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# Guyer on Empirical and Transcendental Grounds for Morality

**Abstract:** Paul Guyer has been reluctant to accept any ontological claims about persons in themselves as a basis for morality, preferring when possible empirical explanations of freedom of the will or its value. While he recognizes the limitations of empirical grounds, he also strives to avoid transcendental grounds, equating them with ontological claims about transcendent reality. I review the reasoning that Guyer has given over his career for these claims and suggest that one large reason for his hesitation is that his interpretation puts too much weight on a transcendental freedom of the will and not enough on a transcendental freedom of reason, particularly in *Groundwork* III. Kant can use this status of reason to provide a transcendental ground for the moral law as a causal law for our empirical will and to be a source of moral value without invoking the heavy ontology that Guyer wishes Kant had avoided.

**Keywords:** reason, will, transcendental, empirical, naturalism

“We may now not be much tempted by Kant’s transcendental realism, but then again we may not be much tempted by his transcendental idealism” says Paul Guyer after concluding that Kant’s moral theory rests on a claim to the transcendental reality of freedom.<sup>1</sup> One wonders whether the problem is neither the realism nor the idealism but the *transcendental* aspect of this temptation. Guyer has, of course, been highly critical of Kant’s transcendental idealism as an ontological claim that objects in themselves can be known to be non-spatial and non-temporal, from *Kant and the Claims of Knowledge* in 1987 to “Transcendental Idealism: What and Why” in 2017.<sup>2</sup> He has more generally resisted Kant’s arguments that we can make legitimate claims about things in themselves, including claims about the kinds of beings that we humans are in ourselves. This objection to Kant’s ontology is really an objection to Kant’s claims about objects that transcend our empirical grasp. In ethics this has led Guyer to argue that Kant had an empirical basis for moral claims about the value and actuality of freedom early in his philosophical

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1 Guyer, Paul, *Kant on the Rationality of Morality*, Cambridge 2019, 65.

2 Guyer, Paul, *Kant and the Claims of Knowledge*, Cambridge 1987. Guyer, Paul, “Transcendental Idealism: What and Why?”, in *The Palgrave Kant Handbook*, ed. by M. Altman. London 2017, 71–90.

career that continued in some strands of his thought. More recently he has modified those claims to allow, with some regret as in the passage just quoted, that Kant's ethics must be grounded in non-empirical claims.

I will argue here that Guyer's preference for empirical grounds for Kant's ethics is misplaced, and that further, Kant does not require as much of the ontology that Guyer finds hard to swallow as Guyer supposes. The discussion will focus on two aspects of Kant's ethics that Guyer discusses in empirical terms — the value of freedom and the fact of freedom — and will show that in both cases they are dependent upon reason in a way that avoids much of the transcendent claims about them that so worries Guyer.

Much of the core discussion hinges on different approaches to interpreting *Groundwork* III, which Guyer takes to contain Kant's core transcendental argument to justify morality. Over the past decades, Guyer's interpretation of *Groundwork* III has shifted in emphasis although the core understanding of Kant's argument has remained the same. I will look at *Groundwork* III in more detail later in this paper, after setting the stage by showing how Guyer frames the expectations for Kant's *Groundwork* III argument.

## 1 On Freedom as the Highest Value

Guyer has repeatedly emphasized Kant's identification of freedom as the central value in morality. He has repeatedly quoted from passages such as this one from Kant's *Mrongovius Lectures on Ethics*

if all creatures had a faculty of choice bound to sensuous desires, the world would have no value; the inner value of the world, the *summum bonum*, is the freedom to act in accordance with a faculty of choice that is not necessitated. Freedom is therefore the inner value of the world. (V-Mo/Mron, AA 27: 1482).

But *why* is freedom valuable? Guyer would prefer Kant to have based the value of freedom on empirical grounds. His paper “Naturalistic and Transcendental Moments in Kant's Moral Philosophy”<sup>3</sup> draws largely on Kant's notes in his own copy of *Observations on the Feeling of the Beautiful and Sublime* and other notes in some of his textbooks to show that Kant considered an argument for the moral law based on the empirical fact that human beings value their own freedom. Guyer calls this

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<sup>3</sup> Guyer, Paul, “Naturalistic and Transcendental Moments in Kant's Moral Philosophy”, *Inquiry* 50, 2007, 444–464.

