

## **Realism and Antirealism in Kant's Moral Philosophy**

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# **Realism and Antirealism in Kant's Moral Philosophy**



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## Preface

This volume aims to clarify whether Kant is a moral realist, an antirealist, or something in between. Obviously, the answer to this question presupposes an understanding of the terms “realism” and “antirealism.” Considering the current literature in metaethics, one finds that the topics of moral realism and antirealism have been broadly discussed for decades, and well-known (and, of course, also less well-known) philosophers have contributed ideas to this debate, including such scholars as David Brink, Christoph Halbig, Christine Korsgaard, Franz von Kutschera, Thomas Nagel, John Rawls, Peter Schaber, and Russ Shafer-Landau, to name but a few. Central questions in this debate are: What *are* moral realism and antirealism, and how can we define them? What are moral facts? Are they natural facts or not? Are they objective or subjective? Are moral facts subject-dependent or not? In the final analysis, is there something like one and only one form of realism or antirealism? Current debates do not show a unified or consistent terminology. Different philosophers use the terms quite differently and even new terms have come into play. So the debate concerns not only “realism” and “antirealism,” but also forms of “strong,” “weak,” or “moderate” realism or antirealism. Furthermore, mediating positions have arisen such as “objectivism,” “constructivism” (not only as a form of antirealism), “constitutionism,” and “idealism.” Again, all of these terms are used repeatedly with different meanings in different contexts, and there is no homogenous terminology. Between the positions of a strong moral realism, which is based upon God’s existence, or on the existence of Platonic Ideas, and a non-cognitivist, antirealist understanding of morality, it seems that everything is possible in principle and named differently by different authors.

What probably is common to all moral realists is the claim that there are answers to at least some moral questions and that a moral judgment is true when it corresponds to the relevant moral facts. But here the agreement seems to end, and in order to distinguish a moral realist from a (cognitivist) antirealist, one has to ask what exactly these moral facts are and how they are to be understood in an ontological way. For classical antirealism (like relativism or subjectivism), the point seems to be that moral facts are completely dependent on subjects, who just *decide* what is morally right and wrong. According to this view, there are no necessary or universally binding norms or values, but only contingent ones. At the same time, strict realists hold moral facts to be absolutely independent of any subjects and their beliefs – and therefore they are necessary and universally binding. Yet again, this is not the whole story,

for there is a wide range of positions between classical antirealism and strict realism.

So to decide whether one should label Kant's ethics "realism" or "antirealism", one has to do at least two things: explain what one means by those terms and argue for why Kant has to be subsumed under one category rather than another. The possibilities concerning the classification of Kant's metaethical position are, of course, numerous. One possible way to argue would be to emphasize the fact that the categorical imperative springs from and therefore depends on human reason, and that only human beings and their actions have moral value. In this respect, Kant could seem to be an antirealist, since morality would depend on human beings. On the other hand, one could argue that Kant claims his ethics to be universal and a priori because it is not dependent on any specific subjects and their desires or preferences, which seems to indicate that he is a proponent of moral realism. Yet these two views represent the limit positions, and mixed positions may be found in-between. For instance, one could point out that for Kant morality is indeed dependent on the *existence* of beings that possess pure practical reason, but that as long as these beings really exist, morality really exists and is therefore not only "real" but also objective and universal, and in no way up to individual or even arbitrary choices.

All the authors of this volume take up the task of classifying Kant's ethics metaethically, though they do it with different intentions and purposes, and they come to quite different conclusions. Hence it is no surprise that the ambiguity of terminology in the current metaethical debate is mirrored in this volume as well. There is no agreement among the authors of this volume on how exactly to define realism and antirealism (and their variants), nor is there agreement among them on whether Kant belongs to one or the other camp. In any event, all authors introduce and defend their terminology. Every paper is preceded by an abstract, and as one can see, all camps in the metaethical field have their inhabitants: Fred Rauscher and Melissa Zinkin belong to the primarily antirealist group; Christoph Horn, Patrick Kain, Lara Ostaric, and both Elke E. Schmidt and Dieter Schönecker read Kant as a fairly strong realist; Stefano Bacin, Jochen Bojanowski as well as Oliver Sensen take somewhat middle positions – or so we would classify their approaches.

