Now one has to admit, in agreement with Hegel’s Empty Formalism Objection, that respect for the formal conditions of autonomous lawgiving does not suffice in guaranteeing that all illegitimate ends are set aside. It is necessary to counterbalance the influence of the sensibility-based ends by setting against them a moral end defined purely \textit{a priori}. As Kant explains, if I am to successfully resist the temptation of the pleasurable ends suggested to my imperfectly rational will by sensible inclinations, I cannot rely solely on my \textit{a priori} capacity for autonomy. “I am under an obligation to make my end something that lies in concepts of practical reason, and so to have, besides the formal determining ground of choice […], a material one as well, an end that could be set against the end arising from sensible impulses.”\textsuperscript{55} The following section explores the conditions of possibility of a moral doctrine based on the postulate of practical freedom as a necessary property of the will, that is a moral doctrine which does not only express the autonomy of practical reason, but also carries with it the teleological dimension necessary to guarantee the possibility of its implementation in the world as we know it.

2. Substantive ethics and moral teleology

The previous section brought to light a feature integral to postulated freedom insofar as it proceeds from the recognition of the fact of reason, namely the subject’s confidence in his capacity to resist sensible inclinations and realize the moral good in the world through his actions performed from duty. Taking this feature of postulated freedom seriously means moving from the consideration of the \textit{formal} conditions of morality, as summarized in the formula of the categorical imperative, to the determination of the \textit{substantive} duties which are to follow from our respect for these conditions. It means moving from the perspective of the \textit{Groundwork}, which is only intended at laying the foundation of a doctrine of morals, to the perspective of the Doctrine of Virtue, the second part of the \textit{Metaphysics of Morals}, which aims to spell out substantive moral duties in conformity with the formal conditions previously determined.

\textsuperscript{53} \textit{MM}, VI: 383.
\textsuperscript{55} \textit{MM}, VI: 381.
When considering substantive duties, one should bear in mind that the function of a metaphysics of morals, after its basis has been soundly laid down by a propaedeutic work on its formal conditions of possibility, is to provide a system of *a priori* cognitions from concepts alone, in total isolation from sensibility. If at any rate the particular nature of human beings is taken as an object in this system, it can only be in view of exhibiting within this nature the pertinence of the duties determined on a purely *a priori* basis. Thus the few examples of determinate duties which can be found in the *Groundwork and the Doctrine of Virtue* are just “principles of application,” clearly distinct from the universal *a priori* principles of duty, and which are used only “in order to exhibit [in human nature] what can be inferred from [these] universal moral principles.” Such principles of application belong to moral anthropology, which mainly deals with the conditions of a successful fulfillment of *a priori* duties in the empirical circumstances of human nature. On no account should we conclude from them that the substance of moral duties itself is material. Our task, on the contrary, is to account for the deduction of first-order, moral duties that are substantive in nature though neither purely formal nor material.

The possibility of such deduction is precisely what the Empty Formalism Objection puts into question when denying that the specific guidance that the will requires to orientate itself in concrete situations is contained in, or can be derived from, the mere idea of duty for duty’s sake. I believe, however, that this objection is based on a misunderstanding of Kant’s position that is at least partly attributable to the formulation of the idea of positive practical freedom in the *Groundwork*. When Kant insists that the moral worth of an action does not lie in the aim that is to be attained through it, but rather in the conformity of the maxim under which the action is undertaken with the requirements of reason, that is, in the very idea of lawfulness, his intention is only to state loud and clear, against the then-dominant view, that any empirical or material end that the faculty of desire could possibly take as its object must be excluded from morality. It is abusively that this statement has been read, and continues to be read, as a denial of the teleological structure of moral actions. Kant does not mean that specifically moral actions, as opposed to all other actions, should be deprived of any orientation and find their *raison d’être* solely in their formal compliance with the requirements of reason. He only argues that the substantive ends toward which such actions are directed cannot be material in nature. So the difficulty finally is to provide an account of the derivation of substantive duties which accommodates both the teleological nature of moral actions

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56 *MM*, VI: 217. My emphasis.  
57 *MM*, VI: 217; also *Groundwork*, IV: 388 and 412.  
58 *Groundwork*, IV: 399-400.
(which excludes pure formalism) and the principle of an *a priori* determination of the will by reason alone (which excludes materialism).

We can immediately set aside the views which merely circumvent the problem by contesting the purely formal character of Kantian ethics. Robert Stern, for example, describes Kant as a moral realist who simply does not need to account for the derivation of substantive duties because he regards them as part of the basic moral knowledge shared by all human beings. In this view, the categorical imperative is nothing else than a device used by human beings to make sure that their subjective maxims of action remain in conformity with duty. Whatever the relevance of this reading as a piece of Kantian exegesis, it does not contribute to further our project, which is to investigate the formal characteristics of Kantian constructivism regarded as the paradigm of *deep* constructivism, and more fundamentally to assess the possibility of deriving substantial moral duties from the respect of a principle represented entirely *a priori* by reason. Our attention should rather be directed at views which pretend to account for the deduction of substantive moral duties from an *a priori* basis. Unfortunately, most of these views, though presenting themselves as purely *a priori*, in fact deduce the substantive moral duties *in conjunction* with some supposedly legitimate source of empirical knowledge.

Consider for example Barbara Herman’s description of the categorical imperative as an abstract formal principle whose function is to assess subjective maxims of action which, as for them, contain concrete descriptive elements of the projected actions and the circumstances. In this view, the categorical imperative does not set substantial duties *of itself*, but rather discriminates between different moral rules already substantiated on the basis of a prior, empirically determined moral knowledge. As Herman puts it, “the CI cannot be an effective practical principle of judgment unless agents have some moral understanding of their actions before they use the CI procedure.” This prior moral understanding allows the subject to identify the morally relevant features of actions and situations which are reinvested in the formulation of his subjective maxims of action. Now Herman suggests that this moral knowledge is typically acquired “in childhood as part of socialization,” that is to say through *moral education*. As such, this knowledge belongs to moral anthropology and can play no role in a metaphysics of morals. There must therefore be another way to account for the

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59 *Groundwork*, IV, 427; *MM*, VI: 384.
63 B. Herman, 77.
64 B. Herman, 78.
deduction of substantive principles which both satisfies the criterion of *a prioricity* and the necessity of their adaption to the concrete situations of projected actions.

Other Kantian scholars maintain that, “between” the metaphysics of morals and moral anthropology, “between” the system of moral principles determined entirely *a priori* and their application to the empirical conditions of human life, must necessarily stand a “middle-theory” not only including anthropological knowledge, but also knowledge of the particular social context. Without such knowledge, it would be impossible for rational beings to schematize formal principles and present them under a form adapted for usage in the concrete conditions of human life. This interpretation, though apparently in contraction with the fundamental principles of Kant’s moral theory, seems to find textual support when Kant explains, in the Doctrine of Virtue, that “just as a passage from the metaphysics of nature to physics is needed – a transition having its own special rules – something similar is rightly required from the metaphysics of morals: a transition that, by applying the pure principles of duty to cases of experience, would *schematize* these principles, as it were, and present them as ready for morally practical use.” It is crucial, however, that Kant does not refer in this oft-cited passage to the ethical duties of men *as such* to one another, but only to the ethical duties of men toward one another *with regard to their condition*. Such duties do not belong to a doctrine of virtue regarded as a system of pure ethics, for they are deduced in light of the empirical circumstances of human life. They are only *applied* principles modified according to the circumstances in which the subject to whom the *a priori* principles of virtue are to apply stand. These applied principles, which help human beings determine what the *a priori* principles of duty requires in certain conditions, obviously presuppose a knowledge of the substantive *a priori* principles of duty. Thus, acknowledging the existence of a “middle-theory” standing between the metaphysics of morals and moral anthropology does not affect our task of determining how the *a priori* principle of virtue themselves can be substantive, though neither purely formal nor material.

A more promising account, in terms of moral teleology, starts by pointing out that willing in general is always transitive insofar as it is always willing of something. The will is, in other words, necessarily directed toward an object which constitutes its proper end. Since pure rational willing cannot, by definition, be oriented at empirical ends, some *a priori* ends must exist which hold equally for all rational beings, simply in virtue of their being rational. Remember that the constructivist doctrine itself rests on the acknowledgement of one such end, namely *rational nature as an end in itself*. Now, if rational nature is an objective end, whatever contributes to the possibility and the fostering of rational nature also constitutes a legitimate objective end for pure rational will. It is on this basis

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65 B. Herman, 233-240.
66 *MM*, 468-469.
67 *Groundwork*, IV: 427.
that Kant justifies, in the *Groundwork* and the Doctrine of virtue, the perfect duties to oneself, such as the duties not to murder oneself, not to defile oneself by lust, and not to stupefy oneself by excessive use of food or drink. Admittedly, the deduction of at least some of these duties requires, in addition to the concept of rational nature as an objective end, a general anthropological knowledge about human beings. The duty not to kill or maim oneself, for example, holds only insofar human beings cannot subsist as rational nature independently of their sensible embodiment. This basic knowledge about the human condition, apparently necessary to the deduction of substantive principles, can either be regarded as having an external source or as being integral to the concept of a *finite* rational being which provides the ground of duty as necessitation. As Fabian Freyenhagen recently pointed out, in the latter case, the derivation of substantive duties would remain purely *a priori* insofar as “no purported or candidate duties are brought to the derivation from the outside, nor any other normative idea beyond what is contained in the concepts of duty for duty’s sake, good will, and [finite] rational beings with wills.”^69^ The same idea underlies Herman’s claim that what it is rational to will partly depends on the species of rational beings under consideration. She maintains in this way that the concept of rationality used to specify the rational constraints formalized by the categorical imperative is not limited to the principle of non-contradiction, according to which a rational will cannot will what would negate its very existence as a rational will. A rational will is also unable to will that which would entail the “(systematic) undermining of its capacity to will effectively.”^70^ Now the list of things that rational beings cannot will without undermining their capacity to will effectively does not depend on their nature as rational beings, but rather on the *species* of rational beings to which they belong. There are, for example, certain things that human beings are drawn to will as a contradictory expression of their nature, and their natural tendency to will those things must be counterbalanced by a duty to themselves. Only insofar human beings are communicative beings do they have a tendency to conceal or bend the truth and need to be protected against this vice by a corresponding duty not to lie; only because they are mortal beings do they need to be protected against killing and maiming. These are “species-specific” constraints, in the determination of what it is rational to will, which bear on human beings only insofar as they are human. At least some anthropological knowledge must therefore be included in the concept of rationality used to derive substantive duties.