“Kant’s original naturalistic ethics”.<sup>4</sup> Here, as shown in some of those notes,<sup>5</sup> Kant states that human beings have a natural desire to avoid being dominated by others and as well as a feeling of satisfaction in life linked to consciousness of freedom. The value of freedom is thus a psychological fact about human beings and is not dependent upon any metaphysical claim to a non-natural freedom, nor is it universally attributed to rational beings but is limited to actual human beings and their particular nature. Reason does play a role in relation to freedom: rules from reason provide a way to regulate our freedom to avoid problems if free actions themselves undermine the possibility of performing other future free actions. Guyer sees Kant here as offering an early version of the categorical imperative as a rule to ensure the maximal extent of freedom not only for oneself but also for other free beings. Guyer concedes that Kant does not have the resources here to include the freedom of others in this kind of calculation and can really only make a conclusion regarding a pragmatic rule to guarantee one’s own maximally consistent freedom.<sup>6</sup>

Guyer sees Kant as continuing to assert the value of freedom in his course lectures up through the 1780s by tying it to the feeling of life. As Guyer concedes, Kant also takes freedom to be a mixed blessing in these lectures. Freedom is “the inner worth of the world” yet “the most terrible thing there can be” if it is not restrained by laws (V-Mo/Collins, AA 27: 344). Reason must provide a rule to rein in freedom. At this point, one might wonder why freedom is so valuable if it can also be a terrible thing. How can something valuable include instances in practice in which it is not valuable? This apparent paradox dissolves, however, when one sees the particular acts that Kant considers terrible. Some free acts have as their effect the destruction or prevention of other free acts. A use of freedom that effectively destroys a persons’ capacity for freedom is terrible because it “minimizes rather than maximizes his freedom over what should have been a multitude of possibilities for action”, as Guyer explains.<sup>7</sup> Thus freedom can still be a value based in some way empirically, but the maximization of that value requires a consistency of application that only the guidance of reason can provide.

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4 Guyer, “Naturalistic”, 445.

5 Henry Allison points out in his reply to Guyer’s article that Kant offered many other contrasting claims in these notes, so that the mere presence of some claims in a few isolated notes is not enough evidence to claim that the view was Kant’s considered view at the time. This point is well taken but does not show that at least some of the time Kant was at least toying with these ideas. The value of Kant’s unpublished notes is precisely that we are able to see Kant working through various ideas before settling on a version to publish. See Henry Allison, “Comments on Guyer”, *Inquiry* 50, 2007, 480–488.

6 Guyer, “Naturalistic”, 449–450.

7 Guyer, “Naturalistic”, 450.

The value of freedom and empirical support for that claim is the position Guyer sees primarily in Kant's course lectures and his own notes for those lectures. As Guyer himself says, his interpretation of freedom as the central value "is based on the assumption that he revealed its premise most clearly in lectures".<sup>8</sup> But this alone is insufficient evidence that Kant actually thought that freedom was the central value, let alone that it did not require any non-empirical basis. Kant's lack of discussion in his ethics and natural right lectures of a metaphysical or transcendental basis for freedom, and the deeper discussion of morality that places freedom in a transcendental context, may simply stem from the fact that these lectures were geared toward students who Kant may have thought incapable of comprehending the difficult proofs along the lines of *Groundwork* III. In an analogous way Kant does not present his transcendental deduction of the categories in his metaphysics lectures. Perhaps the fact that Kant reserved his deepest transcendental discussion of the role of freedom in morality to the second *Critique* and the *Groundwork* speaks more to its importance than its unimportance in Kant's system.

The judgment Guyer ultimately makes about Kant's empirical discussion of the value of freedom, and thus of its role as a foundation for morality, is well put in this passage from Guyer's survey book *Kant*:

It is not clear that such a [psychological empirical] foundation for morality would be consistent with Kant's insistence that the moral law must be valid for every rational being, human or otherwise, thus that "a pure moral philosophy" must be "completely cleansed of everything that may be only empirical and that belongs to anthropology" (G, 4:389). But it is also not clear whether Kant really has an alternative but equally gripping account of the normative force of the moral law, so this psychological assumption may play an indispensable role in Kant's subsequent moral philosophy even if he does not acknowledge it.<sup>9</sup>

Thus, while Guyer recognizes the limits that an empirical foundation for morality might have, he is skeptical that Kant can provide any transcendental replacement that would prove the value of freedom.

Allowing that Kant did offer at least some empirical support for the value of freedom at least in the pre-critical period, he certainly moved to a transcendental approach in the critical period. Guyer says that Kant rarely tries to give a transcendental defense of the value of freedom, discussing this issue only in the *Groundwork*. In other places Kant does not require a proof of a metaphysical fact of freedom but either rests on the empirical invocation of the practical value or an

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<sup>8</sup> Guyer, Paul, *Virtues of Freedom*, Oxford 2016, vi–vii.

