

THE FACTICITY OF KANT'S FACT OF REASON*

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It is argued that the key to understanding the Doctrine of the Fact of Reason lies in clarifying what Kant meant by a fact for moral practice. It is suggested that the facticity of the Fact of Reason must be understood in both a noetic and a performative aspect. Dietrich Henrich's interpretation is discussed, and it is argued that it risks reducing the Fact of Reason exclusively to its noetic function in moral ontology, and that it ignores the fact that this is a doctrine of self-discovery, not of self-constitution.

1. INTRODUCTION

In the *Critique of Practical Reason* Kant departs from his usual insistence that questions of fact are confined to our understanding of nature and refers to our knowledge of reason's power itself as a fact.¹ The result is the Fact of Reason, which

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¹ All quotations from the *Critique of Practical Reason* will be referenced to Academy Edition pagination abbreviated *KPrV*, followed by page numbers in the translation by Lewis White Beck (Beck (1956)).

Kant describes as a conviction that we are warranted in acting on a conception of ourselves as members of an intelligible world. But the Fact of Reason is also our immediate practical consciousness that the moral law can determine the will; as we become conscious that we ought to do something, we know that we can. These two matters are connected, since reason shows us that we can do what we ought even when it is opposed to strong inclination. Reason effectively moves us from the standpoint of nature into the context of agency.

Although the Fact of Reason Doctrine itself can be put so simply, it poses two serious problems for understanding of the role of facts in moral deliberation. First of all, Kant does not appeal to facts as a source of moral guidance, so the Doctrine sits uneasily with the conception of practical reason as a source of regulative principles of willing. Secondly, the absolute separation of laws of freedom from laws of nature makes any reference to facts in the ethical realm appear out of place. Kant restricts knowledge to what is present in experience and, at least in the *Critique of Pure Reason*, limits consciousness to awareness of objects and their relations. Nonetheless it appears that we do know one (unique) moral fact that is not a fact of nature, and the difficulty consists in understanding how this is possible.

I believe that we can come to understand this Doctrine in a way that does not do violence to Kant's general confinement of facticity to claims about nature. The solution is to get clear on what Kant means by a fact for moral practice. Although the paradoxical nature of the claim that reason in the same moment both originates and apprehends our moral capacity will never disappear, we can make sense of it if we pay special attention to what Kant says about the way in which the concept of a system of nature is made intelligible through pure reason's regulation of practical activity. Intelligibility requirements do

apply to the domain of practical reason, for practical reason is included in pure reason, and practical reason generates a mode of consciousness which can be understood solely in relation to the Idea of Freedom.

The Fact of Reason Doctrine is an attempt to explain how moral consciousness works. Moral consciousness both apprehends us as agents and produces the very nature it apprehends. We apprehend ourselves as agents capable of responding to pure incentives of the will. Through the Doctrine Kant attempts a synthesis of a way of being conscious and a way of acting, of apprehending and being moved. He unites apprehension, the apprehension of an ideal order, and incentive, the incentive to create, so far as it is within one's power, that ideal order. The Fact of Reason should therefore be described as both a form of apprehension and an incentive of the will, because in practical moral consciousness the apprehension of what human activity can accomplish and the incentive to accomplish it are inseparable. Thus the facticity of the Fact of Reason must be understood both in a noetic and a performative aspect. I will discuss each of these aspects and explain how they work together in Kant's view. In short, we will see how the Fact of Reason is both a source of insight into our moral nature and a creator of that nature if we understand it to be generative of ideals of order, rather than descriptive of some pre-existing order. Later in this paper I explain what I take to be wrong with the interpretation of the Doctrine offered by Dieter Henrich², but in brief, it risks reducing the Fact of Reason exclusively to its noetic function in moral ontology. In order to see the co-

² See Dieter Henrich, (1994). Henrich makes some more general remarks about the relation between matters of fact and questions of right or justification in Henrich (1989).

gency of the Dual Aspect Interpretation presented here, I discuss it first, then Henrich's interpretation of the Fact of Reason. This will show how Henrich's influential interpretation of the Doctrine goes wrong when it fails to account for the dominance of the performative aspect of the Fact.