A first objection to this view would be that, even if it applies to duties that human beings owe to themselves as *animal beings*, it does not apply to duties that they owe to themselves as *moral beings*. Whereas the former set of duties regards the capacity of human beings to their sensible nature, the latter concerns more decisively their capacity, as rational beings capable of autonomous

^69^ Freyenhagen, 104
^70^ Herman, 121-122.
determination, to follow the guidance of the moral law.\textsuperscript{71} This \textit{subjective} division of duties, depending on whether human beings regard themselves as moral beings only, or at the same time as moral beings and animals, runs parallel with the \textit{objective} division between \textit{negative} and \textit{positive} duties.\textsuperscript{72} While negative duties are simply intended at the \textit{moral self-preservation} of human beings by preventing them from acting contrary to the end of human nature, \textit{positive duties} rather aim to the \textit{promotion of morality} by commending human beings to make a certain moral end their \textit{a priori} object. In the former case, the ground of the duties that human beings owe to themselves is the natural concern for the preservation of themselves and their fellow humans as \textit{natural} beings.\textsuperscript{73} In the latter case, the ground of human beings’ duties to themselves lies exclusively in respect for their conception of themselves as moral beings endowed with \textit{positive practical freedom}, that is as beings able to bring their subjective maxims of action in accordance with \textit{a priori} principles originating in reason alone. The deduction of these duties which human beings owe to themselves as moral rather than animal beings does not seem, at first sight, to require any anthropological knowledge about the natural conditions of human life.

This first objection fails, however, to invalidate the view that at least some anthropological knowledge is needed, insofar as the duties to oneself as a moral being, namely, the duties not to lie, not to give in to avarice, and not to wallow in servility, are in fact themselves \textit{negative} duties meant to counterbalance the \textit{natural} tendencies of human beings that run contrary to a proper use of positive practical freedom – what Kant calls the “human vices.”\textsuperscript{74} A more serious objection to the claim that the concept of a \textit{finite} rational being may contribute to the deduction of substantive moral principles consists in pointing out that, contrary to all appearances, this concept contains nothing anthropological. It is only an elaborate formulation of the concept of rational being that takes into account the self-evident conditions of the practical employment of our reason – the conditions that are to frame the very project of Kantian constructivism. As Kant himself explains, any investigation about morality necessarily starts from the idea of \textit{duty} and the mere presence of this idea to human beings’ consciousness, prior to any other practical consideration, is already revealing of the \textit{finite} character of human willing.\textsuperscript{75} Insofar as the concept of duty is the concept of an obligation which imposes itself on human beings despite their natural inclination to act otherwise, its presence to human consciousness reveals the existence of a fundamental tension between volition in general, which is potentially subject to natural inclination, and the faculty of choice, which is exclusively determined by the idea of duty for duty’s sake. Through the idea of duty and its inclusion in human

\textsuperscript{71} \textit{MM}, 421-428.
\textsuperscript{72} \textit{MM}, 429-437.
\textsuperscript{73} \textit{MM}, 419-420.
\textsuperscript{74} \textit{MM}, 419-420.
\textsuperscript{75} \textit{Groundwork}, IV: 387-392.
beings’ consciousness, the fundamental nature of human beings’ relationship to morality in general manifests itself as a relationship of necessitation and the concept of a finite rational beings, which is nothing else that the description of human beings as rational beings who possess this idea in their consciousness, does not carry any other normative content that the acknowledgement of this specific relationship.

To better comprehend the non-anthropological nature of the notion of finitude integral to the concept of a finite rational being, consider the way in which Kant, in the introduction of the Groundwork, accounts for the necessity of developing a purely a priori moral philosophy. He simply asks his readers “whether one is not of the opinion that it is of the utmost necessity to work out once a pure moral philosophy which is fully cleansed of everything that might be in any way empirical and belong to anthropology; for that there must be such is self-evident from the common idea of duty and of moral laws.”

His point is that the idea of duty itself, insofar as it is shared by all human beings, makes it manifest that they are finite beings which stand in need of a pure a priori account of morality. Crucially, this idea is not drawn from experience, for in experience one cannot encounter a single case in which the maxim of an action which leads someone to act in conformity with duty can be undoubtedly said to rest on the subject’s disposition to act from duty. Even the most thorough examination cannot reveal with absolute certainty whether this maxim really is the determining principle of the will or whether it is only used to cover other, non-moral incentives. The idea of duty, and the concept of a finite rational being having this idea in his consciousness, must be drawn instead “from the common use of our practical reason.”

Whoever wonders about the course of actions that the moral law prescribes as objectively necessary immediately becomes aware of the fundamental difference between his finite nature, characterized by an imperfectly rational will, and what would be an infinite being, endowed with a perfectly rational will. Only a perfectly rational will, insensitive to subjective conditions, recognizes objectively necessary actions as subjectively necessary. For an imperfectly rational will, objectively necessary actions are only subjectively contingent because the subjective grounds on which it forms its maxims are not always in line with objective conditions. Accordingly, a perfectly rational will exhibits a necessary convergence of its maxims with the moral law when its imperfectly rational counterpart is unable to immediately recognize lawful actions as objectively necessary. The necessity of these actions must be revealed to it through the application of the formula of the categorical imperative. This relation of an imperfectly rational will to the moral law through the categorical imperative is a relation of necessitation (Nötigung), by contrast with the immediate relation of necessity

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76 *Groundwork*, IV: 389.
77 *Groundwork*, IV: 406.
78 *Groundwork*, IV: 412.
(Notwendigkeit) of a perfectly rational will to the law.\textsuperscript{79} Kant describes this relation of necessitation, characteristic of finite rational beings, as “the relation of an objective law of reason to a will that by its subjective constitution is not necessarily determined by it.”\textsuperscript{80} To experience this relation is to experience morality as moral obligation or duty. A human being experiences duty when his imperfectly rational will is forced to admit that what he initially regarded as a subjectively contingent maxim of action is objectively necessary – that is when his will is forced to conform its subjective maxims to the universal moral law.

It should be clear from these lines that the concept of a finite rational being is deprived of any anthropological content and can even be regarded as an acknowledgement that anthropological knowledge has to be excluded from all moral considerations. This clarification can only lead us to reject the view according to which the material element in the deduction of substantive moral principles is to be drawn from the concept of finite rational being. This concept does not contain anything else than a recognition of the basic conditions of an employment of our practical faculty, that is to say an acknowledgement of the specificity of our relation to morality as a relation of necessitation. In the following sections, I set the anthropological view aside and explore instead the possibility, illegitimately disregarded by most Kantian scholars as implausible, that a suitably specified doctrine of a priori ends might provide the material element necessary to the deduction of substantive moral principles. This possibility, which it is incumbent upon us to substantiate, has already been hinted at in the previous section. Remember that postulated freedom, with its dimension of autocracy, is distinct from positive practical freedom insofar as it incorporates rational beings’ confidence in their capacity “to uphold the pursuit of [their] duties [...] against all the might of nature.”\textsuperscript{81} Now, insofar as the fulfillment of moral duty does not only imply living by the law, but also bringing into existence the a priori object of pure practical reason through respect for the law, postulated freedom also incorporates the subject’s belief in his capacity to attain the final end set a priori by reason through respect for the moral law. And one might take one further step by adding that, insofar as it incorporates the belief that, by acting morally, it is possible to realize the a priori object of pure will and the final end it carries with it, postulated freedom should be regarded as a particular version of the principle of autonomy that includes an element of moral teleology, namely the conviction that actions performed according to duty are ultimately to harmonize with nature and concur to the realization of the a priori object of pure will. Our task, in the following section, will be to investigate this element of moral teleology integral to postulated freedom and explain how it might provide the material element necessary to the deduction of substantive moral principles.

\textsuperscript{79} Groundwork, IV: 414.
\textsuperscript{80} Groundwork, IV: 413.
\textsuperscript{81} Kant, “Proclamation of the imminent conclusion of a treaty of perpetual peace in philosophy”, VIII: 418. See also Kant, “What real progress has metaphysics made in Germany since the time of Leibniz and Wolf”, XX: 295.
We might start from what the postulate of practical postulate tells us, namely that the moral law is not purely formal, but that it is oriented toward an object which, though defined \textit{a priori}, is to be realized in the world through rational beings’ dutiful actions. So even though the categorical imperative, regarded simply as promoting the idea of duty for duty’s sake, cannot directly provide for the derivation of substantive duties, it can do so insofar as it incorporates or frames certain \textit{a priori} ends.\footnote{For another formulation of this idea, see F. Freyenhagen, “Empty, Useless and Dangerous? Recent Kantian Replies to the Empty Formalism Objection”, 100.} In order to support this view, I start by showing in the next section that Kant’s account of pure practical teleology successfully provides for this task by explaining how certain \textit{a priori} ideas of reason can be \textit{constitutive} of morality. This account remains, however, inadequate for our project of a constructivist account that would be free of any metaphysical commitment. For, in support of the \textit{final moral end} Kant ascribes to the employment of our freedom, namely, the highest good, he also has to postulate the existence of a moral author of the world endowed with a non-physical type of causality. Hopefully, the possibility remains open of a practical usage of teleology which would serve an alternate final end such as, for example, the achievement of perpetual peace among states. This is the path we will follow in the remainder of this paper, after having clarified the general conditions of a constitutive use of \textit{a priori} principles of reason.

3. Moral teleology and the constitutive use of \textit{a priori} principles

The teleological principle consists in using the concept of an end determined \textit{a priori} by pure reason to supplement the shortcomings of speculative theorizing when reason remains ignorant of the efficient causes of the phenomena under consideration.\footnote{Kant, “On the Use of Teleological Principles in Philosophy”, VIII: 157.} In this respect, teleology answers a need of reason arising from its incapacity to be up to its speculative pretention. The function of teleology in general is not, however, to make up for the absence of speculative knowledge of the efficient causes. One should never overlook that, however suitable the postulated final ends might be with respect to the efficient causes, one in fact remains ignorant of the latter. This is especially true of \textit{pure practical teleology}, since practical laws, by contrast with natural laws, are given \textit{a priori} by reason and thereby precede experience in order to indicate the end for the sake of which the very concept of an efficient cause is postulated – a concept which is not concerned with the nature of the object, but rather with our own goals and needs.\footnote{Kant, “On the Use of Teleological Principles in Philosophy”, VIII: 160.} The function of teleology rather is to assist reason in its search for the highest possible unity of knowledge by using regulative principles to guide investigation and organize effects between themselves when knowledge of the causes is lacking. Now a reflection on pure practical teleology is likely to contribute to our investigation about the possibility of deducing substantive duties from purely \textit{a priori} principles only if there is a sense in which the principles \textit{regulative} of our knowledge of the maxims of morality are also \textit{constitutive} of maxims themselves –
that is to say, a sense in which the principles of our reflective power of judgment can also be legitimately applied by the determining power of judgment. The purpose of this section is to show that such a constitutive use is possible, and also that it is possible under conditions appropriate to our project of a non-metaphysical constructivist account of justice.

