

## **Kant's Ethics in the Twenty-First Century**

### *La ética de Kant en el siglo XXI*

ANDREA FAGGION\*

State University of Londrina, Brazil

**Review of Frederick Rauscher, *Naturalism and Realism in Kant's Ethics*, Cambridge, Cambridge University Press, 2015, 264 pp. ISBN 9781107088801**

In *Naturalism and Realism in Kant's Ethics*, Fred Rauscher argues that Kant is a moral idealist who could have been a full-blooded naturalist. A naturalist approach to Kant only makes sense if one distinguishes between metaphysical and methodological naturalism. Methodological naturalism, as Rauscher describes it, is that strain of naturalism that views the method of the sciences as the only proper path to acquiring knowledge. In turn, metaphysical naturalism is that strain of naturalism that only accepts natural entities as real (Rauscher 2015, p. 29).<sup>1</sup> In Rauscher's view, Kant was a metaphysical, not a methodological, naturalist. This distinction certainly makes Rauscher's thesis plausible, but not at all trivial. His major challenge is to show that reason and free choice can be fully understood without appealing to non-natural entities.

At this point, it is already clear that Rauscher's goals are not merely exegetical. This is a book of Kantian philosophy, not a mere commentary on Kant's ethics. Indeed, since many passages in Kant's writings are both consistent with different readings and inconsistent among themselves, one can hardly comment on Kant's philosophy without developing a Kantian philosophy. Be that as it may, it is welcome that Rauscher is aware of this and concerned to assess Kant's ethics in light of twenty-first-century metaethics (p. 5).

Nonetheless, Rauscher maintains that some contemporary definitions are not appropriate to Kant's ethics. This is why he offers his own definitions of moral realism and

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\* Associate Professor of the State University of Londrina (Brazil). E-mail for contact: [andreaaggion@gmail.com](mailto:andreaaggion@gmail.com).

<sup>1</sup> Excluding references to Kant's works, all subsequent references are to this text and are noted parenthetically.

nonrealism, in which he avoids reducing moral realism to any theory that allows for moral truth. According to Rauscher's definitions, moral realism takes principles, properties and objects to be "independent of the transcendental or empirical moral agent" (p. 14), whereas moral nonrealism considers principles, properties and objects to be "dependent upon the transcendental or empirical moral agent" (p. 14). It should be noted that the moral agent is considered a moral subject on this view: "[I]f moral agents themselves were to have independent intrinsic value as *objects* of consideration for a moral agent who is the *subject* facing a moral decision, that value would be real because it would be independent of the moral agent *qua subject*" (p. 16).

Moreover, Rauscher distinguishes two types of nonrealism (constructivism and idealism) in order to further distinguish two types of idealism: empirical and transcendental. Constructivism is a kind of moral nonrealism that is based on decision procedures. Here, moral principles, properties and objects depend on choices made in ideal situations. In turn, moral idealism – the position that Rauscher embraces – derives moral principles, properties and objects from the "nature of agency", i.e. "a conception of agency prior to and as a ground for the capacity of agents to make choices" (p. 48).

Moral idealism is empirical when moral principles, properties and objects are taken to depend on "the particular mental structure of human and similar beings as moral agents" (p. 16) – in other words, when the moral subject at issue is the empirical subject. But moral idealism is transcendental when moral principles, properties and objects are taken to depend on the transcendental conditions for agency as such.

If moral idealism is transcendental, there will be room for empirical realism in ethics. These are different levels of analysis, after all. But the well-known correlations from Kantian theoretical philosophy are not reproduced here. Moral transcendental realism does not imply moral empirical idealism. Indeed, moral empirical idealism is at odds with moral transcendental idealism and realism, while moral empirical realism can entail moral transcendental idealism or realism.

According to Rauscher, moral transcendental idealism depends on the possibility of transcendental arguments in ethics (p. 21). As is well known, Kant gives up on the possibility of a transcendental deduction of the moral law in the *Critique of Practical Reason* (5: 46). According to Rauscher, however, Kant should not have done this: "I believe that Kant is mistaken in denying that a transcendental deduction can be given for the moral law" (p. 143).

