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BOSTON UNIVERSITY
GRADUATE SCHOOL OF ARTS AND SCIENCES

Thesis

PERFECTING KANT'S HIGHEST GOOD

by

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B.A., University of Hawai'i at Manoa, 2012

Submitted in partial fulfillment of the
requirements for the degree of
Master of Arts

2015

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ABSTRACT

In this thesis, I take a look at the debate between Eoin O'Connell and Andrews Reath as to whether the relation between the constituents of the highest good, virtue and happiness, should be regarded as one of proportionality or one that tells us only that should both be maximized. With an eye on content and the threat of heteronomy, I track the highest good as the necessary idea of the unconditioned totality of the object of pure practical reason. I demonstrate that O'Connell's and Reath's positions stem from a misreading of the topic of pure practical judgment and argue that, counter to O'Connell's claims, the proportionality relation Kant has in mind when introducing the impartial spectator does not entail a notion of just desserts. In the end, I conclude that although neither a maximization nor a proportionality thesis are acceptable, Kant's introduction of the impartial spectator gives us an idea of the highest good that both preserves the formal aspect of Kant's system and makes the highest good an objective and possible end for moral agents.

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Perfecting Kant's Highest Good

Introduction

It is from our awareness of the Moral Law that Kant derives the fact-giving-ness of reason, autonomy, and the duties that are ends in themselves. From these and the natural characteristics of man, Kant also takes follow necessarily the idea of the highest good—a combination of virtue and happiness that is the “final object of all our conduct” and “the goal of all [their] moral wishes”.^{1 2} Kant also thinks that the existence of God and the immortality of the soul follow as necessary postulations for what it takes to make the highest good an end for ourselves. Kant addressed the highest good in all of his major works, and from what he has to say about it, it is clear that he thought it was a necessary and highly meaningful element of his moral philosophy. Yet, fully understanding the highest good is no easy task since much of what Kant has to say about it concerns the role it plays in supporting, as a necessary effect, foundational commitments of his moral and practical philosophy and the fact

¹ Kant, Immanuel. “Practical Philosophy”, trans. & ed. Gregor, Mary J. US: Cambridge

² Ibid. 5:115.

that it seems to cut across two worlds and two forms of reasoning, the ties between which Kant does not always make as explicit as one might hope.

The debate surrounding the highest good, made popular by Lewis W. Beck and John Silber, has largely been centered on the highest good's possibility and necessity and the threat of heteronomy. This paper will be no different in these regards. Recent debates, however, have refocused the discussion on the *definition* of the highest good in terms of how we should understand the relation of its constituents. Eoin O'Connell, among other commentators, have argued for a proportionality thesis in which the need for a proportional relation between virtue and happiness entails a notion of just desserts.³ Others have been less accepting of the theological implications that follow from the above. Andrews Reath has argued explicitly for a maximization thesis that our duty to the highest good is no more than a duty to maximize virtue and happiness conditioned by virtue without regard for promoting a proportionality relation.

The primary purpose of this thesis will be to examine, through the debate between Reath and O'Connell, the relation between virtue and happiness in order to decide if we should adopt a proportionality or maximization thesis or, perhaps, neither. Special attention will be given to O'Connell's claims that Kant

³ Silber, Caswell.

has rational grounds, namely the mutual exclusivity of virtue and happiness, for introducing a principle of just desserts that generates a proportionality thesis. In support of the primary purpose, the general purpose of this paper will be to settle on an account of the highest good that gets right the relation between the constituents of the highest good and contains no more than what follows necessarily from Kant's core doctrines. It is a question as to the limit to which one is allowed to keep introducing elements into a system to avoid incoherency, but the highest good turns out to be a special case of a necessary object that has to be supposed almost from the beginning, so it becomes a question of what one is allowed to introduce to support a necessary element and whether any new principles are introduced and, if so, are they introduced justifiably or not. Kant's doctrine of autonomy, willing, ends, the moral law, the good, and the topic of pure practical judgment all play important roles in understanding the highest good and will be discussed accordingly.

I will demonstrate that Reath's' and O'Connell's positions rest on a misreading of Kant's topic and judgment of pure practical reason that leads both beg the question of possibility. Counter to O'Connell, I will argue that virtue and happiness are not mutually exclusive and that the kind of proportionality that Kant has in mind when he introduces the impartial spectator does not entail just

desserts but, instead, is a device for establishing an idea of complete happiness and from which a notion just desserts does not follow. In concluding, I will consider two options: 1) on grounds of impending heteronomy, abandon the impartial spectator and any notion of an objective highest good that goes beyond happiness on the condition of virtue 2) accept the perspective of the impartial spectator as an idea that, while standing between us and the highest good as an object of pure practical reason, introduces no foreign principles or new duties yet allows for an objective notion of the highest good from a human perspective.

1. Necessity

One popular approach in arguing for or against the necessity of the highest good has been to focus on whether or not it supplies some additional and necessary content to the duties prescribed by the Moral Law. John Silber has argued that without the highest good to provide content to the Moral Law, Kant's moral theory remains an empty formalism.⁴ While I will have something to say later about how content affects the formal elements of Kant's moral theory,

⁴ Silber, John R. "Two Conceptions of the Highest Good in Kant". *Journal of the History of Philosophy*, Vol. 26, No. 4, Oct. 188.

I do take the question of the necessity of the highest good to be the first to be addressed, so I will begin with the question of in what way the highest good can be said to follow necessarily from Kant's core doctrines.

As Kant claims to offer a deduction of, or at least concerning, the highest good in *Critique of Practical Reason* (CPrR),⁵ I will begin there. In Book I "The Analytic of Pure Practical Reason", of Part I "Doctrine of the Elements of Pure Practical Reason", Kant goes to lengths to distinguish the *a priori* elements of his moral and practical philosophy from the empirical elements that if not separated would threaten his moral theory with a heteronomy undermining the moral law's objective and universal validity (*a prioricity*). The dialectic to be addressed in Book II, the "Dialectic of pure practical reason", arises from the fact that pure reason "whether it is considered in its speculative or in its practical use...requires the absolute totality of conditions for a given conditioned, and this can be found only in things in themselves."⁶ Since pure practical reason, likewise, seeks the unconditioned for the practically conditioned (which rests on inclinations and natural needs), it "seeks the unconditioned totality of the object of pure practical

⁵ Kant, Immanuel. "From this *deduction* it now becomes comprehensible why the *Greek* schools could never solve their problem of the practical possibility of the highest good..." "Practical Philosophy", trans. & ed. Gregor, Mary J., *Critique of Practical Reason*. 5:126. (Kant's emphasis.)

⁶ *Ibid.*, 5:107.

reason, under the name of the *highest good*.”⁷

This demand for the unconditioned is, in fact, a defining feature of reason for Kant. In the *1st Critique*, we are told that

Reason concerns itself exclusively with absolute totality in the employment of the concepts of the understanding, and endeavours to carry the synthetic unity, which is thought in the category, up to the completely unconditioned...Reason accordingly occupies itself solely with the employment of understanding, not indeed in so far as the latter contains the ground of possible experience (for the concept of the absolute totality of conditions is not applicable in any experience, since no experience is unconditioned), but solely in order to prescribe to the understanding its direction towards a certain unity of which it has itself no concept, and in such manner as to unite all the acts of the understanding, in respect of every object, into an *absolute* whole.⁸

This concern of reason, the search for the totality for the conditioned as an ultimate explanation, is more than just a mere tendency. For Kant, it is a logical necessity. Since reasoning consist in the subsumption of propositions under more general propositions,⁹ it follows that

since in the former [ascending] case the knowledge (*conclusio*) is given only as conditioned, we cannot arrive at it by means of reason otherwise than on the assumption that all the members of the series on the side of the conditions are given (totality in the series of the premises); only on this assumption is the

⁷ Ibid., 5:108.

⁸ Kant, Immanuel. *Critique of Pure Reason*, Penguin Books: London, 2007, A326/ B382-3.

⁹ Ibid., A330/B 386: “Reason, considered as the faculty of a certain logical form of knowledge, is the faculty of inferring, i.e. judging mediately (by the subsumption of the condition of a possible judgment under the condition of a given judgment)...It is very evident, therefore, that reason arrives at knowledge by means of acts of the understanding which constitute a series of conditions.”

judgement before us possible *a priori*: ...But however this may be, and even admitting that we can never succeed in comprehending a totality of conditions, the series must none the less contain such a totality, and the entire series must be unconditionally true if the conditioned, which is regarded as a consequence resulting from it, is to be counted as true.¹⁰

From the above passages, we see that the highest good is a logically necessary object because it plays a single necessary role—“to prescribe to the understanding its direction towards a certain unity...[and] to unite all the acts of the understanding, in respect of every object, into an *absolute* whole”¹¹. Reath interprets the unconditioned as “the totality or the complete set of ends that could result from moral conduct”¹² and thinks that the highest good as the unconditioned totality of pure practical reason can be explained “quite simply...as the highest good that could result from the moral use of freedom.”¹³ Reath’s simple explanation should be rejected, however, since, for Kant, the unconditioned is that which is beyond experience and, thus, not a question of results. The unconditioned, then, simply cannot be cashed out in terms sensible world results as Reath would have us believe.¹⁴

¹⁰ CPR., A331/B388.