It is very naturally that reason resorts to teleology when trying to make sense of the diversity of the phenomena of nature, which immediately appear to it as organized in view of a plurality of ends. Teleology is the subjective a priori principle of reflective judgment used to establish the unity of all empirical laws, by representing them as constituted toward a certain end. Now, just as a regulative use of natural teleology is legitimate in natural sciences, a regulative use of pure practical teleology is possible in the doctrine of morals. While natural teleology represents nature as if an understanding contained the ground of the unity of all its empirical laws, pure practical teleology represents morality as if reason contained the ground of the unity of all rational maxims. In the previous sections, we have seen why, in the case of pure practical teleology, reason, which lacks a knowledge of intelligible causes, is allowed to think of rational maxims as being oriented toward certain a priori ends. Our task is now to account for the use of the teleological principle in relation to the concept of a final end of nature, under which all intermediary ends would be unified, and a final end of morality, under which all our moral duties would fall. A further difficulty is to account for the compatibility of these two final ends, which belong to two distinct types of causality.

Let’s start by investigating the conditions of a legitimate employment of the concept of a final end of nature. If human beings can know a priori that natural phenomena are organized according to relations of causes and effects, they cannot know that the causal chain itself is oriented toward a final end set a priori. The use of the teleological principle with respect to nature is therefore “always empirically conditioned.” Human reason will never be in a position to extend beyond experience and provide a comprehensive explanation of the purposive connection of all intermediary natural ends in view of a final end set a priori. This being said, pure reason is capable of identifying a certain purposiveness of nature in the course of the world, as if a highest cause was intentionally executing a plan in view of a final end. This relation imagined by reason, between empirically observable phenomena and their movement in concert toward an a priori end, is called providence. Providence, in this instance, is not a theological concept, but only a concept accepted by reason as necessary in order to conceive of the possibility of a mechanism of nature oriented to the realization of a certain a priori end. At first sight, providence does not, however, contribute to solve the problem of a legitimate employment of the concept of a final end of nature. It remains a transcendent and consequently illegitimate use of speculative reason to imagine a relationship between all the

85 Critique of Judgement, V: 454.
phenomena of nature and their orientation toward a final end set a priori by reason. The concept of providence only enables a practical use of the teleological principle, which can legitimately play a practical-dogmatic role in our knowledge of morality insofar as there exists, as shown by the second Critique, pure practical principles which determine (and thereby set an end for) the will purely a priori. By contrast with natural teleology, which cannot account by itself for a final end of nature, pure practical teleology can be expected accordingly to provide a priori the final end of morality toward which all rational maxims are oriented. Now, insofar as pure practical teleology is destined to realize the moral final end in the world, one cannot neglect the transcendental question of the possibility of its realization, that is to say the question of the possibility of an agreement between the moral final end and the final end of nature. This agreement is only conceivable through the transcendental idea of a final end of the world that would harmoniously combine the final end in the employment of our freedom and the final end of nature. Unfortunately, this idea cannot be directly applied to the natural world as such, but only insofar as the concept of the highest good itself, which the a priori moral law enjoins upon rational beings, specifies that nature necessarily harmonizes with morality.

The terms of this transition, through the concept of highest good, from the mere acknowledgement of a final end in the employment of our freedom to the transcendental idea of a final end of the world in which moral and natural final ends would harmonize, can be further clarified. From a speculative point view, the concept of a final end in the employment of our freedom is problematic insofar as the possibility to realize this end in the world is empirically conditioned. It not only depends on our capacity to fulfill our duty – capacity of which we are a priori assured and therefore dogmatically certain – but also on whether nature will allow for this end to be reached in the world. It partly depends, that is, on the inner constitution of nature itself. Accordingly, one has to regard as distinct the concept of a final end in the employment of our freedom, which reason sets a priori before us and which is consequently purely subjective and practical, and the concept of a final end of the world, which is objective and remains in search of theoretical legitimacy. All the difficulty lies in accounting for the possibility of an agreement between subjective and objective concepts of a final end. The solution adopted by Kant is to set the highest good, conceived as the union of morality with proportional happiness, as the final end recommended by the moral law and by assuming, without other support than the necessity of their accord ance, that this end must also be the final end of nature. Because the moral law is apodictically certain, Kant argues, rational beings have a duty to assume both the possibility of the a priori object it enjoins upon them, namely, the highest good, and the conditions necessary to its realization. Human beings have, in other words, a duty to assume the

87 Toward Perpetual Peace, VIII: 360-363.
88 Critique of Judgement, 454.
existence of a final end of the world as the condition of possibility of the highest good conceived as
the union of morality with proportional happiness. This end as well as, consequently, the concept of
a final end of nature, gain objective validity from being the necessary condition of the realization of
the final moral end, as enjoined upon us by the apodictically certain moral law.

One might wonder whether there is another way to substantiate the reality of the final end of the
world without relying, through the recommendation of an a priori object, on the apodictic certainty
of the moral law. Let me reassert, in response to this legitimate questioning, that the reality of the
idea of a final end in the employment of our freedom, which originates in reason alone, is only
subjectively practical. It is reason that determines rational beings to further the final end they take to
be appropriate, and the mere fact that rational beings set this end before themselves a priori,
through the concept of the highest good, does not imply that the concept of a final end of rational
beings in the world itself has objective reality. Establishing the objective reality of this end from a
speculative point of view would require proving that nature itself, within which our actions take
place, also has a final end. In absence of such proof, the reality of the concept of a final end remains
purely subjective. It does not even rely on the impression we might have, when letting reason guide
us in our investigation of the physical world, that nature exhibits a plurality of ends. For these natural
ends are just intermediary ends which fall under natural causality and bear no direct relation to the
concept of a final end under which all intermediary ends would be subsumed – a concept that
necessarily resorts to a different type of causality. The reality of the concept of a final end of the
world entirely depends on its being related to the apodictically certain moral law through the
concept of a highest good, regarded as a subjectively constitutive principle. No other way of
substantiating this reality seems available.

However, those who would be tempted to endorse the Kantian solution in order to ascertain the
objective reality of the final end in the employment of our freedom must be aware that it does not
only imply postulating a final end of the world, but also the existence of a moral creator of the world,
namely, God. For human beings, given the peculiar constitution of their cognitive faculties, cannot be
satisfied with simply assuming the existence of a moral final end as one of the two components of
the final end of the world. They also have to postulate the existence of something that contains the
ground of the practical reality of the moral final end. This thing would prescribe laws independently
from physical causality, since its role is to express the relation in which the object of practical reason
stands to a source that transcends all their cognitive faculties. This thing would be, in other words, a
cause entirely distinct from nature, that is to say something that belongs to another, non-physical
mode of causality. Now this subjectively necessary distinction, between two types of causality, can
only be thought on an analogy with the more familiar distinction between natural causality and the
causality of a rational will. It does not mean that rational beings have to ascribe a free causality to
the postulated ground, or even to acknowledge the existence of such causality, but they have to admit of this distinction at least as subjectively necessary, given the constitution of their cognitive faculties, and consequently as valid for the reflective use of theoretical judgment.

A subjective principle of this kind is, usually, a regulative principle for the use of the reflective power of judgment only, that is to say a principle that does not regard the determination of objects, but that is nonetheless as necessary to human reason, in its quest for unitary knowledge, as if it were an objective principle. The regulative principle of the distinction between two types of causality is, however, peculiar in this respect: it becomes constitutive when considering practical issues. It becomes, in other words, practically determining insofar as it provides a legitimate determining ground of the will when elaborating rational maxims. With this principle, we finally reach the objective of our investigation of pure practical teleology, which was to determine whether a principle regulative of our knowledge of morality could also be constitutive of our maxims of action and thereby contribute to the deduction of substantive duties of justice. The principle of an acknowledgement of a non-physical cause of the moral order, necessary in regard of the a priori object enjoined upon us by the moral law, is not only regulative of our knowledge of morality, but also constitutive of the prescriptions of morality itself insofar as they are oriented to the realization of the final end of the world. Unfortunately, this principle lies outside the framework of our investigation, which is committed to the modern rejection of a metaphysical foundation of morality and, in particular, to the rejection of transcendental idealism as the proper ground of justice. This commitment prevents us from regarding the principle of a non-physical mode of causality as legitimately determining of our moral judgments. Another a priori principle, capable of playing a constitutive role while being detached from any metaphysical background, must therefore be brought to light in order to ascertain the possibility of a purely a priori deduction of substantive moral principles.

This is all the more necessary that the legitimacy of the transcendental method, as a way to substantiate the objective reality of the final end of the world, is seriously compromised by the ascription of the highest good as this end. Remember that the objective reality of the idea of a final end of the world cannot be substantiated by means of physical ends alone. It is only by resorting to the fundamental principle of pure reason, according to which the unity of principles must be pursued as far as possible, that Kant can establish the objective necessity of this end, indirectly and only practically. Now this move, from the apodictically certain moral law to the practical reality of a final end of the world, constitutes a contestable use of the transcendental method, which typically consists in moving from the acknowledgement of something apodictically certain to the postulation of its necessary conditions of possibility. The method is here pushed one step further insofar as rational beings are required to assume conditions that do not concern the peculiar constitution of
their practical faculties, but rather the constitution of the world itself. For as long as the highest good is conceived as having two heterogeneous components, namely morality, which is purely a priori, and happiness, which depends on sensibility, its realization not only requires a dogmatic belief in its possibility, but also the accordance of this belief with nature. Kant nevertheless maintains, when dealing with the possibility of the highest good, that “we are also justified in assuming a nature of things harmonizing with such a possibility.” One can hardly see, however, where the legitimate ground of this assumption resides.89

The heart of the problem, when making the highest good the final moral end of human beings, is that “the concept of the practical necessity of such an end through the application of our powers does not accord with the theoretical concept of the physical possibility of its realization.”90 As we have seen, the ground of this harmonization is to remain theoretically problematic, and this difficulty would only disappear if one could justify the substitution of the highest good with another a priori object whose physical possibility can be decisively ascertained by reason, that is, an object of which it would be possible to show that it is apodictically certain independently of the postulation of a moral author of the world. Now, this is precisely what Kant himself proposes, in his treaty Toward Perpetual Peace, when substituting the concept of the highest good with the concept of a perpetual peace that would be achieved among states through the sealing of a “pacific federation” (foedus pacificum) and the creation of a “state of peoples” (civitas gentium). The problem of an harmonization of the practical necessity and the physical possibility of this end does not even arise insofar as the advent of perpetual peace in the world does not depend on the accord of this projected moral final end with the inner constitution of nature, but only on the will of human beings, organized in states, to undertake the necessary steps to its implementation – a will of which we are a priori assured and dogmatically certain insofar as it proceeds from a genuine moral duty. Indeed every state, in order to secure freedom for itself and for all other states, which it regards as ends in themselves, has a genuine duty to enter a pacific federation which, by contrast with a mere “peace treaty” (pacum pacis), not only marks the end of all present wars, but also contains the conditions necessary to prevent any future conflict. Kant himself makes it clear that the idea of perpetual peace among states, by contrast with the idea of the highest good, has immediate “objective reality” insofar as it is “practicable,” that is to say, insofar as its realization relies on human beings’ will only.91 The crucial difference between the idea of the highest good and the idea of perpetual peace, which makes this latter idea appropriate to a non-metaphysical account of justice, is that one does not have to admit with it of the further theological inference of the existence of a moral author of the world. One does

89 Critique of Judgement, 455.
90 Critique of Judgement, 450.
91 Toward Perpetual Peace, VIII: 356. For another usage of the notion of “practicable end,” see “On the Common Saying: This May Be True in Theory, but It Does Not Hold in Practice”, VIII: 308.
not have to assume something that contains the ground of the practical reality of perpetual peace, but just has to subscribe to the teleological inference according to which the transcendental idea of perpetual peace, in addition to being regulative of our knowledge of morality, is also legitimately determining of our moral judgments.