2. CONSCIOUSNESS OF PURE PRACTICAL REASON

Moral philosophers often investigate the role of facts in moral deliberation. Here one would examine the particular circumstances of a case before reaching a judgment about what to do. It may matter morally whether an action causes emotional pain to another, or interferes with her ability to choose freely among a range of options. Kant's Fact of Reason does not operate on this level; rather, it grounds the possibility of meaningful deliberation. The activity of deliberation would not make sense unless the practical force of reason could itself be established, and the Fact of Reason Doctrine is directed to that more fundamental question. Still, one might wonder whether the Fact of Reason behaves like other sorts of facts, moral or otherwise. In general, facts are sometimes said to be brute or given, and facts are what we are told to face up to when we are self-deceived or inattentive or irresponsible. But in what way is consciousness of this faculty of pure practical reason consciousness of something given and unavoidable? Kant believes that practical reason unavoidably presents itself in consciousness as entirely sufficient to accomplish the task of directing the will. It need not rely on any empirical incentives to produce action in accordance with its dictates, because it is its own incentive. In "The Incentives of Pure Practical Reason", Kant identifies respect for the Moral Law as an incentive appropriate to a being whose reason does not of necessity conform to law.

(*KPrV* 5:72/Beck p. 74) Respect helps us to take an interest in acting morally, without necessitating our conformity to the Moral Law through a psychological compulsion. When pure practical reason thwarts our goals, the conflict is painful.

The cause of this pain is the Moral Law acting on sensibility:

For all inclination and every sensuous impulse is based on feeling, and the negative effect on feeling (through the check on the inclinations) is itself feeling. Consequently, we can see *a priori* that the moral law as a ground of determination of the will, by thwarting all our inclinations, must produce a feeling which can be called pain. (*KPrV* 5:73/Beck p. 75)

Thus the moral law is what we must come to in moral deliberation, just as the causal law is what we must come to if we think about nature. Like the fact that we unavoidably expect a cause for every event in the causally determined world, one cannot help but believe that reason is practical and action-guiding, since we experience its action-guiding power.³ Kant recognizes that we often try to evade the truth that we can act as reason directs, but ultimately reason itself convicts us through its own unique moral feeling.

However, in natural relations as in moral ones, the facticity of the matter is more than a disposition to believe, as Kant reminds us in his critique of Hume. For Kant, the fact of causality in the natural world is not a mere Humean expectation of consequences; it is a mode of consciousness that produces the givenness of causes and effects. Equally, then, the Fact of Reason is not a mere expectation that reason is practically adequate; it is a mode of consciousness that registers the givenness of the practical adequacy of reason:

³ See also Susan M. Purviance, (1995).

This Analytic proves that pure reason is practical, i.e. that of itself and independently of everything empirical it can determine the will. This it does through a fact wherein pure reason shows itself actually to be practical. This fact is autonomy in the principle of morality by which reason determine the will to action. (*KPrV* 5:42/Beck p. 43)

In each case, in causality and in freedom, the orderliness of events and the orderliness of willing is established as a fact, and functions as a given for a set of possible relations. In the case of causality, the relations are those among objects. In the case of freedom, the relation is that between a will and its practical principles. It is useful to juxtapose the Fact of Reason with the “fact of causes” in this way, because there are structural similarities and dissimilarities to be considered. Specifically, while Kant asserts that reason and causality are ordering principles each in their own domain (nature and autonomy), facticity *per se* is not the difference, since a mode of understanding is made possible by each sort of fact.

