

Universal Legislation As the Form of Practical Knowledge

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In the *Groundwork for the Metaphysics of Morals*, Kant offers three famous formulas through which, he claims, the fundamental categorical imperative of morality can be expressed. The first of these—the so-called “formula of universal law”—is the injunction to “act only according to that maxim through which you can at the same time will that it become a universal law” (*G* 421),¹ the second identifies humanity as an end in itself, and the third introduces the idea of the autonomy of the will. Many of Kant’s readers have been inspired by the idea of autonomy, and many have affirmed the unconditioned worth of humanity. But the formula of universal law, despite the prominent place it occupies in Kant’s thinking about the categorical imperative, has been much less well received. Indeed, few of the many striking claims Kant advances in his ethical writings have prompted so much doubt and criticism as has his contention that this formula expresses a principle of pure practical reason that is the basis of morality. Even those who are most intimately familiar with Kant’s ethics usually look with considerably more favor on his formula of humanity as an end in itself, which has at least seemed more straightforwardly intelligible and more plausibly representable as an articulation of a basic moral principle, whatever the prospects might be of tracing it to a source in reason. Thus, while the formula of humanity has been of central importance in many of the best

¹Except for page references to the *Critique of Pure Reason*, which use the numbers of the first (A) and second (B) editions, all references to Kant’s writings are given by abbreviated title—*G* (*Groundwork for the Metaphysics of Morals*); *KpV* (*Critique of Practical Reason*); *KU* (*Critique of Judgment*); *MS* (*Metaphysics of Morals*); *R* (*Religion within the Limits of Bare Reason*)—and by the page numbers of the appropriate volume of *Kants gesammelte Schriften, herausgegeben von der Deutschen [formerly Königlich Preußischen] Akademie der Wissenschaften* (Berlin: de Gruyter [and predecessors], 1902–). Translations are my own, though I have consulted the commonly used English translations.

recent philosophical treatments of Kant's ethics,² the formula of universal law is often set aside as a defective or less adequate version of his fundamental principle.

I. Reconsidering the formula of universal law

1. Doubts about the formula of universal law mainly stem, as I just noted, from Kant's suggestion that it expresses a principle through which morality finds its basis in practical reason. The criticisms commonly take one of two forms. To many, this imperative has appeared to be, in Hegel's words, an "empty formalism", a high-flown and possibly confused expression of the idea that if an action or maxim is right or reasonable for one person, then it's right or reasonable for any other in a relevantly similar situation. Such critics may grant that this formula is an unexceptionable principle of reason, but they hold that by itself it places no significant restriction on our conduct, and that Kant must therefore, in his effort to connect it with familiar duties of morality, supplement it with tacit appeals to other considerations, such as the good or bad consequences that would ensue were the maxim universally followed. This opinion seems to be expressed, for example, in John Stuart Mill's remark that "To give any meaning to Kant's principle, the sense put upon it must be, that we ought to shape our conduct by a rule which all rational beings might adopt *with benefit to their collective interest*."³ Others may allow that this imperative bears some resemblance to certain moral precepts, but they see it as reflecting an overly idealized and legalistic vision of human beings as autonomous legislators united as fellow citizens in a cosmopolitan realm of ends. These critics would not dispute that some may find this principle inspiring, but they maintain that it has no discernible basis in reason. Bernard Williams, for example, asks, "Why should I think of myself as a legislator and—since there is no distinction—at the same time a citizen of a republic

²I think here especially of the work of Thomas Hill, Christine Korsgaard, and Allen Wood.

³*Utilitarianism*, chap. 5. See also Allen W. Wood, *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999), chap. 3.

governed by these notional laws?”⁴ These criticisms reflect different sides of the same difficulty, that of understanding how the same principle can be both a formal principle of reason and also a substantive principle of morality.

Yet it’s also true, on the other hand, that many, myself included, have thought it possible to hear in the formula of universal law at least a faint ring of reason and truth, something reminiscent of the other commonplace maxims and expressions of ordinary morality with which it has often been compared, such as the golden rule, or the familiar question What if everyone did that? In view of the difficulty just mentioned, however, it’s incumbent on those who surmise that this formula may indeed express a fundamental and purely rational principle of morality to look for an explanation of how it can be based in practical reason yet also substantive in its implications.

One way of attempting such an explanation would be by undertaking to elucidate the argument in the *Groundwork* by which Kant arrives at the formula of universal law. But though commentators have sought to throw light on this reasoning, it has not been found by many readers, not even those who are sympathetic to Kant’s project, to be perspicuous or compelling. Baldly stated, the chief problem is usually thought to be that Kant’s argument simply fails to address a rational yet thoroughly egoistic or amoral agent. Such an individual might accept that it should act according to whatever laws rationality might require, but not agree that it ought to *will* that every rational being do likewise. In other words, Kant’s argument trades on an ambiguity in its talk of a maxim’s conformity to “the universality of a law in general” (*G* 421), confusing willing in accordance with a law with willing a law.⁵ This unfavorable reception does not show, of course, that Kant’s

⁴*Ethics and the Limits of Philosophy* (Cambridge: Harvard University Press, 1985), 63.

