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Kant: constitutivism as capacities-first philosophy

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Over the last two decades, Kant’s name has become closely associated with the “constitutivist” program within metaethics.¹ But is Kant best read as pursuing a constitutivist approach to meta-normative questions? And if so, in what sense?² In this essay, I argue that we can best answer these questions by considering them in the context of how Kant understands the proper methodology for philosophy in general. The result of this investigation will be that, while Kant can indeed be read as a sort of constitutivist, his constitutivism is ultimately one instance of a more general approach to philosophy, which treats as fundamental our basic, self-conscious rational capacities. Thus, to truly understand why and how Kant is a constitutivist, we need to consider this question within the context of his more fundamental commitment to “capacities-first philosophy”.

Keywords: Kant; metaethics; ethics; practical reason; constitutivism; constructivism; rationality; transcendental philosophy

1. Contemporary constitutivism

In a moment, I’ll explore these claims in more detail. But before doing so, it will be useful to begin with a brief discussion of “constitutivism”. I’ll use this term to refer to the broad family of meta-normative views that endorse some version of the following:

Core Constitutivist Claim: The fundamental norms that apply to X are explained by the nature of X.

Crucially this definition is silent about two issues. First, it says very little about the *philosophical work* this mode of “constitutivist explanation” is meant to accomplish. This is important because “constitutivism” is often defined so that dramatic claims about what constitutivism can do are built into its definition. For example, one might define constitutivism as a program for answering what Korsgaard has dubbed “the normative question” in a decisive fashion.³ Or one might define constitutivism so that it is committed to closing the alleged gap between is and ought.⁴

These are some of the prominent motivations for constitutivism. But it would be a mistake to treat such claims as part of the definition of what constitutivism *is*. For constitutivists disagree about what constitutivism can accomplish. And it is far from clear that the appeal of

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constitutivism stands or falls with its ability to perform any particular metaethical task.⁵ Thus, in considering the merits of constitutivism, we should keep the *mode of philosophical explanation* which is essential to constitutivism separate from the philosophical work this style of explanation can accomplish. Of course, the constitutivist mode of explanation must do *something* to be of philosophical interest. But just what it can do should be left open by its definition.

Given this, some of the most prominent objections to constitutivism are best understood – not as objections to constitutivism as such – but rather as objections to claims about what constitutivism can do. This is particularly true of the “shmagency objection” made famous by Enoch’s discussion of Korsgaard.⁶ For even if we think that Enoch is right about what the possibility of shmagency shows, this is at most an objection to the claim that constitutivism can decisively foreclose certain normative questions. Thus, so long as we do not think the attractiveness of constitutivism depends upon its ability to perform *this* task, worries about “shmagency” need not be fatal to the view.⁷

This matters here because Kant’s interest in broadly constitutivist ideas was not primarily motivated by the use of these ideas that Enoch targets. For example, Kant certainly did not intend his account of the relationship between moral requirements and practical reason to provide us with a dialectically effective response to all forms of moral skepticism. Rather, Kant’s official position is that our cognitive access to the nature of practical reason or free agency occurs *via* our consciousness of the moral law, as the fundamental principle of practical reason.⁸ So, if there are indeed constitutivist elements within Kant’s account, their purpose is not to answer the question: “Why be moral?” – and certainly not to do so via an appeal to an independently intelligible notion of practical reason or agency.

This is one sense in which my definition of constitutivism is purposely broad. But there is a second issue on which this definition is also intentionally silent – namely, the question of exactly *which X’s* this definition applies to. For example, my definition of constitutivism says nothing about which description of my nature it is that grounds the fundamental norms that apply to me.