Rauscher argues that a transcendental deduction of pure practical reason and its moral law can be supplied, making Kant an empirical realist instead of an empirical idealist. Without this transcendental deduction, reason cannot have the status of being transcendental. Morality is reduced to a mere factual sense of duty that emerges from the practical perspective of the empirical agent, a necessary illusion in deliberation.

But how might such a transcendental deduction work? The point at issue is the possibility of an object that is at once: 1) immune to denial by the moral skeptic, or given independently of acceptance of the moral law, and 2) to be accounted for only on the basis

of the moral law. Rauscher claims that this object is: “the experience of a free rational agent deliberating courses of action” (p. 143). Thus: “The moral law could be seen as the necessary basis for any rational deliberation at all” (p. 143). Or in other words: “The transcendental justification of the moral law would mean that for a particular kind of experience to be possible – in this case, any kind of deliberative decision-making seen as free from the agent-perspective – a certain foundational a priori structure is required – in this case, the moral law stemming from the structure of reason” (pp. 143-144, see also p. 227).

It seems safe to say that the experience of deliberative decision-making needs to be considered free from the agent's perspective. Apparently, Kant accepts this fact in the third section of the *Groundwork of the Metaphysics of Morals* (4: 448), and so should we. So why does Kant later refuse to offer a transcendental argument for the moral law? More importantly, does he actually make a mistake in doing so? On these matters, I am not convinced.

It seems to me that, on the one hand, if the notion of freedom at issue here is strong enough to imply the validity of morality, then it is not self-evident that this same notion is necessarily operative from the agent's perspective in deliberation. On the other hand, it is not self-evident that the notion of freedom that is clearly operative in deliberation from the agent's perspective necessarily implies the validity of the moral law.

Morality demands transcendental freedom: independence with regards to setting ends. But mere deliberation only requires practical freedom: independence with regards to setting means. Why do I need to consider myself transcendently free in order to set means for myself? And if I do not need to consider myself transcendently free in order to set means for myself, why do I need to consider the moral law valid?

Perhaps it is not the case that *every* instance of deliberation requires a strong conception of freedom which is to be accounted for only on the basis of the moral law. But *moral* deliberation certainly does. If we are talking about agents facing moral dilemmas, however, we are back to why Kant denies the possibility of a transcendental deduction of the moral law. Moral dilemmas only exist from the perspective of an agent who accepts the moral law. It is a phenomenon that is dependent on acceptance of the moral law. This is why this special kind of deliberative experience amounts to a fact of reason and cannot constitute the starting point of a transcendental deduction of the moral law.

At this point, it is worth emphasizing again that Rauscher would not discount the above remarks, at least as an interpretation of Kant's ethics. He endeavors to offer a transcendental deduction of the moral law – against Kant's explicit concerns – because otherwise, on his view, Kantian moral philosophers must embrace empirical moral idealism (pp. 146, 227-228, 239, 247).

Interestingly, we begin to follow this line of reasoning with Rauscher's new definition of moral realism, which aims to preserve cognitivism, i.e. the possibility of moral truth in idealism. But if Rauscher is right to say that transcendental moral realism requires a transcendental argument and wrong about the possibility of such an argument, then is Kant to be excluded from the moral cognitivist camp? Perhaps not. Rauscher claims

that even if no successful deduction of the validity of morality is at hand, this “could still allow for a view that, although we cannot prove that morality is transcendently valid, we must still believe that it is, and thus believe that morality is empirically real” (p. 247).

Nevertheless, even this might be too strong. Without a transcendental deduction, why *must* we believe that morality is (empirically) real? It sounds safer to simply say that we *do* believe. Hence for the empirical moral idealist morality is an illusion, and not even a *necessary* illusion. Instead of itself being necessary, it is the illusion that some course of action is necessary. Rauscher touches on this point when he says that a realist would charge “the empirical moral idealist with being an error theorist” (p. 248).