<sup>9</sup> Guyer, Paul, *Kant*, New York 2006, 179.

assumption that humans do value freedom.<sup>10</sup> As Guyer sees it in the paper “Naturalistic and Transcendental Approaches”, Kant moves from this early naturalistic, empirical defense of the value of freedom to a simple assertion of the value of freedom in the first sections of the *Groundwork*.<sup>11</sup> Had Kant rested there, he could still be said to have offered a sound moral theory in the argument that the categorical imperative is the means by which we can realize that freedom. But, Guyer laments, Kant does not rest there. Kant instead plows ahead to offer a transcendental argument in *Groundwork* III for the value of freedom based upon an attempted proof that we human beings are in fact rational beings who are necessarily subject to the categorical imperative.<sup>12</sup> And, worse, the argument provided “actually sidesteps the normative task of motivating the premise of the absolute value of freedom”, that is, it does not succeed in providing nor even aim at a defense of the value of freedom.<sup>13</sup> This argument will be examined later, but at this point it is important to note that Guyer attributes to Kant a gap in his overall defense of morality — namely the need for a non-empirical ground for the value of freedom that would replace the earlier empirical, psychological ground for the value of freedom — that Kant then fails to fill despite his immense effort in *Groundwork* III. I will suggest later that Kant did not intend *Groundwork* III to play this role at all, and that Kant did not see the value of freedom as a self-standing ground for morality but as itself a value dependent upon reason itself.

Before jumping into an assessment of *Groundwork* III, there is a larger concern regarding Guyer’s preference for an empirical support for the value of freedom. Empirical bases are one and all contingent. While love of freedom and recognition of the personal benefits of freedom may be widespread, if not universal, in modern liberal democratic society, they are only contingently so. Freedom has certainly not been the highest value of individuals throughout history and cultures but rests upon particular self-conceptions in human cultures; religious values and dedication to other kinds of causes deemed to have more importance than individual autonomy are frequent in history and around the world. When Guyer admits that Kant’s early exploration of an empirical basis for morality is insufficient, Guyer stresses that it lacks universality: one can have a psychological reason to value one’s own freedom as essential for one’s own fulfillment, but one does not have any similar reason to value the freedom of others. Guyer does not stress its lack of necessity: even if every human being did value their own freedom, and even if (contra Kant’s

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<sup>10</sup> Guyer, *Virtues*, v–vi.

<sup>11</sup> Guyer, “Naturalistic”, 451.

<sup>12</sup> Guyer, “Naturalistic”, 449–450.

<sup>13</sup> Guyer, “Naturalistic”, 452.

and Guyer's allowances) every human being also valued the freedom of others, such universal agreement would fail to possess the necessity that must accompany morality. As Kant says in the Preface to the *Groundwork* "Everyone must grant that a law, if it is to hold morally, that is, as a ground of an obligation, must carry with it absolute necessity" (GMS, AA 04: 389). Kant's immediate move in the Preface is to claim that the required necessary "ground of obligation here must [...] be sought [...] a priori simply in concepts of pure reason" and that "any other precept which is based on principles of mere experience — even if it is universal in a certain respect" can never be a moral law. Thus Kant's rejection of an empirical basis for morality is based in part upon the need for the kind of necessity that can stem only from pure reason. If we are to find any value to act as a ground of obligation, we are not going to find it empirically but only in pure reason.

Guyer, of course, recognizes that Kant hopes for universality and necessity rather than generality and contingency, but takes Kant to fail in the quest for that ground for morality. As presented in the paper "Naturalistic and Transcendental", the cause is a failure on Kant's part to prove that freedom has a value through what Guyer sees as Kant's attempted transcendental argument in *Groundwork* III to prove that human beings are obligated to follow the categorical imperative. Rather than trying to prove through transcendental argument that freedom has a value, Kant's goal in *Groundwork* III is to prove that we human beings as things in ourselves are rational beings, and as rational beings are subject to the moral law.<sup>14</sup> Kant, Guyer holds here, offers no normative grounds to argue for the value of freedom and thus no normative grounds to argue that we ought to follow the categorical imperative because it promotes the value of freedom, instead only claiming that as noumenal things in ourselves we are really free, rational beings obligated to follow the moral law.<sup>15</sup> (As mentioned earlier, I will examine the details of *Groundwork* III below).

Guyer has changed his mind about this overall claim<sup>16</sup> and now rejects the view that Kant ever intended to prove the value of freedom directly through any

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<sup>14</sup> Guyer, "Naturalistic", 455.

<sup>15</sup> Guyer, "Naturalistic", 459.

<sup>16</sup> One of the virtues of Guyer's work on Kant is his openness to changing his interpretations in light of other analysis by himself or others. In this he does not emulate Kant, who never seems to have admitted to changing any view throughout his career. Regarding *Groundwork* III, the change I will describe above is not Guyer's only change of interpretation. In the "Naturalistic and Transcendental" paper, Guyer admits to having altered his interpretation of the aim of Kant's argument; in some earlier papers Guyer had taken Kant to be trying to prove that human beings always act freely, but he had rejected that view and at the time of "Naturalistic and Transcendental" he had seen Kant as first attempting to prove that we are obligated to the categorical imperative, and only then to conclude that we are free to act ("Naturalistic", 463, fn. 21, referencing Guyer, "Self-

transcendental argument. He now holds that Kant intended to derive moral value from an application of pure reason to a fact about human beings, namely, the fact that we are free. Since that fact is supposed to be the target of Kant's transcendental argument in *Groundwork* III, my discussion of that issue will examine Guyer's claims about the specific structure of Kant's argument in *Groundwork* III. Guyer is equally suspicious of transcendental claims about freedom as a capacity as he was suspicious of transcendental claims regarding the value of freedom.