A short note on the genesis of the volume at hand: This project was initiated at the conference "*Realismo e Anti-realismo na Filosofia Moral de Kant: Dignidade, Valor Moral e Reino dos Fins*" held at the Federal University of Pelotas, Brazil, in 2014. The group met again in 2015 at the University of Siegen to further discuss the topic, and the papers generated from these discussions are collected in this volume.



We would like to thank all the authors for their contributions and the many productive discussions in Pelotas and Siegen. We also would like to thank Richard Capobianco, Professor of Philosophy at Stonehill College, for polishing the English texts of non-native speakers; Nicholas Walker for translating the text of Christoph Horn; Jonas Höhler for formatting the texts; and Andreas Bender for taking care of the indices. Moreover, we are grateful to *Thyssen-Stiftung* and *Philosophische Fakultät* of the University of Siegen for funding this project.

Last but not least, our special thanks go to our dear friend and *fundamentalista*, Dieter Schönecker, for helping realize this project in many ways.

*Robinson dos Santos and Elke Elisabeth Schmidt*  
*Pelotas and Siegen, Oktober 2017*



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## Antirealist Interpretations of Kant



Frederick Rauscher

# Transcendental and Empirical Levels of Moral Realism and Idealism

**Abstract** The question “Was Kant a moral realist?” is sharpened by the two-level account provided in theoretical philosophy between the transcendental conditions for possible experience and actual empirical experience. In moral philosophy, at the transcendental level one determines the conditions for the possibility of moral agency as such, which for Kant includes: a free will, reason that provides universal law, an ability to choose ends, and an identification of absolute value. A moral realist holds that some conditions are independent of the conception of the moral agent, an idealist that all conditions are dependent. The empirical level refers to the realization of these conditions in actual individuals, and the dependence is upon the actual moral agent. Using this distinction, one might call Kant a transcendental realist but an empirical idealist about, e.g., the moral law, since it depends upon the rational moral agent as such, independent of particular moral agents.

\* \* \*

This paper is not intended to answer the question of whether Kant was a moral realist or a moral idealist (or antirealist) but to provide a better understanding of the question itself. The mere question “Was Kant a moral realist?” viewed as a simple yes/no dichotomy is based on a failure to account for the complexity of Kant’s moral theory in three ways, the third of which is the subject of this paper.

First, one must have a firm definition of “moral realism” at hand appropriate to Kant’s philosophy. The term “moral realism” is relatively recent in the development of philosophy, a product of the twentieth-century analytic identification of metaethics as an area of philosophy distinct from normative ethics. The definition of realism most widely used has two main elements: 1) that moral claims literally construed are either true or false, and 2) that some are literally true.<sup>1</sup> This approach essentially equates moral realism with the acceptance of

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<sup>1</sup> Geoffrey Sayre-McCord (1988, p. 5) uses this definition for his overview of moral realism. He also briefly mentions that one might contrast realism with idealism based on the issue of mind-independence of moral claims but brushes over the importance of this distinction by noting that both imply cognitivism and hence, on his definition, realism (1988, pp. 14–16).

the truth of moral claims and thus consigns moral antirealism to the rejection of the validity of morality.<sup>2</sup> It thereby sidesteps a traditional understanding of realism in contrast to idealism that focuses on the mind-dependence or -independence of certain aspects of experience. Kant's philosophy is most famous for insisting on this distinction and coming firmly down on the side of mind-dependence of synthetic a priori truth in theoretical philosophy. A definition of moral realism that takes into account the importance of mind-dependence would be better suited to assessing the issue in Kant.<sup>3</sup>

Second, one must specify the particular elements of moral theory at issue, e.g. "Was Kant a realist about moral value" and "Was Kant a realist about the moral law" might have different answers, making Kant a realist in one case and an idealist in another. Sometimes claims regarding Kant and realism are in fact made with regard to specific elements but generalized as if they covered Kant's position as a whole. Of course sometimes claims about particular elements of Kant's theory are appropriately limited to one element of Kant's ethics or do distinguish among various elements.<sup>4</sup> I take as uncontroversial the claim that a proper answer to the question of whether Kant was or was not a moral realist requires an explicit delineation of the specific elements of Kant's ethics and an assessment of alleged realism with regard to each element independently. Only then can a judgment be made about Kant's overall position.