¹¹ CPR., A326/ B382-3.

¹² Reath, p. 597.

¹³ Reath, p.597.

¹⁴ The two quotes from Reath regarding the unconditioned here leave room for the unconditioned as a result of the causal nature of pure will which determines its ultimate

For theoretical reason, the unconditioned would seem to answer either the question of why or how are certain things the way they are. Since the interest of practical reason “consists in the determination of the will with respect to the final and complete end”¹⁵, there is a question to be addressed of whether the highest good tell us *what* we are to will or *how* or *why* we are to will certain ends? It is a separate question whether the highest good is required for *willing*, that is, as an idea that is a necessary guide in determining correct (optimal) moral action. I will refer to this notion as an “organizing principle”. The necessity of the highest good as an organizing principle will, likewise, be discussed below, but since it still has not been decided what is an object of pure practical reason and what a totality of this object might look like as a combination of virtue and happiness, I will proceed in that direction. I will need to begin by laying out some of the foundations of Kant’s moral theory in order to frame the issue of just what highest good should be expected to, and cannot without contradiction or unjustifiably importing foreign principles, contribute.

end (and creates or gives reality to it in pure practical reason), but Reath is clear that what he has in mind is sensible world results.

¹⁵ CPR., A331/B388.

1.1 The Autonomy of Free Will

Kant begins the Analytic of the *CPrR* by arguing that if we assume that pure reason can contain a practical determining ground, that is, a reason for not only why the will is, but also why it is a certain way and not any other, then there must be practical laws that are objective for every rational being. If an object of desire as an end or effect to be brought about is presupposed as the determining ground of the will, then the imperative practical rule that tells how one ought to go about achieving this end will be hypothetical and contingent upon both the agent's desire to achieve the object and expectation of the existence of the object. If the moral value of our actions (that acts are good *because* of a certain presupposed end) and even our ability to set ends for ourselves (that an account of willing can be given in terms of the object) are taken to depend on some select object of desire, then the account of moral worth and of willing, itself, will be contingent on the agent's relation to the object. Accordingly, "it is requisite to reason's lawgiving that it should need to presuppose only *itself*, because a rule is objectively and universally valid only when it holds without the contingent, subjective conditions that distinguish one rational being from another."¹⁶ Any

¹⁶ *CPrR*, 5:21.

practical law of reason, then, that would be universally valid, objectively necessary, and capable of categorical prescription must be determinable *a priori* and cannot presuppose an object of desire as the determining ground of the will. The determination of the will by some presupposed object of desire is what Kant calls the *heteronomy* of the will.

It is the formal determining grounds imposed on the will by reason independently of empirical conditions together with our awareness of the moral law that constitute the autonomy of the will.¹⁷ According to Kant, our awareness of the fundamental law of pure practical reason, the categorical imperative – “So act that the maxim of your will could always hold at the same time as a principle in a giving of universal law”¹⁸ – is a “fact of reason” by which we are made aware of the lawgiving power of reason. The fact that we are aware of the moral law is “inseparably connected with, and indeed identical with” our awareness of the freedom of the will.¹⁹ Since the autonomy of the will is the “sole principle of all moral laws and of duties in keeping with them”,²⁰ for Kant, moral value is founded on autonomy. Pure practical reason gives us knowledge, namely

¹⁷ CPrR., 5:43.

¹⁸ CPrR., 5:30.

¹⁹ CPrR., 5:41.

²⁰ CPrR., 5:33.

knowledge of the fact of the lawgiving-ness of practical reason, the autonomy of the will, and the moral law. Since it is the moral law of which we are first aware and the highest good is only arrived at through the development of the moral law, Kant claims that the will is not determined by the highest good due to the order in which the concepts derived, thus, avoiding the threat of heteronomy.²¹

Kant tells us that the will is “a faculty either of producing objects corresponding to representations or of determining itself to effect such objects (whether the physical power is sufficient or not), that is, of determining its causality”.²² The will is also described as “the capacity to act *in accordance with the representation* of laws, that is, in accordance with principles”²³ and the “faculty of ends”.²⁴ Indeed, Kant takes humanity, as opposed to animality, to be characterized by the capacity to set oneself an end.²⁵ Autonomy of the will

consists in independence from all matter of the law (namely, from a desired object) and at the same time in the determination of choice through the mere form of giving universal law that a maxim must be capable of. That *independence*, however, is freedom in the *negative sense*, whereas this *lawgiving of its own* on the part of pure and, as such, practical reason is freedom in the *positive*.²⁶

²¹ CPrR., 5:110.

²² CPrR., 5:15.

²³ GMM., 4:412.

²⁴ CPrR., 5:59.

²⁵ MM., 6:392. p. 522.

²⁶ CPrR., 5:33, p.166.

Thus, the will is *free from* determination by desired objects and *free to do* what pure practical reason prescribes: to determine what ends should be chosen, namely those which uphold the lawgivingness of reason. In order for there to be a categorical imperative, for there to be acts that one has a duty to perform, then, on the pain of a regress, there must be an end itself prescribed unconditionally.

Kant warns

For since there are free actions there must be ends to which, as their objects, these actions are directed. But among these ends there must be some that are also (i.e., by their concept) duties. – For were there no such ends, then all ends would hold for practical reason only as means to other ends; and since there can be no action without an end, a *categorical* imperative would be impossible. This would do away with any doctrine of morals.²⁷

As actions require ends, and humanity is characterized by the ability to set ends, humans as agents of a practical will have the necessary characteristic of being end-directed. This characteristic is part of what Kant refers to as our natural finitude. Since action requires ends, in order for the moral law to be categorical, there must be some end or ends prescribed by the moral law to which we are obligated not only as a means to some other end but unconditionally. These ends that are duties in themselves, that is, ends that are prescribed by the moral law and that we should choose unconditionally, are one's own perfection and the

²⁷ MM., 6:385.

happiness of others.²⁸ I have delayed for now the discussion of what constitutes an end. What is important here, though, is that it is clear how in Kant's system, the autonomy of will requires independence from presupposed objects, yet since practical reason is concerned with willing, ends following from the moral law are required, but no end that follows from the moral law alone can be an object of desire.

1.2 Virtue

The concept of a duty that is an end in itself follows from the categorical nature of the moral law. The duties that are ends in themselves, self-perfection and the happiness of others, are principles derived from the moral law, but these should not be considered ends that we *do* have necessarily (pathologically), but ends that we *ought* to have (morally). They are necessary to give an account of pure practical reason, but since they are ends that one may ignore, although perhaps not rationally, they are necessary only in the sense that one is morally culpable if one does ignore them. Since the moral law is a law that applies to all rational agents and incentivizes solely through respect for itself, the disposition

²⁸ MM., 6:385.

incumbent on all human beings is to observe the moral law from *duty alone*. A duty is that which is done out of respect for the moral law alone.²⁹ A disposition can be understood, roughly, as a capacity to act in a certain way that can include a tendency to act in a certain way. I say a capacity since Kant defines virtue as the “proper moral condition, in which he [man] can always be...that is, moral disposition *in conflict*...”³⁰ I use the term “capacity” to describe disposition since Kant tells us we can always be in this condition, yet Kant does take the disposition to be the object of moral action in the sense that it can be affected and developed.

I take virtue, then, to be understood as the *willingness* to act from respect for the moral law alone and to apply to one’s disposition, strictly speaking. Respect for the moral law is the “consciousness of a free submission of the will to the law, yet as combined with an unavoidable constraint put on all inclinations though only by one’s own reason...”³¹ It should be noted here that Kant takes virtues to require a conflict, but this conflict could be understood in one of two ways: 1) as a logical conflict in which either virtue excludes or is excluded by something, or 2) as the constraint of the inclinations. Now, an agent can be

²⁹ CPrR., 5:81.

³⁰ CPrR., 5:84.

³¹ CPrR., 5:80.

willing to do one thing while at the same time doing another thing as long as there is no logical conflict, namely exclusivity, between the two that prevents it. I can be willing to defend my life while walking through the park, but not while jumping off a building. I might not be called on to defend my life while walking through the park even though I was willing to do so, but if I attempted to jump off a building, I would be called on to put a stop to any such attempt. To be willing to do something, then, is to say that one would perform an act (or accept an end) if one were called on to do so. I argue below that in order to have happiness on the condition of virtue, virtue should be understood as willingness to act for the sake of the moral law when called on to do so and the conflict, accordingly, understood as the constraint of the inclinations. In §3, I argue against the mutual exclusivity of virtue and happiness in support of the above.

1.3 Happiness

A dialectic arose for speculative reason when reason sought the absolute totality of things amongst the conditioned. Kant's solution the antinomy contained therein was to correct a confusion in equating appearances with things-in-themselves. Similarly, a dialectic arises for pure practical reason, the

antinomy of which lies in the problems faced in combining, through a causal relation, two distinct *types* of ends. Through the moral law we can derive the duties that are ends in themselves—the perfection of the self and the happiness of others. Kant tells us that there is also “*one* end that can be presupposed as actual in the case of all rational beings...that we can safely presuppose they all actually do have by a natural necessity, and that purpose is happiness.”³²

According to Kant, “two terms necessarily combined in one concept must be related as ground and consequence...”³³ The problem, then, becomes one of whether virtue must serve as the cause of happiness in the world or happiness must serve as the cause of virtue in the world. For the case of virtue being the cause of happiness in the world, Kant considers three options: 1) virtue as the cause of contentment, which he rejects on the grounds that contentment is not a positive effect, 2) what is within our powers, which he rejects as insufficient to support the necessary causal relation, and 3) “that which is beyond our power but which reason holds out to us as the supplement to our impotence...”, meaning the ideas of God and the immortality of the soul.³⁴ Since it is the supposed to be the combination of two distinct types of ends that generates the

³² GMM., 4:415.