⁵As intimated earlier, the idea that Kant’s argument faces this sort of difficulty seems to be implicit in Mill’s criticism in *Utilitarianism*, chaps. 1, 5. More recent discussion of the problem can be found in Bruce Aune, *Kant’s Theory of Morals* (Princeton, N.J.: Princeton University Press, 1979), 28–34, 86–90; Thomas E. Hill, Jr., “Kant’s Argument for the Rationality of Moral Conduct”, *Dignity and Practical Reason in Kant’s Moral Theory* (Ithaca, N.Y.: Cornell University Press, 1992), 121–22; Allen W. Wood, *Hegel’s Ethical Thought* (Cambridge: Cambridge University Press, 1990), 163–67, and *Kant’s Ethical Thought*, 78–82; and Henry E. Allison, “On a Presumed Gap in the Derivation of the Categorical Imperative”, *Idealism and Freedom: Essays on Kant’s Theoretical and Practical Philosophy* (Cambridge: Cambridge University Press, 1996).

argument does not deserve further careful consideration. It may indicate, however, that it would be worth our while to step back from its details and to consider more directly some of the fundamental ideas that guide his thinking.

Obviously, the notion of practical reason is of particular interest in this connection. Even if never fully articulated by Kant himself, this idea is basic to his entire practical philosophy, and it provides the natural starting point from which to consider his claim that the categorical imperative expresses a fundamental principle of practical reason. In seeking to recover an understanding of practical reason, however, it will be important, especially now that I've mentioned the egoist, to keep the following points in view. Although the objection I just described may sharpen our appreciation of the difficulties confronting any attempt to explain how the formula of universal law is based in practical reason, we are not bound from the outset to accept its implicit assumption that to be successful such an explanation must yield an argument that could move any rational but ostensibly amoral agent to embrace morality and take up the pursuit of virtue. We need not suppose that the problem must be one of linking the formula to an attenuated conception of practical reason, as a capacity to find means to given ends, say, or to specify actions that best serve one's interests, a capacity that would be unproblematically attributable to the egoist or the amoralist. It may be sufficient to show that this formula is connected with a conception that accommodates the possibility of full-fledged objectivity in practical thought, provided that such a conception is one in which we can see our practical thinking to be rooted.

2. The natural place to begin, as I just said, is with the most basic notion of all, that of practical reason. Now reason is a cognitive capacity, so by focusing on practical reason we put ourselves in a position to appreciate that morality, according to Kant, is a type of cognition, a type of knowledge. That Kant takes such a view of morality is obvious, even if it hasn't received a great deal of attention from his expositors and critics. Indeed, it's apparent already in the opening paragraphs of the Preface to the *Groundwork*, where

Kant explicitly indicates that morality is a type of rational cognition—what he elsewhere calls *practical*, as opposed to *theoretical*, rational cognition. Whereas theoretical knowledge concerns the laws of nature, which determine everything that *happens*, practical knowledge concerns the laws of freedom, which determine everything that *ought to happen*. Later, in the *Critique of Practical Reason*, Kant locates the object of practical cognition under the heading of the good (*KpV* 58). And he accordingly speaks of the laws with which such cognition is concerned as laws “of the good” (*G* 414). So in determining what ought to happen, practical cognition’s laws of freedom determine the good.

The most basic feature distinguishing practical cognition from theoretical is that it has a certain efficacy, through which it can determine choice and thereby bring its object into existence (*Bix-x*, *KpV* 46). On account of this efficacy, practical knowledge can move the person who possesses it to act in accordance with it and is always knowledge persons have of what they themselves ought to do. This efficacy is what the word ‘practical’ signifies, and it enables Kant to claim that practical reason, as the capacity for such cognition, is identical with the will (*G* 412).

Since the exercise of reason lies in a certain type of judgment, the exercise of the will, or practical reason, must likewise lie in a specific type of judgment, what we might call practical judgment, or judgment in which we determine what it would be good to do and thereby specify what the good is, or where it lies. As I’ll try to explain, this way of thinking about the will makes it possible to trace the formula of universal law to practical reason by showing that this formula expresses *the form of practical knowledge*, a common form with which each practical judgment at least implicitly purports to be in agreement in virtue of the implicit self-consciousness belonging to it as an exercise of practical reason. In expressing this form, the formula of universal law expresses a fundamental principle of the will, a principle constitutive of the practical cognitive power itself.

After tracing the formula to the form of practical knowledge, I'll attempt to describe in outline how substantive obligations between human persons arise through the application of this form with regard to the end of happiness, which Kant says belongs essentially to each human person. I'll argue that this end has two components, and that the distinction between them is the basis of Kant's division of our general obligation to others into perfect and imperfect duties.⁶

II. The form of practical knowledge

1. As I suggested just now, morality, on Kant's understanding of it, lies in a distinctive type of knowledge: practical rational cognition. Before trying to identify the form of this type of cognition, I should say a few words about rational cognition in general. Kant holds that "in the end there can be only one and the same reason, which must be differentiated only in the application" (*G* 391), so he must also hold that all rational cognition, both theoretical and practical, shares a common form. Once the general character of rational cognition is in view, we can consider what is distinctive about practical cognition. It won't be necessary for my limited purposes here to describe the form of rational cognition completely; there are, however, two generic features that are particularly pertinent and deserve our attention. Each is a type of universality, or universal validity, implicated in rational cognition's own self-understanding, and each is a part of what is understood in the idea of "the universality of a law in general" (*G* 421) that figures in the formula of universal law.⁷ The type of universality I'll consider first is what Kant calls *objective* universal validity. It's a *distinctive* characteristic of rational cognition.