Before turning to that section, allow me to summarize a few important claims regarding the value of freedom. First, Guyer takes the value of freedom to lie at the heart of morality and right; it is not derived from anything else. The basis is either empirical — which as we saw would lack necessity even if it had universality based on human nature — or transcendental. Guyer sees Kant as moving toward a transcendental ground for the value of freedom but failing to offer any attempt at such a proof in what he takes to be the most likely place for it, *Groundwork* III. At this point the value of freedom is left hanging as a mere assertion on Kant's part. But, as Guyer now argues, Kant may be able to argue for the value of freedom based upon the fact of freedom as a capacity in us.

## 2 On Freedom as a Capacity in Us

The previous section started by presenting Guyer's praise of what he sees as Kant's early attempts to provide an empirical rather than a transcendental basis for the claim that freedom is of value. Guyer was skeptical that Kant could successfully directly prove, or even that he tried to directly prove, the value of freedom through any transcendental argument. I now turn to Guyer's claim that Kant tries to prove the transcendental reality of our capacity for freedom, which he now takes to be a step toward proving the value of freedom.

As with value, Guyer is also skeptical about the use of transcendental idealism in any proof of our capacity for freedom. His statement rejecting transcendental idealism in this regard could hardly be more direct:

Kant's defense of freedom in this sense [of alternative possibilities as a metaphysical possibility] [...] depends on his transcendental idealism, a doctrine the defense and even the meaning of which remains controversial more than two centuries after its publication. This doctrine is the basis for Kant's confidence that 'ought implies can', that is, that we are always free to

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Understanding and Philosophy: The Strategy of Kant's *Groundwork*", in *Philosophie in synthetischer Absicht*, ed. by Marcelo Stamm, Stuttgart 1988, 271–298).

choose to do the right thing no matter what our upbringing, prior choices, and so on might appear to imply. But my view is that we can let it remain an empirical question just how far human beings are free to preserve and promote freedom of choice and action in their intra- and interpersonal doings while still appreciating Kant's account of the foundation of all duties in the intrinsic and unconditional value of getting to set our own ends free from unwarranted constraint from others and even from unwarranted constraint by our own inclinations.<sup>17</sup>

This is a skepticism about the appropriateness of transcendental idealism regarding the attribution of freedom to ourselves, the mere claim that we are able to choose and are responsible for our own actions. Guyer ultimately rejects what he takes to be Kant's transcendental proof of freedom, offering instead at least one way in which an empirically-based attribution of freedom would be sufficient for morality. His article "Proving Ourselves Free" holds that our common practices of attributing moral responsibility to others and our first-person experience of moral deliberation is enough to ground and justify our attribution of freedom to ourselves. No proof of indeterminism is needed, and in fact, for purposes of attributing moral responsibility to others, the causal link between an action and a person's character that holds under determinism is a reinforcement rather than an obstacle.<sup>18</sup> The practices of imputation take into account empirical factors such as sobriety and drunkenness, and presumably knowledge and ability and likely motives, as part of the everyday judgment holding others responsible. Guyer does take Kant in *Groundwork* III to try to prove from the first person, each for ourselves, that we are each free, but this proof, if successful, would hold only for each individual's self-attribution of freedom. (The details of the proof will be discussed below.) Since we have no access to any other minds we could not apply any analogous proof to those others. But Guyer has presented a way in which our attributions of freedom for moral purposes can be understood empirically. This possibility of an empirically understood conception of freedom, one that does not require any indeterminacy or independence from causal laws, will be cited again later in this paper.

Given that Guyer takes Kant's empirical claim about freedom in relation to moral responsibility to apply to others, he sees one task of *Groundwork* III to prove from the first person point of view that each of us are free. Guyer also held *Groundwork* III to be the location of any transcendental proof of the value of freedom, although he thought that the actual argument Kant presented sidestepped that issue. The transcendent claim that Guyer now attributes to Kant in ethics is only that we human beings have free wills that are independent of causal determination, not that there is any transcendently real value. Here I will present this claim as Guyer

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<sup>17</sup> Guyer, *Virtues*, v.