In Rauscher’s view, the Kantian empirical moral idealist can reply that “[t]he moral experience is self-validating as a practical experience” (p. 248). Indeed, the very quest for a transcendental argument is a priority for theoretical reason, and not for practical reason. But is this last appeal not a capitulation from a philosophical or metaethical point of view? Or is it simply the reflection of a sound comprehension of the limits of reason? Rauscher’s book prompts this kind of reflection.

With this description of the tension between moral empirical realism and moral empirical idealism in Kant’s ethics in hand, perhaps we should say a brief word about the rejection of transcendental moral realism. After all, Kant’s being a transcendental idealist in theoretical philosophy does not preclude his being a transcendental moral realist. The point at issue here is the value of humanity as an end in itself. If humanity has value as an intrinsic property, independent of the moral agent *qua* subject, value is transcendently real.

Rauscher argues that, because of the nature of autonomy, even the value of humanity as an end in itself must depend on the practical perspective of the moral agent. If the absolute value of humanity were to precede the moral law, Kant’s ethics would be heteronomous; such a value would constitute a limit to the legislation of reason: “An independent value of humanity as the basis of the moral law would violate autonomy if that value were to be seen as shaping the actual legislation of the categorical imperative by reason” (p. 216).

At this point, we might think of an ethical version of the so-called “neglected alternative”.<sup>2</sup> In other words, human beings might have absolute, intrinsic value, and pure practical reason might also command agents to treat humanity as an absolute value. In fact, however, Rauscher does not neglect this alternative. He argues against the possibility of a value property’s being real, even at the empirical level.

Rauscher’s first point is that practical reason has nothing to do with ontology. The second argument against the possibility of real value is epistemological: “Clearly absolute value is not something that human beings can sense through outer intuition. Nor could it be something that is a property of an outer object accessed through inner intuition via feeling...” (p. 218).

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<sup>2</sup> In theoretical philosophy, this expression refers to the alleged possibility that space and time might be both transcendently real and transcendently ideal.

But a realist would hardly claim that absolute value can be known through empirical intuition. Thus, Rauscher's more important argument is the third: were value an intrinsic property, "there would be no way that moral agents could know such a property through reason and it would thus be irrelevant for morality" (p. 219). This amounts to saying that reason "has no way to passively access the independent property" (p. 219). Rauscher thus dismisses the possibility of moral intuitionism.

As a reading of Kant, it is more than plausible to deny the alternative of moral intuitionism. Nevertheless, one can ask whether the dismissal of moral rational intuition is based on argument or whether it is a basic fact accepted by Kant as a starting point of his overall philosophy.

The core belief that reason cannot access what it does not itself create leads back to the other main theme of Rauscher's book: naturalism. One of the main challenges faced by a naturalist interpretation of Kant's ethics is making room for reason itself within nature. Rauscher's first move in overcoming this difficulty is to distinguish between the content of a representation and the representation itself *qua* mental event. Although the content of a representation (concepts and ideas) may be incompatible with nature, the representation *qua* representation – including the representation of the categorical imperative – "is entirely within the natural order" (p. 118). Thus the content of the categorical imperative may require pure practical reason for its justification, while the imperative as a representation can be operative in human actions through empirical reason (p. 119). Nonetheless, Rauscher still needs a different story in order to explain reason as a transcendently free cause. This is his strategy: "The requirement for reason to be a transcendently – that is, justifiable under a transcendental argument – free cause does not entail that reason is a transcendent – that is, existing outside nature – cause. A transcendently free reason can exist in nature as other transcendental conditions for the possibility of experience such as causal relations can exist in nature" (pp. 120-121).

Accordingly, Rauscher also describes this transcendently free cause as a "timeless structure" of experience (p. 123). I am not sure, however, that this description clarifies Rauscher's naturalist approach to the transcendental freedom of reason, since the pure concepts of the understanding that are transcendental conditions for the possibility of experience – its timeless structure, in this sense – are not causes at all. Causes that actually exist in nature are empirical events. The fact that their justification is a transcendental argument does not make them transcendental causes. This is why it does not seem to me that Rauscher can appeal to this analogy to explain a transcendently free cause from a naturalist point of view.