⁶Since the usual criticisms of the formula of universal law arise from problems relating to the notion of universality, which comes into play in the formula's determination of obligations to others, my concern here will be confined to duties of this type. Kant also holds, of course, that this formula yields duties to oneself. But the issues typically raised regarding Kant's treatment of such duties are different in character and not specific to the formula of universal law, so such duties lie outside my present concern.

⁷Kant discusses the two types of universality in §8 of the *Critique of Judgment*.

Reason, according to Kant, is the faculty of knowledge from principles, or our capacity to know the particular in the universal (A299–300/B356–57; cf. *G* 412). In other words, it's the capacity to reach knowledge about particular things from universal knowledge we already have. Thus—to take an example from the theoretical use of reason—if we know that all tropical storms in the northern hemisphere rotate in a counterclockwise direction, we don't need to wait for the event to know that the next hurricane to hit Florida will rotate in this direction; we know this through reason, by applying our universal knowledge to the case in question. This capacity to know the particular in the universal can also be used practically, where the cognition concerns what one should do, or how one should act. If the prudent shopkeeper Kant describes in his well known example in the *Groundwork* knows that where there is much trade, one shouldn't overcharge, but keep a fixed general price for everyone, then he can know through reason that he shouldn't overcharge when, in such conditions, an inexperienced customer enters his shop. By applying this universal principle of action to the case at hand, the shopkeeper can know by reason what he should do.

In both of these examples, the universal cognition depends on experience. Whether there can be rational cognition of the particular in the universal where the universal is cognized by *pure* reason, independently of experience, is a further question—one that greatly interests Kant, of course, but which need not concern us at the moment. Nor need we pause here to ask whether, and if so how, empirically based universal cognition might allow of exceptions. I have presented these examples merely to bring into view a specific *type* of universality: When Kant characterizes rational cognition as proceeding from the universal to the particular, the universality in question is the familiar universality of a universal categorical judgment, in which the predicate is applied to everything falling under the subject concept—to all tropical storms in the northern hemisphere in the one case, and in the other to all merchants who aim to be successful in business and even, in a potential or hypothetical way, to all other human persons as well.

2. As I mentioned, however, there is another sense in which rational cognition can be said to be universal. All cognition, be it theoretical or practical, has what Kant calls *subjective* universal validity: if a certain judgment counts as knowledge, then it must be valid for every knowing subject, so that all such subjects could agree in the matter and share the same judgment, the same cognition. If I know that the next hurricane to hit Florida will rotate in a counterclockwise direction, then all subjects who share the cognitive capacity I exercise in this judgment will necessarily agree, provided, of course, that this capacity in them is not in some way defective, that they are exercising it properly, and that they are sufficiently acquainted with hurricanes, the location of Florida, and so forth, to form such a judgment. And since this judgment, as *rational* cognition, is cognition, not just of the particular, but of the particular *in* the universal and hence is a judgment that depends on a universal judgment, the possibility that all subjects capable of rational cognition can share this judgment about the next hurricane to hit Florida likewise depends on the possibility that they can all share the universal judgment about tropical storms in the northern hemisphere on which the particular judgment is based.

Thus a principle of reason, being itself a cognition, is universally valid in two respects: in addition to being valid *of* every object falling under its subject concept, it's valid *for* every subject capable of rational cognition. This double universal validity is characteristic of principles of both theoretical and practical knowledge.

3. In the case of practical cognition, however, these two sorts of universality are identical in respect of their extension. For unlike theoretical cognition, which is of independently existing objects distinct from the cognizing subject and given to it from elsewhere by means of the senses, practical cognition, as practical, works to bring its object into existence, or to make it actual, and therefore is essentially efficacious, indeed *self-consciously* so, hence always knowledge subjects have that *they themselves*, as practically cognizing subjects, should act in a certain way, and so always cognition of the

very subjects who have such cognition.⁸ Therefore in the case of a principle of practical cognition the two sorts of universal validity necessarily coincide in the sense that the principle is valid *for* the very subjects *of* which it's valid: the principle applies to the will of every practically cognizing rational being, and every such being can recognize this universal applicability. This is as much as to say that a principle of practical cognition is necessarily such that *every subject can agree to every subject's acting on it*. Now such agreement would actually be achieved if all subjects were jointly to legislate this principle for themselves. Kant thus gives expression to this necessary feature of all principles of practical knowledge by speaking, in the *Critique of Practical Reason*, of “the mere form of a universal legislation”, the form that distinctively characterizes practical, as opposed to theoretical, laws (*KpV* 27). Such universal legislation must therefore be possible if, for example, the shopkeeper's practical judgment that where there is much trade one should keep a fixed general price for everyone can rightly be said to be practical *knowledge*.

In the *Groundwork*, this idea of a legislation to which every will is subject through being at the same time legislator is not explicitly introduced until the third and final formulation of the categorical imperative (*G* 431). But there is good reason to suppose that it's also operative, albeit in an implicit way, in Kant's understanding of the formula of universal law. What I want to suggest, then, is that the double universal validity characteristic of rational cognition in general constitutes, in the practical case, where the two sorts of universal validity necessarily coincide, the form of universal legislation that Kant's formula of universal law holds up as the standard for a person's maxim.⁹ I think

⁸When Kant speaks of practical cognition as serving to make its object *actual* (*Bix*-x, *KpV* 46), we should understand the object to be the subject *as determined* in the act of practical cognition: what my practical knowledge that I should A works to make actual is not myself simply, but rather *my A-ing*.