<sup>18</sup> Guyer, "Proving Ourselves Free", in Guyer, *Virtues*, 146–162.



describes it in the recent book *Kant on the Rationality of Morality*, where he also makes the claim rejecting his earlier interpretation of the transcendental status of the value of freedom.<sup>19</sup> Guyer takes Kant to be a semantic realist, one who claims that moral principles are capable of truth and falsity and are in fact true. The most general moral principles such as the categorical imperative and general principles of right and virtue are true for all, while more specific claims about moral duty would be constructed from those general principles using some specific empirical information. But what would ground the truth of these moral principles? Guyer admits here to an ontological realism about human freedom. He also takes back his earlier view that he now admits was a value realism about the value of freedom.<sup>20</sup> His updated view is to reject the realism of value for a realism of freedom itself, “the fact that every human being has a will of his or her own”, and allow that moral value is not transcendently real.<sup>21</sup> Guyer holds the fact of free will

is not a mysterious moral fact, or a value that somehow exists in the universe independently of our act of valuing it. It is simply a fact that cannot be denied on pain of self-contradiction, since, Kant assumes, in some way we always recognize it even when by our actions we would deny it. Whether Kant has succeeded in demonstrating this fact is a question; but there is no question that he regards our possession of wills as a fact from which moral theory must begin.<sup>22</sup>

Guyer takes this fact of a will to be the ground of morality through the use of the principle of non-contradiction, a claim to which I will return. Directly important here is his claim that Kant assumes that free will is a transcendent fact (or, as Guyer had put it, a transcendently realist claim).

This is the point to make clear precisely what conception of freedom Guyer has in mind in these discussions. The freedom at issue for Guyer is a freedom to choose for or against the law, to set our own ends without being determined to any particular ends, and to choose good or evil, the right thing or the wrong thing. This libertarian view of freedom emphasizes that the will is not subject to any causal determinants of its actions. Guyer rejects the kind of freedom that Kant sometimes described that is limited to choices determined by reason, that is, morally correct choices stemming from the application of the categorical imperative. Guyer repeatedly invokes the Ulrich/Sidgwick objection to that kind of freedom which limits

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<sup>19</sup> Guyer, *Rationality*, 64.

<sup>20</sup> Guyer references as an earlier work that took Kant to be a value realist “The Value of Reason and the Value of Freedom”, *Ethics* 109, 1998, 22–35, a long review of Korsgaard’s *Creating the Kingdom of Ends*.

<sup>21</sup> Guyer, *Rationality*, 64.

<sup>22</sup> *Ibid.*

freedom to rationally determined decisions<sup>23</sup> and prefers the kind of freedom that Kant alludes to in the *Religion within the Boundaries of Mere Reason* as a choice for or against the moral law. When freedom is of value, for Guyer it is the expansive libertarian freedom described here. Guyer holds that Kant needs to prove this libertarian conception of free will in *Groundwork* III.

I now turn to Kant's argument in *Groundwork* III. There is not enough space here to detail the many interpretations and many steps involved in this complex argument. Guyer has discussed it in numerous places as well. Here I will focus on the crucial step of the argument when Kant tries to escape from what he describes as a circle by invoking the claim that every human being should readily be able to distinguish the way that objects affect us from the way that they may be in themselves (GMS, AA 04: 450–453). While there is little doubt that Kant intends in some way to invoke transcendental idealism, the precise claims that Kant makes must be noted in order to see what Kant intends to draw from that doctrine.

Guyer takes Kant to be broadly claiming that we human beings must view ourselves as things-in-ourselves completely independent of how we may appear. I take Kant's claim to have a much more limited target, namely, the *faculty of reason* itself rather than any being in ourselves completely distinct from how we appear in nature. The key passage in the argument Kant provides in *Groundwork* III about the basis for a two-standpoint claim on our self-description is when Kant says "a human being really finds in himself a capacity by which he distinguishes himself from all other things, even from himself insofar as he is affected by objects, and that is reason. This, as pure self activity [...]" (GMS, AA 04: 452). The passage continues by invoking the understanding as well, with both faculties acting as sources for concepts or ideas that differ from mere representation arising from sense. Guyer glosses the latter part of this quotation this way (italicizing Guyer's words) "[...] as he is affected by objects' (*that is, himself as appearance*), 'and that is reason', *which is understood in turn as 'pure self activity' — or will*".<sup>24</sup> It is worth noting that Kant does not use the term "will" anywhere in that paragraph. His emphasis is on reason as an active source of ideas and, more importantly, a source of causal laws. Since human beings see their own faculty of reason as an active source of ideas and principles that cannot be understood to stem passively from sensation, they are able to view themselves from two standpoints. Human beings can see themselves as subject to laws of nature as belonging to the world of sense and "as belonging to the intelligible world, under laws which, being independent of nature, are not empirical but grounded merely in reason" (GMS, AA 04: 452). What Kant is citing here as pure self activity is not a will

<sup>23</sup> For example, in Guyer, "Proving", 154–155.