Different forms of constitutivism will answer this question in quite different ways. For example, Aristotelian constitutivists focus on my nature as a human being, while “Humean” constitutivists focus on my nature as a rational being in some minimal sense of “rational”. Of these forms of constitutivism, our focus will be constitutivism in its more Kantian forms. Kantian constitutivism is often described as treating our nature as *agents* as what explains the fundamental norms that apply to us. For example, Kantian constitutivists are often thought of as grounding facts about normative reasons in facts about the nature of agency:

Agency-First Constitutivism: The fundamental norms that apply to us are grounded in our nature as *agents*.⁹

This remains the dominant way of formulating Kantian constitutivism. But, as I’ve argued elsewhere, such formulations obscure some of the important advantages of Kantian forms of constitutivism.¹⁰ For example, a focus on agency can suggest a view that is best suited to the practical, as opposed to the epistemic, domain. So this focus can hinder the development of a truly unified account of *both* theoretical and practical norms along constitutivist lines. And it can also easily make the Kantian view seem implausibly self-obsessed – concerned with the project of self-unification or self-governance as opposed to the world outside of us. Finally, this focus on agency can hide from our eyes important resources the Kantian has for explaining the normative significance of moral and epistemic principles.

Of course, much more would need to be said about each of these points to make them compelling.¹¹ I note them here solely to give the reader a sense of why it seems to me that Kantian constitutivism is best characterized as treating as fundamental – not our nature as

agents – but rather our nature as *rational beings*, or creatures endowed with the *capacity of reason*:

Reason-First Constitutivism: The fundamental norms that apply to us are grounded in our nature as *rational beings* or creatures with the *capacity of reason*.

In interpreting Reason-First Constitutivism, it is important to remember that the notion of reason at issue here (for the Kantian at least) is equally theoretical *and* practical. So it includes within its scope, our powers of practical reason and rational agency. In this sense, Reason-First Constitutivism is a natural development of Agency-First Constitutivism – one which aims to make explicit that the starting point of the Kantian account should be a *unified* conception of reason as *both* theoretical and practical.

Indeed, as we will see, the most Kantian forms of Agency-First Constitutivism and Reason-First Constitutivism converge with one another, once fully developed. But nonetheless, I will focus on Reason-First Constitutivism here. This framing is particularly helpful in a historical context, since it fits far better with Kant’s own discussion. In particular, as we will see, Kant’s constitutivism is best understood as an instance of a more general “capacity-first” approach to philosophy. And the capacity that is most fundamental, for Kant, in developing that approach is the faculty of reason.

As a result, what is most fundamental to Kant’s constitutivism is a certain conception of reason as a capacity.¹² Of course, reason for Kant is the faculty for a particular form of agency. But if our aim is to understand Kant’s form of constitutivism, it is more accurate to describe it as a form of Reason-First Constitutivism as opposed to trying to translate Kant’s claims about reason into a corresponding form of Agency-First Constitutivism, even if such a translation is possible.

2. The foundational role of capacities within the critical philosophy

With this bit of contemporary context in mind, let’s turn to the question of Kant’s constitutivism. As noted, in doing so, I will begin somewhere rather non-obvious. In particular, I want to start – not with Kant’s explicit discussion of broadly meta-normative questions – but rather with some more general questions about Kant’s philosophical methodology during the critical period.

To understand why these questions are relevant here, let’s begin with Kant’s conception of the shape philosophy must take if it is to be rationally satisfactory. As is familiar, one of reason’s fundamental demands, according to Kant, is for “systematic unity”. Speaking very roughly, this means that reason will only be satisfied with a body of cognitions insofar as they form an organized unity as opposed to a “mere aggregate”:

... systematic unity is that which first makes ordinary cognition into a science, i.e. makes a system out of a mere aggregate of it ... (A832/B860)

What gives cognitions this sort of unity is their grounding in more fundamental principles or ideas, which provide them with systematic structure. Just what this requires is a complicated question, which I cannot discuss in detail here.¹³ But one important implication of this is that philosophy will only be rationally satisfactory insofar as we can locate *a priori* principles or ideas that can provide this sort of systematic unity – not just with respect to this or that particular area of inquiry, but also with respect to all of philosophy or, indeed, human cognition:

Philosophy in *sensu scholastico* involves two things, (1.) A sufficient supply of cognitions of reason. (2.) A correct connection of these, or a system. For a system is the connection of many cognitions in accordance with an idea. (24:799)

The two must be united; for without cognitions one will never become a philosopher, but cognitions alone will never constitute the philosopher either, unless there is in addition a purposive combination of all cognitions and skills in a unity, and an insight into their agreement with the highest ends of human reason. (9:25)