⁹As the form of practical knowledge itself, this standard cannot be understood as imposed externally, whether by education, social sanctions, or other familiar means of influencing or shaping moral opinion. As principles of the will, or of practical reason, maxims are practical judgments, or exercises of the practical rational cognitive capacity itself, and as such they always at least implicitly purport to be in agreement with this form of practical knowledge. Indeed, it is through this purport that they count as exercises of that power at all.

our prospects of understanding the point of the formula and also how it's to be applied will be substantially improved if we bear in mind that in directing us to act only on maxims we can will as universal laws, this formula is enjoining us to act on maxims that have the double universal validity I've just described.

4. One noteworthy implication of an interpretation developed along these lines is that the "universalization test" contained in the formula of universal law will involve no prudential deliberation, nor any reasoning that connects, under the principle governing hypothetical imperatives, the willing of an end to the willing of the necessary means (*G* 417–19). Means–end reasoning may figure in the determination of maxims, but on the present interpretation it has no place at all in the universalization test itself.

It is often supposed, of course, for understandable reasons, that the universalization test does involve prudential or consequentialist forms of thought, either in idea or at least in Kant's actual deployment of it.¹⁰ The longstanding and widespread tendency to interpret the formula of universal law through the lens of an attenuated conception of practical reason is by itself enough to make it seem, as it did to Mill, that in attempting to show how familiar duties are derivable from this formula Kant is constrained, in spite of himself, to turn his eye to the consequences that would result if a maxim were universally followed. Moreover, Kant's own explanations of how contradictions are involved in cases of impermissible willing can easily appear to betray an at least tacit reliance on such forms of thought. Presently, however, I'll try to illustrate how the test can be applied without the involvement of such reasoning.

¹⁰Many interpretations along such lines have been offered, differing significantly in their details. The most prominent recent example—often called the "practical" or "practical contradiction" interpretation—supplements the universalization test with considerations drawn from Kant's account of hypothetical imperatives. For discussion of it, see Onora O'Neill, "Consistency in Action", *Constructions of Reason* (Cambridge: Cambridge University Press, 1989), and Christine Korsgaard, "Kant's Formula of Universal Law", *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996); see also Barbara Herman, *The Practice of Moral Judgment* (Cambridge: Harvard University Press, 1993), 136–43, Wood, *Kant's Ethical Thought*, 87–90, and Andrews Reath, *Agency and Autonomy in Kant's Moral Theory* (Cambridge: Cambridge University Press, 2006), 211ff.

III. Persons in general

1. In addition to the idea of universal legislation as the form of practical cognition, there's a related idea guiding Kant's thinking about the constraints of pure practical reason that needs to be borne in mind when we consider how they apply in choice and action. Since the exercise of practical reason proceeds from the universal to the particular, the application of the formula of universal law should proceed in this direction as well. Thus in attempting to determine what obligations to other persons this principle of universality might support, we should first consider its application in the most primitive, or fundamental, exercise of the will, and to do this we will need to consider the most basic practical self-conception of a particular human person.¹¹ It would be inappropriate, for example, to begin with duties that presuppose particular relations between the persons involved, such as the ties between citizens, family members, or friends. Such obligations, important though they are, depend upon specific, contingent conditions of action, whereas the cases we should consider first are those of duties that attach to us most fundamentally, merely in virtue of our standing as human persons, or subjects with wills, sharing the power of practical reason.

Is there anything definite we can say about persons in general? Since we're of course considering *finite* (or dependent) rational beings, we may suppose that, along with the power of practical reason, persons have sensible desires, or inclinations. But Kant holds that there's another thing we can ascribe to all persons: a wish for happiness. He states repeatedly that every finite rational being has happiness as its end; indeed, he says that this is so as a matter of natural necessity, and that this end is the one end we can attribute a priori to every human being as belonging to its essence (*G* 415–16, cf. *KpV* 25).

¹¹In accordance with Kant's idea of humanity as rational nature in an animal being (*G* 429, *R* 26), 'human' expresses here the traditional conception of a human being as a rational animal, or a being with discursive intellect as well as a faculty of desire. In a human *person*, the intellect can be practical, that is, it can determine the faculty of desire; this capacity is the will, or the faculty of practical knowledge. Kant holds that the concept of a rational animal does not, so far as we can see, contain, or analytically entail, the concept of a person (*R* 26n).

2. Doubts have sometimes been raised regarding this assertion, on account of the apparent difficulty of reconciling the idea of an embracing ultimate end with the disorder and fragmentation that often figure in human practical life. But a sound basis for Kant's claim can be found, I think, if we give further consideration to the concept of a person. It seems to belong to this concept that each of the various judgments by which a person determines what it would be good to do depends on the idea of a common end, an end containing the totality of the objects of sensible desire the person deems good. For according to this concept, a human person is not resolvable into a multitude of distinct desires or motives present together in a human being like travelers thrown together on a captainless ship, each with a different destination, each contending with the others for control of the helm. A person is rather a single subject of various practical judgments that pursues so far as is practicable the activities and actions deemed good in those judgments. But because there can be *one person*—a single principle of action,¹² as opposed to a mere collection of discrete principles of action present together in a human being—only insofar as there is *one action* to which the diverse actions assignable to the person all belong, and because diverse actions can all belong to a single action only insofar as they all belong to the pursuit of a single end, different actions can belong to a person only insofar as they serve a common end and hence only insofar as the practical judgments on which the actions are based themselves depend on the conception of that end.