³³ CPrR., 5:109–110.

³⁴ CPrR., 5:109.

cause/effect relation and the proportionality thesis, we first should take a closer look at virtue and happiness in order to determine in just what way these should be considered distinct ends.

Kant defines happiness as “the state of a rational being in the world in the whole of whose existence *everything goes according to his wish and will...*”³⁵ As with the intellectual, our sensible faculties must also have a determining ground. For the faculty of desire, happiness is an unavoidable determining ground. Kant calls this concern with “satisfaction with one’s whole existence”³⁶

a problem imposed on him by his finite nature itself, because he is needy and this need is directed to the matter of his faculty of desire, that is, something related to a subjective feeling of pleasure or displeasure underlying it by which is determined what he needs in order to be satisfied with his condition.³⁷

As “happiness *everywhere* underlies the practical relation of objects to the faculty of desire”³⁸ and subjective ends will vary from agent to agent, happiness is “still only the general name for subjective determining ground, and it determines nothing specific about it”³⁹ and only concerns the matter of the law, which is the expectation of satisfaction.⁴⁰ I interpret “everything going according to one’s

³⁵ CPrR., 5:124.

³⁶ CPrR., 5:27.

³⁷ CPrR., 5:27.

³⁸ CPrR., 5:25.

³⁹ Ibid.

⁴⁰ Ibid.

wish and will over one's whole existence" as complete success in attaining the objects that one desires and wills, and happiness should be recognized, like the highest good, to be an idea perfect and beyond experience.

Kant admits that happiness is a vague notion and stipulates it as covering the whole of one's existence to avoid problems that arise from temporal indexing, but happiness does not refer to the totality of our ends, although it would require such an idea, but rather the general concept of the satisfaction of the faculty of desire. Kant takes it to follow from the fact that what will satisfy an agent will differ from agent to agent and situation to situation, happiness can be understood as a general term denoting not pleasure or any other feeling but complete satisfaction of the faculty of desire over time. Happiness, however, should be understood as a positive satisfaction of the faculty of desire since contentment is rejected as an effect of virtue on the grounds that is only a negative outcome, so it is not clear what this satisfaction would consist in other than the successful willing of all desired ends. Happiness, then, can be understood as success in willing desired ends, since it is less likely to be viewed as a feeling and leaves room for the fact that although, as an idea, it is perfect and unattainable, it can be instantiated imperfectly either in a single act or as success in some but not all desired ends.

The claim that one's own happiness, understood as success in willing a desired end, is an inherently human end is plausible enough in that when we will an end, we intend to succeed in the act of willing. The issue to be settled is the combination of happiness and categorically mandated moral ends. Now, if happiness is success in willing, then any end that is compatible with it cannot exclude success in willing desired ends. However, there is nothing to say that a compatible end cannot preclude some success of an instance or instances of willing a desired end (compatibility with limitations).

As agents, we are necessarily end-directed; as sensible beings, we are end-directed in that our faculty of desire makes demands that are met when we succeed in willing the ends that we desire. Ends arise from inclination, yet, happiness is supposed to be success in the willing of "everything" that one desires and wills. So the question arises as to whether happiness includes, ignores, or excludes moral ends. Is it that we have a set of ends arising from desires, the success of which constitutes happiness, alongside moral ends the success of which constitutes something else? What we want to know is if there is any overlap between virtue and happiness or is there a value dualism that prevents such.

To answer this question, we will need to take look at Kant's theory of good and the determination of objects of pure practical reason to see what effect this has on the faculty of desire and, thus, happiness. We should eventually like to understand: 1) how, on one hand, happiness is safe from being undermined by our categorically demanded moral ends, and 2) how moral ends that are determined independently of regard for physical possibility are capable of conditioning (being the condition for) ends based in the sensible world and subject to the natural laws of the sensible world. Since the compatibility of virtue and happiness will depend on what I have to say about Kant's theory of good, I will proceed in that direction.

1.3.1 Kant's Theory of Good

The lawgiving-ness of reason requires that it presuppose only itself,⁴¹ so in order to avoid heteronomy and also to locate moral value, Kant must be capable of deducing a notion of the good that does not presuppose any foreign object of desire. It turns out that the "good" steps in to provide a service to the faculty of desire that happiness on its own cannot, which is to serve objectively as the desired object of a pure rational will. Kant tells us

⁴¹ CPrR., 5:21.

The principle of one's own happiness, however much understanding and reason may be used in it, still contains no determining ground for the will other than such as is suitable to the lower faculty of desire; and thus either there is no higher faculty of desire at all or else *pure reason* must be practical of itself and alone, that is, it must be able to determine the will by the mere form of a practical rule...Then only, insofar as reason of itself (not in the service of the inclinations) determines the will, is reason a true *higher* faculty of desire, to which the pathologically determinable is subordinate, and then only is reason really, and indeed *specifically*, distinct from the latter, so that even the least admixture of the latter's impulses infringes upon its strength and superiority...⁴²

Happiness, then, pertains *only* to the lower faculty of desire and, accordingly, remains pathologically and subjectively determinable. For this reason, happiness cannot suffice for an objective end of the faculty of desire because any input from the lower faculty of desire would compromise pure moral incentive. On the grounds that "what we are to call good must be an object of the faculty of desire in the judgment of every reasonable human being..."⁴³, Kant concludes that "the only objects of a practical reason are therefore those of the good and the evil. For by the first is understood a necessary object of the faculty of desire, by the second, of the faculty of aversion, both, however, in accordance with a principle of reason."⁴⁴ Instead of presupposing an empirical object, Kant presupposes a necessary non-empirical object: the good.

Kant is clear that

⁴² CPrR., 5:24–25.

⁴³ CPrR., 5:61.

⁴⁴ CPrR., 5:58.

good and *evil* always signifies a reference to the *will* insofar as it is determined by the *law of reason* to make something its object....Thus good or evil is, strictly speaking, referred to actions, not to the person's state of feeling, and if anything is to be good or evil absolutely (and in every respect and without any further condition), or is to be held to be such, it would be only the way of acting, the maxim of the will, and consequently the acting person himself as a good or evil human being, that could be called so, but not a thing.⁴⁵

Reath and O'Connell, however, disagree as to whether, "good" applies to acts only (O'Connell) or states of affairs/ objects (Reath) and take the questions of promotion and attainment to hinge on this. O'Connell endorses a proportionality relation between virtue and happiness that faces serious challenges when it comes to accounting for the type of experiential knowledge required to attempt to bring about such a state of affairs. Accordingly, he see the good as accountable for in the possibility of acts (regardless of whether we believe the intended end to be possible or not) and takes acts and dispositions to be the sole bearers of moral value.

Reath, on the other hand, takes the physical possibility of the highest good to follow directly from the moral necessity and, accordingly, sees the problem of possibility to be solved in terms of good effects and the instantiation of a states of affairs. However, as I will show, both Reath's and O'Connell's positions follow from misreading of the relation between pure practical judgment and practical

⁴⁵ CPrR., 5:60.

judgment (theoretical) at the level of action. Although O'Connell is right to suppose that we need a middle man or men to handle possibility issues, it does not turn out to be action, as O'Connell suggests, but, rather, the topic of the judgment pure practical judgment and the impartial spectator.

2. Possibility

Speaking of the highest good, Kant tells us that morality

is necessarily related to such an end, taken not as the ground but as the [sum of] inevitable consequences of maxims adopted as conformable to that end...Hence the end is no more than an object which takes the formal condition of all such ends as we *ought* to have (duty) and combines it with whatever is conditioned, and in harmony with duty in all the ends which we *do* have (happiness proportioned to obedience to duty)...⁴⁶

The first point of note is that our only concern for consequences, as far as the highest good is concerned, is in that a hierarchy of maxims is affected. Kant says that we do have the end of happiness proportioned to virtue. However, to say that we do have the end of happiness is different than to say that we do have the end of happiness on the condition of virtue, since this would seem to require that we do have the end of virtue. Yet, virtue is not an end that we do have but ought to have, so it looks like happiness could be an end that we ought to have.

⁴⁶ Rel. 4/5.

Since virtue is willingness to act for the sake of the moral law, this entails the acceptance of duties that are ends that should be willed for the sake of the moral law. However, these duties are also ends that we do will since we must will, as the will here does not choose but obeys an inflexible command of reason.⁴⁷ The reader should feel a sense of dissatisfaction towards the way things stand presently in regards to ends we do and ought to have and should like to know more about to whom these ends owe their allegiances and where they stand when we find them.