To gain a first sense as to why the idea of perpetual peace can be regarded as a legitimate final end in the employment of our freedom, recall the institutionalist account, provided in chapter 2, of the duty of individuals to enter the political condition as a moral duty to contribute to the protection of everyone’s basic right to freedom of choice. The human “malicious” inclination to infringe upon each other’s freedom, though efficiently counterbalanced, at the local level, by the duty to establish lawful coercive states, also expresses itself, at the international level, in the relations of states between themselves. Thus, it is abusively that international relations are commonly described as governed by the concept of right while states are in fact exclusively concerned with the pursuit of their own national interest. This attitude presents a risk of war which permanently threatens everyone’s freedom insofar as no one can never in principle be secure against the risk of one day being subjected to the violence of others. Perpetual peace among states, understood as entities in which the freedom of each is guaranteed, is therefore a legitimate end in the employment of our freedom and the treaty Toward Perpetual Peace, which details the condition of its achievement, illustrates, through the promotion of this end, the possibility of a practical use of teleology in relation to an a priori object distinct from the highest good.

This particular usage of pure practical teleology gives rise to a doctrine of practical wisdom distinct from both the doctrine of prudence, which is merely based on pathological interests, and the doctrine of rational faith, which makes the highest good the a priori end to be attained through fulfillment of duty. Just as the doctrine of rational faith, the doctrine of wisdom makes an a priori concept of reason (a transcendental idea) its legitimate end, but it does not adopt the Kantian solution of the highest good. It regards perpetual peace instead as the legitimate a priori object of the will. One might question the appropriateness of calling such doctrine a “doctrine of practical wisdom,” insofar as wisdom, in Kantian parlance, is not a properly human virtue, but rather characterizes the highest cause in the execution of the plan of nature. This objection overlooks, however, that the action of the highest cause is only said “wise” insofar as it is directed toward the realization of an objective final end. Thus, theoretical wisdom can be defined as cognition of this final end, and practical wisdom as fitness of the will for this end. Practical wisdom so defined is a doctrine whose supreme principle is teleological – a doctrine in which the determining principle is neither an empirical object nor the mere form of universal lawgiving, but rather the fitness of the will

92 VA, VII: 700.
to a final end. To see this, consider the following passage in which Kant makes it clear that practical wisdom is ultimately based on human beings’ inner compulsion to bring about the a priori object of their willing:

“But wisdom is the concordance of the will to the ultimate purpose [...]; and since this, so far as it is attainable, is also a duty, and conversely, if it is a duty, must also be attainable, and since such a law of actions is called moral, it follows that wisdom for man will be nothing else but the inner principle of willing to obey moral laws, of whatever kind the object of this willing may be; but that object will on every occasion be super-sensible, because a will determined by an empirical object can certainly be the basis for a technico-practical obedience to a rule, but not for a duty (which is a nonphysical relationship).”

Kant clearly admits in this passage that wisdom does not ultimately lie in willing a certain object, but rather in the very compulsion of willing an object, provided that this object is a priori rather than empirical. Practical wisdom is, accordingly, the mere acknowledgement of the transitive nature of willing in relation to an a priori object, i.e. the acknowledgement that the will is always directed at some a priori end or practical destination providing the ground of self-determination. Now the role of a doctrine of practical wisdom, as it arises from a practical use of teleology in relation to an a priori end distinct from the highest good, is to provide for the complete determination of this end by a thorough investigation into its conditions of possibility. For acknowledging the objective reality of an a priori end, as having to be reached in the world through our dutiful actions, implies to ascertain the conditions of possibility of this achievement through practical postulates. This work will occupy most of our attention in the following sections. Before turning to this task, however, it is necessary to deal with a difficulty which emerged in this section in relation to the notion of pure practical teleology. One might object that the legitimacy of a substitution, apparently allowed by Kant himself, of the highest good with perpetual peace as a proper final moral end has not been properly established and that it remains unclear how it is to contribute to our project, which makes the Society of Peoples conceived as a fair system of cooperation, rather than perpetual peace among states, the final end to be achieved through international justice. In section 4, I respond to this legitimate concern by considering two specific objections that might be raised against a replacement of the final moral end.

4. The condition of a legitimate substitution of the a priori object of the will

In the previous section, I have argued in favor of a replacement of the highest good with perpetual peace as the proper final end in the employment of our reason. One might first object that renouncing to make the highest good the a priori object of the will challenges the overarching role attributed by Kant to natural teleology, which is to provide guidance to both nature and morality. But even though Kant indeed suggests that there exists a relation between our rational maxims and the

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systematic unity of all natural ends, he offers no positive account of the significance of that relation for practical deliberation. While he insists, on the one hand, that nature indirectly contributes to furthering the moral aim of human beings through natural teleology, he also admits, on the other, that nature pursues its own ends, irrespective of the moral destination of human beings. So what, in the end, is the relation of nature to the a priori end which reason turns into a duty for human beings?

It submit that natural teleology provides the guarantee that, by following duty irrespective of any end, rational beings will nevertheless reach the appropriate practical destination. Natural teleology provides, in other words, the direction (or substance) that many, including Rawls, identified as lacking in Kantian formalism. It is crucial, however, that nature does not directly impose its ends upon rational beings. For, Kant specifies, “when I say that nature wills that this or that ought to happen, I do not mean that she imposes a duty upon us to act thus (for this can only be done by practical reason acting free of compulsion), but rather that she does it herself, regardless of whether we will it so or not.” It seems, therefore, that nature, by pursuing its own ends independently of the moral disposition of rational beings, somehow influences the nature of their moral duty by setting the framework in which this duty is to be fulfilled. Thus, for example, “by ensuring that human beings could live anywhere on earth, nature has also willed in a despotic fashion that they ought to live all over the earth, even against their own inclination, without any assumption that this ought implies a duty to do so in order to comply with a moral law.”

The relation expressed in this passage, between the ends of nature and moral duty, might appear perplexing to some. How can nature be said to will something against human beings’ natural inclinations, by a special act of willing that, in addition, does not fall under the causality of freedom and does not affect moral duty? The answer is that what Kant describes here is not what nature actually does, but rather how the rational subject regards the mechanism of nature. What Kant means simply is that reason is entitled to make use of the mechanism of nature to promote its own independent end; that it is entitled to regard nature as pursuing ends which, though defined independently from morality, nonetheless happen to conform to it in a contingent way. In the case of perpetual peace, for example, which reason can legitimately makes its a priori end, the threat of war from outside can be regarded as an artifice used by nature to constrain individuals to take the different steps necessary to the fulfillment of this end, starting with the basic condition of constituting themselves into a state. It can legitimately be interpreted as an arrangement of nature that every people has to face the pressure of neighboring peoples and must therefore form itself into a state in order to be better prepared to defend itself against a potential aggression. So even if

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95 L.W. Beck, A Commentary on Kant’s Critique of Practical Reason (Chicago: Chicago University Press, 1960), 244; see also A. Kaufman, Welfare in the Kantian State (Oxford: Oxford University Press, 1999), 64.
96 Toward Perpetual Peace, VIII: 365.
97 Toward Perpetual Peace, VIII: 364.
individuals are not morally compelled to adopt a public legislation, the mechanism of nature, through the artifice of the risk of war from outside, does naturally push them in this direction.

One should bear in mind, however, that this account does not make up for the absence of a proper deduction of the substantive moral duty to accomplish the *a priori* end in question. Rational beings might be constrained, by an artifice of nature, to perform some actions in view of certain ends set independently of their own will, but they cannot be constrained to *make* something their own end. An end is an object of free choice and choosing an end an act of freedom. The concept of a necessary determination of free choice in favor of a certain end is moral obligation, or duty. Now the concept of a moral obligation by an *a priori* end cannot arise from material grounds. Only a categorical imperative can connect the concept of duty in general with the concept of an *a priori* end. Through the process described above, which involves the mechanism of nature, individuals do not willingly become morally good persons. They are rather forced to become good citizens.

Reason relies on an artifice of nature in order to “direct the conflict between their hostile intentions [...] in such a way that they compel each other to submit themselves to coercive laws and thereby bring about the condition of peace in which laws are in force.” As Kant makes clear, such an account would fit as well “a nation of devils” who, by definition, do not partake in the sphere morality. Another account must therefore be provided, independent from the mechanism of nature and the idea of highest good, which explains why individuals, acting simply from duty, are led to gather into nations governed by lawful coercive institutions, and why these nations, in order to respect the purely moral incentive that presides over their creation, are subsequently led to enter a *foedus pacificum* whose continual and progressive extension would eventually result in the prevention of any future war.

Another possible objection concerns the reasons that justify regarding the establishment of a society conceived as a fair system of cooperation as a valid *a priori* object of the will, that is to say as a legitimate instance of the final end to be promoted through the employment of our freedom. Insofar as human beings have a duty to do all that is in their power to bring about this *a priori* object, one might be tempted to conceive of it as a determinate end toward which human beings have to orient their actions, and in accordance to which they have to choose their maxims. One would expect, accordingly, that the ascription of this particular end be supported by a detailed argument as to why this end has to be preferred to any other possible end. But the nature of the *a priori* object of the will is in fact fundamentally indeterminate. The *a priori* object enjoined upon rational beings’ will is not a determinate concept which is to serve as a determining principle of the will. The end contained in this object arises only as the *result* of acting morally, that is to say as an indeterminate state of affairs that is brought about when rational beings conform their subjective maxims of action to the

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requirements of a universal legislation. The concept of this state of affairs can only remain indeterminate, for it does not lie within the power of reason to comprehend the whole series of predetermining causes which would allow for predicting the happy or unhappy consequences of human activities in accordance with the mechanism of nature. Reason is only able to let human beings know what they have to do in order to remain on the path of duty, as the rules of wisdom require, and thus show them the way towards this indeterminate final end.  