<sup>24</sup> Quoted from Kant, with Guyer emendations in italics, *Rationality*, 65.

that can determine ends for itself or decide for or against the moral law but the faculty of reason itself that provides that moral law. Reason as provider of ideas and principles and not will as an ability to choose is the part of our self-ascription that cannot be attributed to appearances. I take Kant to be invoking a claim that we are allowed to question whether there are any sources of our representations that cannot be attributed to appearances, and that his candidate is the faculty of reason. He does not here widen this ascription to libertarian freedom of the will or even to ourselves as things-in-themselves more broadly (except in the general sense that *if* we had some ground for explaining something about our appearances that we could not attribute to appearance, *then* we would be authorized to assume it).

Now Guyer does recognize that Kant mentions reason. But he thinks first that Kant moves from this attribution of reason to the more general claim about us as beings in ourselves. For example, in the recent *Idealism in Modern Philosophy*, he says: “We also have insight into the self-activity or spontaneity of our own pure reason” which leads us to the concept of an intelligible world, which “is an assertion of real idealism, that is, of the intelligent and therefore mental nature of our being at its most fundamental level”.<sup>25</sup> Guyer thinks that Kant is not entitled to take this step, however, for various reasons that I need not repeat here. The issue at stake is not whether Kant is entitled to make this move in his argument but whether he does make this move in his argument. I grant that much of his immediate language appears to invoke our “membership” in an “world of the understanding”. But as Kant proceeds in *Groundwork* III he clarifies that this is merely a standpoint we can take that allows us to see ourselves as subject to the causality of nature as well as the causality of reason. He minimizes the claim about the activity of reason to it being the source of the moral law. While Kant certainly uses language about separate worlds (the world of the understanding and the world of sense), he also limits the import of that language by talking about two standpoints or two orders of things — which I take to be of the *same* things, namely humans in nature (e.g. GMS, AA 04: 457). His causality regarding moral actions are “in accordance with principles of an intelligible world, of which he knows nothing more than that in it reason alone, and indeed pure reason independent of sensibility, gives the law” (GMS, AA 04: 457). Further, even to talk about a “world” of understanding is “only a standpoint that reason sees itself constrained to take outside appearances in order to think of itself as practical” which of course seems to involve a conception of “the whole of rational beings as things in themselves” but only in its “formal condition, that is, of the universality of maxims of the will as law and so of the autonomy of the will, which alone is compatible with its freedom” (GMS, AA 04: 458). In the final

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25 Guyer, Paul, and Horstmann, Rolf-Peter, *Idealism in Modern Philosophy*, Oxford 2023, 64.

paragraph of *Groundwork* III, Kant even alludes to the way that reason creates ideas for itself in order to posit an unconditioned when faced with a series of conditions, leading both theoretical and practical reason to “assume” the “unconditionally necessary” in order to satisfy reason itself, although it can never make an unconditioned law comprehensible to itself. Guyer himself notes that as Kant proceeds in his discussion in *Groundwork* III after providing the claim about the two standpoints, Kant “seems to weaken the initial argument of Section III” and to “step back from the brink”.<sup>26</sup> If one reads the argument of *Groundwork* III as a whole, however, properly emphasizing the limitations Kant invokes and the way that he applies the two standpoints only to the obligation we human beings have to the moral law stemming from reason, then Kant is not weakening his argument at all. The argument is properly only centered on reason as the source of another kind of causal law — the moral law — that we human beings take ourselves to be subject to in our empirical choices.<sup>27</sup> All that we are entitled to assume from the two standpoints argument is that reason is an active source of the moral law that is obligatory for us.

Guyer of course notices that Kant invokes reason. But Guyer takes Kant to not be entitled to any claim that we must understand reason independently of appearances. He claims that Kant equivocates between reason as empirically observable, for example when we build our structures according to reason rather than instinct, and reason that cannot be empirically observed.<sup>28</sup> The former is attributable to us because of our activities in nature and distinguishes us from animals; the latter resides in our “real selves”. Here I think Guyer is mistaken in his interpretation. Rather than an equivocation, this is instead an important claim that helps to illuminate Kant’s argument. We do observe ourselves behaving rationally, both in moral and in non-moral situations. When we attribute this rationality to ourselves, we are attributing to reason itself some independence from nature, in that the principles of reason, the way that reason underlies logical relations, the demand of reason for consistency, etc, are themselves attributed to a timeless structure of reason. We

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26 Guyer, Paul, *Kant’s Groundwork for the Metaphysics of Morals: A Reader’s Guide*, New York 2007, 167.

27 These interpretive issues are of course much more complicated than space allows for in this paper. I make this argument in more detail in two papers: Rauscher, Frederick, “Freedom and Reason in *Groundwork* III” (in J. Timmermann, ed., *Kant’s Groundwork of the Metaphysics of Morals: A Critical Guide*, Cambridge 2009, 203–223) and Rauscher, Frederick, “Die äußerste Grenze aller praktischen Philosophie und die Einschränkungen der Deduktion in *Grundlegung* III” (in *Kants Begründung von Freiheit und Moral in Grundlegung III*, ed. by D. Schönecker, Münster 2015, 215–229), both of which are largely incorporated into my book *Naturalism and Realism in Kant’s Ethics* (Cambridge, 2015).