This conception of a single end also constitutes a person as a *particular* person, distinct from all others, on account of its unique dependence on sensible desires that are the person's own in that they arise in that person through the pleasing effect the experience of their objects has on that same individual. As representations of the agreeable (pleasing) activities in which the experience of these objects consists, sensible

¹²In the sense here intended, a person is not a mere thinking subject, but a *practical* subject, a principle, or source, of *action*.

desires furnish the materials requisite for the exercise of the free power of choice—or for the application of the will—in the framing of an end. A person’s conception of the single end accordingly includes the general representation of such agreeable activities—activities that are in fact good to the extent that the practical judgment through which they are included in the end has the form of practical cognition. The attainment of this end would thus amount to the consciousness of the uninterrupted agreeableness of life, or the satisfaction of all the person’s inclinations. And this, Kant says, is what we understand happiness (*Glückseligkeit*) to be (*KpV* 22, 73).

What can make the idea that a person’s various actions all have a common end seem questionable is the failure to separate it from certain gratuitous additional suppositions. There is no need to suppose that this end must be articulated and specified in sufficient detail to provide a “goal in life” or a “plan for living”; nor must we suppose that persons are always effectively guided in their conduct by this end.¹³ All that need be involved in the conception of this end is a certain recognition that the agreeable activities deemed good in the person’s practical judgments all belong to a single practical life and so are subject to the condition—a condition of their very possibility—that they can be somehow included in that life as modes of the basic activity of living in which it consists. Having this conception does not imply that one has determined what exactly those activities are, or how, specifically, they can be integrated and jointly realized; on the contrary, these questions cannot even be raised unless the conception is already in place. Since this representation is one the possession of which is implied by the very concept of a person, and since it furnishes the genus in any specification of what one’s happiness consists in, we may characterize it as the *formal, generic conception of happiness* and so distinguish it from whatever substantive conception may be worked out through its specification.

¹³Cf. John Rawls’s discussion of Royce’s idea that “a person may be regarded as a human life lived according to a plan. For Royce an individual says who he is by describing his purposes and causes, what he intends to do in his life”, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 408. This characterization does, however, highlight the important fact that our notion of a person includes an idea of self-determination (an idea implicit in the older sense of ‘person’ as *dramatis persona*, a character an actor *adopts*). Persons’ ends must be ends that they themselves set.

On the strength of these considerations, we may, I think, conclude with Kant that happiness, generically conceived, is an end attributable to all persons. We may also conclude that the act of setting this end for oneself is the first and fundamental exercise of the power of choice, the act in which particular persons first constitute themselves as such. And from this we may draw the further conclusion that the first application of the formula of universal law to this power should take place in this act of framing happiness as an end.¹⁴

3. However significant these conclusions might be, they may still seem not to take us very far. Kant himself emphasizes repeatedly that the representation of happiness is highly indeterminate and not suitable as a basis for any practical law. So we might wonder whether any determinate obligations can follow from the application of the formula of universal law in the fundamental exercise of the power of choice, in which a person frames happiness as an end. I think, however, that if we give due consideration to the concept of an *end*, we'll find that it implies a certain structure, which the representation of happiness inherits when it's subsumed under this concept.

Kant holds that to set something as one's end is to represent it in practical judgment as one's effect, or, in other words, to represent oneself as its cause: "an end", he says, "is the object of a concept, so far as the latter is regarded as the cause of the former (the real ground of its possibility)" (*KU* 220; cf. *MS* 384). Thus the act of practical representation that constitutes the setting of an object as an end essentially includes an understanding of *itself* as the cause whereby that object is to be brought about. It's therefore essential to an

¹⁴Because the end of happiness is set by a primitive *particular act* of the free power of choice, in which particular persons first constitute themselves as such (and thereby as distinct from all other particular persons), all imperatives supported by this end are merely *assertoric* and so essentially different from an imperative that is grounded, not on any particular act, but in the *form* of practical cognition and hence is *apodeictic*—an imperative to which even the act of setting the end of happiness, on which all assertoric imperatives depend, is itself subject (*G* 414–16). Thus, despite some recent suggestions to the contrary, there is no room in Kant's view for the idea of a categorical imperative of prudence on a footing with the categorical imperative of morality. See T. H. Irwin, "Kant's Criticisms of Eudaemonism", in S. Engstrom and J. Whiting, eds., *Aristotle, Kant, and the Stoics: Rethinking Happiness and Duty* (Cambridge: Cambridge University Press, 1996), and David O. Brink, "Kantian Rationalism", in G. Cullity and B. Gaut, eds., *Ethics and Practical Reason* (Oxford: Oxford University Press, 1997).

end that to will something as one's end is to regard oneself, in one's representation of that end, as the cause that, through that same representation, is to realize it. Hence every representation of an end—and so every maxim¹⁵—contains two components: (i) the representation of the object, and (ii) the representation of the relation of causal dependency in which that object stands to the subject, as the latter's effect, or (what comes to the same thing) the representation of the subject's causal sufficiency in respect of the object, that is, the sufficiency of the subject's action to produce it. And since what is represented in cognition must correspond to the cognition of it, to these two components in the representation of an end there must correspond two components in the end itself.