But where is philosophy to find these unifying principles or ideas? Kant's answer to this question is constrained by another of his fundamental methodological commitments during the critical period. In particular, in the wake of his struggle to explain the possibility of synthetic *a priori* principles, Kant became convinced that human insight bottoms out in a set of basic faculties – faculties which cannot be explained in more fundamental terms, but which nonetheless provide a non-arbitrary basis for further explanations:

But all human *insight* is at an end as soon as we have arrived at *basic powers or basic faculties*; for there is nothing through which their possibility can be conceived, and yet it may not be invented and assumed at one's discretion. (5:46–7, my emphasis)

We'll return in a moment to why Kant believes that our basic rational capacities – and only those – are capable of playing this role. But first I want to note that these claims have implications *both* for the order of human cognition (the *ratio cognoscendi* of things) *and* for the order of metaphysical explanation (their *ratio essendi*). In particular, Kant is claiming here that, at least within the limits of human cognition, our ability to have insight into the metaphysical explanation of things (their *ratio essendi*) comes to an end with certain basic rational faculties. Thus, at least for us, these faculties take priority in the order of metaphysical explanation.

But these basic rational capacities, in virtue of their self-conscious character, also provide human cognition with a set of *cognitive fixed points* – that is, with something that may not be invented in a discretionary fashion. Thus, the self-consciousness of these faculties – or, more precisely, the self-conscious character of their *activities* – provides us with something that takes priority in the order of cognition (*ratio cognoscendi*) as well. In a moment, we'll discuss how Kant conceives of this. But the important point at present is just that these capacities (as self-conscious) also serve as something that is cognitively or epistemically fundamental for us.

Given all this, it is not hard to guess where Kant will locate the fundamental principles that systematic philosophy requires. In particular, at least for the critical Kant, these principles must be located in our basic rational faculties. Thus, it is no surprise to discover that, at least during the critical period, Kant consistently maintains that the foundations of a genuine philosophical system or science can *only* be provided by the fundamental faculties of the mind and the principles that govern these faculties:

In this way the *a priori* principles of two faculties of the mind, the faculty of cognition and that of desire, would be found and determined as to the conditions, extent, and boundaries of their use, and a firm basis would thereby be laid for a scientific system of philosophy, both theoretical and practical. (5:12, my emphasis, compare 5:169)

The concepts of nature, which contain the ground for all theoretical cognition *a priori*, rested on the legislation of the understanding. ... The concept of freedom, which contains the ground for all sensibly unconditioned practical precepts *a priori*, rested on the legislation of reason. (5:176)

As we'll discuss, this mode of explanation is possible for Kant because these basic rational capacities *do* in fact provide us with just the sort of principle that is required here. Given this, perhaps the main tasks of the "critique" of our rational faculties is to identify the principles that are characteristic of their activities. In other words, as Kant puts it, "critical philosophy" must deliver to "doctrinal philosophy" the principles that will give doctrinal philosophy its foundation. In this way, for example, the critique of practical reason provides us with clear consciousness of the principles of pure practical reason *and* delivers these principles as the foundation for a systematic understanding of moral "doctrine".

Thus, while the project of critique is often thought of in terms of the *negative* task of determining the limits of our rational faculties, for Kant critique also has a *positive* task as well – namely, to identify these foundational principles by tracing them to their roots in our rational faculties:

The critique of the faculties of cognition with regard to what they can accomplish *a priori* has, strictly speaking, no domain with regard to objects, because it is not a doctrine, but only has to investigate whether and how a doctrine is possible through it given the way it is situated with respect to our faculties. (5:176, compare 20:195, 20:202)

There's much more to be said about these ideas, but the most important points for present purposes are the following. First, philosophy for Kant can be systematic only insofar as it is grounded in a unified system of non-arbitrary principles. Second, for Kant, these principles can only be provided by our basic rational capacities. And, third, as a result, a truly systematic philosophy is possible only insofar as our rational faculties *themselves* form a systematic unity:

There is thus revealed *a system of the powers of mind*, in their relation to nature and freedom, both of which have their own special, determining principles *a priori* and therefore constitute the two parts of philosophy (the theoretical and the practical) as a doctrinal system ... (20:247, my emphasis, compare 5:169)

Now, in saying all this, it is important to stress that for Kant (unlike for many of the German Idealists who followed him) to say that our rational faculties form a system is *not* to say that these faculties are reducible to some *single* common explanatory principle. Rather, Kant stresses that there are limits to this sort of reduction (at least from a human perspective):

... all faculties or capacities of the soul can be reduced to the three that cannot be further derived from a common ground: the faculty of cognition, the feeling of pleasure and displeasure, and the faculty of desire. (5:177)

Thus, although Kant is deeply committed to a *system* of our rational faculties, he just as deeply rejects the project of reducing this system to a single *ur-faculty* or *-principle*.¹⁴ The question of the compatibility of these two ideas will, of course, be the focus of a good deal of German philosophy in the decades after Kant. But for our purposes, it is sufficient to keep them in mind.

3. Which faculties? Transcendental arguments and self-consciousness

Of course, this "capacities-first" approach to philosophy invites many questions. For example, how are we to determine *which* faculties are to have this sort of foundational status? And how, in particular, can we do so in a rationally satisfying fashion?

In the literature on Kant, and indeed in Kant himself, one can find at least two basic strategies for responding to these questions. First, as already suggested, it might be that we are entitled to take certain rational faculties for granted in our theorizing in virtue of their *self-conscious* character. Or, second, the introduction of these faculties into our philosophical system might be justified via some sort of *transcendental argument*, which shows them to be necessary conditions on even more basic features of experience.

It is hard to deny that both of these strategies play a role in Kant's overall philosophical methodology. But nonetheless it seems to me that it is the first that provides the ultimate foundations for the critical philosophy. To see why, it will be helpful to consider one of the best statements of how the other interpretative option might go.

The discussion I have in mind appears in Haag (2014, 199). There Haag writes:

The existence of faculties, from the perspective of transcendental philosophy, likewise has to be established by reflecting on the conditions of the possibility of conscious experience. ... it is the function that transcendental reflection reveals as needing to be fulfilled that justifies the introduction of a particular faculty.

In other words, for Haag, the introduction of any faculty – even the most basic – into our philosophical system must, for Kant, be justified by some further piece of “transcendental reflection”.

I think Haag is perfectly correct in claiming that this strategy is used at times by Kant. But I doubt that this accurately characterizes how Kant views our entitlement to appeal to the existence of certain very basic rational faculties. After all, suppose we ask Haag how he understands the *starting point* of the sort of “transcendental reflections” which (according to him) justifies the introduction of any faculty into the critical system.

In answering this question we must remember that the starting point of these reflections is not, for Kant, an extremely minimal sort of self-consciousness. Rather, unlike (say) Reinhold or Fichte, Kant begins his “transcendental reflections” in all three *Critiques* with something significantly more robust. For example, the starting point of Kant's “transcendental reflections” in the first *Critique* is not the bare fact of self-consciousness, but rather the fact that we are creatures who are capable of *empirical cognition* of a non-trivial sort.

Given this, it is only fair to ask Haag how we know that we are creatures with the capacity for *these* sorts of non-trivial cognitive achievements. For example, how can we know that we are capable of empirical cognition in the sense the first *Critique* takes for granted? Not, at least for Kant, through a further, more basic piece of “transcendental reflection” of the sort Haag describes. Rather, for Kant, it seems clear that we can know that we are creatures with a capacity for empirical cognition simply in virtue of the self-conscious character of our basic cognitive capacities.