It is also instructive to see how the Fact of Reason defines moral self-consciousness as distinct from the apperception of other mental states, and yet shares some essential elements of facticity. Natural self-awareness or apperception accompanies our awareness of any of our perceptions, while awareness of our moral capacity is perhaps less routine because it is in competition with our habitual prudential way of thinking about ourselves and our interests. Even though ordinary self-awareness it is a fact of consciousness that is present and available at all times, we may not notice that the mental content is ours, or consider it worth attending to. Our own existence is a given in all perception, yet its givenness does not prevent us from ignoring it.⁴ In moral self-consciousness

⁴ To say that it is a given is not to say that it can provide a basis for a theoretical argument for the soul as a substance, any more than

we are also free to ignore self-presentations of moral freedom. Although "this fact [is shown to be] inextricably bound up with the consciousness of freedom" and is actually identical with it (*KPrV* 5:42/Beck p. 43), we do not always consider that we can act as reason directs. If the claim that a fact can be identical with a particular mode of reflective consciousness and still be ignored is a reason for rejecting it as a fact, then for just the same reasons the facticity of empirical self-awareness would also have to be rejected. Since the facticity of a sort of self-presentation through inner sense is not in doubt even though we do not often attend to it, the facticity of the Fact of Reason need not be questioned just because we can avoid awareness of our own freedom.

One could say that moral feeling, as an effect in consciousness, is an effect of moral insight. If we do not first know either the good or the right, no feeling for morality can arise.

3. FACT OF REASON AS A MODE OF APPREHENSION: IDEAL ORDER AND POSITIVE FREEDOM

The preceding discussion was designed to make it clear that the Fact of Reason behaves much like other fundamental facts of nature and self-awareness. Now I would like to explore this moral consciousness in more detail. This will involve the first part of the Dual Aspect Interpretation of the Fact of Reason, apprehension. In what way does the Fact of Reason function as a mode of apprehension, and what is it that we are apprehending when we lay hold of this fact? What we apprehend

there can be a deduction of the moral law. On the nature of apprehension and the development of Kant's thinking about the self, see Karl Ameriks, (1982) and Andrew Brook, (1994). For a discussion of Kant's reasons for abandoning the project of giving a deduction of the moral law see Henry Allison, (1990), Chapter 13.

is the adequacy of ourselves to the moral task. But we also in the same moment gain a new moral understanding of Nature, a Nature recreated in the image of our moral capacity. This is where difficulties arise, because Kant does not think that moral or practical consciousness is a form of understanding. Forms of understanding produce knowledge of objects, but our rational capacity is not an object. As Beck says, Kant's metaphysics of the moral law is not Platonic.⁵ What then is happening? I think that moral consciousness induces an appreciation of the implications of the moral law for the domain of natural objects and relations. In this way it produces a moral understanding of Nature as a system of objects under laws. The moral law is a principle according to which the domain of objects may be made to conform to the highest good "for, in fact, the moral law ideally transfers us into a nature in which reason would bring forth the highest good were it accompanied by sufficient physical capacities...". (*KPrV* 5:43/Beck p. 45) This parallels the goal of the understanding for the empirical world. There the understanding imposes an order according to its own pure concepts. In each case the form of a system is created, but just as Kant requires no new knowledge of those objects is created. When we act to impose a moral order over the natural order, we do not come to know anything more about the objects so arranged – it is in no sense part of these objects' nature that they can be arranged for the highest good.

⁵ Beck, (1965), pp. 210-211. Beck argued that whereas the Fact of Reason had usually been taken to be an object of pure reason *via* direct intuition, it should actually be understood as the fact that there is pure reason. He marked the former intuitionistic reading as "fact of pure reason" and named the latter "fact for pure reason".