In the case of the end of happiness, we can characterize the two components by saying that happiness includes, in addition to the agreeable activities a person represents as its own effect, also the person's practical sufficiency in respect of that effect. And since this end is the object of the fundamental act of choice in which a particular person constitutes itself as such, the practical sufficiency it includes can be characterized as *practical self-sufficiency*. But here I would caution that this expression can mislead if not properly understood. We should not suppose that the idea of self-sufficiency is best exemplified by a Robinson Crusoe or a rugged individualist, or through some exaggerated image of the self-made man. Self-sufficiency does involve a certain independence, the ability to stand on one's own two feet, as we say, and to manage one's own affairs, putting it in proximity to what nowadays is often called "personal autonomy". But persons who become attached to an inflated ideal of individualism or to some other excessive conception of self-sufficiency do so through the specific objects they opt to include in the content of their end rather than on account of anything belonging to its form. Self-sufficiency can take a collective form to the extent that persons join their wills, entering

¹⁵As a principle of action, a maxim is both a major premise for practical syllogisms (*G* 420n, *KpV* 19) and a representation of an end (the good). Conversely, an end is always the object of a principle of action.

into communities and other cooperative engagements, and it will have an essentially collective dimension where, as in the human case, persons are naturally sociable and born into families.

Happiness, then, has two components, which are related, I think we can say, as matter and form: the agreeable objects (activities) a person includes as ingredients in specifying what happiness consists in, and self-sufficiency in the production of them. Each of these components is essential. Mere satisfaction of a person's inclinations through good fortune is not enough, since complete happiness always includes the security that only self-sufficiency can bring.¹⁶ And because the material component of happiness depends in part on *natural* inclinations that reflect a person's dependent existence, no person can ensure happiness by simply giving up the objects of inclinations to maintain self-sufficiency.¹⁷

IV. Perfect and imperfect duties to others

1. Since the formula of universal law expresses a formal condition of practical knowledge, the application of it should, as I indicated earlier, follow the order of practical knowledge itself, which proceeds from the universal to the particular. It will be necessary, therefore, to begin with the first and fundamental act of the free power of choice, in which particular persons constitute themselves as such—the act of making happiness, generically conceived, an end. We have just seen, however, that this act includes two distinguishable though necessarily united moments: the wish to be engaged in the agreeable activities that are the objects of one's inclinations, and the wish for self-sufficiency in respect of these objects. The formal condition of practical knowledge

¹⁶For a finite being self-sufficiency is of course never absolute but always depends on favorable external conditions, both natural and, where there is society, also social. Just as the *Seligkeit* that is possible for a naturally dependent being is always *Glückseligkeit*, so the self-sufficiency is always self-sufficiency in suitably favorable external conditions.

¹⁷This has, of course, been denied by some philosophers; at *KpV* 126–27 Kant criticizes the Stoics for overlooking the independence of the material component from the formal.

therefore has application in each of these acts of the free power of choice, in each of these fundamental wishes. Through this two-fold application, there arise two fundamental obligations to others that provide the basis of the system of duties to others: a negative duty of natural justice and a positive duty of beneficence.¹⁸

In this way, the essential division of the practical conception of the end of happiness is the basis of a division of the specific duties to others derivable from the formula of universal law into perfect duties (or duties of justice) and imperfect duties (or duties of beneficence). The fact that self-sufficiency is necessarily an end for every person, an end already represented in the act that first constitutes a person, will prove to underlie a fundamental negative obligation to others, not to interfere with their pursuit of their happiness. And the fact that for every person the practical representation of happiness includes, beyond the wish for self-sufficiency and independent of it, the wish for the material component of happiness, will prove to underlie a fundamental positive obligation to others, to help them in need.

While these two primitive obligations can be brought to light *indirectly* by considering maxims that conflict with them, such as the ones Kant discusses in his examples of false promising and the refusal to assist others in need, they can also be seen to arise *directly* from the form of practical knowledge through its application in the fundamental act of making happiness (generically conceived) an end. Thus, the practical judgment by which a person frames this end will amount to practical cognition provided that, through being made in accordance with the form of such cognition, it has the double universal validity described earlier. And since this judgment comprises both a wish for self-sufficiency and also a wish to engage in the activities one finds agreeable, each of these two component judgments will likewise have the double universal validity expressed in the idea of a

¹⁸These obligations are, respectively, the expression in choice and action of the practical-cognitive attitudes of respect and love, which united together make up the original reciprocal relation holding among persons as subjects sharing the power of practical cognition. The former attitude relates to the capacity to represent, in practical cognition, the universal cause (the form of such cognition), the latter to the capacity to represent, in such cognition, the particular effect (the matter). (Cf. *MS* 448–50.)

universal legislation. Hence, on the one hand, the wish for self-sufficiency will be nested in a practical judgment, to which every person can agree, asserting that such sufficiency is to be secured universally, in everyone's case. And on the other hand, the act of representing activities one finds agreeable as belonging to one's end will similarly be situated in a judgment, to which all can agree, asserting that, so far as is possible, the activities persons find agreeable are to be realized. Thus, the form of practical knowledge, through its application in the two-fold fundamental act of the power of choice, yields two fundamental practical laws, a law of natural justice and a law of beneficence.