In this way, at least in the context of *Kant's* views, there is no real alternative to the idea that the existence of *some* basic rational faculties can be established in virtue of their self-conscious character. As we'll discuss in the next section, this means that the foundations of philosophy are, for Kant, provided by the kind of *active self-consciousness* we possess as creatures with these basic rational capacities.¹⁵ That is, transcendental philosophy ultimately begins with the consciousness of their own activities which is constitutive of these capacities as self-conscious. From this starting point, the critical philosopher can go on to make this consciousness more explicit, and then proceed to use this as a foundation for further philosophical theorizing. But the ultimate foundations of the critical philosophy are provided by this consciousness of the activities of our rational faculties. Thus, as Kant says about these foundations:

Nothing here can escape us, because what reason brings forth entirely out of itself cannot be hidden, but is brought to light by reason itself as soon as reason's common principle has been discovered. (A xx, compare 28:1051)

4. Two brief illustrations: transcendental idealism and the fact of reason

Once one recognizes that Kant is working within this “capacities-first” framework, it is easy to find it in action throughout his critical works. For example, from this perspective, we can approach the familiar issue of Kant's Transcendental Idealism from a more systematic perspective, by seeing it as a central application of this “capacities-first” mode of philosophical explanation. After all, the whole point of Transcendental Idealism is precisely to explain the (formal) features of spatial-temporal reality by grounding this reality in the formal features of our faculties for empirical cognition.

But this is just one such illustration. A more relevant one, for present purposes, is provided by Kant's discussion of the famous (or infamous) *Faktum der Vernunft*. This section of the second *Critique* has often been regarded as a retreat by Kant into a pre-critical form of moral dogmatism. But Kant's appeal there to a basic consciousness of the moral law is, in fact, best understood as another canonical instance of the capacity-first approach to philosophy – an approach which is essential to the difference (for Kant) between transcendental philosophy and dogmatic rationalism.

Indeed, the *Faktum der Vernunft* is especially interesting here because it displays the priority of our basic rational faculties in *both* the order of cognition and the order of metaphysical explanation. On the one hand, in the *Faktum der Vernunft*, Kant treats our consciousness of freedom as based in the self-consciousness of pure practical reason itself – a self-consciousness that involves a consciousness of the moral law as the principle of practical reason. So, in this sense, the order of cognition in work in this passage begins with the self-consciousness of practical reason, just as we would have expected.

But, at the same time, Kant also treats the nature of practical reason as fundamental with respect to the order of philosophical explanation here as well. For, in claiming that autonomy is the *ratio essendi* of morality, Kant claims that it is the nature of practical reason – and, in particular, its character as autonomous – which explains why we are subject to the moral law in the first place. So here different aspects of practical reason as a faculty take (first) cognitive and (second) metaphysical priority within the contours of Kant's account.

5. Principles: how rational capacities make philosophy possible

If all this is correct, then the viability of Kant's philosophical project depends on the ability of our basic rational capacities to play the role we have been describing. To do so, at least two things must be true of them. First, they must provide us with principles that can play a foundational explanatory role within philosophy. And, second, these principles must (at least under advantageous conditions) be accessible to us in virtue of the fact that we are rational creatures who possess the relevant rational capacities.

Given this, one source of support for the present interpretation is that Kant's conception of rational faculties *is*, indeed, perfectly suited to play these two roles. In fact, as we will see, these roles are closely connected for Kant – since Kant tightly links together the self-conscious character of our faculties and the sense in which their activities are governed by principles.

To explore this, let's begin by considering Kant's conception of rational faculties in more detail. As Kant understands them, capacities are individuated by principles which (in a manner that will become clear) both describe and govern their activity. For present purposes, these principles can be thought of as characterizing the activity that is distinctive of the faculty in question. The principle of a faculty, in other words, tells us what this faculty (as such) *does* – be this synthesis or inference or the determination of the will or the formation of new concepts.¹⁶

As this indicates, there is at least a weak sense in which every genuine faculty is “active” for Kant. For the activity of any genuine faculty is governed by an *internal* principle which characterizes its distinctive form of activity. Of course, just how robust this “activity” is – and, in particular, whether it is conditional on something external to the faculty – will vary from faculty to faculty. So, for example, the “activity” of sensibility as a faculty will be conditional on both the affection of the subject by the object *and* the higher ends and activities of the understanding, judgment, and (ultimately) reason. But nonetheless, sensibility still possesses an internal principle in this general sense.

In this way, every faculty is paired with an internal principle that explains how this faculty functions insofar as it is free from abnormal, external “hindrances”. As we will see, this idea is essential to Kant's understanding of the “sources of normativity”. But before considering this, we need to discuss how these internal principles play the two roles required by the capacities-first approach sketched above.