On the other hand, the moral law, although it gives no such prospect [of enlarging our knowledge of objects], does provide a fact absolutely inexplicable from any data of the world of sense or from the whole compass of the theoretical use of reason, and this fact points to a pure intelligible world – indeed, it defines it positively and enables us to know something of it, namely, a law. (*KPrV* 5:43/Beck p. 44)

What we know of the intelligible world is merely its law. This tells us that the Fact of Reason, as an immediate apprehension of what is entailed by the moral order, defines an intelligible world in which the moral law applies. Later he says that we give this intelligible order an objective reality by taking it to be the law of Nature as it would be laid out by rational beings (*KPrV* 5:44/Beck p. 45). In this way too the fact of pure practical reason emends the factual understanding of the natural world. Through reflection on the Fact of Reason we become aware that the moral law is not just the law of autonomy, however important this discovery may be for the science of ethics. In the transcendental philosophy it is also “the fundamental law of supersensuous nature and of a pure world of the understanding” (*KPrV* 5:43/Beck p. 44). To be sure, freedom is still merely practical, but insofar as freedom defines an orderly set of relations between rational beings, pure practical reason also maps a set of relations for the understanding to apprehend, if not as real, at least as ideal. Such an ideal is at least in part what we mean by the highest good.

Thus, insofar as this immediate practical consciousness of our freedom completes our understanding of what can be realized by the moral law when put into practice, the Fact of Reason is in part directed to our intellectual capacity. As we come to realize what the moral law entails, we also apprehend the outlines of a pure world of understanding. However, the paradox remains, because we are not entitled to count this understanding as theoretical knowledge of particular objects or selves as noumenal entities.

4. THE FACT OF REASON AS PURE PRACTICAL INCENTIVE

Kant emphasizes that the Fact of Reason is how we apprehend the power of reason to produce the highest good, but he asserts equally strongly that it is also the fact that we are capable of determining choice according to the moral law. This consciousness of positive freedom, although it is not adequate to the requirements of theoretical knowledge, is itself the greatest incentive to conforming one's choices to the dictates of the moral law. This can be seen in Kant's remarks in "Methodology of Pure Practical Reason" (*KPrV* 5:159/Beck p. 163), where the Fact of Reason is presented purely as the practical incentive for conforming one's will in difficult situations.

The ability to respond to the pure practical incentive actually depends upon an apprehension that the highest good is within the reach of human nature, otherwise moral action is futile. The apprehension, or the noetic function of the fact, must work together with the incentive, or the performative function of the fact. By attending to the Fact of Reason rational agents discover their ability to respond to the conception of an ideal moral order as realizable through human activity. Moral consciousness and the apprehension of the Fact of Reason are therefore one and the same. Moral consciousness is the fact of becoming conscious of our ability to choose as the moral law directs, and it follows from this capacity that there is a possibility that all agents will so act, and that therefore the ideal of the intelligible realm or Kingdom of Ends might be realized.⁶

⁶ Kant reminds us that even this supreme practical incentive cannot determine a commitment to what is good: we are free to adopt a supreme regulatory maxim of good or evil. The moral law "forces itself upon him irresistibly by virtue of his moral disposition" yet a bad man willfully reverses the moral order of the maxims of self-love and

Pure practical reason and the understanding retain distinct functions, however. The understanding finds no evidence in nature that a morally perfect community exists on earth. Still, Kant argues, the practical incentive which arises from the demonstration that such a community is a possibility is sufficient for moral duty to be binding on us. The possibility of making this intelligible order objectively real is a powerful incentive to anyone who experiences the immediate practical consciousness of her own freedom. For it is true that although moral incentive is mainly experienced as the pain of self-reproach for moral failure, positive ideals of community and mutual self-respect help us to sustain moral efforts.

5. APPREHENSION AND INCENTIVE, OR THE ESSENTIAL ONTOLOGY OF MORAL INSIGHT

I have argued that the immediate practical consciousness of positive freedom has a definite content. This content is also what makes the practical incentive so powerful. Apprehension and incentive co-determine the character of our moral consciousness and provide the practical foundation for moral action. This interpretation is quite different from that offered by Dieter Henrich, who characterizes the Fact of Reason as a doctrine of moral insight. Henrich has argued that moral insight provides the lost link between ontology and ethics. In his view,

moral law and makes self-love the condition under which he will act morally (Kant (1960), pp. 31, 38-39). The fact of moral consciousness does not guarantee that we will make the moral law the supreme determinant of our wills, but insofar as it forces itself on us, active resistance is required to override it. For an excellent discussion of the role of the faculty of judgment in our hopes of acquiring a virtuous disposition, see Adina Davidovich, (1994).