Accordingly, the only justification that can be put forward in support of the ascription of a particular conception of social cooperation as the a priori object of the will is a justification showing that the realization of this conception is in line with what duty in general requires. Kant himself does not proceed otherwise when justifying his regarding perpetual peace among states as a legitimate end in the employment of our freedom. In his view, war between states is a state of affairs in which the basic freedom of states, regarded as “moral persons,” cannot be guaranteed. Now our first duty, as prescribed by the categorical imperative, to treat moral persons in general not only as means, but always at the same time as ends, implies respecting their innate right to make a conscious choice between different maxims of actions. The eradication of any war of any kind between states, by the establishment of a foedus pacificum, is therefore a legitimate end derived from our general duty to respect moral persons as end in themselves. As Kant puts it,

“from the throne of the highest moral legislative authority, reason looks down on and condemns war as a means of pursuing one’s rights, and makes peace an immediate duty. But peace can be neither brought about nor secured without a treaty among peoples, and for this reason a special sort of federation must be created, which one might call a pacific federation (foedus pacificum). [...] This federation aims not at the state’s acquisition of some sort of power, but rather at its securing and maintaining the freedom of a state for itself and also the freedom of other confederated states without these states thereby being required, as are human beings in the state of nature, to subject themselves to public laws and coercion under such laws.”

This passage accounts for the pursuit of perpetual peace as a valid moral final end following from the general duty to secure the basic freedom of moral persons. In so doing, it also reveals that Kant conceives of the duty to enter the foedus pacificum by analogy with the duty of individuals, in the state of nature, to enter the political condition. The sealing of a foedus pacificum between states, just as the sealing of an original contract between individuals, is a necessary condition to “the end to all hostilities” among moral persons and the preservation of their basic freedom. Through this positive act of self-legislation, states, just as individuals passing an original contract, give up their lawless

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100 Toward Perpetual Peace, VIII: 344.
external freedom to immediately take up in return *lawful* external freedom, *i.e.* domesticated freedom under a rightful condition. The only difference is that a rightful condition cannot be enforced in the international setting, as in the domestic case, by the creation of a political institution endowed with an overarching coercive power. It must arise instead from the capacity of states to regard themselves, independently of any external coercion, as members of a Society of Peoples in which everyone is bound, in all circumstances, by publicly recognized laws. Kant thus argues that,

“As concerns the relations among states, according to reason there can be no other way for them to emerge from the lawless condition, which contains only war, than for them to relinquish, just as do individual human beings, their wild (lawless) freedom, to accustom themselves to public binding laws, and to thereby form a state of peoples (*civitas gentium*), which, continually expanding, would ultimately comprise all of the peoples of the world.”

Our decision to regard a certain conception of international cooperation – namely, the conception of the Society of Peoples as a fair system of cooperation among equals – as a valid final end in the employment of our freedom and, consequently, as a conception that provides a legitimate normative basis for the elaboration of a conception of global justice, is decisively supported by this two-level constructivist account, which I identified elsewhere as specific of *moral institutionalism*. Individuals in the state of nature start by acknowledging their moral duty to establish a coercive state capable of enforcing a rightful condition and, thereby, protecting everyone’s innate right to freedom of choice. Now states, by contrast with individuals, cannot give up or even delegate their coercive power to an overarching political authority. The completion of their duty to move toward a state of affairs in which the freedom of each is respected can only be supported by the fact that, even in absence of lawful coercion, they are able to willingly and consistently submit themselves to a set of public laws and thereby form a genuine “state of peoples” characterized by the permanence of a rightful condition. The concept of international right derived from this ground, by contrast with the positive idea of a world republic endowed with coercive power over states, consists in the negative idea of a federation of equal republics capable to “curb [their natural] inclination to hostility and defiance of the law.”

This is the solution adopted by Rawls himself, who acknowledges, in introduction to *The Law of Peoples*, that his “basic idea is to follow Kant’s lead as sketched by him in *Perpetual Peace* [...] and his idea of *foedus pacificum.*” What Rawls borrows from Kant is not just the negative idea of a non-coercive international law to which states would willingly subscribe. It is, more fundamentally, the idea of a two-level contractualist account in which *individuals* start by fulfilling their duty to secure

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102 *Toward Perpetual Peace*, VIII: 357.
104 *Toward Perpetual Peace*, VIII: 357.
105 *LP*, 10; see also 86.
everyone’s basic freedom by sealing an original contract that establishes a coercive state, before states, regarded as moral persons, fulfill in turn their duty to protect the basic freedom of other states by subscribing to a foedus pacificum that creates a “state of peoples.” Rawls’ Law of Peoples, and the Society of Peoples it is meant to regulate, thus parallels Kant’s foedus pacificum and the associated ideal of a “state of peoples.”

Now simply positing a final end in line with what duty in general requires does not suffice to guarantee its objective reality. This reality must be supported by a theory that details the a priori conditions necessary to its realization, namely what Kant calls, in relation the highest good, a doctrine of rational faith. The role of this theory is to grant objective reality to the ultimate purpose, though only from a practical point of view. As Kant puts it,

“Such a theory cannot [...] be framed by what we cognize in objects, but at most by what we impute to them, since the object is super-sensible. Hence this theory will be framed only from a practico-dogmatic viewpoint, and will be able to assure to the idea of the ultimate purpose an objective reality sufficient only from this point of view.”¹⁰⁶

In the next section, I strive to clarify the status of rational faith before extending the scope of investigation to practical wisdom in general, understood as the doctrine of the a priori postulates of reason in relation to a final moral end distinct from the highest good. This work comes to supplement the last two sections, which started to investigate the potential contribution of pure practical teleology to a deduction of substantive moral principles. This investigation revealed the need for a doctrine of the a priori ends of reason that specifies the conditions of realization of the final moral end. Before trying to answer this need, it is useful, however, to step back and briefly resituate our findings within a larger Kantian framework. We have seen that pure practical reason is the capacity to determine, by means of a priori ideas, the employment of the kind of causality specific to rational beings, namely freedom. Not every a priori idea can play such a determining role, but only the a priori idea recommended by the moral law as the proper object of the will. This idea constitutes the final end in the determination of our conduct, an end that is to be realized through our actions in conformity with the law itself. Pure practical reason is, in this sense, a teleological capacity oriented at the realization of a final end set before it a priori, under the form of an object recommended by the moral law. Now pure practical reason does not merely assign a final end to the world, but further determines the concept of this end in respect of the conditions under which it is conceivable by human beings. This gives rise to the doctrine of rational faith, which aims at the complete determination of the concept of an a priori end of pure rational will through an investigation into its conditions of possibility. The doctrine of rational faith investigates into the conditions of possibility of the highest good regarded as the legitimate a priori object of the will, but the concept of a doctrine

¹⁰⁶ Kant, “What Real Progress Has Metaphysics Made in Germany?”, XX: 294-5.
that guarantees the condition of realization of the final end in the employment of our reason can be extended to any other legitimate *a priori* object such as, in particular, society conceived as a fair system of cooperation among equals. In that case, we will not talk specifically about a doctrine of rational faith, but more generally about a doctrine of practical wisdom. The following section examines this transition.

5. From the doctrine of rational faith to the doctrine of practical wisdom

   a) The doctrine of rational faith

Rational faith satisfies a need inherent to pure reason in its practical use which arises when rational beings are assigned a *final end* through an *a priori* object of pure will.\(^\text{107}\) Rational beings cannot gain any objective knowledge of the conditions of realization of this *a priori* object, which by definition lies outside the legitimate boundaries of reason in its speculative use – outside the field of experience. They cannot, however, remain indifferent as to the possibility or impossibility of the realization of this object, as such an attitude might place them in the self-contradictory position of willing something impossible. Rational beings therefore need to find a way to ascertain the possibility of this object independently of speculative reason. This need is fulfilled by the doctrine of rational faith, which allows for a non-speculative knowledge of the *a priori* object of pure will through practical assumptions that gain validity from their being related to something apodictically certain.

Remember that the first *Critique* justifies a renunciation to speculative metaphysics by establishing that pure reason cannot legitimately extend beyond the field of experience. This creates a tension between the general incapacity of pure reason to gain an objective knowledge of objects lying outside the field of pure intuition and its need to extend itself to certain supersensible objects. The doctrine of the practical postulates eases this tension by showing that there might be a legitimate use of reason beyond possible experience. It would be misleading, however, to present this procedure as specific to practical reason. It is in fact a general procedure of pure reason which holds both for its theoretical and practical uses. When pure reason is confronted by an irrepressible need to pass a judgment, but remains ignorant of at least some of the factors required for it, it has no choice but to place itself under the guidance of a subjective principle of orientation capable of discriminating *a priori* between objects – that is, independently of any sensible or intellectual intuition. It is the case when rational beings are impelled by a need of reason to cognize a sensible object while lacking the conditions of possible experience.\(^\text{108}\) It is also the case when they are impelled to cognize a supersensible object while having no corresponding intuition to match the pure concepts of the understanding. An *a priori* discrimination between these objects is then required

\(^\text{107}\) *Critique of Practical Reason*, V: 134; V: 142.

\(^\text{108}\) *Critique of Pure Reason*, A647/B675.
which is made possible only by the existence in human beings of a purely subjective ground of
differentiation analogue to their capacity to orient themselves in space through the differentiation of
their right and left hands.\textsuperscript{109} This is the capacity to make a distinction through the pure feeling of a
difference – a feeling that is self-produced rather than produced through sensible affection. It is the
same natural faculty of making distinctions through the feeling of a difference which, in both cases,
allows for the subject’s orientation. This guiding principle is not an objective principle of reason, but
a subjective principle which, by itself alone, constitutes the determining ground of our judgment
about supersensible objects and the ground of the correlative right to postulate the necessary
conditions to the existence of the \textit{a priori} object of pure reason.\textsuperscript{110}

It is crucial here to clearly distinguish between theoretical and practical need of reason. A theoretical
need arises when the subject is confronted with an object of which he would like to gain knowledge,
but which lies outside the bounds of possible experience. Such a need is \textit{conditional} insofar as it
holds only if the subject is willing to investigate the first principles of a certain object (it holds only in
relation to this willing). Accordingly, a theoretical need does not create a correlative right to make a
postulate, but only the right to make a \textit{rational hypothesis}, that is to formulate an opinion through
which the subject, for being aware that objective grounds are at least temporarily out of reach,
authorize himself to hold something true on purely subjective grounds. By contrast, a practical need
arises from the duty to act toward the realization of the \textit{a priori} object of the moral law, a duty which
is \textit{unconditional} insofar as it is based on something apodictically certain, namely the moral law whose
authority is revealed to him by a fact. A \textit{practical need} therefore creates a proper right to make a
\textit{practical assumption}, \textit{i.e.} to form a belief which also rests on purely subjective grounds, but which is
not intended at becoming objectively valid. Now the need for practical assumptions does not
exclusively concern the \textit{a priori} object itself, but necessarily extends to the conditions of possibility of
this object. For, when the moral law enjoins \textit{a priori} an object upon rational beings, they have a duty
to regard this object as necessary and to act toward its realization. This duty to bring about the
recommended object implies to postulate every condition necessary for it to be possible, and so even
if the objective reality of these conditions cannot be established from a speculative point of view.
Rational beings are prompted by the rationally binding moral law to assume the existence of every
condition practically necessary to the existence of the recommended object, which explains that
rational faith is not limited to propositions directly regarding this object, but is also concerned with
other objects insofar as their existence is necessary to ascertain its reality.