2. Kant famously holds that, because the power of choice in a human being can be affected by sensible desires, human persons encounter practical laws as *constraints*, under the headings of obligation and duty, and he accordingly illustrates how the formula of universal law is the source of duties by taking up maxims *contrary* to these practical laws and showing that contradictions result when we attempt to will them as universal laws. So let's now consider how contradictions arise when we try to attribute the double universal validity of practical knowledge to maxims contrary to the obligations expressing the two practical laws just mentioned.

I'll begin with the case of natural justice. Since this obligation is founded on the practical knowledge of self-sufficiency as an end, and since self-sufficiency, according to its very idea, can never be augmented, but only restricted, by the actions of others, the maxim we have to consider is one prescribing action that restricts others' self-sufficiency. This restriction can be more precisely characterized, however, as the limitation of what Kant calls outer freedom. For as I'll now try to explain, outer freedom is just what self-sufficiency requires, as a negative condition, in relation to others. Kant describes outer freedom as an "independence from the necessitating power of choice of another" (MS 237). In other words, outer freedom lies in the independence of one's capacity to pursue one's ends from hindrance to its exercise stemming from the power of choice of

another. That one's capacity to pursue one's ends can be subject to such hindrance from another is, of course, clear. Where diverse persons share a practical world, where in other words they are present together in the world in such a way that it's possible for any one of them both to know what action another of them intends and also to act in ways that prevent or hinder that action (or, as we might also say, where mutual recognition and mutual influence are possible), the outer freedom of one such person is limited to the extent that another chooses to prevent or to hinder the former's action and succeeds in the attempt. Where a person's actions constitute such hindrances they can accordingly be described—to borrow a phrase from Kant—as “assaults on the freedom . . . of others” (*G* 430).¹⁹

Now since the material ends a person pursues in acting are all united in the fundamental end of happiness, generically conceived, outer freedom amounts to independence from hindrances by others to one's pursuit of that basic end. Thus any assault on this freedom, to the extent that it's successful, is a limitation of a person's capacity to realize this end. And since this capacity is just what self-sufficiency consists in, this freedom is nothing other than the independence from other persons requisite for self-sufficiency, and it can therefore be regarded, in a negative sense, as self-sufficiency itself in relation to others.

Given the preceding considerations, it's a straightforward matter to see how a maxim of action that assaults the freedom of others with a view to furthering one's own ends results in a contradiction when we attempt to will it as a universal law in accordance with the foregoing account of the formula of universal law. Such a maxim would lie in a practical judgment that deems it good on the whole to act to limit others' outer freedom, and hence their self-sufficiency, their capacity to realize their ends, where doing so augments, or extends, one's own outer freedom and so also one's own self-sufficiency.

¹⁹In this passage, Kant mentions assaults on property as well as on freedom. But since property is a specific, socially instituted form of freedom, I have omitted mention of it to focus on the primitive case.

Now on the interpretation we've been entertaining, applying the formula of universal law involves considering whether it's possible for every person—every subject capable of practical judgment—to share the practical judgment asserting the goodness of every person's acting according to the maxim in question. Thus in the present case the application of the formula involves considering whether it's possible for every person to deem good every person's acting to limit others' freedom, where practicable, with a view to augmenting their own freedom. Since here all persons are on the one hand deeming good both the limitation of others' freedom and the extension of their own freedom, while on the other hand, insofar as they agree with the similar judgments of others, also deeming good the limitation of their own freedom and the extension of others' freedom, they are all deeming good both the extension and the limitation of both their own and others' freedom. These judgments are inconsistent insofar as the extension of a person's outer freedom is incompatible with the limitation of that same freedom.²⁰

3. Let's turn now to the fundamental imperfect duty to others. Here we may conveniently focus our attention on Kant's own illustration of how the duty of beneficence derives from the formula of universal law.

In contrast to perfect duties to others, which pertain to practical judgments concerning the exercise of outer freedom, the imperfect duty of beneficence bears on practical judgments concerning happiness, the object of such freedom. It will accordingly prove

²⁰The foregoing example is intended to portray the primitive case of a maxim violating a perfect duty to others. More specific maxims may take advantage of special circumstances or conditions. In Kant's example of the maxim of false promising, for instance, a person proposes a way of acting that limits others' self-sufficiency (in this case in the form of property, or wealth) by exploiting the institution of promising. Because Kant's formula of universal law can seem tailored to fit instances of wrongdoing that abuse a general practice, its application can seem particularly problematic in more primitive cases, in which, without abusing any such practice, agents assault the freedom of others by exploiting some advantage afforded by nature, fortune, or their own industry. Our understanding of this formula and its application has been helped by the fact that we first considered a case of this sort, since as a result our understanding of how the formula is to be applied has not been hampered by antecedent expectations derived from reflections that, because they concern examples involving social institutions, may have no bearing in the more basic case. For a discussion of the distinction between natural and conventional actions and its significance for interpreting Kant's formula of universal law, see Christine M. Korsgaard, "Kant's Formula of Universal Law", in *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), 84–85, 97–101.

helpful if, before turning to Kant's example, I mention a few points relating to the earlier discussion of happiness. Although self-sufficiency, as a necessary object of wish, belongs to the object of a human person's generic conception of happiness, it does not, of course, exhaust it. The very fact that for human persons practical self-sufficiency is an object of wish rather than a wholly secure and certain possession is itself a reflection of the fact that the object of the generic conception of happiness includes in addition, under the general heading of agreeable activities, further elements (not yet specified) whose realization is recognized to be dependent on the presence of conditions that are external to such persons and hence not absolutely within their control. Such persons, therefore, can never rule out the possibility that they will find themselves in circumstances in which they are not capable of realizing their end of happiness on their own, yet they also recognize that this end is not something they can simply relinquish.