Plato and Kant both offer philosophies which incorporate insight into the good as part of their fundamental epistemologies, rather than seeing moral knowledge as deviant and marginal. (Henrich (1994), p. 56) In their views, the good is essentially affirmed and cared about, rather than merely understood. Placing the good at the center of being affects our understanding of being in many ways. For example, Henrich tells us that moral insight is fundamentally a shift in self-understanding, a discovery that one can have an adequate relationship to the highest good:

When I know in moral insight what is good, I also know that I understand myself in relation to it, or that I must know myself in relation to it in order to become a self. (Henrich (1994), p. 63)

It is by means of knowing and approving the good that I first constitute myself as a self.

If this were the extent of the ontological implications that Henrich wished to attribute to Kant, his account of moral insight would be unobjectionable. Indeed, I find it powerfully appealing. But the Fact of Reason Doctrine is not a doctrine of self-constitution, it involves self-discovery. Henrich's assertion that the immediate practical consciousness of our own freedom implicates ontology may appear innocuous, but it actually allows what is ideal to be asserted as the real:

Approval is thus identical with the affirmation that the good exists. The practical contradiction of a demand denies its existence. Therefore, moral insight places all of being under the condition that the good is possible in it. Anyone who succumbs completely to his desires understands the world in such a way that the moral good has no place in it. Thus, although moral insight does not entail a fully developed ontology, it is essentially ontological. (Henrich (1994), p. 66)

For Henrich the Fact of Reason Doctrine is Kant's version of the ontological insight that the good is part of what is. It is the recognition that the good exists, and in acknowledging this we also approve it. Insofar as rational nature is that of a self-determining moral being, moral insight as certainty of our own moral nature involves approving of that very nature. A shift in our fundamental ontology occurs when we give the intelligible world an objective reality for practical purposes. But is this really Kant's ontology? Kant does not tell us that this perspective takes us beyond ways of seeing ourselves to a fundamental ontology, one in which a correct self-understanding makes all other ways of understanding ourselves impossible. If it did make other ways of valuing ends impossible, what would happen to my ability to reject the standpoint of the moral incentive? Kant reasserts and explores the propensity to disobedience in *Religion Within the Limits of Reason Alone*. (Kant (1960), pp. 29-30)

It is hard to understand Henrich's notion of moral insight as anything other than an *a priori* intuition, whereas at least Kant's own discussion of moral incentives is clearly non-intuitional. Henrich wants to show us that Plato and Kant agree in holding that moral knowledge is fundamentally knowledge of the good rather than the right, that it is the highest form of all knowledge, and that it is nonderivative, incorrigible, and noninferential. (Henrich (1994), p. 62) If such knowledge is not perceptual, what can it be, if not intuitive? My reading of Kant is closer to Beck's, which insists that the moral law is not the object of a putative intuition and is not given to us "in the first instance" as a fact for consciousness, *modo directo*. However, my view differs from Beck's, because while Beck argues only that apprehension cannot be the primary function of the Fact of Reason doctrine, mine insists that neither apprehension nor

incentive can be a primary function, but that both are inextricably tied together as dual aspects of a single whole.⁷

Since Henrich concludes that moral insight is essentially ontological and implicates the nature of what is rather than what ought to be, moral insight cannot be principally for practice. What then happens to moral insight as a ground for action? Here again, Kant's own discussion of the practical import of moral incentive was entirely clear. Henrich's discussion of the concept of the good only adds confusion to what was a clear doctrine. When Henrich says that although knowledge of the good is not obtained by a self-reflective act, it is still a form of privileged self-understanding (Henrich (1994), p. 63), he fails to make it clear how this is possible. If moral insight is to provide a ground for moral action, it must be an epistemic state of the self as subject. But since Kant leaves no place for incorrigible self-knowledge, only probabilistic self-ascribed dispositions of character and motives which are forever in doubt (Kant (1988), Section Section), Henrich's claims illicitly implicate knowledge of the noumenal self.