But there is a third, more controversial way in which the question "Was Kant a moral realist" is overly simplistic. In his theoretical philosophy Kant not only presents his position regarding the status of space and time in terms of mind-dependence, he also distinguishes two levels for understanding the reality of space and time, transcendental and empirical.<sup>5</sup> He also employs the term "transcendental" in other contexts, as for example when he separates general

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<sup>2</sup> Sharon Street (2010, p. 370) makes essentially this same point when she notes that under such a definition even a subjectivist who takes moral truths to be relative to each subject would count as a moral realist.

<sup>3</sup> I offer and defend in detail such a definition in an early article (Rauscher 2002) and revised it in my book on realism in Kant (Rauscher 2015). The version in the book defines moral realism as the position that "the moral principles, properties, or objects of the world are independent of the transcendental or empirical moral agent" (Rauscher 2015, p. 14). Moral idealism is correspondingly dependence on the moral agent. The current paper is a detailed argument for the value of the transcendental/empirical distinction that I employ in that book.

<sup>4</sup> Patrick Kain distinguishes various elements in his various articles on Kant and moral realism, for example when discussing moral legislation in Kain (2004). Robert Stern is also careful to separate various elements of Kant's ethics in Stern (2011).

<sup>5</sup> See KrV: A28/B44 and A35–36/B52. For the list of abbreviations of Kant's works, see the "Literature" section of this paper.

logic from transcendental logic,<sup>6</sup> empirical deduction from transcendental deduction,<sup>7</sup> empirical illusion from transcendental illusion,<sup>8</sup> etc. Kant does not employ such language in his ethics outside the topic of freedom, but I contend that a similar distinction between empirical and transcendental is applicable to ethics and helps to illuminate the inquiry into answering the main question about Kant and moral realism.<sup>9</sup> Indeed it can be so useful that it can even dissolve some of the disagreements about the issue. For example, Kant could turn out to be a transcendental idealist and at the same time an empirical realist about some elements of his ethics, showing that both realists and idealists are correct in compatible ways.<sup>10</sup>

The paper will first discuss Kant's usage of the transcendental/empirical distinction in theoretical philosophy to show that the way I am using the distinction in ethics is grounded in Kant's overall philosophy. I will explain how this transcendental/empirical distinction for realism/idealism applies to Kant's moral theory. I then apply this to the moral law and moral value to show exactly where the fault lines are drawn between different claims when using this distinction. I also review some of the ways in which other commentators' take on the issue of moral realism in Kant could be clarified or improved by using such a distinction.<sup>11</sup>

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**6** See KrV: A55/B79–80.

**7** See KrV: A85/B117.

**8** See KrV: A295–296/B351–352.

**9** I set out this distinction in Rauscher (2015, pp. 19–22) but provide a more focused and detailed explanation in this current paper.

**10** When combined with my earlier point about individuating various elements of Kant's ethics for separate analysis, the possible configurations of moral realism and idealism in Kant multiply into the dozens. Luckily Kant can be construed as consistent in his approach to ethics, so some general principles can help to narrow the range of plausible interpretations. No one, for example, could plausibly hold that Kant is a transcendental realist about the value of contingently chosen ends of particular empirical agents.

**11** I must admit that in my earlier work I myself assessed moral realism without using this distinction. My article (Rauscher 2002) invoked Kant's transcendental idealism as *prima facie* reason to think that he was not a moral realist but in the end gave more attention to the empirical by focusing on the human mind. I defined moral realism as "the belief that some of the moral characteristics of the world are independent of the human mind" (Rauscher 2002, p. 482). My focus on the human mind tended to embrace the empirical – such as my interpretation of the fact of reason as our actual experience of the categorical imperative – and bring in transcendental considerations only from that perspective – such as the way that I had claimed that practical reason is only posited on the basis of that experience. I failed to give due weight to the transcendental conception of a moral agent and even conflated the two levels. Only in the intervening years have I realized the utility of making the distinction.