Related to this, another core issue for Rauscher is freedom of choice. Rauscher's arguments rely on the "apparent indeterminacy of the outcome of reflection and decision" from the agent's perspective (p. 75). This is the same first-person experience that Rauscher uses to build his attempt at a transcendental deduction of the moral law, as seen above: "A natural fact about human beings is that they face decisions about what they ought to do and that their own conscious deliberation appears to them to determine their actions" (p. 76).

What is relevant here is that “[f]irst-person freedom does not entail actual independence from causal necessitation” (p. 75; see also p. 205). In other words, an act’s being free from the agent’s perspective does not imply the ontological claim that it requires non-natural objects or properties: “It merely functions as a description of the agent’s viewpoint in decision-making” (p. 75). Rauscher proposes a heuristic interpretation of free choice,<sup>3</sup> which coincides with his naturalist and idealist interpretations of Kant’s ethics.

In order to develop his heuristic view of freedom of choice, Rauscher proceeds in two steps. His first goal is to show that according to Kant, every empirical instance of decision-making requires only one instance of a non-natural free act. Certainly, this singular non-natural free act is still incompatible with metaphysical naturalism. This is why Rauscher’s second goal is to show that Kant’s ethics does not require even this single non-natural free act. Together, these two steps form what Rauscher calls a reduction from many to one (non-natural free act), and from one to none, reaching the heuristic perspective.

As for the reduction from many to one, the idea is that a person is free to choose her entire set of actions – that is, her empirical character. This empirical character is the natural cause of every action. Each action is therefore free, because the empirical character is freely chosen: “[T]he agent has the ability to *have had a different empirical character* such that the alternate empirical character would have refrained from that action. There would be a single nonnatural decision that results in the entire empirical character of an agent throughout her lifetime” (p. 189). The fundamental decision here is whether to follow the categorical imperative “or to instead prioritize self-interest” (p. 200).

Thus, Rauscher rejects the possibility of revolution with regard to the dispositions of moral agents as part of Kant’s metaphysics of free choice. On his view, such a revolution of character would have to be considered “an idea of reason we hold as support for our efforts to improve ourselves morally” (p. 200, n. 14). Curiously, when Rauscher downgrades even the single nonnatural decision, this single act is also interpreted merely heuristically. One might therefore wonder whether a reduction from many to none, without the first step, would not clarify moral experience better. But Rauscher does not accept the alternative of dispensing with the step from many to one, because he believes it would render impossible the unity of identity: “[I]n order to have a unity of character, only one transcendent free decision is allowed” (p. 201).

Indeed, the idea of a revolution of character seems to imply the notion of moral rebirth. This is the whole point, after all. Maybe the reborn person is not even to be blamed for previous acts, provided her regret is genuine. And is the idea of regret itself not enough to guarantee personal identity? I do not regret what other people do, and can in this sense be thought of as the same person as she who transgressed the moral law. In the case of moral rebirth, however, I may nonetheless escape blame, because I am, in a *moral* sense, another person. Developing something along these lines seems preferable to accepting two different (and contradictory) ideas of freedom to account for moral experience. Rauscher

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<sup>3</sup> Along the same lines of his interpretation of God and immortality.

says that “in order to make the experience we have of the fact of reason coherent with our entire worldview we would need to use the concept of freedom” (p. 206). It seems to me that the experience we have of the fact of reason requires a concept of freedom that allows for fresh starts if it is to be made coherent with our worldview.

Be this as it may, according to Rauscher, such a concept of freedom should not be “taken to refer to an actual property of moral agents” (p. 206). It is this strong idealism that allows for a Kantian naturalist ethics. I have no doubt that Rauscher’s book will be widely read, quoted, and discussed for years to come. This is the kind of work that surely offers a fresh start for Kant’s ethics.