28 Guyer, *Guide*, 159–160.

cannot empirically observe that structure of reason any more than we can empirically observe mathematical truths. We must see the effects of reason on our actions as a kind of pure activity that plays a role in determining our empirical actions yet that cannot be explained merely according to natural law. The very fact that we take our empirical actions to be effects of reason means that we see our actions as caused by reason in a way distinguishable from laws of nature that demands another ground of explanation. That explanation is to attribute an independence to reason so that its principles are not themselves subject to determination by laws of nature (laws of appearances).

How does this emphasis on reason relate to free will? Here, contra Guyer, I bite the bullet and accept that Kant takes a free will (or free power of choice) to be one that is determined by the moral law. If we are allowed to attribute a different kind of causality to reason — a causality in which a principle or law plays a role in determining our empirical decisions — then we can allow for an empirical power of choice in nature to be deemed free to the extent that it is determined by reason. Kant claims that freedom is “only an idea of reason” (GMS, AA 04: 455). This independence of reason is the basis for attributions of freedom of will. “The rightful claim to freedom of will made even by common human reason is based on the consciousness and the granted presupposition of the independence of reason from merely subjectively determining causes” (GMS, AA 04: 457). Reason’s independence is the ground of any attribution of freedom to the will. Recall that Kant rejects any claim that freedom could be understood as independence from laws but must be understood as not lawless but causality in accordance with another kind of law other than laws of nature (GMS, AA 04: 446). I take Kant seriously to claim that a libertarian freedom of the will, one in which there is a choice not determined by either the moral law or a law of nature, is lawless in this sense. The proper conception of will we can draw from *Groundwork* III is a will under moral laws that stem from reason. Thus the basis of any claim to freedom of the will depends upon a prior claim to the freedom of reason itself as source of the moral laws that fill in as causes beyond the limits of causality of natural law.

This interpretation of *Groundwork* III should not be seen in isolation. We can look back to the First *Critique* and ahead to the Second *Critique* to see that Kant invokes reason in similar contexts. Looking backward, but without time for detailed assessment, note that Kant’s resolution to the Third Antinomy also invokes reason, not will, as the faculty that possesses free causality, and cites its production of imperatives as evidence (KrV, A 547/B 575, with references to reason as cause throughout the remainder of the resolution). Looking ahead, Guyer also invokes the Fact of Reason to support his claim that freedom of the will comes first as a basis

for morality.<sup>29</sup> But Kant is clear that freedom is a result of the Fact of Reason, not the Fact of Reason itself: our practical cognition “cannot start from freedom” but instead “it is the moral law ... that first offers itself to us” (KpV, AA 05: 29). In the passage that Guyer invokes Kant bases the claim to freedom on reason’s providing the moral law to us: “We can become aware of pure practical laws just as we are aware of pure theoretical principles, by attending to the necessity with which reason prescribes them to us”, and further, “one would never have ventured to introduce freedom into science had not the moral law, and with it practical reason, come in and forced this concept upon us” (KpV, AA 05: 30). “Consciousness of this fundamental law may be called a fact of reason” (KpV, AA 05: 31) Kant continues. We are not directly aware of our free will but are aware that our will is free only because we are aware of the demand of reason to comport our will to the law of reason, experienced by us as a categorical imperative.

Allow me to draw from all these passages the main point regarding reason and will. Contra Guyer’s claims, in *Groundwork* III Kant is not primarily or solely — and perhaps not even at all — claiming that we have a will considered as an ability to set ends or to choose between good and evil or to be free from causal law. For the will to be free is for the will to be subject to the causal laws of reason. Reason itself must be considered as free or self-active in order to produce ideas and principles that are not derived from but are applied to the world of sense. Kant stresses the activity of reason as the ground for claims to independence from natural causality. If anything is free as a fact about human beings, it is reason rather than will.

I started this section by discussing Guyer’s distaste for the transcendent as an ontology that requires non-spatial and non-temporal things in themselves. Because he views free will seen as free in a libertarian sense, able to choose good or evil, to set ends without limitation, in short, to be independent of causal determinism, he sees this will as a property of a person in herself outside of nature. It is certainly problematic to conceive of a person’s power of choice as a facet of a non-spatial, non-temporal essence of a person in herself that is yet able to decide in context particular actions in space and time. But if instead the way to understand free will is only when it is determined in accordance with a causality of reason, through a standpoint that invokes reason as a cause, then the free will can be located in nature in space and time, and only the causal source in reason needs to be explained in a way that would go beyond mere natural causality. It is not anywhere near as problematic to conceive of the faculty of reason as independent of space and time, given that the timeless nature of the principles of reason already point in that direction. The empirical will can be seen as

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29 Guyer, *Rationality*, 65.

subject to two kinds of causality simultaneously — the causality of nature through laws of nature and the causality of freedom through moral laws.