## I Empirical and Transcendental Levels

Although Kant presents the distinction between empirical and transcendental as both metaphysical and methodological, I will stress the methodological aspect. These two explanations of the difference between transcendental and empirical work together in a way that will apply well to the question of moral realism. In discussing the methodological distinction, I do not mean a full interpretation of transcendental idealism as methodological rather than metaphysical but only an explanation of the nature of the transcendental method in philosophy. There are two key elements to the transcendental method that I want to examine.

First, the transcendental method is itself only a way to defend a priori claims but not directly to provide a priori knowledge. As Kant explains in the *Mrongovius Lectures on Metaphysics* in 1782: “Transcendental philosophy [...] does not say something a priori of objects, but rather investigates the capacity of the understanding or of reason to cognize something a priori” (MM II: 784). In other words the a priori claims have their origin elsewhere but are justified using the transcendental method. Before presenting the transcendental deduction of the categories in the *Critique of Pure Reason* (in both editions), Kant explains the difference between the empirical and transcendental deductions as the difference between tracing the source of a concept and justifying the concept.<sup>12</sup> To illustrate an empirical deduction Kant cites Locke, who traced all concepts, or in his terminology “complex ideas,” in the mind to specific sensations (or inner reflections), “simple ideas.” Concepts are all given this sort of explanation without exception in Locke. A transcendental deduction, on the other hand, does not ask for the origin of the concept but only for the justification of its use a priori.

Second, the transcendental method does not require that the thinker, or the cognitive faculty of the thinker, who uses a priori principles or concepts be independent of empirically real nature. To put it simply, the transcendental cognizer is not required to be a transcendent being. It is merely the conception of the necessary structure of cognition required for a certain kind of experience. Kant is not entirely clear about this. On the one hand he says that the a priority of the concepts subject to transcendental deduction precludes those concepts from being derived from experience, while on the other hand he does admit that “we can search in experience” for the source of these concepts (KrV: A86–87/B118–19). By this he means that we would not succeed in deriving the concepts *from intuitions*, although we might be able to find some intuitions

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<sup>12</sup> See KrV: A85–87/B117–119.



that *trigger* our minds to *generate* and employ the a priori concepts. The thinker can be understood entirely as a being in nature who relates to objects in two ways, first purely receptively through sensations and second actively through the concepts that the thinker's mind employs in processing those sensations. Some of those concepts would be a priori and derived not through sensation but through mental activity. That a thinker in nature has the a priori concept and uses it is implied by the justificatory role of the transcendental deduction. With the conception at hand, the question becomes whether any, and which, actual flesh and blood empirical beings instantiate that transcendental structure.

Both of these aspects show that the transcendental method would be able to show the required cognitive capacity of a being subject to certain conditions. Given the condition that Kant uses in the transcendental deduction of the categories – the requirement that a being is able to represent an objective experience – a transcendental deduction would show that some particular a priori concepts would have to be employed by any being who would satisfy the conditions. Those concepts would be transcendently justified, and we could call the resulting picture of a cognizer who must employ those conditions a conception of a transcendental cognizer. Once we have the conception of a transcendental cognizer, we can ask the further question of which beings in nature actually embody that conception. We could know that any actual empirical being who will represent an objective experience will embody that conception, whether we are asking about alien life on other planets or beings who might evolve on earth. There is then a distinction between the conception of a transcendental cognizer and the different conceptions of empirical cognizers who might have awareness and mental life, only some of whom might embody the conception of the transcendental cognizer by being able to represent an objective experience.

This distinction applies easily to ethics. Kant himself does not explicitly employ the distinction between the transcendental and the empirical in his ethics, with a few exceptions regarding transcendental freedom. But his work in ethics follows the pattern. The main approach is to distinguish between transcendental and empirical *moral agents*. A transcendental moral agent is the conception of a moral agent that embodies all the necessary conditions for moral agency. An empirical moral agent is an actual flesh-and-blood individual. The best way to identify the particular issues regarding moral realism and idealism in Kant is to see the relation between all the various elements and aspects of morality such as value and the moral law on the one hand, and the moral agent as subject on the other hand. Any elements and aspects of morality

that are dependent upon the moral subject would be to that extent ideal, any independent of the moral subject, real.