Kant states quite clearly that the possibility of such a supersensuous nature requires no *a priori* intuition of an intelligible world (*KPrV* 5:45/Beck p. 46). Henrich's moral insight yields a speculative ontological conclusion that I can discover my real nature. In my view, my immediate consciousness that I am adequate to the good should not be thought of as my real

⁷ Beck (1965), p. 213. As Beck says, even if Kant is right that there is a fact for pure reason, this fact is not of a sort that can be used to determine whether a particular moral judgment is correct, since it is merely the fact of the existence of reason as a capacity to bring judgments under the concept of a law. We might be wrong in all the judgments we make, but to the extent that those judgments are an activity of reason they are deeds of reason.

nature. As Kant says, in discovering that I am subject to the moral law through the possibility of freedom:

Speculative reason does not herewith grow in insight but only in respect to the certitude of its problematic concept of freedom, to which objective, though only practical, reality is now given. (*KPrV* 5:49/Beck p. 50)

It is admittedly difficult to know what Kant means by an objective reality which is merely practical. However, by insisting that moral concepts do not permit speculative reason to grow in insight, Kant decisively rules out the view that the Fact of Reason offers an essentially ontological insights. In my terms, the noetic function of the Fact of Reason is always constrained by its role as incentive.

Kant is very clear about what we cannot know through pure practical reason. Practical reason does not concern itself with how a causal *noumenon* is possible:

...since it only posits the determining ground of the causality of man as a sensuous being (this causality being given) in pure reason (which is therefore called practical); it does so not in order to know objects but only to define causality in respect to objects in general ... Thus reason uses this concept only for a practical purpose, transferring the determining ground of the will to the intelligible order of things, at the same time readily confessing that it does not understand how the concept of cause can be a condition of the knowledge of these things. (*KPrV* 5:49/Beck p. 51)

More textual evidence is available. Building upon Beck's discussion, in *Kant's Theory of Freedom* Henry Allison tells us that the proof strategy for the moral law in the *Critique of Practical Reason* was sketched in a *Reflexionen* (7201:19). Even here Kant insists that pure practical reason cannot be comprehended a

priori: “Moral laws are of this nature, and these must be proven in the manner in which we prove that the representations of space and time are *a priori*, with the difference being that the latter are intuitions and the former mere concepts of reasons.” In this work Kant already has decided that that something must be given but that the givenness of intuitions is of a different sort than the givenness of concepts of reason. The moral law can only stem from practical reason itself, and he is trying to figure out how it can be given without being an object of experience. Intuition does ground some knowledge, our knowledge of the necessary form of our sensibility of space and time, and wherever it does ground knowledge there must be something given. At one time he believed that there must be a given upon which to construct a deduction of the moral law, but he eventually concluded that it can form no part of a proof or deduction. He finally decided that the disposition of the will registered by these concepts must be enough and thus arrived at the Fact of Reason Doctrine.⁸ Yet even had he relied upon a given in that deduction, he need not have resorted to intuitions, since the deduction of the moral law that he anticipated offered only concepts of reason.

⁸ Allison (1990), p. 234. Allison carefully notes just what the parallel implies, a common argumentative strategy and not an equal grounding for facticity in intuitions: “Finally, continuing the parallelism with the Transcendental Aesthetic, just as we cannot explain how or why space and time (rather than other possible forms) are the forms of human sensibility but can show that they must be regarded as such given the nature of our sensible intuition, so we cannot explain (comprehend *a priori*) how pure reason is practical but can show that it must be given our common consciousness of moral constraints.” (p. 235)