Note that pure will, by accepting the \textit{a priori} object recommended by the law, does not set a \textit{final
end} for itself out of some subjective inclination, but rather obey the command of reason objectively

\textsuperscript{109} Kant, “What does it mean to orient oneself in thinking?”, VIII: 135.
\textsuperscript{110} Kant, “What does it mean to orient oneself in thinking?”, VIII: 137.
grounded in the nature of things. It would be illegitimate to conclude from a need based on mere inclination to the existence of the needed object and its necessary conditions. In contrast, it is perfectly justified to draw such a conclusion in the case of a need of reason which springs from the moral law regarded as an objective principle determining of every rational will.\textsuperscript{111} The objectivity of rational faith entirely rests on its being traceable to this determining principle endowed with apodictic certainty. This particular mode of conferring objectivity has an immediate consequence, namely that rational faith can only be said objective relatively to \textit{the final end of the subject} as fixed by the apodictic principle – that is, as Kant puts it, in relation to “the end of his vocation.”\textsuperscript{112}

The final end toward which rational beings tend through pure reason expresses their practical vocation. Rational faith, which supports pure reason in its efforts toward the achievement of this end, is therefore entirely dependent upon rational beings’ endorsement of such vocation. Its validity lies in the subject’s decision to accept \textit{a priori} a certain practical destination. Now, such a decision is by definition one which is only possible through freedom, that is to say a decision characterized \textit{negatively} by the absence of external influence and \textit{positively} by the power of self-determination through representation.\textsuperscript{113} Even if rational beings could get to know their destination from a theoretical point of view, nothing would convince them that this is the destination they ought to set for themselves, except their very endeavor, gained from an inner compulsion of reason, to make this destination theirs.\textsuperscript{114} To endorse practical faith implies to attach unconditional faith to this rational compulsion which drives rational beings to act in accordance with their vocation. Crucial for the validity of rational faith is therefore rational beings’ acknowledgement of the teleological or purposive nature of the \textit{a priori} object of the moral law. The end assigned to them through this object creates a need which remains valid only so long as they retain this end as purposive.

Now insofar as rational faith satisfies a need of reason in its practical use, when reason is ascribed a final end in the employment of freedom that lies outside the boundaries of experience, it must refer the objectivity of its object to the idea of practical freedom itself. Objective reality, in this case, cannot be verified by means of experience or by means of theoretical reason generally, for the idea of freedom does not admit of an \textit{a priori} presentation in intuition. Instead, it owes its objective reality to a particular kind of causality which admits of verification by means of the practical laws of reason and \textit{in the actual actions that take place in accordance to these laws}.\textsuperscript{115} This alternative mode of objectivity constitutes an extension of the general category of factual objects beyond \textit{actual} experience to mere \textit{possible} experience. In virtue of this extension, it becomes possible to regard

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  \item \textsuperscript{111} \textit{Critique of Practical Reason}, V: 143, n.
  \item \textsuperscript{112} Kant, “What Does it Means to Orient Oneself in Thinking?”, VIII: 142.
  \item \textsuperscript{113} \textit{Critique of Pure Reason}, A800/B828.
  \item \textsuperscript{114} Schelling, \textit{Philosophical Letters on Dogmatism and Criticism}, second edition (1809), 311-313.
  \item \textsuperscript{115} \textit{Critique of Judgment}, V: 469.
\end{itemize}
things which respect the conditions of possible experience as objects of definite knowledge. Note that what is at stake here only is the possibility of a knowledge of things, not the possibility – even less the actuality – of things in themselves. To take something as an object of rational faith is to take something as an object of our subjective powers of representation. Thus, practical faith is not directly concerned with the possibility of things in themselves, but only with the possibility of our knowledge of them.

b) The content of rational faith and the a priori object of pure will

After having briefly defined the nature of rational faith as a specific type of knowledge regarding the possibility of certain objects, we are now in a position to question its content in more detail. The content of rational faith depends on what we consider to be the a priori object of the moral law. So long as we follow Kant, in the second Critique, and regard the highest good as this object, the existence of God and the immortality of the soul are two important postulates, together with the more fundamental assumption of practical freedom. However, as soon as we choose with Rawls to regard the realm of ends as this object (or, more specifically, the secular interpretation of this realm as a fair system of cooperation among equals), the content of rational faith is modified accordingly. It no longer includes the postulates of God and the immortality of soul. It requires instead certain beliefs about human nature and the social world. This is why Rawls insists, in Theory of Justice, that even though the veil of ignorance deprives the parties from knowing the particular circumstances of their society, such as its political situation or the level of civilization and culture it has achieved, it does not prevent them from knowing general facts about human society, such as the fundamentals of social organization and the laws of human psychology. This general knowledge of society is regarded by Rawls as necessary for the parties to be able to understand the political and economic affairs as well as the basic requirements of social organization.

Rawls himself does not explain why the substitution of the realm of ends for the Kantian conception of the highest good as the a priori object of pure will leads to a redefinition of the content of rational faith and justifies the introduction of general facts among the practical postulates. This remains a blind spot in the justification of justice as fairness which partly accounts for the difficulty of successive generations of scholars to make sense of the relationship of this doctrine to Kantian constructivism. Yet an explanation is crucially needed as the introduction of facts among the postulates seems to contradict the a priori nature of Kantian constructivism. Most Rawlsian scholars clear their mind of this difficulty by admitting that justice as fairness is only loosely inspired from Kant and that it comes with some loopholes. Setting aside the question of whether this interpretation pays justice to the depth of Rawls’ engagement with the Kantian doctrine, my

116 LHMP, 311-320.
117 TJ, 118-119.
intention in this section is to show that it is possible to accommodate, within a constructivist doctrine that retains its constitutive specificity, Rawls’ intuition that a substantive theory of justice has to rely on “general social facts.”

Let’s start by considering the reasons of Rawls’ rejection of the highest good as an appropriate a priori object of the will. In line with other Kantian scholars, Rawls rejects the idea of the highest good specifically defined as crowning of the moral order with proportional happiness. The highest good so conceived just cannot be the a priori object of pure will since nothing in the procedure of construction can generate precepts requiring that happiness be proportioned to virtue. Kant himself acknowledges in this way that “there is not the least ground in the moral law for a necessary connection between the morality and the proportioned happiness of a [rational] being.” This rejection of the Kantian, non-theological conception of the highest good, as an improper object for pure will, leads to a redefinition of the content of rational faith. Remember that the highest good has two components – morality and happiness proportioned to morality. Each of those components requires a particular postulate as a condition of its practical possibility. While the immorality of the soul is practically necessary to the realization of morality, the existence of God is required for the achievement of proportional happiness. Let’s consider first the realization of morality understood as perfect conformity of rational beings’ intentions with the moral law. Morality so understood cannot be achieved by rational beings during their lifetime as they are part of the sensible world and thereby subject to subjective desires. Both the possibility of an infinite progress toward perfect conformity and the existence of an infinitely persistent personality able to carry this progress – an immortal soul – must therefore be postulated. Now turn to the condition of proportional happiness understood as the conformity of the totality of rational beings’ ends with nature, where this totality includes both the subjective ends of the faculty of desire and the objective ends of pure will. Unfortunately, the subjective ends of desire belong to the order of natural causality whereas the determining principles of pure will, which set objective ends, belong to the order of free causality, by definition independent from nature. It cannot therefore lie within the power of rational beings to harmonize their objective ends with nature and a supreme cause must be postulated which contains the missing ground of this harmonization. This supreme cause is God conceived not as a transcendent being that would be the source of all subjective and objective ends – this would provide a material rather than formal determining ground of the will – but rather as containing the ground of the correspondence

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118 TJ, 44.  
119 LHMP, 316. See also L.W. Beck, A Commentary on Kant’s Critique of Practical Reason (Chicago: Chicago University Press, 1960), 244-245.  
120 Critique of Practical Reason, V: 124.  
121 Critique of Practical Reason, V: 122-124.  
of nature with the moral disposition of rational beings, *i.e.* the ground of their capacity to determine the will according to the representation of the law.\(^{123}\)

Now the two postulates of the immortality of the soul and the existence of God are only conditions of the practical possibility of the highest good. They become superfluous and must be abandoned as soon as the realm of ends is made the legitimate *a priori* object of the will. Remember the rationale behind the necessity to accompany any final end in the employment of our freedom with a doctrine that provides for its complete determination through an investigation into its conditions of possibility – what we called a doctrine of practical wisdom. The duty to contribute to the realization of the *a priori* object of the will being a *perfect* duty, the possibility of its realization in the world has to be postulated.\(^{124}\) Indeed rational beings cannot be obliged beyond what is possible, or the very concept of duty would lose its meaning and vanish from the realm of morality.\(^{125}\) Since the highest good is the *a priori* object of the will, inseparably bound up with the moral law, its impossibility would necessarily entail the falsity of the law itself. The moral law, insofar as it reveals itself to the consciousness of rational beings as apodictically certain, necessarily carries with it the possibility of the *a priori* object it recommends as well as, by extension, that of its conditions of realization. Any other scenario would simply ruin its apodictic status. As Kant puts it, “If [...] the highest good is impossible in accordance with practical rules, then the moral law, which commands us to promote it, must be fantastic and directed to empty imaginary ends and must therefore in itself be false.”\(^{126}\)

In the second *Critique*, the question of the practical possibility of the highest good is reduced to the problem of the harmonization of the maxims of happiness with objective moral laws. The Analytic reveals that the ground of this harmonization cannot be discovered analytically and that a third element – God – must be postulated which provides a ground for the synthesis of happiness and morality and thereby allows for the realization of the highest possible good. But the question of the practical possibility of the highest good takes this form only in relation to the particular conception of the highest good as having two heterogeneous components. If one conceives differently of the final end to be achieved through the employment of freedom, the express demand of the moral law that the *a priori* object it recommends be brought about translates into a distinct problem. When Rawls, for instance, ascribes a certain idea of the realm of ends as this object, he has to reformulate the problem of feasibility accordingly. On different occasions during the description of the original position, he thus expresses the concern that the conception of justice finally put forward is “feasible in view of the circumstances of human life.”\(^{127}\) He insists that the ideal of justice as fairness must be

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\(^{123}\) *Critique of Practical Reason*, V: 125.