The transcendental moral agent would be determined by asking the practical analogue of the theoretical question “what are the necessary conditions for the possibility of a being able to represent to herself an objective experience?” Answering the theoretical question brings in the necessary cognitive structure of the cognizer as subject and the necessary conditions for the objects that such a subject would represent. In the practical case the question is related to *moral* experience: “what are the necessary conditions for the possibility of a being able to have valid moral experience?” When I use the term “moral experience” the term “experience” is not restricted to Kant’s sense of experience of outer objects. I mean in it a broader sense in which conscious agents face moral decisions, deliberate, recognize or assign value, are aware of any moral standards, make moral judgments, feel pride or guilt, and the like. Human beings in Kant’s theory certainly do all these things with conscious awareness. Moral experience is the experience of moral *agents*. Answering the question about the necessary conditions for a valid moral experience would involve any necessary structure of whatever faculties that agent has that concern morality as well as any properties that the world must exhibit to make that kind of agent possible.

The term “valid moral experience” already shows a distinctly Kantian approach to the issue because the focus of the question is on experience of a being, in this case a moral agent, rather than on something that is conceived in another way. Examples of other kinds of questions about morality that do not emphasize first-person experience would be “what are the necessary conditions for the existence of the good?” or “what are the necessary conditions for a stable society?” In the first case the answer might not even require a moral agent at all, as in G.E. Moore’s intuitionism and the sheer existence of the good. But the question that I take Kant to be asking is one that does focus on the possibility of moral agency.

The reason for this focus on moral agency is that for Kant, philosophy is primarily a human-oriented activity. He defines philosophy in the *Critique of Pure Reason* as “the science of the relation of all cognition to the essential ends of human reason” of which the highest is the “final end” (*Endzweck*) or “vocation” of human beings (KrV: A839–840/B867–868). The most significant division in philosophy is between theoretical and practical philosophy understood in terms of theoretical knowledge of what is or what is given to us and practical action aimed at what ought to be or what is possible for us to create through freedom. Since the theoretical question for transcendental philosophy is about the conditions for knowledge of what is, the practical

question for transcendental philosophy is about the conditions for action regarding what ought to be that we can create through freedom, which is what I mean to capture by saying: “the necessary conditions for the possibility of a being able to have valid moral experience.”

The transcendental level of analysis, then, focuses on the conditions for moral agency. How Kant determines these conditions is not merely through transcendental deduction. In theoretical philosophy Kant also lays out some of the transcendental conditions for experience without using a transcendental deduction when he identifies the twelve categories of the understanding in the *Metaphysical Deduction*. This is a legitimate part of the transcendental assessment of the conditions for experience because it provides the content for what is subject to transcendental deduction. In ethics Kant similarly provides an analysis of the nature of morality before asking whether it can be confirmed through a transcendental deduction. The first two sections of the *Groundwork* function to identify and explain the nature of moral duty and of the moral law. This provides a transcendental conception of the moral agent as one who is subject to an autonomous moral law that stems from the agent’s own will (as practical reason) accompanied by the determination of the objective value of humanity as an end in itself. In the *Groundwork* Kant stresses the identification and explanation of the moral law as a categorical imperative valid for finitely rational beings. In the *Critique of Practical Reason* he spends more time looking at the way in which finitely rational beings are aware of the moral law and how they would be able to act from the moral law in the face of non-rational inclinations. The second *Critique* also looks at the broader needs of a finitely rational moral agent who requires that the highest good be possible; the postulates of practical reason are analogous to the theoretical ideas of reason that are required for a coherent, systematic experience.<sup>13</sup> Since there is no explicit identification of the transcendental moral agent in Kant, we have to work through his arguments to identify what he takes to be the necessary conditions for the possibility of a valid moral experience. Some of this work is itself the subject of debate among interpreters, such as the precise scope of autonomy, the metaphysics of value, and the status of the postulates.