2.1 Pure Practical Judgment

It is not difficult to be misled by Kant's talk about things "being within in our power" and how experiential knowledge plays into this. Kant tell us that

...to appraise whether or not something is an object of *pure* practical reason is only to distinguish the possibility or impossibility of willing the action by which, if we had the ability to do so (and experience must be the judge about this), a certain objet would be made real.⁴⁸

and

...the judgement whether or not something is an object of pure practical reason...is only whether we could will an action which is directed to the existence of an object if the object were within our power.⁴⁹

⁴⁷ CPrR., 5:143.

⁴⁸ CPrR., 5:57.

⁴⁹ CPrR., 5:57–58.

One might get the impression that the power or ability of ours to make an object real that Kant is talking about—and of which experience must be the judge— is our ability to make objects real in the sensible world. In this section, I will show that this is not the case.

I will demonstrate, instead, that the judgment of pure practical reason should be viewed as a specific step in moral reasoning in which an idea is tested for universalizability and that this test does not hold the same possibility requirements as practical maxim or principles aimed at bringing about sensible world effects.⁵⁰ I will show that if one ignores the power of the type of pure practical judgment, then one runs the risk of either, like Reath, giving the supersensible world undeserved sensible world powers or, like O’Connell, untethering the sensible world from the moral world.

2.1.1 The Futility Argument

Kant defines an end, in general, as an “*object* of free choice, the representation of which determines it to an action (by which the object is brought

⁵⁰ Kant faces a similar issue in the *1st Critique* in that the matter of concepts seems to play a similar-but-not-identical dual role in balancing Kant between idealism and direct realism. Here, Kant is poised between Stoicism and Epicureanism.

about)"⁵¹ and an "object of practical reason" as an "effect possible through freedom"⁵². If the highest good is the totality of the object of pure practical reason, then it is an effect possible through freedom. Andrews Reath interprets an "effect possible through freedom" as "presumably, any end at which an agent can direct an action".⁵³ From this, he concludes

In defining an object of practical reason as an 'effect possible through freedom,' Kant commits himself to the view that only states of affairs that we can imagine as the possible results of human action are included in what is morally good.⁵⁴

Reath goes on to argue that a definition of the highest good that includes a proportionality relation between virtue and happiness is not a possible object of pure practical reason since we do not have the resources, namely the required knowledge of the intentions of others, to attempt to bring about this state of affairs. This argument is what is usually referred to as the impossibility argument. Reath takes the claim that the moral law cannot demand of us ends beyond what we know to be within our power to follow from the following passage:

If the object is taken as the determining ground of our faculty of desire, the *physical possibility* of it by the free use of our powers must precede our appraisal of whether it is an object of practical reason or not. On the other hand, if the *a*

⁵¹ MM., 6:384–5.

⁵² CPrR., 59–57.

⁵³ Reath, Andrews, "Two Conceptions of the Highest Good in Kant", p.596.

⁵⁴ Reath, p. 597.

priori law can be regarded as the determining ground of the action, and this, accordingly, can be regarded as determined by pure practical reason, then the judgment whether or not something is an object of pure practical reason is quite independent of this comparison with our physical ability, and the question is only whether we could *will* an action which is directed to the existence of an object if the object were within our power; hence the moral possibility of the action must come first, since in this case the determining ground of the will is not the object but the law of the will.⁵⁵

Eoin O’Connell rejects Reath’s line of reasoning, which he refers to as the futility argument, on the grounds that the Beck translation that Reath cites—specifically, the clause “the question is only whether we could *will* an action which is directed to the existence of an object if [making] this [object actual] were in our power”⁵⁶—wrongly interpolates “object” as the referent of “this”. O’Connell refers us, instead, to H.W. Cassirer’s translation in which, what Beck translates as the ability to make an object actual, Cassirer translates as “the power to perform the action”.⁵⁷ The full sentence of the Cassirer translation from which O’Connell cites reads, “And there is only one question that remains, as regards an action directed towards bringing an object into existence, namely, whether we are permitted to *will* it in the event of its being in our power to

⁵⁵ CPrR., 5: 57–8, trans. Beck, p. 78. (Cambridge edition)

⁵⁶ CPrR., trans. Beck, p. 78.

⁵⁷ O’Connell., p. 263.

perform the action.”⁵⁸ Even though O’Connell grants in a footnote that Kant leaves the referent of “this” (*dieses*) ambiguous in the original, meaning that it could signify either the action or the object, he concludes from Cassirer’s translation that “Kant’s claim now looks to be that it does not matter whether a goal prescribed by pure practical reason is physically impossible, for moral agents should perform categorically mandated actions even when they aim at impossible goals.”⁵⁹

There are problems with the conclusions that both Reath and O’Connell draw from this passage. Kant tells us that if an object is the determining ground of our faculty of desire, then the question of physical possibility comes first. However, if the *a priori* law is the ground determining the action, then the question of physical possibility is irrelevant to whether or not something is considered an object of pure practical reason, and the primary question becomes, instead, whether we can will the end in question. Since acts conceived of in the typic disregard sensible possibility, O’Connell concludes that there are acts that are within our powers that are capable of disregarding physical possibility. According to O’Connell, acts will aim to bring about objects in the sensible world, but since the possibility of the act does not require the possibility of the

⁵⁸ CPrR., trans. Cassirer, 68–9. (O’Connell, p. 263).

⁵⁹ O’Connell, p. 264.

object, categorically mandated actions should be performed even if they futile or even impossible. He gives two examples: a case when it would be morally necessary to comfort someone grieving even when one does not believe he can be successful and the case in which one is morally required to end child slavery even when one believes this to be impossible.⁶⁰

O'Connell's first problem is that he seems to equate futility in which one fails to achieve a believed to be possible end with impossibility in which one cannot be said to fail in achieving an end because failure would entail the possibility of success. It is one thing to believe that the odds are stacked against us and that there is a very good chance that our actions will not have the desired effect. It is an entirely another thing to intend to do the impossible. O'Connell cites as support for his claim that we are obligated to pursue futile courses of action the following passage from the *Groundwork*:

[E]ven if, by special disfavor of fortune or by the niggardly provision of a stepmotherly nature, [the good] will should wholly lack the ability to carry out its purpose—if with its greatest efforts it should achieve nothing...then, like a jewel, it would still shine by itself, as something that has its full worth in itself.⁶¹

The above passage reminds us that the *value* of the good will is independent from the results of its acts, but the issue here is the belief in

⁶⁰ O'Connell, p. 264.

⁶¹ GMM 4:394, O'Connell 263.

possibility of ends required for acting, not the special case of complete failure to achieve our intended results (futility), so this passage does not lend the support that O'Connell takes it to. The second and related problem with O'Connell's argument is that he wrongly assumes that the moral law can mandate us to perform actions the success of which we do not believe to be possible in the sensible world. I will demonstrate below how in taking the acts conceived of in the judgment of pure practical reason to be acts performed in the sensible world, O'Connell begs the question of possibility.

Reath, on the other but similar hand, in interpreting an "effect possible through freedom" as only states of affairs that we can imagine as the possible results of human action, ignores the fact that the effect in question does not arise as the intended effect of an act of free act of will in the sensible world, but is brought about as an effect of the causal nature of pure practical reason itself and thus freely in one sense, but prior to any human act in the sensible world. Only then does the question of the highest good becoming an intended end of action arise. As Kant says, the highest good is a "practically necessary end of a pure rational will, which does not here *choose*; instead, it *obeys* an inflexible command of reason"⁶². So, in interpreting an effect possible through freedom as only a

⁶² CPrR., 5:143.

possible result of human action, Reath confuses supersensible effects with sensible world effects and also begs the question of possibility, but since he begs the question in the right way, he still lands near the target. To beg this question, however, is to not appreciate the gulf between practical and theoretical reasoning and, in turn, to assume a bridge between the sensible and supersensible worlds that has yet to be built. Reath's misstep, like O'Connell's, rests on a confused notion of the roles of pure practical judgment and the typic of pure practical judgment.

2.1.2 The Typic of Pure Practical Judgment

In order to preserve the purity of moral incentive, Kant must be able to separate the higher and lower faculties of desire. In order for good and evil to first determine an object for the will,⁶³ pure practical reason has to make a judgment that preserves the determination of the will from empirical input. Kant accomplishes this through the typic of pure practical judgment.⁶⁴ The problem with which we are faced, as Kant describes it, is that

⁶³ CPrR., 5:67.

⁶⁴ CPrR., 5:65. Kant says the typic serves "to subject a priori the manifold of *desires* to the unity of consciousness of a practical reason commanding in the moral law".

actions, *on the one hand*, [are] subject to a law that is not a natural law but a law of freedom, and consequently belong to the conduct of intelligible beings, yet, *on the other hand*, as events in the world of sense they also belong to appearances.⁶⁵

Kant accepts that “determinations of a practical reason will be able to take place only with reference to the world of sense”, but the *typic*, which is called so because it uses the “*nature of the world of sense as the type of an intelligible nature*”,⁶⁶ borrows from the world of sense only the idea of causality.^{67 68} The *typic* is a thought experiment that assumes an intelligible nature under the law of reason and in which a causal will is all powerful and can bring about its object, the good. The lawgivingness of reason requires the thought experiment make use of the idea of causality, that one thing will follow necessarily from another, but this idea of causality carries with it no other restrictions. The idea of causality employed in the judgment of pure practical reason has its source, not in intuition, but in the causal nature of the pure practical will itself.