6. MORAL CONSCIOUSNESS WITHOUT INTUITIONS

It may seem that my analysis of the Fact of Reason Doctrine into elements of apprehension and incentive also runs afoul of Kant's restrictions regarding intuitive knowledge of our moral qualities. However, our being entitled by reason to take ourselves as free in the context of moral deliberation is quite different from being entitled to claim that nature is the place where freedom is realized. The sort of apprehension we gain of positive freedom and the ideal of the kingdom of ends is not of any particular objects, but rather of the conditions under which objects function in general.⁹ Knowing what is required in an intelligible ideal of a community of agents who act only on sufficient reasons is not the same thing as knowing that the noumenal world is objectively real. The unity of apprehension and incentive in the Dual Aspect Interpretation requires only that we adopt the two standpoints doctrine of Section Three of *Foundations*, which asserts that we are free for all practical purposes. If Henrich can establish that his moral ontology is for practical purposes only, he will not violate Kantian strictures on knowledges. However, his suggestion that *via* moral consciousness we have an insight into the fundamental nature of being leads to an unacceptably revisionist reading of Kant.

⁹ See *KPrV* 5:49-50/Beck p. 51: "But the concept which reason makes of its own causality as noumenon is significant even though it cannot be defined theoretically for the purpose of knowing its supersensuous existences ... Even regarded theoretically, the concept remains always a pure concept of the understanding, given *a priori*, and applicable to objects whether sensuously given or not. If they are not sensuously given, however, the concept has no definite theoretical significance and application but is only the understanding's formal but nevertheless essential thought of an object in general."

Any reading that implies knowledge of the supersensible self is unacceptably revisionist.

If the Fact of Reason becomes solely an insight into being, then our understanding of it as an apprehension overwhelms and subsumes our understanding of it as incentive. Asserting a tenuous balance between the two is the only way to make sense of the fact; we are entitled to think of ourselves as free only to the extent that we make it so. When we operate practically on an apprehension of what it means to have positive freedom, we do more than construct a theory of the self as agent for the understanding; we experience ourselves as empowered by reason.¹⁰

Henrich allows theory to assert itself over practice, while Kant urges us to “regard it [this supersensuous nature] as the object of our will as pure rational beings.” (*KPrV* 5:45/Beck p. 45] Kant is saying that something which cannot be an object of our empirical knowledge is nevertheless a proper object of our wills. The moral law is in fact a causality through freedom, a causality which proves its objective reality in practice or immanent use (*KPrV* 5:46-50/Beck pp. 46-51). This means that the law of pure practical reason presents itself as a fact for pure reason, and it as such that we apprehend it. Yet it proves itself only in performance or practices.

Even though an ontology of self and nature could be developed out of the Fact of Reason Doctrine in the way that

¹⁰ If apprehension is a kind of receptivity, and incentive is a responsiveness to the moral law in virtue of our freedom, then the Dual Aspect view would seem to be compatible with the picture of the relation of mind and world offered by John McDowell. McDowell wants to extend the scope of spontaneity across all our “intuitions” and resist the Myth of the Given, challenging both radical empiricism and idealism. See McDowell (1994).

Henrich suggests, the Fact of Reason is not designed to produce an insight for the intellect in the service of theoretical reason: rather it sharpens our conception of the object of our wills – our ends – for practical reason. To have an apprehension of this capability is to have a sufficient incentive to realize in action what we must think of as the fulfillment of our moral natures. As the Dual Aspect interpretation makes clear, Kant thinks that the highest good is presented as a possible end in the immediate practical consciousness of our own freedom, not as an object which any will can make real.

7. CONCLUSION

It follows from all this that the facticity of the Fact of Reason should be taken fairly equally in both a performative and noetic sense. For the purpose of answering the most important question that we typically bring to the understanding of this Doctrine, the question of the foundation of our moral capacity, the noetic aspect should be downplayed, otherwise we fall into intuitionism. We can come to know more about what we must will into being when we conform our wills to the moral law, but the understanding serves practice. Placing Kant in dialogue with Aristotle and Plato about role of the concept of the good forces Henrich to shift Kantian moral consciousness toward the noetic and away from the performative. Whereas fundamental ontology is concerned with producing an adequate conception of reality, Kant more typically describes morality as a causality which seeks to produce an action according to principles. Henrich argues that any ontology which leaves out the moral insight that we can be adequate to the good is inexcusably deficient. That may be true, but that is not Kant's point.