The empirical level of analysis asks about actual moral agents in empirically real nature. Given the conception of the transcendental moral agent, which is a conception of a particular structure of moral faculties and capacities and not a transcendent being in itself, the question can be raised which empirical beings in nature possess these structures and so instantiate transcendental moral

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<sup>13</sup> See KrV: A670/B698.

agency. In Kant's case we can ask, roughly, whether human beings possess an autonomous moral law that stems from the agent's own will (as practical reason) and humanity to make them objectively valuable as an end in itself. And do they possess the other attributes necessary for moral agency, such as a free will, consciousness of the categorical imperative, a belief in the highest good, etc.? Since these elements of transcendental moral agency are linked, the empirical being in question is likely to possess all of them or none.

The transcendental methodology Kant uses to discover and justify the necessary conditions for the possibility of representing experience and of moral agency results in an identification of two levels of analysis: the transcendental and the empirical. But Kant uses the terms "transcendental" and "empirical" to mark a metaphysical distinction as well, one that has implications for the use of these terms regarding moral realism and idealism. In the *Transcendental Aesthetic* Kant holds that space and time themselves are (merely) forms of intuition used by human beings rather than objects in themselves or relations among objects in themselves.<sup>14</sup> In this way space is transcendently ideal rather than transcendently real. But Kant still insists that space is empirically real and in fact a necessary form of human experience. Kant summarizes the status of space this way:

Our expositions accordingly teach the reality (i.e., objective validity) of space in regard to everything that can come before us externally as an object, but at the same time the ideality of space in regard to things when they are considered in themselves through reason. We therefore assert the empirical reality of space (with respect to all possible outer experience), though to be sure its transcendental ideality, i.e., that it is nothing as soon as we leave aside the condition of the possibility of all experience, and take it as something that grounds the things in themselves. (KrV: A27–28/B43–44)

This passage brings out the metaphysical difference between empirical and transcendental realism and idealism. Something is ideal if it is dependent upon the subject, otherwise it is real. At the transcendental level, space is ideal if it is dependent upon the subject as a necessary condition for experience, but real if it is seen as a property of objects independent of any cognitive requirements of the subject. At the empirical level, space is real if it is objective, which can be understood as not being dependent upon anything contingent about the empirical cognizer, and space is ideal if it does depend upon something contingent about the empirical cognizer.

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<sup>14</sup> See KrV: A26/B42.

There is a closer relationship between transcendental methodology and the metaphysics of empirical realism with the category of causality. Cause and effect is identified as a category<sup>15</sup> that is then justified through the transcendental deduction<sup>16</sup> and later given particular justification as the second analogy as temporal sequence of causality, where Kant is clear that the objects of experience are possible through causal law independent of our subjective perceptions.<sup>17</sup> Causal relations are empirically real as relations among empirical objects in space and time. We are able to know that these causal relations must hold of the objects of our experience because cause and effect is a transcendental condition for the possibility for us to cognize an objective experience. Our cognitive systems must process perceptions using cause and effect, *and* the empirical objects themselves must embody cause and effect independent of our perceptions. Because transcendental method identifies this latter as well as the former as a requirement for experience, the metaphysical claim about empirical objects is justified in addition to the claim about the cognitive system of the being having the experience.

Empirical reality in relation to objects can be understood in two different ways, both of which are relevant to ethics. First, empirical reality can be seen as the objective validity of a judgement. The spatiality of empirical objects is understood by Kant in relation to objective validity in the passage I quoted above: “the reality (i.e., objective validity) of space” (KrV: A28/B44). On this basis one might interpret Kant’s empirical realism about space to refer only to the necessity of all human-like intuitors to use these same forms of intuition. A second understanding of empirical reality is more metaphysical: the independent existence of objects or properties of objects in space independent of the empirically conscious subject. This view is used by Kant most clearly in the *Refutation of Idealism* where Kant claims to prove “the existence of objects in space outside me” on the basis of a subjective consciousness inside me (KrV: B274–279). Here transcendental arguments support a metaphysical claim about empirical objects themselves in space, not merely a judgement about them. When in my previous paragraph I discussed the nature of cause and effect, I took the claims to objective causal law and causal relations to be an empirical realism in this metaphysical sense.