\(^{124}\) *Critique or Practical Reason*, V: 126

\(^{125}\) *Toward Perpetual Peace*, VIII: 370.

\(^{126}\) *Critique of Practical Reason*, V: 113-114.

\(^{127}\) *TJ*, 124.
“both just and feasible.”128 In the following section, I examine the way in which Rawls proposes to revise the Kantian concept of a realm of ends to make it a concept that is no longer purely a priori but rather framed by certain invariable facts about the social world.

I regard this attempt to turn the idea of a realm of ends into a secular ideal as a contribution to the necessary reformulation of the problem of the practical necessity of the final moral end in relation to the concept of society as fair system of cooperation among equals. We have seen in section 4 that this concept constitutes a legitimate final end in the employment of our freedom, but acknowledging its objective reality implies to provide for its complete determination through an investigation into its conditions of possibility. The secular interpretation of the realm of ends contributes to this determination by bringing to light the social facts that must necessary hold if the a priori concept of a society conceived as a fair system of cooperation among equals is to be regarded, in line with what duty in general requires, as a valid final end in the employment of our reason. Now the possibility of holding social facts as practical postulates supporting this a priori end obviously raises questions. Rawls himself proved unable to satisfactorily account for a call to social facts and the general laws of social theory that would not infringe on the a priori nature of the principles of justice’s deduction. Rather than preserving the constitutive specificity of constructivism, he prefers to opt for the more limited goal of proposing a doctrine that remains in keeping with the empirical limitations of social life. Rather than constitutive autonomy, he favors doctrinal autonomy, thus sacrificing the very meaning of the constructivist enterprise as initiated by Kant. In sub-section e, I offer to solve this dilemma through an investigation into the method of reflective equilibrium. I show that this method, whose role is to preside over the devising of the procedure of ideal reflection, incorporates elements which, when properly interpreted, provide a suitable solution to the problem of an incorporation of social facts into the a priori – though no more purely a priori – deduction of principles of justice. Before turning to this question, let me however examine in more detail the terms of Rawls’ interpretation of the Kantian purely a priori concept of a realm of ends as a “secular ideal.”

c) The secular interpretation of the realm of ends as a system of fair cooperation among equals

As often the case, Samuel Freeman is, among Rawlsian scholars, the one who more accurately grasped the nature of the relationship between Rawls and Kant on this point. In an introductory remark to a recent monograph on Rawls, he states that

“Like Kant, Rawls believed that, if God were needed for morality, it would be in order to provide us with the confidence that the ‘realistic utopia’ of a just society and just world are possible. For without the confidence that justice can be achieved on earth, reasonable people might become skeptical, lose their sense of justice, and eventually lapse into cynicism and injustice. For Kant, this possibility led to the Postulate that God exists in order to guarantee

128 TJ, 173.
that the human good (happiness) is ‘congruent’ with a person’s justice and moral virtue. Rawls resorted to non-religious argument to show that justice and the human good were ‘congruent’ and hence that a fully just or ‘well-ordered’ society is a ‘realistic utopia’.”129

Unfortunately, Freeman does not further explain, in the course of his monograph, what type of “non-religious argument” can provide the missing ground of a connection of justice with well-being and establish at the same time, in an a priori fashion, that Rawls’ particular conception of society qualifies as a valid moral final end and, in an a posteriori fashion, that it is achievable in the world as we know it. To clarify this point requires coming back to the fundamental disagreement between Kant and Rawls about the very nature of morality. Rawls and Kant agree that the role of a moral doctrine is to give individuals, through the concept of a realm of ends, a representation of an ideal moral world that they can use to determine their actions in the real world. What they disagree on is the way to account for the inclination of rational beings to act in accordance with this representation. While Kant considers that we do not need any special reason to do so apart from the acknowledgement of the highest good as the proper a priori object of the will, Rawls, who rejects the idea of such good, asserts that we can only resolve to act following this moral representation insofar as we are convinced that “it is reasonable to try to realize such a realm in the natural world.”130 In his view, there must necessarily be a relation between the representation we hold of the ideal moral world and the world as it actually is, a relation explaining that when we act in accordance with this representation, we do not act as “visionaries unmindful of what is actually possible,” but as reasonable people determining their actions in light of their knowledge of the existing social world.131 This is why Rawls finally rejects the Kantian conception of the realm of ends and the intelligible world as purely a priori and chooses to interpret it instead as a “secular ideal”132 that would reconcile the moral aspirations of human beings with the empirical conditions of their daily life.133

Rawls’ conception of justice as fairness thus rests on the absolute first conviction that, in order to have a hold on individuals, a normative theory must seek to express our moral aspirations while taking into account the empirical conditions of our actual life. This epistemological conviction is one of the fundamental ideas which guide the development of Rawls’ doctrine, as becomes manifest in his later writings, when the secular interpretation of the moral concept of realm of ends is transposed into the epistemological concept of “realistic utopia,” which precisely designates a particular type of political doctrine that tries to account at the same time for our moral aspirations

130 *LHMP*, 311.
131 *LHMP*, 311.
132 *LHMP*, 312.
133 *LHMP*, 285.
and for the practical limits of our daily life. Rawls argues, when it “probes the limits of practical political possibility,” that is when it asks how far a given political doctrine can realize its central values given the sociological reality of the world as we know it. The task of political theory is therefore, in Rousseau’s words, to strive to reconcile “men as they are” according to the laws of nature (i.e. prisoner of their political and social condition), and “laws as they might be” according to the assumption of practical freedom (i.e. expressing a pure moral aspiration). Our interest in political theory in general, and our quest for an ideal of global justice in particular, rest on the conviction that a reconciliation of these two dimensions is possible. As Rawls puts it, “our hope for the future of our society rests on the belief that the social world allows a reasonably just constitutional democracy existing as a member of a reasonably just Society of Peoples.” But if the idea of a realistic utopia is more telling that the idea of a secular ideal to make political theorists intuitively feel what their leading concern should be, it brings them further away from a genuine understanding of how to achieve a reconciliation of the a priori concept of a realm of ends with the requirement of feasibility. This understanding can only be acquired through an analysis of Rawls’ interpretation of the Kantian idea of an intelligible world in the terms of a secular ideal.

Remember that, by contrast with Plato’s world of forms, Kant’s intelligible world is not a world of pure essences separated from the sensible world both in space and time. Sensible and intelligible worlds are one and the same ontological world considered by reason under two different respects. The sensible world is the world of natural causality as known under theoretical reason – that is, the world in which rational beings are subject to natural determinism. The intelligible world, by contrast, is the world of morality as known under practical reason – the world in which rational beings act from the practical laws under the idea of freedom. This intelligible world is called “realm of ends” when conceived as a world in which we would live with all other rational subjects under common practical laws. The realm of ends is an ideal of reason whose function is to bring the a priori idea of such a world closer to intuition. As Rawls puts it, “the ideal of a realm of ends [...] arouses in us the wish that we could be a member of that world;” it provides rational beings with “a conception of what being a member of that commonwealth would be like and how its members conduct themselves toward one another.”

Up to this point, Rawls’ interpretation of the realm of ends seems to be in line with Kant’s doctrine. Where Rawls parts company with Kant is in considering that the idea of an intelligible world is not purely a priori, but rather framed by the general circumstances of our world. He thus insists that “a moral world, an intelligible world, a mundus intelligibilis, is a world that consists of reasonable and

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134 JF, 4-5.
135 LP, 6; JF, 4-13.
136 LP, 11.
137 LHMP, 213.
rational persons acting as they ought under the idea of freedom within the world as we know it.”

But how to make sense of the juxtaposition, in this statement, of the two apparently irreconcilable conditions according to which one is to act under the idea of freedom while remaining within the world as we know it? The possibility of such a juxtaposition lies at the heart of Rawls’ very project of “detach[ing] the Kantian doctrine of justice from it foundation in transcendental idealism and recast within the cannons of reasonable empiricism.” So how could one act under the practical idea of freedom while remaining within the framework of the world as we know it? It cannot be by letting the idea of an intelligible world be framed by our theoretical knowledge of the social world, since the intelligible world is by definition an a priori idea that pure practical reason construct for itself out of absolute spontaneity. As Kant puts it, when constructing for itself an a priori object out of its absolute spontaneity,

“[Pure practical] reason does not [...] follow the order of things as they present themselves in appearances, but frames for itself with perfect spontaneity an order of its own according to ideas [of pure reason], to which it adapts empirical conditions, and according to which it declares actions to be [practically] necessary.”

If not theoretical knowledge, then what other resources would allow to frame the idea of an intelligible world? The answer lies in the doctrine of practical wisdom. As suggested in the previous section, when we make the realm of ends conceived as a system of social cooperation among equals the a priori object of pure practical reason, practical wisdom not only includes the fundamental postulate of human freedom, but also certain beliefs about the social world. Those beliefs are not facts directly gained from empirical observations, but rational hypotheses or principles based on those facts and which are necessary to the conceivability and the feasibility of the realm of ends. This manner of framing the idea of a realm of ends by means of practical postulates is the most generous and coherent interpretation of what Rawls calls “reasonable empiricism,” an interpretation in which “empiricism” does not imply directly resorting to experience, but rather relying on certain rational principles to frame the idea of an intelligible world in a way which does not contradict the fundamental practical assumption that our moral decisions are free rather than determined by natural causes external to reason. Now it is incumbent upon us to remedy Rawls’ limitations and explain how rational principles based on the observation of empirical facts can serve as practical postulates in the a priori determination of the conditions of possibility of the final moral end in question. In the following section I show that the elements necessary to this explanation are found in

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138 LHMP, 312 (My emphasis).
139 CP,
140 LHMP, 284.
141 Critique of Pure Reason, A548/B576
the method of reflective equilibrium which presides over the conception of the procedure of ideal reflection.

d) Wide reflective equilibrium, body of social theories and a priori secundum quid

The method of reflective equilibrium provides an interpretation of the tripartite relationship, within constructivism, between the a priori ideas of reason, the substantive moral principles and the basic facts constitutive of social reality (namely, in Rawlsian terms, between people’s considered moral judgments, the principles of justice, and the relevant set of background theories). As such, the method plays a crucial role in shaping the procedure of ideal reflection, but the nature of this role can be given either a descriptive or a deliberative interpretation.142 On the descriptive reading, reflective equilibrium only aims to better characterize the moral conceptions held by a particular group of people through the systematic analysis of their basic convictions. On the deliberative reading, by contrast, the method rather aims to justify objective conceptions by exploiting people’s considered judgements, in which their “moral capacities are most likely to be displayed without distortion.”143 It is difficult to decisively adjudicate between these two interpretations, for Rawls himself makes, as Scanlon pointed out, “seemingly conflicting remarks about the method of reflective equilibrium.”144 Now it is still possible to make use of the further developments of Rawls’ thought to try to make sense of his initial indecisiveness on this point. A retrospective look thus reveals that what Scanlon describes as the descriptive and the deliberative readings are just two ways of conceiving of the reflective equilibrium in relation to what we previously identified as doctrinal and constitutive autonomy respectively. So long as Rawls remained committed to a constitutive understanding of autonomy, he conceived of the reflective equilibrium as a method for justifying principles of justice in light of the prior moral convictions of the people to which they are meant to apply. After he rejected the constitutive reading of autonomy in favour of the doctrinal reading, however, the reflective equilibrium could only be used to more accurately characterize the moral conceptions central to the doctrine within which autonomy is to be gained.