The Fact of Reason is the immediate practical consciousness of our freedom, or a conviction that we can do what we must. Although we cannot know our freedom intuitively, we are sufficiently convinced of our freedom for its practical employment. This is a fact of moral consciousness and in this way practical activity provides its own warrant or credential, and establishes its own validity (*KPrV* 5:46-48/Beck pp. 47-49). What we neither infer nor intuit nor explain, we nevertheless possess as a conviction for action. Reason does produce a fact of moral consciousness that conforms to the requirements of givenness yet avoidability present in the ordinary sense of a fact. That we can do what we must is a condition of moral action making sense. Practical reason is also self-justifying, since it itself takes it as a fact that the moral attempt is not futile.

There is another point of contact between our ordinary concept of a brute fact and Kant's Doctrine. That this consciousness cannot be explained – by means of intuition, or moral sense, or direct perception – makes this consciousness as it were a brute fact of agency. This is part of what agency is – it is having a conviction that agency is possible, that one is a causal author and not merely subject to causality. The conviction is inexplicable, yet it cannot be argued away as an illusion or hallucination, because there is no other standpoint of agency from which to receive a contrary conviction. Henrich calls this conviction 'moral insight', but one should accept the term 'moral insight' only if it is intended as a general term for whatever converts a subject into an agent.

If Kant is right, reason in its practical employment makes immanent what was transcendent in theory – a definite law of causality, the moral law. In the *Critique of Practical Reason* he gives up the theoretical goal of a deduction of the objective validity of practical reason only after he comes to understand that

practical reason must receive its warrant from itself. In practical matters, reflexive self-endorsement is not a drawback but a strength. It was not easy for him to adopt this view, for he had to overcome his initial conception of practical reason as a subsidiary and subordinate function of reason in general.¹¹ It is a consequence of his granting practical reason autonomy from the theoretical use that practical reason does not have its own deduction. Section 47 says that the faculty of freedom is shown by the moral law to be not only possible but actual in human beings who acknowledge moral law to be binding on them:

The moral law is, in fact, a law of causality through freedom and thus a law of the possibility of supersensuous nature, just as the metaphysical law of events in the world of sense was a law of the causality of sensuous nature. (KPrV 5:47/Beck p. 49)

The moral law ensures the objective validity of pure reason itself: in the practical realm reason is all that it purports to be. What activity does it purport to be? A self-cause, a world maker. Kant explains further that the consciousness of the moral law completes for pure reason something that speculative reason sought, but could not attain – a cosmological or world-making capacity of unlimited reach to complete the task of rendering a system of nature fully intelligible. Since such a nature cannot be sensible or a matter of intuition but only supersensible, speculative reason could not generate that system;

¹¹ Here I agree with John Rawls (and Henrich) that it is practical reason which proves the unity of reason by “assuming primacy over speculative reason and by cohering into, and what is more, by completing the constitution of reason as one unified body of principles: this makes reason self-authenticating as a whole (Ak 119-21).” John Rawls (1989), p. 108.

only practical reason can and does literally make a world for action as it ought to be.

Resumo: Argumento que a chave para a compreensão da Doutrina do Fato da Razão consiste em esclarecer o que Kant entendia por um fato para a prática moral. Sugiro que a faticidade do Fato da Razão deve ser entendida tanto sob o aspecto noético como sob o aspecto performativo. Discuto a interpretação de Dietrich Heinrich e argumento que ela se arrisca a reduzir o Fato da Razão exclusivamente à sua função noética na ontologia moral, e que ela ignora o fato de que se trata aqui de uma doutrina da autodescoberta, e não da autoconstituição.

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