In a parallel way, elements of morality that are seen as transcendental conditions for moral agency will be empirically real. For if the element is

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<sup>15</sup> See KrV: A80/B106.

<sup>16</sup> See KrV: A128, B162–163.

<sup>17</sup> See KrV: B232–234.

understood to be a transcendental condition, then it is independent of the existence or thoughts of individual particular moral agents. (If there were no empirical moral agents at all, of course, then there would be no morality, just as if there were no beings who must use space and time as their forms of intuition, there would be no space and time.) And like theoretical philosophy, in practical philosophy there are two senses in which something might be empirically real. If a transcendental condition for moral agency identifies something that is a requirement for the mental processes of a moral agent, then empirical moral agents who possess that mental process are embodying those transcendently valid processes, and any *a priori* principles stemming from those processes would be objectively valid. Like a cognitive system that must process perceptions using causal law, a faculty for deliberating on and freely choosing some acts must use practical reason. The *a priori* principle stemming from practical reason, namely the moral law itself, would be empirically real as objectively valid. There need not be any source of the law existing independent of the empirical moral agent because it would stem from her faculty of pure practical reason, but there is a validity to the law that is independent of the empirical moral agent.

Moral value illustrates the other way in which empirical reality would operate in morality, namely regarding properties of objects or objects themselves. If a transcendental condition for the existence of a moral agent is that there be some intrinsic value of something existing independent of any particular agent, then one might conclude that any empirical world in which moral agency can be actualized must include some entities with intrinsic value property (just as one might conclude that empirically real objects must have their own causal relations in any world that could include a being able to represent an objective experience). Here the empirical reality would be metaphysically independent of the empirical moral agent. In my next section I will get into more detail about realism regarding both the moral law and moral value.

Some features of experience would not even have a transcendental level. Kant uses the examples of colors as something that can be understood empirically but not at the transcendental level.<sup>18</sup> Colors are not objective but change with the subject and are clearly not independent of the subject, although related synthetic *a priori* properties of color in general like extension would have transcendental basis. Similarly in ethics some things would be only empirically ideal. In particular the value of optional ends chosen by empirical moral agents

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<sup>18</sup> See KrV: A28–30/B44–45.

is only due to the specific individual's choice;<sup>19</sup> an example might be an agent adopting the end of pursuing one career rather than another, or seeking one flavor of ice cream when hungry.

This section has shown that the transcendental and empirical levels of analysis and the meaning of reality and ideality at each level in Kant's theoretical philosophy offer a coherent way to assess various claims about realism and idealism that carries over to his moral philosophy. The identification of the transcendental conditions for moral agency provides a characterization of realism or idealism at the transcendental level, while the actual existence of moral agents embodying those transcendental conditions form the empirical level.

## II Using the Transcendental/Empirical Distinction

Two examples will have to suffice to show how this distinction can work in practice. The first example has to do with the status of the moral law. Suppose that a transcendental condition for moral agency is that there be a moral law that autonomously stems from the nature of the rational will rather than heteronomously from some other source of law, and that only moral agents are said to have this rational will. In that case the moral law would be transcendently ideal but not transcendently real. A transcendently real moral law would be one which is an intrinsic part of reality but not tied to any particular kind of agent. Since non-Kantian moral theories do not offer transcendental analyses, it is anachronistic to include them here, but an example could be intuitionism in which good is seen simply as a real property of the universe. I would also label an ethical theory that placed the source of a moral law in God's mind, even simply in God's intellect, as a transcendently real theory. Patrick Kain interprets Kant as a transcendental realist because he thinks that pure reason is somehow ultimately "in the nature of things" (Kain 2004, p. 303). These transcendental realists would also be empirical realists, holding that the moral law is valid independently of actual, particular moral agents.

Those who take Kant to be a transcendental idealist about the moral law could also hold to an empirical realism. Since the moral law is also not supposed to depend upon any particular empirical agents but is instead valid for all particular rational agents, it would be independent of any of the contingent features of an empirical moral agent and so be empirically real rather than

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<sup>19</sup> See GMS: 427.

empirically ideal. Thus the moral law would be transcendently ideal because it would depend upon the nature of the rational will in the very conception of the nature of moral agency but would be empirically real because not dependent upon the particular rational will of any particular moral agent. I think that this is actually a tidy way to resolve the dispute between realists and some idealists on the reality of the moral law: since it stems from pure practical reason, idealists and realists can insist that the moral law is transcendently ideal and not independent of the very conception of a moral agent, but since it is independent of each particular moral agent, both can agree that the moral law is empirically real, that is, valid for all moral agents but not dependent upon contingent features they possess.