The rule of the power of judgment under the laws of pure practical reason that determines an object *a priori* in terms of good or evil is this: “Ask yourself whether, if the action you propose were to occur according to a law of the nature of which you yourself were a part, you could indeed regard it as possible

⁶⁵ CPrR 5:65–66.

⁶⁶ CPrR 5:70.

⁶⁷ CPrR 5:65–66.

⁶⁸ CPrR 5:70.

through your will.”⁶⁹ This is to subject the idea contained in a maxim to the moral law.⁷⁰ The judgment of pure practical reason does involve the possibility of action, and this is important to remember when interpreting what Kant means by something being within our power, but this action does not concern action in the sensible world and concerns experience only in the sense that it borrows the idea of causality from experience (but does not share the source in intuition).

Through the *typic*, we determine whether an action could be willed by an all-powerful agent under only the law of reason. The *typic* allows to posit this thought experiment, and since the object of a causal will determined by reason alone is the good, the causal will must be capable of creating the reality of its object independently of the sensible world. The supersensible realm is, then, seen as necessary, not theoretically but practically, in order to make room for this

⁶⁹ CPrR., 5:69.

⁷⁰ “O’Neill (1975, 1989) and Rawls (1989, 1999), among others, take this formulation in effect to summarize a decision procedure for moral reasoning, and I will follow them: First, formulate a maxim that enshrines your reason for acting as you propose. Second, recast that maxim as a universal law of nature governing all rational agents, and so as holding that all must, by natural law, act as you yourself propose to act in these circumstances. Third, consider whether your maxim is even conceivable in a world governed by this law of nature. If it is, then, fourth, ask yourself whether you would, or could, rationally *will* to act on your maxim in such a world. If you could, then your action is morally permissible.” Johnson, Robert, (<http://plato.stanford.edu/entries/kant-moral/#ForUniLawNat>).

causality.⁷¹

Thus, we can interpret Kant as either

The question is only whether we could *will* an action which is directed to the existence of an object if the object were within our power; hence the moral possibility of the action must come first, since in this case the determining ground of the will is not the object but the law of the will.⁷²

or

And there is only one question that remains, as regards an action directed towards bringing an object into existence, namely, whether we are permitted to *will* it in the event of its being in our power to perform the action.⁷³

as long as the “existence of objects within our power” and “actions within our power” are not understood as sensible world objects brought about sensible world powers and actions. And when Kant tells us that

...to appraise whether or not something is an object of *pure* practical reason is only to distinguish the possibility or impossibility of willing the action by which, if we had the ability to do so (and experience must be the judge about this), a certain object would be made real.⁷⁴

we should not interpret “made real” as “made real in the sensible world” or “experience” as anything other than the idea of causality borrowed in the typic.

⁷¹ CPrR., 5:44, “Yet we are conscious through reason of a law to which all our maxims are subject, as if a natural order must at the same time arise from our will. This law must therefore be the idea of a nature not given empirically and yet possible through freedom, hence a supersensible nature to which we give objective reality at least in a practical respect, since we regard it as an object of our will as pure rational beings.”

⁷² CPrR., 5: 57–8, trans. Beck, p.78. (Cambridge edition)

⁷³ CPrR., trans. Cassirer, p. 68–9. (O’Connell p. 263).

⁷⁴CPrR 5:69.

The typic is vital because Kant uses it to show that the causality of will requires the postulation of a supersensible world under the law pure autonomy.

However, the thought experiment of the typic should not be assumed to be identical to the intelligible world or a window into it. The intelligible realm is a realm under the law of pure reason that we have to assume in order for a causal pure practical will, a will determined by reason alone, to bring about the good. The typic checks ideas, through the universalizability test, against such a world. The intelligible world would include the good and would be inhabitable by a will capable of being determined by reason alone, but it does not follow that what is possible in the typic is possible in the intelligible or that it is good.

Kant is clear that “the judgement whether or not something is an object of pure practical reason is quite independent of this comparison with our physical ability”⁷⁵ and “in actual nature, insofar as it is an object of experience, the free will is not of itself determined to such maxims as could of themselves establish a nature in accordance with universal laws, or even to such maxims as could of themselves fit into a nature arranged in accordance with them”.⁷⁶ O’Connell confuses the conceiving of an action that takes place in the *judgment* of pure practical reasoning with the action that takes place when an agent wills an end in

⁷⁵ CPrR., 5:57.

⁷⁶ CPrR., 5:58

the sensible world. Kant recognizes that “all occurring cases of possible actions can only be empirical, i.e., can belong only to experience and nature”⁷⁷ and that “whether an action possible for us in sensibility is or is not a case that stands under the rule requires practical judgment, by which what is said in the rule universally (*in abstracto*) is applied to an action *in concreto*.”⁷⁸ However, Kant denies that this is problem since

subsumption of an action possible to me in the sensible world under a *pure practical law* does not concern the possibility of the *action* as an even in the sensible world; for, it belongs to the theoretical use of reason to appraise that possibility in accordance with the law of causality, a pure concept of the understanding for which reason has a schema in sensible intuition.⁷⁹

Kant goes on to distinguish the role of ideas conceived of in the judgment of pure practical reason and maxims relating to them, which taken with Kant’s claim that the judgment of pure practical reason contains no such maxims as possible in the sensible world and with the denial above, constitute an answer to the problem:

Practical laws, in so far as they are grounds of actions, that is, subjective principles, are entitled maxims. The estimation of morality, in regard to its purity and consequences, is effected in accordance with ideas, the observance of its laws in accordance with maxims.⁸⁰

⁷⁷ CPrR., 67–68.

⁷⁸ CPrR., 5:67.

⁷⁹ CPrR., 5:68.

⁸⁰ CPR., A812.

The typical steps in to pick up the slack for the physical possibility of necessary moral ends since the object in the thought experiment of the judgment of pure practical reason is no part of a maxim under which principles of action are subsumed and, according to Kant, is not even the type that could do so.⁸¹ The physical possibility of morally necessary ends is cashed out in terms of belief that maxims and principles of action can be found that will fall under these cases of the ideas conceived of in practical judgment. As Kant distinguishes between practical and theoretical ideas and that holds that practical ideas can be “given in *concreto*, though only in part” and all attempts at realizing them will be “defective”⁸², there are no obvious obstacles between categorically mandated ends and acts towards ends in the sensible world.

In taking acts as conceived of in the typical to be the same as the acts aimed to bring about objects in the sensible world regardless of physical possibility, O’Connell is led to adopt a stronger version of ‘ought implies can’ that establishes whatever act is possible in an intelligible world is an act possible in the sensible world. However, as it has been shown that the possibility of an act in the typical does not entail sensible world possibility, we can take this as grounds

⁸¹ I will note here that it may be a problem for Kant that the judgment does not seem to accommodate concepts.

⁸² CPR., A328/B324.

for adopting a weak version of 'ought implies can' that holds that it does not follow from an act's being deemed good that it is within our worldly powers.

Reath, on the other hand, interprets an "object of practical reason" as an "effect possible through freedom"⁸³, and since the good is the object of pure practical reason, takes it to follow that "an object of *pure* practical reason would be one [effect] that could result from the *moral* use of freedom".⁸⁴ From this, he concludes that "some relationship between the good and human agency is implied when the good is defined as the possible object of a person's moral intention"⁸⁵ and takes his interpretation to be confirmed "when Kant goes on to say that one decides whether something is an object of pure practical reason by judging whether one can will the action that can bring it about."⁸⁶ The problem is that in taking an effect possible through freedom to be limited to sensible world effects, Reath misses the fact that effects in consideration when determining whether something is an object of pure practical reason are supersensible world effects independent of any question of physical possibility. Thus, he mistakes the causality of the pure will in the supersensible world for the causality of a will in

⁸³ Reath, p.596.

⁸⁴ Reath, p.596.

⁸⁵ Reath, p.597.

⁸⁶ Reath, p.596.

bringing about effects in the sensible world.⁸⁷ Accordingly, the relation between good and human agency that Reath takes to follow is a relation between the good and a rational will under the law of autonomy—in other words, a relation between the good and a will in the supersensible world. Whereas O’Connell takes the thought experiment of the typic to map directly onto the sensible world, Reath takes the intelligible world to do so. The result is that, like in O’Connell’s case, sensible world possibility is granted where it is not earned.

It is important that we keep in mind that we now have two worlds, the sensible and the intelligible, *and* the typic. A major problem with the highest good has traditionally been seen as the difficulty of combining two highest goods, one pertaining to the supersensible world and one pertaining to the sensible. Kant makes clear that it is a “union” that he is looking for, but as it was

⁸⁷ “Note that for Kant, the faculty of volition or desire, or freedom of the will (*Wille*), has two different senses, a broad sense and a narrow sense. In the narrow sense (as *Wille*) it refers to the practical will that formulates laws as the “faculty of desire whose inner determining ground, hence even what pleases it, lies within the subject’s [practical] reason.” Practical will is considered in relation to the ground determining the choice of action (*Metaphysics of Morals*, 6:213), and through it an agent formulates both hypothetical and categorical imperatives. Practical will stands in contrast with executive will (*Willkür*), which is the power of choice (together with which it forms the will in the broad sense) to choose, decide, wish, and formulate maxims presented to it by the practical will as imperatives. Hence, whether or not an agent is wholly good or evil is determined entirely by “a free power of choice (*Willkür*) and this power . . . on the basis of its maxims [which] must reside in the subjective ground of the possibility of the deviation of the maxims from the moral law.” (*Religion* 6:29). (Erik M. Hanson, <http://www.iep.utm.edu/rad-evil/>)

the project from the start, I will continue to track the highest good as it follows as the unconditioned totality of the object of pure practical reason. This would suggest that it is the idea of the highest good in the intelligible realm that we should seek.