With these considerations in mind, let's turn to the maxim of the man in Kant's example. Though willing to confine his pursuit of his own happiness to actions that don't involve any assault on others' freedom, this man, for whom "things are going well", calculates that his pursuit of this end will be most effective if others' ends are disregarded, and he accordingly specifies the good through the generic concept of his own happiness yet without including this specification in a general judgment deeming the happiness of others to be likewise good. He may indeed judge that others' ends are good on the whole in circumstances where the attainment of those ends will ultimately redound to his own benefit. But such a judgment falls short of regarding others' happiness in the way the practical law of beneficence requires, namely, as being simply good, and hence good regardless of whether their attainment of it contributes to the realization of his own end. In short, the man Kant places before us could be described as a "moral libertarian", and the practice his maxim prescribes might be characterized as that of "egoism within the limits of mere justice".

Let's now bring the formula of universal law to bear on this maxim, to determine whether it's in agreement with the form of practical knowledge. When the man tries to suppose that everyone both follows his maxim and moreover agrees that everyone should do so, an obvious conflict results. In conceiving of the maxim as universally followed, he supposes that others judge their own happiness but not his to be good, and in agreeing that they should follow this maxim, he agrees with their judgments and so likewise deems their happiness but not his to be good. Thus he regards as good his happiness but not theirs and also their happiness but not his.

This way of understanding how the attempt to will this maxim as a universal law results in a contradiction differs from other familiar accounts, both sympathetic and critical, in that, being guided by the idea of the *form* of practical knowledge, it does not conceive of the attempt to will a maxim as a universal law as involving any instrumental (means–end) forms of reasoning at all. It does not, for instance, attempt to show that were everyone to follow the maxim of indifference, the result would thwart, hinder, or fail sufficiently to further the pursuit of some end the man actually has, such as happiness, or some end he must have, as a rational agent; nor does it rely on any calculation that individual or collective interests will be better served if persons help one another than if they don't. These other accounts have been encouraged in part by the fact that Kant's own discussion has seemed to many to indicate that he himself relies on instrumental forms of reasoning in describing how the contradiction arises, and this fact may therefore equally be a source of doubt concerning the interpretation I've just sketched. This doubt can be removed, however, since a closer look at the example will show that it need not be read as involving such reasoning.

Kant explains how the conflict in the will arises by saying of the man that “many cases could occur in which he would need the love and sympathy of others and in which, by such a law of nature sprung from his own will, he would rob himself of all hope of the assistance he wishes for himself” (*G* 423). We can take Kant to be characterizing here

the very contradiction I just now described, but in a vivid way that is suitable for someone such as the man in question, who, because “things are going well” for him, is particularly liable to have acquired an exaggerated sense of his own self-sufficiency and so to have lost clear sight of the fact that, as his own happiness is not a wholly secure possession, circumstances might arise in which he would rightly wish for help. Now on the interpretation I’m suggesting, such a wish is not merely a wish for some perhaps entirely fortuitous occurrence that the man thinks would enable him to achieve his end (like a wish for rain by someone thirsting in a drought, or a debtor’s hope for a lucky roll of the dice); the wish is an expression, in those circumstances of need, of the subjective universal validity of his own practical judgment of the goodness of his own happiness, a judgment that is contained in the maxim under consideration (cf. *MS* 393). That is to say, the wish in question is originally for help that springs from another person’s practical recognition of the goodness of the man’s happiness, and hence is a wish for help that has an immediacy and necessity that would be lacking were the assistance to be contingent upon its provider’s determination that it will in the end be personally advantageous. But since to will his maxim as a universal law the man must also not will that such help be provided, he must both will and not will to be helped. As is readily apparent, this contradiction is the same as the general contradiction described earlier, the difference being that it’s represented more concretely, through the man’s consideration of possible cases in which he would need assistance.

V. Conclusion

Needless to say, considerably more would have to be said to put flesh on these bare bones of argument and to connect them with important parts of Kant’s treatment of the formula of universal law that I’ve not dealt with. One important and often discussed element in his account is his claim that the attempt to will as a universal law a maxim

contrary to a perfect duty generates a contradiction that differs in character from the contradiction that results where the maxim is contrary to an imperfect duty. Another important question is Kant's assertion that the formula of universal law is equivalent to the formulas of humanity and autonomy. But while I cannot address such topics here, I hope that the overview I've just offered conveys a sense of the overall shape of the interpretation.²¹

²¹Earlier versions of this paper were presented at Peking University, Harvard, UCLA, Kansas State, Northwestern, the University of Chicago, and the University of Miami; I thank the audiences for their helpful comments and suggestions.