A second example concerns moral value. Kant holds that contingent ends depend only upon the particular faculty of desire of the actual subject.<sup>20</sup> Hence the value of contingent ends would have no transcendental status at all and would be empirically ideal. Objective value is more complicated. The most important objective value is the value of humanity. The value of humanity could conceivably have any of four statuses: transcendently real or ideal or empirically real or ideal. A transcendently real value of humanity would mean that the very morality requires that there be something that is of objective value independent of any characteristic of the transcendental moral agent at all. Those who hold that the value of humanity is independent of and prior to the categorical imperative could be transcendental realists about value if they understand value to be more than just a transcendental condition for morality but instead to be an independent fact about the nature of things in general. An alternative is to take the value of humanity to be independent of the categorical imperative but still only a transcendental condition for moral agency, in which case they would hold to a transcendental idealism about value. At the same time in both cases they would be empirical realists as well, holding that the value of actual human beings is independent of the empirical moral agent qua moral subject.<sup>21</sup> In contrast, those who hold that the value of humanity is

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**20** See GMS: 427

**21** In theoretical philosophy Kant claims that a transcendental realism about space requires an empirical idealism because there would be no way for the empirical cognizer to know objects in themselves and hence to know that space is real. Cognizers could only represent space to themselves subjectively, and hence space would be empirically ideal. This same relation could hold in ethics if one stresses the epistemological question of access to value as does Oliver Sensen (2011, pp. 19–20). But if one abstracts from the epistemological point, one can say that the instantiation of the conditions of morality in nature would require an empirical realism for the value of humanity.



dependent on the categorical imperative or on pure practical reason are transcendental idealists about value because the value of humanity would depend upon the nature of the transcendental agent by being dependent on practical reason. These transcendental idealists about objective value could be empirical realists or empirical idealists. If one could allow for intrinsic value properties in Kant's ontology of nature, then an empirical realism works in which the value of humanity is a condition for there being moral agents, even though it is not a part of the nature of things as such, in the same way that causal relations among objects in nature are a condition for the transcendental cognizer but are not part of the nature of things as such. Those who, like me, think Kant has no room for value properties in nature and think that the value of humanity is a product of practical reason would deny this kind of metaphysical empirical reality and see absolute value as empirically real only in the sense of objective validity, where reason dictates that some entities must be treated in certain ways. There is a final option, namely, that the value of humanity has no transcendental ground at all but is merely a product of the contingent features of human nature, in which case it would be empirically ideal but neither transcendentially real or ideal.

These two examples, while sketchy, show how the distinction could work in practice. I think that using these two levels shows that in at least some cases disagreement between moral realists and moral idealists is based on the conflation of these two levels.

Applying this analysis to a few current approaches to the question of moral realism in Kant will show that they have shortcomings that can be improved by utilizing the transcendental/empirical distinction. I am not claiming to provide an exhaustive review of others' approaches but only to illustrate how some ambiguities can be resolved and some claims clarified using the distinction.

Jochen Bojanowski cites the definition of moral idealism that I provided in Rauscher (2002), "the belief that all of the moral characteristics of the world are dependent upon the human mind," and questions whether moral realism and what I call moral idealism (which he calls antirealism) are exhaustive. He rejects this dichotomy by distinguishing moral antirealism from what he labels moral idealism, which he defines to include the claim that practical reason is a cognitive faculty that knows the good but in some sense also produces it. His idealism holds "not that the good depends on the human mind but that its *existence* depends on self-affection in human cognizers" (Bojanowski 2012, p. 4). I understand his main point to be that he is rejecting a subjectivism that could result from construing the claim of dependence on the human mind to mean that moral facts have no other basis than the mere fact that a human mind happens to hold some belief or other about what is good. Bojanowski