3. Mutual Exclusivity

Kant tells us that the distinction between the principle of happiness and morality “is not for this reason an opposition between them...it requires only that we take no account of them [claims to happiness] whenever duty is in question.”⁸⁸ If virtue is understood as the willingness to take pure practical reason as its determining ground, it follows that virtue can be present—that is, one being willing to do one’s duty—in cases where one does not take the pure will as the determining ground but accepts an empirical determining ground (happiness). It does follow and is in keeping with Kant that we can never have a direct *duty* to happiness. Multiple simultaneous determinations of the will are excluded since a will determined by an object of the lower faculty of desire cannot be said to be pure and that the incentive of will determined by pure

⁸⁸ CPrR., 5:70.

reason must exclude lower faculty of desire ends. So, although an end cannot be at the same time performed for the sake of the law and for the sake of happiness, happiness or pleasure as a side-effect of duty is not excluded, so long as respect for the law is understood as the sole motivating force.

Just as virtue does not exclude happiness, happiness does not exclude virtue. One can have a desire for happiness arise and test it using the judgment of pure practical reason. The lower faculty of desire is dependent on the higher faculty, yet the lower faculty can call on the higher faculty to vet a lower faculty desire, and the judgment of pure practical reason is consulted. If virtue is present, then the agent is willing to accept pure reason as the determining ground regardless of how the maxim stands to the moral law. It may turn out, though, that the maxim is permissible. As a lower faculty desire of happiness, the determining ground does not change although one was willing to abandon happiness for the sake of the moral law. The kind of happiness that is of interest to the highest good, then, does not exclude virtue. It also turns out that one could determine whether an act or end is good or not without virtue being present since the topic of pure practical judgment is only a test and does not require one to *be* virtuous. Acts towards impossible ends (evil), as judged by the topic, are of some importance in

determining the highest good in that, as will be shown, happiness on the condition of virtue requires the logical exclusion of evil.

When a maxim is tested through the judgment of pure practical reason, it will aim for a yes or no answer. The moral law is only a negative test for maxims that generates duties when either the coherency or willing tests are failed. No's will determine whether a maxim is morally impossible (evil) or morally necessary (refraining from adopting a maxim would be impossible). Now, it is a question of whether a yes tells of permissibility or possibility.⁸⁹ We should first remember the distinction between possibility in the typic and possibility in an intelligible world. One option would be to say that yeses indicate possibility in the typic from which follows possibility in an intelligible world. Necessity entails possibility, so ends possible in the supersensible will include necessary ends and permissible ends, and it becomes then just a matter of combining ends possible in an intelligible world.

Or, one might recall that the thought experiment of the typic does not create the intelligible world, but the intelligible will is posited to account for a pure causal will. The intelligible realm posited through the typic is not identical with

⁸⁹ And possibly sometimes moral necessity. I say 'sometimes necessity' on the assumption that duties can arise in this way. Since the case to be made is for permissible ends of happiness, necessary ends can be ignored.

the thought experiment of the typic. A second option, then, would be to say that yeses indicate possibility in the typic from which follows only moral permissibility, which is permission to act on a maxim of happiness. In other words, supersensible possibility does not follow from permissibility and the intelligible world consists of only of a nature under the law of autonomy in which the good is brought about by acts performed for the sake of the moral law (that is, those acts that take pure reason as the determining ground of the will). This is to say that happiness is not a possible in a strictly intelligible world since it is excluded from the good by means of its determining ground. The highest good turns out to be a combination of the intelligible and the sensible—the good and the non-moral ends of permissible happiness.

The first reading gives us the idea of happiness that we need for an object of pure practical reason. The second reading gives us the distinction between duty and happiness that we want and preserves the purity of the object of a pure practical will. The problem with the first is that if happiness is wholly part of an object of an intelligible world consisting of ends of various determining grounds, then the distinction between duties and permissible happiness seems to collapse. The problem with the second is that happiness is no longer a possible object of pure practical reason. The problem with both is that happiness as an idea

possible in an intelligible world is required, but it is not clear how this can be accomplished. I will show in §4 how, with the help of the impartial spectator, Kant attempts to cut a middle path.



The sensible world possibility of happiness is granted, yet although happiness is possible in the sensible world, it has not been in any way guaranteed. If the laws of the supersensible are not supposed to intervene on the sensible, then we have no reason to think the sensible world possibility of permissible ends has been endangered. Kant takes care to refer to permissible happiness as “ends we *have* and which conform to duty”.⁹⁰ (italics mine). Happiness is something we do will, and even when permissible happiness becomes something we are permitted to will, the physical possibility would seem to persist from the “do” to the “are permitted to”.

What we need to believe, as far as compatibility, is that there is no reason that we will always be told “no” to the question of the moral permissibility, and no reasons have come to light that would give us reason to believe that we should always be told “no”. This seems possible to confirm by ordinary examples, but

⁹⁰ Rel., 6:5.

what is of relevance here is be established *a priori*. It might be thought that duty could completely sabotage happiness, yet Kant admits of an indirect duty to happiness when one's virtue might be compromised if one did not. We have no reason to believe duty any more than virtue speaks against the physical possibility of permissible happiness. Although I want to make the reader aware of the possibility condition for ends in both the supersensible and sensible worlds, the project remains to establish the highest good as an object of pure practical reason. It is just that happiness complicates things, and the question, at this point, looks to be not whether happiness on the condition of virtue is possible in a sensible world, but whether happiness is possible in a supersensible world.

•

Reath sees no problem in the combination of virtue including the duties that are ends in themselves and permissible happiness since all have been vetted upstream by the typic. O'Connell objects that the ends of happiness and virtue entail mutually exclusivity and that Reath's position, in the end, leaves him with no distinction between morally permissible and morally obligatory ends. O'Connell is correct in his assessment that Reath is left with no distinction

between morally permissible and morally obligatory ends. As Reath confuses the effects in the intelligible with effects in the sensible world, he also takes the effects in the typic to be identical to effects in the intelligible that lead straightway to possibility in the sensible world. The result is that the supersensible realm and the thought experiment of the typic replace the sensible world and happiness comes to be seen as part of the 'good'.

O'Connell is incorrect, however, in his claim that it follows from the fact that "happiness and virtue are different kinds of determining grounds of the will"⁹¹ that virtue and happiness are mutually exclusive, which, in turn, generates a value dualism that "justifies the synthesis of virtue and happiness articulated in the proportionality thesis."⁹² I have shown O'Connell's position stems from a confusion between virtue as a *willingness* to act for the sake of the moral law and a duty in which one *does act* (or choose an end) for the sake of the moral law and the virtue and happiness do not exclude one another except in that an end of happiness cannot at the same time be a *direct* duty. Duty does not exclude happiness as a side-effect, but the opposite is not true.

O'Connell accepts that the will can accept only a single determining ground, but in taking virtue and happiness to be mutually exclusive, O'Connell

⁹¹ O'Connell, p. 269.

⁹² O'Connell, p. 269.

is himself left with no way to account for happiness on the supreme condition of virtue *in a single act*. In taking virtue and happiness to be mutually exclusive, O'Connell is also forced to deal with Kant's claim that the distinction between the principle of morality and happiness are not an opposition.⁹³ O'Connell interprets Kant as "not saying that morality is opposed to happiness in the sense that to be moral is necessarily connected with unhappiness,"⁹⁴ but if virtue and happiness are mutually exclusive, it's hard to see how virtue cannot directly result in unhappiness. If virtue and happiness are mutually exclusive only in regards to a single act and not over a lifetime of acts, then we can have some acts in which virtue is present and the aim is a moral end and some acts aimed at happiness, but virtue and happiness cannot exist in the same act.

O'Connell, then, seems to interpret virtue as conditioning happiness *solely* in the sense that virtue limits our chances of happiness, but not in the sense that happiness is possible on the supreme condition of virtue.⁹⁵ This is fatal for O'Connell. The higher and lower faculties of desire and, thus, the intelligible and sensible, remain apart and at odds. O'Connell's position is confirmed in his

⁹³ CPrR., 5:93.

⁹⁴ O'Connell, p. 269.