### 3 The Source of Value

Given the assessments of free will and reason just provided, and in line with Guyer's earlier claim, it is clear that Kant does not intend to provide a deduction of the value of freedom, or any moral value, in *Groundwork* III. Yet although Guyer would have preferred otherwise, Kant also cannot offer an empirical defense of the value of freedom. In this final brief section I will suggest that Guyer's more recent work on the rationality of morality provides a transcendental ground for moral value.

In the book *Kant on the Rationality of Morality*, Guyer renounces his earlier view that Kant offers a metaphysical realism about moral value.<sup>30</sup> He is now committed to a claim that reason in application to humans as acting agents generates the moral law and, presumably, moral value. He is clear that he understands Kant's use of reason in morality to be a specific application of a more general reason that straddles both theoretical and practical applications.<sup>31</sup> This reason requires universality and noncontradiction. When Guyer prepares to show how Kant grounds the moral law in reason, he claims that one must go beyond the principle of noncontradiction itself to include some content because as a purely formal principle, the principle of non-contradiction must be applied to some content to yield any potential contradiction. This is certainly true. Reason can demand consistency, but *what* must be consistent depends upon particular content. Guyer takes the content to be a fact that human beings are capable of setting their own ends, which then grounds the fundamental principle of morality, which he paraphrases as "we not contradict the nature of human beings as rational agents, capable of setting their own ends".<sup>32</sup> This makes Kant's reasoning dependent upon the prior claim that we human beings are free, which Guyer sees as a transcendentially realist claim about human beings as they are in themselves.<sup>33</sup>

I follow Guyer partway here. First, I take it that reason's use of the principle of non-contradiction has content for practical purposes when potential actions, or to be more precise maxims for potential actions, are assessed in accordance with it.

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<sup>30</sup> Guyer, *Rationality*, 63–64.

<sup>31</sup> Guyer, *Rationality*, 3.

<sup>32</sup> Guyer, *Rationality*, 11–14.

<sup>33</sup> Guyer, *Rationality*, 65.

The merely formal, contentless principle of non-contradiction is expressed by Kant for practical application as the universal law formula of the categorical imperative, which tests maxims for potential contradictions. Second, I would describe the work of reason not as applied to human beings' capacity to set ends but to the concept of any rational being as one who sets ends, with the question of whether it applies to human beings left for a further step (Guyer approaches the issue this way at times).<sup>34</sup> Third, while Guyer sees the human capacity to set ends as a fact, I would see it as a self-conception we take on from the first-person perspective. We are active beings who adopt the standpoint of deliberation on our actions and our ends whether or not such self-ascription is ultimately deceptive. These minor differences, however, are not important here.

Although Guyer does not state this explicitly, I think he holds now that moral value results from the application of reason to the fact that human beings have wills and are capable of setting ends. Since moral value is not attached to that fact, it must be a result of the synthetic operation of reason in applying its principle of non-contradiction to that fact. Moral value is thus not metaphysically real but metaphysically ideal or anti-real, stemming from the operation of reason. And since this value is not contingent upon anything except the application of reason, the ground of this value can be understood to be transcendently grounded. No deliberative agent with a self-conception as rationally deliberative can have the kind of moral experience it has without being obligated to reason's categorical imperative and with it the value reason imposes. Reason's practical application carries with it normativity since, as rational beings, we experience our rationality as a demand for rational consistency. This kind of transcendental ground does not require any non-natural ontology beyond a conception of reason itself having a special status as the ground of law independent of natural law.

## 4 Conclusion

Guyer has resisted the transcendental in Kant for most of his career, favoring whenever possible interpretations that are grounded empirically or that do not require claims about things in themselves radically different from the way we experience objects — and ourselves — in nature. I have suggested in this paper that his worries about the need for transcendental freedom of the will can be allayed under an interpretation that emphasizes instead the transcendental independence of reason as

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<sup>34</sup> See Guyer, *Rationality*, 17.



a faculty that grounds the moral law that can determine the empirical will (or power of choice). This interpretation would allow for a larger role for an empirically informed conception of freedom and moral responsibility along the lines that Guyer advocates. This freedom is also of importance from the practical, first-person point of view that we take up as moral agents, where we identify as rational beings because we experience the fact of reason as a categorical imperative and subsequently see ourselves as not only obligated to follow that moral law but also as constrained to value other rational beings through that imposition by reason. Value is thus not transcendently real but transcendently grounded, and requires no claim about human beings as non-natural things in themselves radically different from our experience. This paper has assessed Guyer's claims about the empirical and transcendental in Kant's ethics and pointed the way to a resolution of some of the problems Guyer found.

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