In order to play the first of these roles, these principles must be robust enough to serve as explanatory foundations for both theoretical and practical philosophy. But, to play the second, we must be able to have access to them simply in virtue of possessing the self-conscious capacities they govern. Unfortunately, at least at first glance, these roles seem to push us in opposite directions. After all, the more robust these principles are, the less plausible it is that an awareness of them is somehow “implicit” in mere possession of the relevant rational capacities. So, it is only fair to wonder whether these two roles can be combined in the manner Kant's methodology requires.

Giving a fully satisfactory response to this concern would be a book-length project. So I cannot pretend to present such a response here.¹⁷ But I *do* want to say a bit more about these issues, to give the reader *some* sense of how Kant's conception of rational capacities is designed to deal with them.¹⁸

In doing so, I'll focus on the element of Kant's conception of our capacities that is most immediately relevant to the topic of this essay – namely, its *teleological* dimension. This dimension is clear from Kant's consistent use of teleological terms to describe our faculties. For example:

The final *aim* to which in the end the speculation of reason in its transcendental use is directed concerns three objects: the freedom of the will, the immortality of the soul, and the existence of God. (A798/B826, my emphasis, in a section entitled “On the ultimate *end* of the pure use of our reason”).

... the lawful unity in a combination that we cognize as in accordance with a necessary *aim* (*a need*) of the understanding ... (5:184, my emphasis)

... the understanding, which is *aimed* at an *end* that is necessary for it, namely to introduce into it unity of principles ... (5:187, my emphasis)

Similarly, Kant often uses the closely related notion of an “interest” to characterize our faculties:

To every faculty of the mind one can attribute an interest, that is a principle that contains the condition under which alone its exercise is promoted. ... That which is required for the possibility of any use of reason as such, namely, that its principles and affirmations must not contradict one another, constitutes no part of its interest but is instead the condition of having reason at all; only its extension, not mere consistency with itself, is reckoned as its interest. (5:120)

Reason is driven by a propensity of its nature to go beyond its use in experience, to venture to the outermost bounds of all cognition by means of mere ideas in a pure use, and to find peace only in the completion of its circle in a self-subsisting systematic whole. *Now is this striving grounded merely in its speculative interest, or rather uniquely and solely in its practical interest?* (A797/B825, my emphasis)

Given such passages, there is little doubt that Kant's conception of our faculties is teleological in *some* sense. But how exactly should these teleological characterizations be understood?

Kant defines "end" as, "the concept of an object insofar as it at the same time contains the ground of the reality of this object." (5:180, compare 4:427, 6:381) In other words, to attribute an end X to something involves regarding that thing as related to some representation of X, a representation which functions as the ground of the existence of X. In this way, for Kant, to represent our rational capacities as having ends seems to involve representing the activities of these faculties as governed by a representation of the faculty's end.¹⁹

But where is this representation to be located? Unlike in the case of artifacts, it seems clear that this representation must at least sometimes be internal to the faculty in question.²⁰ And, unlike in the case of natural organisms, in making such claims about our faculties, Kant does not seem to be doing so merely for "regulative" purposes by means of an "analogy".²¹ Rather, it seems that Kant means to attribute ends to our faculties in a stronger, less analogical sense than this.²²

So how should we think about Kant's attribution of teleological structure to our faculties? It is helpful here, I think, to understand our faculties as having a teleological structure that is formally akin to the teleological structure of natural organisms, only without the restrictions that Kant places on our use of teleological concepts in the biological case.²³ In other words, for Kant, our faculties seem to have the formal structure that natural organisms *would have* if we were entitled to think of such organisms using our teleological concepts in a more than merely analogical fashion.²⁴

What this means is that, like natural organisms, our faculties must be thought of as *self-organizing wholes*.²⁵ But, unlike in the biological case, a faculty's activities are *literally* guided by an end which is internal to that very faculty.