⁹⁵ Happiness on the conditions of virtue is not a virtuous act, but a permissible end willed by a virtuous disposition.

attempt to prove that virtue and happiness generate a value dualism that serves as a “formal basis for the idea of just desserts.”⁹⁶

Even though I have shown that virtue and happiness are not mutually exclusive, it remains possible that there is a value dualism that would generate a proportionality thesis, so it is worth having a look at O’Connell’s argument. The argument, briefly, is as follows:

Prudence maximizes the chances of happiness while virtue minimizes them, thus, creating a “dualism in the space of practical reason.”⁹⁷ Since reason seeks a synthesis of both values, and we see no necessary empirical synthesis, the ends of reason are “confounded by experience”⁹⁸, leading to a dissatisfaction of pure practical reason when agents’ happiness succeed beyond a level proportionate to their virtue. Reason still requires the most complete synthesis of virtue and happiness which turns out to be the proportionality thesis since it allows us to understand each idea in terms of the other (virtue as worthiness to be happy, and happiness as what ought to be the reward of virtue).⁹⁹

The first point to be noted is that the value dualism O’Connell has in mind is of an object when viewed from two perspectives. From the point of view of prudence, happiness is top priority; from the point of view of moral reasoning, happiness takes a back seat to virtue. This is a different value dualism than the one denied by Reath in which virtue (including duties) and permissible happiness were taken to be deemed good and possible by the judgment of pure

⁹⁶ O’Connell, p. 271.

⁹⁷ O’Connell, p. 272.

⁹⁸ O’Connell, p. 272.

⁹⁹ O’Connell, p. 271.

practical reason. O'Connell, then, sees the problem as one of a synthesis of two types of reasoning that results in different values for a particular end. This seems strange but not if one remembers that determining whether something is good or not does not require one to be virtuous. However, given that the highest good is supposed to be an object of pure practical reason, a synthesis of virtue and happiness on the supreme condition of virtue, prudence would be abandoned in generating value for these elements, so it is not evident that the value dualism O'Connell argues for is a problem for constituents of the highest good.

It is also unclear how we are to understand a "dissatisfaction of pure practical reason when agents' happiness succeed beyond a level proportionate to their virtue."¹⁰⁰ As shown, a will determinable by pure practical reason takes no regard of happiness if when duty is in question. If O'Connell meant to say here that pure practical reason has an aversion to happiness that goes against the moral law (evil), then nothing new in terms of just desserts would be introduced. O'Connell's position, however, stems from what I will show is an unjustified claim following from Kant's account of good and evil as the objects of pure practical judgement. This misreading is shown in O'Connell argument that Reath's position can be used to develop a proportionality thesis on the context

¹⁰⁰ O'Connell, p. 271.

that

Kant characterizes good and evil as the sole objects of practical reason, and as necessary objects of rational desire and detestation, respectively. This designation suggests that an impartial rational spectator desires that agents will be successful at achieving their ends, insofar as they are virtuous; and hopes that they will fail insofar as they are vicious.¹⁰¹

Kant does make reference to the impartial spectator in establishing *happiness* as an objective end for all human beings and does say that “what we are to call good must be an object of the faculty of desire in the judgment of every reasonable human being...”¹⁰² However, it is in establishing happiness as a constituent of the complete good (virtue and complete happiness) but not the supreme good (virtue) that Kant invokes the impartial spectator which does no sort of thing as hoping and wishing about the outcome of our acts and intents. In taking the good to entail or suggest a notion of just desserts, O’Connell takes Kant’s remarks out of context. Having shown sufficient reason to disregard O’Connell’s arguments for a mutual exclusivity between happiness and virtue, I will have no more about them. The problem of a lurking dualism, however, is yet to be resolved.

Before continuing, it will be helpful to rehearse the landscape as I have

¹⁰¹ O’Connell, p. 268.

¹⁰² CPrR., 5:61.

presented it so far. The highest good is needed, first, logically as an object that follows from pure practical reason as the big picture of how our moral and subjective ends fit together. This is happiness on the condition of virtue. There is a concern for results and consequences but only in terms of how our maxims generate higher maxims. There is no consideration of the turnout of sensible world acts or results although we must believe that we can find maxims that will instantiate ends that are categorically mandated. As a subjective idea, however the highest good contains no more than the subordination of the subjective (happiness) to the objective (virtue), which is what the moral law tells us to do (happiness on the supreme condition of virtue). Yet, in order to establish the highest good lawful, as an objective and necessary end for all rational agents, the constituents must be the objective ends that not only ourselves, but *everyone* ought and do have on the condition of virtue.

4. The Impartial Spectator & the Notion of Just Desserts

We will now look to Kant to settle the project of determining the unconditioned totality of the object of the good. Kant tells us that not until the

highest good is made an end “can objective, practical reality be given to the union of the purposiveness arising from freedom with the purposiveness of nature, a union with which we cannot possibly disperse.”¹⁰³ In order for happiness to serve as an element of an objective end, it must itself be objective, but as shown above, happiness is incapable of serving as a determining ground for a pure will because as a subjective end, it is contingent on the receptivity of the agent and threatens the purity of incentive. Principles based on a subjective condition of receptivity can serve as a maxim for subjects possessing this receptivity but not a law.¹⁰⁴ Virtue is assumed as the supreme good or supreme condition of what is desirable, but in order to give an account of the “whole and complete good as the object of the faculty of desire of rational finite beings”, happiness—complete happiness—is required.¹⁰⁵ It might sound here like complete happiness is required in the sense that happiness be made whole, and it should be admitted that there are serious perfectionist underpinnings at work here that Kant is explicit about in his discussion of a moral world. However, it is important to remember that what we need is only *an idea of what constitutes complete happiness*. One might think that Kant would argue that since we have a

¹⁰³ Rel. AA. 5.25–28. Caswell 189–90.

¹⁰⁴ CPrR., 5:21.

¹⁰⁵ CPrR., 5:110.

duty to other's happiness, it follows that others should have a duty to make our happiness an object of duty, resulting in happiness as a universal object with seemingly nothing new added. For reasons to be shown, Kant instead introduces the idea of an impartial spectator.

I want to draw attention to the passage in the *1st Critique* and the corresponding passage in the *2nd Critique* where Kant introduces the impartial spectator:

1st: To make the good complete, he who behaves in such a manner as not to be unworthy of happiness must be able to hope that he will participate in happiness. Even the reason that is free from all private purposes, should it put itself in the place of a being that had to distribute all happiness to others, cannot judge otherwise, for in the practical idea both elements are essentially connected..." making the disposition moral and "worthy of complete happiness—happiness which in the view of reason allows of no limitation save that which arises from our own immoral conduct."¹⁰⁶

2nd: virtue is not the complete and whole good "as the object of the faculty of desire of rational finite beings; for this, happiness is also required, and that not merely in the eyes of a person who makes himself an end but even in the judgment of an impartial reason, which regards a person in the world generally as an end in itself. For, to need happiness, to be also worthy of it, and yet not to participate in it cannot be consistent with the perfect volition of a rational being that would at the same time have all power, even if we think of such a being only for the sake of the experiment...happiness distributed in exact proportion to morality (as the worth of a person and his worthiness to be happy) constitutes the highest good of a possible world...the complete good."¹⁰⁷

¹⁰⁶ CPR A813-4/ B841-2.

¹⁰⁷ CPrR 5:110-1.

Kant stress morality as “worthiness to be happy”, and this can give the impression that while an honor is bestowed and that happiness can be expected, at the same time, a happiness debt is created when one acts virtuously. However, the impartial spectator would appear to be powerless, causally speaking, since the causality in the thought experiment is that of an imaginary all powerful will in a supersensible world. The spectator is not needed in a legislative capacity since we have the moral law and is not needed to bestow moral since this is has been accounted for in Kant’s theory of good, yet we get the feeling that the impartial spectator is contributing something.

I argue that the impartial spectator’s primary function is exclusion. The impartial spectator helps us “participate” in happiness by establishing the limits of complete happiness, that there not be any happiness not available (possible) to us that is consistent with a virtuous disposition. At the same time, however, we are given an idea of what constitutes complete happiness on the condition of virtue: all cases not excluded by the moral law — which turns out to be all cases not deemed impossible (evil) by the typic. In other words, when one assumes the condition of virtue in a purely moral agent, the only possible cases of happiness are cases of permissible happiness and evil is logically excluded.

One might have thought that the project to make happiness objective would have resulted in one's own happiness being put on a level with other's happiness, but this would be to make a duty of one's own happiness. Complete happiness as Kant establishes it, instead, tell us only that the limits are the same for all agents and as far as the idea, all possible cases are included which would, in turn, satisfy the subjective idea of happiness for all agents. The subjective idea of happiness consists of ends that we do have on the condition of virtue, yet complete happiness consists of all ends that anyone *can or might have* on the condition of virtue. The question becomes, then, Is complete happiness a new end that we do or ought to have?

Kant's answer is that, in regards to complete happiness as part of the highest good, one's own happiness is "included...[yet] is not the determining ground of the will that is directed to promote the highest good; it is instead the moral law (which on the contrary, limits by strict conditions unbounded craving from happiness.)"¹⁰⁸ This cryptic remark requires some unpacking. One's own happiness is included in the sense that it falls within the limits. Kant tells us that is the moral law in a limiting capacity rather than one's own happiness that is the determining ground of the will that is to promote the highest good. It was

¹⁰⁸ CPrR., 5:129–30.

established above that multiple determining grounds for the will were excluded on the grounds that a will determined by an object of the lower faculty of desire cannot be said to be pure and that the incentive of will determined by pure reason must exclude lower faculty of desire ends. The will that is to promote the highest good that contains complete happiness, then, is that of the impartial spectator or the idea of a purely virtuous disposition. Now, we have a duty towards virtue, towards self-perfection and the development of a virtuous disposition—towards the condition of virtue. An agent will retain his subjective idea of happiness, but, presumably, the closer his disposition is to that of a completely virtuous disposition, the less he will see evil as possible.