In what follows, I regard the method of reflective equilibrium as a method based on the notion of constitutive autonomy. So understood, its role is not only to bring coherence into the moral knowledge everyone possesses a priori, but more decisively to certify the objective reality of certain moral principles.145 This implies, first, to bring coherence between the sets of moral judgements and the set of moral principles held by the moral subject by putting them into reflective equilibrium. The subject starts from the set of moral judgements in which he is the most confident – his considered

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143 TJ, 42; JF, 29.
144 Scanlon, “Rawls on Justification,” 149.
145 TJ, 41; CP, 248.
judgements – and strives to match them with the set of moral principles which best fit them. As he is unlikely to reach a perfect match at the first attempt, the subject is allowed to work back and forth, revising both his considered judgements and the moral principles until he reaches a point of equilibrium called the “Archimedean point.”

Critics have referred to this method as “subjective intuitionism,” because it seems to take the agent’s moral judgements as the only source of moral knowledge. But Rawls immediately rejected this label and defended himself by recalling that, in reflective equilibrium, “no judgements at any level of generality are in principles immune to revision.” Thus, contrary to what critics suggest, no epistemic priority is granted to the subject’s considered moral judgements, which can at any time be revised in light of principles. The validity of this defence depends, however, on the criterion supposed to provoke revision. So long as the subject continues to revise only those of his considered judgement which appear to contradict the overall logical consistency of the system they formed with his moral principles, the method of reflective equilibrium might continue to be taxed with subjective intuitionism. An independent criterion of revision must be introduced in the very structure of the reflective equilibrium if we are to permanently refute this accusation. This is why Rawls distinguishes between narrow and wide reflective equilibrium. Whereas in narrow reflective equilibrium, the subject is limited to the coherence criterion, he can also resort in its wider version to what Rawls calls “background theories.” These theories allow the subject to formulate philosophical arguments bringing out the relative strengths and weaknesses of the alternative sets of moral principles likely to match with his considered judgements.

But the novelty of wide reflective equilibrium, as opposed to its narrow version, does not only consist in the introduction of background theories. Wide reflective equilibrium also incorporates a body of social theory that includes a theory of human nature and a view of the requirements of social life. The role of this body of social theory is to ensure that the basic moral conceptions which form the background theories on which the subject relies as an independent criterion are feasible in the sense that it is possible to “realize them under favorable conditions of human life.” In the structure of wide reflective equilibrium, the body of social theory and background theories are therefore placed at different levels and must be clearly identified as fulfilling different functions. Whereas background theories help the agent to select the set of moral principles the most congruent with his basic moral

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148 CP, 289.
149 TJ, 49-50.
150 CP, 352.
conceptions, the body of social theory allows the agent to test both his moral principles and his set of background theories for practical feasibility. This feasibility test aims to make sure that the moral aspirations expressed through the agent’s basic moral conceptions and moral principles can be brought about in the world as we know it. A given moral principle or a given conception passes the test when it can reasonably to be regarded as feasible in the light of the body of general social theory structuring our understanding of the world.

The role of the body of social theory in Rawlsian constructivism has been largely ignored because Rawls himself, who barely mentions it in his description of the original position, seems to consider it secondary. While he patiently describes the various aspects of the original position corresponding to the three first levels of the wide reflective equilibrium, namely to considered judgements, moral principles and background theories, he skims over the fourth level which, strictly speaking, does not make part of the original position, but rather provides its framework. The only passage in Theory of Justice which mentions the body of social theories and the feasibility test is the section on the veil of ignorance, in which Rawls contrasts the total ignorance of the parties as regards particular social circumstances with their full knowledge of social theories. We already recalled that, in order to prevent the parties from being affected by the contingencies of social world, the veil of ignorance imposes restriction over any information relative to their place in society, their natural assets, or the particular features of their psychology. Nor do the parties know the particular circumstances of their own society, such as its political situation or the level of civilization and culture it has achieved. But Rawls immediately specifies that, by contrast, the parties have full knowledge of “the general facts about human society.” Not only do they understand “political affairs and the principles of economic theory” but also do they know “the basis of social organization and the laws of human psychology.” In fact,

“There are no limitations on general information, that is, on general laws and theories, since conceptions of justice must be adjusted to the characteristics of the systems of social cooperation which they are to regulate and there is no reason to rule out these facts.”

What Rawls means when affirming that general social theories are used for “adjusting” the principles of justice to the characteristics of the society to which they are to apply is not that general social theories would provide some normative content that the parties could invest in the formulation of these principles. Following the same scheme as with background theories, the parties use the body of social theory to assess the consequences of the principles of justice and then to discriminate

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151 CP, 323-324.
152 TJ, 137.
between those which are acceptable and those which are not. Relying on their general knowledge of human nature and the requirements of social life, the parties are able to determine whether a principle is “feasible” and therefore likely to trigger the necessary motivation among individuals, or whether its implementation in the world as we know it would have detrimental consequences which make it undesirable.

Contrary to what it may seem, the necessity of an adjustment of the principles of justice to the general laws of social theory does not necessarily infringe on the *a priori* nature of the principles of pure morality. For what the *a priori* in question characterizes is the application of a principle of practical reason independently of any empirical determination. Even if the principle itself depends on certain facts, it can still determine the will *a priori* provided that it applies independently of the consideration of any particular object. Kant himself accounts for these two meaning of the *a priori* by distinguishing between *a priori simpliciter* and *a priori secundum quid*. *A priori simpliciter* (or pure *a priori*) refers to the straightforward case in which a principle is entirely independent of experience and nothing empirical is involved. But a principle can also determine the will *a priori* if it is not immediately derived from experience, but rather from a general rule itself borrowed from experience. Thus, one who let himself determined by principles which strains his moral capacity far beyond his natural limits and who fails to consistently abide by them can be criticized for not having recognized this failure *a priori*. Yet this could not have been known purely *a priori*, for experience alone can reveal whether certain principles really are utopian or whether they might be implemented in practice. The *a priori* at stake in such a case is that of an *a priori secundum quid*.

Now one of Rawls’ most characteristic metaphysical commitments precisely concerns the nature of practical reason’s principles in their relation to God and to social facts. Against those who regard God as the creator who fixes the canons of reason and guarantees the content and validity of all rational principles, Rawls maintains that these principles and the validity of the propositions they sanction are not affected by the existence or non-existence of God. For if it were the case, human beings would simply have to renounce their capacity of reasoning and might as well “babble at random.” It must be instead that the principles of practical (as well as theoretical) reason apply to God just as they apply to human beings so that we all reason in the same way when it comes, in particular, to practical judgments about justice. It is worth quoting Rawls at length on this point:

“Suppose, then, that reasoning in its most basic forms is invariant with respect to the various kinds of beings that exercise it. […] Moreover, the content of the judgments of practical reason depends on social facts about how human beings are related in society and to one another. The divine practical reason will also connect with these facts, just as ours does; and this is so

154 *CP*, 323.
even if these facts are themselves the outcome of God’s creation. Given these facts as they
undeniably are in our social world, the basic judgments of reasonableness must be the same,
whether made by God’s reason or by ours. This invariant content of reasonableness – without
which our thought collapses – doesn’t allow otherwise, however pious it might seem to
attribute everything to the divine will.”

It is clear from this passage that Rawls conceives of the practical judgments about justice as
invariable judgments, common to human beings in their finitude and to God in its \textit{a priori} dimension
of creator. Now these judgments, insofar as they involve a certain knowledge of the social world,
belong to the category of \textit{reasonable} judgments, by contrast with \textit{rational} judgments, which are
purely \textit{a priori}. Remember that \textit{rationality} is the mere capacity to respect the basic requirements of
logics when passing a judgment about the best course of action in view of a certain end.\textit{Reasonableness}, by contrast, is the willingness to live by fair terms of cooperation and to accept the
consequences of the so-called “burdens of judgment.” The judgments about justice, \textit{qua} reasonable
judgments, therefore take into consideration not only the formal constraints incorporated in the
description of the original position, which follow analytically from the concept of duty, but also a
second set of constraints consisting in certain “facts as they undeniably are in our social world.” In
western democratic societies, these constraining facts mainly are the fact of reasonable pluralism
and the institutional fact according to which such pluralism “can be overcome only by the oppressive
use of state power.”\textsuperscript{157} Those are not moral or broadly normative facts that can be gained from an
analysis of the concept of an agreement between purely rational beings in ideal theory. Instead they
are facts attested by sociological and political sciences and which belong, as such, to the body of
social theory. Rawls insists that, when reasoning about these facts, we are not only interested in
knowing whether, say, reasonable disagreement occurs in society, but also in “how reasonable
disagreement is possible, for we always work at first within ideal theory.”\textsuperscript{158} Our task, therefore, is
not only to identify and describe the sociological reality of reasonable political disagreement under
free institutions, but also to bring to light the general law which governs the possible rise of
disagreement, a law which is formulated on the basis of an empirical observation of the ordinary
course of political life.

This second aspect of reasonableness, which regards such laws as constraining our judgments about
justice, can be interpreted as involving an \textit{a priori secundum quid}, namely the \textit{a priori} application of a
general law, itself derived from empirical facts concerning, to the deduction of the principles of
justice. Now this interpretation does not correspond to the way in which Rawls himself thinks of his

University Press, 2009), 268.

\textsuperscript{157} PL, 54.

\textsuperscript{158} PL, 55.
theory. He conceives of reasonable judgments about justice as hypothetical imperatives which cannot determine the will *a priori* insofar as they rest ultimately on empirical data. This is arguably because he was unaware of the distinction between *a priori simpliciter* and *a priori secundum quid*, but more fundamentally because he did not consider the possibility of detaching the doctrine of rational faith from its objective grounding in the moral law and recast within the limits of a doctrine of practical wisdom grounded in the objective duty to promote a certain conception of society as a fair system of cooperation among equals. Accordingly, Rawls could only agree with Kant that even an *a priori secundum quid* is improper to pure practical reason and morality. As Kant makes clear, “the ground of obligation here must not be sought in the nature of the human being or in the circumstances of the world in which he is placed, but *a priori* simply in concept of pure reason.”159

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159 *Groundwork*, IV: 389.