Reath seems to think of the highest good only in term of one's own happiness and see no relation between one's own happiness and the happiness of other to which we have a duty. Kant, however, appears to be more concerned with the happiness of others. We have a duty to make others happy, but for Reath, one's own happiness and the happiness of others can be seen as different types of ends. Complete happiness, as Kant establishes it, however, accounts for our commitment to not only some happiness of others, but all cases of happiness any moral might possibly have, whether this be oneself or another. The happiness available to me is the same happiness available to you.

I mentioned earlier that the issue was not whether moral ends were possible in the sensible, but whether happiness were possible in an intelligible world, a world under a law of autonomy—what Kant calls a moral world. I also said that the *typic* tells us what ends are impossible, consistent with, or necessary in a world under the law of autonomy, but the universalization tests imagined in the *typic* do not constitute nor are a direct window into the intelligible world that is posited (if only practically and not theoretically). What we wanted was an idea of happiness as an object of pure practical reason, and we sought this as an idea in the intelligible world. The account of an objective notion of happiness given above would seem to make possible happiness as an element of an object of pure practical reason, yet we have to wonder how we stand to the impartial spectator if the conception of the highest good possible to us as human beings is possible only from the perspective of a perfectly virtuous disposition—a perspective that is neither our own nor a possible for us.

The worry is that this view of the totality of the object of pure practical reason is out of our reach. Virtue is supposed to be a state in which one is always capable of being, so it would seem that this perspective is available to us, but, for Kant, for humans, a completely virtuous disposition is out of our reach *since* it cannot be incentivized to go against the moral law. The highest good as an object

of pure practical reason, then, would seem to be available to us as an idea that is only possible to a completely moral agent. The search for the unconditioned totality of the object of pure practical reason, then, is cut short and we are, as it were, redirected back to the end we have that is virtue. This is an obstacle, but it should be remembered that the unconditioned totality was expected to be an idea beyond experience and that ideas and are out of reach, strictly speaking.

There is another other worry that come with the impartial spectator. The moral spectator has the unique view of “if happiness, then no evil” which is to say “if happiness, then limited by virtue” or “if happiness, then virtue”, yet Kant tells us that virtue on the condition of happiness is not a moral disposition worthy of the highest good. However, virtue is assumed as the supreme condition generating the limitations and purely virtuous perspective cannot be incentivized to go against the moral law, the purity of will does not seem to be compromised.

What is relevant to the purpose of this section is the role of the impartial spectator. If evil is excluded from the viewpoint of the impartial spectator, then permissible happiness is the complete happiness possible. When complete happiness is understood as “happiness which in the view of reason allows of no

limitation save that which arises from our own immoral conduct”,¹⁰⁹ then “happiness distributed in exact proportion to morality” is seen to not as entailing a notion of just desserts, but that the impartial spectator has verified that all possible happiness on the condition of virtue exclude only those that fall outside of the limits of the moral law.¹¹⁰ The proportionality suggested by Kant, then, does not suggest a relation in which they should go up or down together, but that possible happiness, from a moral perspective, is limited to and consists of all cases possible in the typic.

Although the traditional line holds the impartial spectator to suggest a notion of just desserts and reward and punishment, I would argue that the opposite is suggested. From a moral perspective, virtue is supposed, so rather than rewarding and punishing people, we should *give others the benefit of the doubt*. This makes us dependent on whether others will choose to be moral agents, but it should be remembered that we never had a guarantee of happiness before virtue. We now have the benefit of giving others the benefit of the doubt which should alleviate some worries. Also, since our duty of other happiness was not to reward or punish, there is no reason to think happiness made objective would

¹⁰⁹ CPrR., 5:110.

¹¹⁰ CPrR., 5:110.

generate a notion of just desserts, although there is nothing to say we should assist what we think has a good chance of being an evil deed. The introduction of the idea of a virtuous disposition as a goal is also consistent with Kant's core commitments.

4.1 The Proportionality Thesis vs. Maximization Thesis

In regards to the debate over whether the highest good should be seen as instantiating a proportionality thesis or maximization thesis, I have shown that, counter to O'Connell's arguments, the proportionality required for the highest good is not one that would generate a notion of just desserts. Reath argues for a maximization thesis in what follows is no more than a duty to maximize virtue and happiness. Reath, at best, overstates his case. There is a sense in which we can be said to "maximize" the effects of practical reasoning in that optimal reasoning would have us choose the principles and maxims that best achieve our intended objects and that our maxims should fit together in a coherent and efficient system. Reath, however, understands "maximize" quantitatively and takes the highest good to commit us to bringing about as much virtue and happiness as possible. Alan Wood gives a good reason to reject a maximization

thesis understood as such. Wood writes

In grounding duties of virtue on the ends of our own perfection and the happiness of others, Kant does not mean to say that we have a duty to *maximize* our own perfection or the happiness of others. Rather, these duties, he argues, are wide duties, duties that determine us to make something our end, but leaves us with latitude (or play-room) regarding how far we promote the obligatory ends, and which actions we take towards them.¹¹¹

I suggest, then, that we endorse neither a proportionality thesis nor a maximization thesis.

4.2 Promotion and Attainment: Progress not Perfection

I will not go into detail about the possibility of promotion or attainment of the highest good. However, understanding two things makes these issues relatively easy to navigate. The first is Kant's distinction between practical and theoretical ideas that holds that practical ideas can be "given in *concreto*, though only in part" and all attempts at realizing them will be "defective."¹¹² The second is that although perfection is required as practically necessary (in the use of ideas), it "can only be found in an endless progress toward that complete conformity, and in accordance with principles of pure practical reason it is necessary to assume

¹¹¹ Alan Wood, "Duties to Oneself and Others".

¹¹² CPR., A328/B324.

such a practical progress as the real object of our will.”¹¹³ Attainment is possible in that we have no reason to believe that we will not succeed, although in a defective and imperfect way, in willing ends of permissible happiness.

Promotion of the highest good is usually discussed in regards to the principle of maximization or proportionality and how one can promote a principle or state of affairs. As I have shown, promoting the highest good as anything other than the ends of virtue and happiness limited by virtue does not follow.

5. Heteronomy & Conclusion

The threat of heteronomy would appear to be immanent for Kant on any reading that takes highest good including happiness as seen from the perspective of a human agent to an object in an intelligible, moral world and one that we have a duty towards. The highest good must serve as a combination of what we ought to what we are permitted to will, but what we are permitted to will must be present in a non-moral capacity, which is to say, it cannot be seen *by us* as wholly part of an intelligible world. If one does not accept the distinction between “on the condition of” and “limited by”, then one might take the charges

¹¹³ CPrR., 5:122.

of heteronomy against the impartial spectator to be serious and resulting in, at least, a weak heteronomy and a doctrine of happiness. Since this is inconsistent with Kant's core doctrines, the impartial spectator and any notion of an objective and strictly supersensible highest good that contains happiness—that is, any highest good that cannot make sense of the fact that it contains ends that we do have—are abandoned. Kant's ethics would then be viewed in regards to the duties that follow from the formal elements of his theory (i.e., the moral law), and the most we could say in this case is that the highest good is happiness (the subjective) is subordinated to virtue (the objective) and is no more than the moral law dictates. This is to leave Kant between the horns of Stoicism and Epicureanism (or a doctrine of happiness within limits).

The second option, the one argued for here, would be to welcome the moral spectator on the grounds that he imports no more than the notion that happiness on the condition of virtue logically excludes evil. This view is consistent with Kant's claim that no new duties follow from the moral law. While happiness as a subjective idea is not made the same for everyone since agents have different ends, complete happiness, the element of the highest good, is the same for all agents in that the limits and the possibility conditions are the same, not in an intelligible world of which we know nothing about, but from a purely moral

perspective. In establishing the highest good as the unconditioned totality of the object of pure practical reason, we draw the line and go no further than the possibility of a perspective that, while out of reach, is the same for any moral agent. The same happiness possible to me is possible to you, regardless of the ends of happiness each does have, so long as virtue is possible. The irrelevance of the actual content of what pleases a given individual is critical to maintaining the formal aspect of Kant's moral theory. Rather than accepting, as Silber suggests, that Kant's ethics is a mere formalism without the content of the highest good, happiness on the condition of virtue as happiness limited by virtue should be viewed as Kantian formalism at its finest. One has to accept, however, that the highest good as the totality of the object of pure practical reason is, strictly speaking, out of bounds and, thus, not a very clear idea to humans since a pure disposition is required to establish its limits. It was to be expected, though, that the unconditioned would be beyond comprehension. To not allow the impartial spectator to play is to accept Kant's moral theory as *merely* a doctrine of happiness or Stoicism, but with the spectator, we are left with a moral teleology that tells us that if we assume virtue and the possibility of a moral perspective, happiness is, indeed, possible. Our goal is still virtue and the duties first, but

aside from this, there is no other moral restriction on ends of happiness than the exclusion of evil by the judgment of pure practical reason and the moral law.

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