How are we to make sense of this? And, in particular, how can we do so without committing Kant to an implausibly intellectualized conception of these capacities? To do so, it is helpful to return to one of the passages cited above, in order to note something puzzling about it:

To every faculty of the mind one can attribute an interest, *that is a principle that contains the condition under which alone its exercise is promoted*. ... (5:120, my emphasis)

Here Kant identifies the interest of a faculty with the "condition under which alone its exercise is promoted". This claim will strike many contemporary readers as rather odd. But for someone, like Kant, steeped in the broadly Aristotelian context of post-Leibnizian German philosophy, it would have seemed quite natural. For part of a broadly Aristotelian

conception of our capacities is the idea that a genuine capacity must, in a sense, aim at its own exercise or activity.²⁶

On this conception, any faculty can be thought of as having the “end” of actualizing itself via its own characteristic activity.²⁷ In other words, as Reath nicely puts the point, any such “capacity is constitutively aimed at its own proper exercise”.²⁸ If this is right, then to say that a faculty represents its own end is just to say that it *represents its own characteristic activity* and that this representation ideally guides that activity. So, to say that a faculty represents its own end is just to say that it has an active or productive consciousness of its own activity. In this sense, the teleological character of our rational faculties for Kant is fundamentally a product of the manner in which they are *self-conscious*.

Is such a conception of our rational capacities overly-intellectualized? Answering this question lies outside the scope of this essay. But it is worth stressing that, in attributing an active representation of its own activity to each rational faculty, we are not saying that we are normally explicitly conscious of this representation.²⁹ Rather, as Kant notes, “For common cognition it is not necessary that we be conscious of these rules and reflect on them.” (24:27, compare A78/B103)

In addition, we need not understand the idea of each faculty as possessing a representation of its own activity to imply that this representation is something *over and above* the activities of the faculty. Rather, this “representation” may be implicit in or constitutive of these very activities themselves in some way.³⁰ In other words, while it is clear that a rational faculty must, for Kant, possess a guiding consciousness of its own characteristic activity, this awareness need not involve a distinct representation over and above its activities.

6. Kant’s constitutivism: how rational faculties ground norms

Unfortunately, pursuing these questions would lead us away from this essay’s topic. So I want to turn back to Kant relationship to constitutivism – and how this relates to the broader theme of Kant as a capacities-first philosopher.

To consider this, let’s turn (at last) to Kant’s explicit account of the nature of normative propositions or imperatives. This account is well represented by passages like the following:

A practical rule is always a product of reason because it prescribes action as a means to an effect, which is its purpose. But for a being in whom reason quite alone is not the determining ground of the will, this rule is an imperative, that is, *a rule indicated by an ‘ought’, which ... signifies that if reason completely determined the will the action would without fail take place in accordance with this rule.* (5:20, my emphasis, compare 4:449)

As this makes clear, imperatives for Kant apply only to beings who possess reason, but in whom this faculty’s proper operation may be hindered by the external influence of sensibility. More precisely, for Kant, an imperative applies to some agent just in case it accurately characterizes what they would do if their rational faculties were free of any such “external hinderance”.³¹

For example, the moral law can be thought of in at least two ways. First, it may be thought of as a principle which describes how practical reason functions *insofar* as it is free of any illicit sensible influence.³² In this sense, it is “descriptive” or “constitutive” of practical reason – although, of course, what it is describing is a teleologically-structured faculty. But, with respect to creatures in whom reason *can be* interfered with by sensibility,

the moral law may also be represented as an imperative – namely the categorical imperative in its various formulations.³³ Thus, when we consider reason in the context of a sensibly conditioned finite subject, the principle of reason as a faculty will always be *both* constitutive (of reason’s exercise insofar as it is free of illicit sensible influences) *and* normative (for the subject’s thoughts and actions given that they are subject to such influences).³⁴

Crucially, this point generalizes to any rational faculty whatsoever. In other words, in this sense, imperatival principles are *equally* characteristic of *both* theoretical and practical faculties. For the principle characteristic of any (human) rational faculty – be it theoretical or practical – can be expressed as *either* a theoretical claim about how this faculty functions (when “left to its own devices”) *or* a normative claim about how it *ought* to function in rationally imperfect creatures like ourselves. So, for example, Kant similarly stresses that errors of the *understanding* are always the product, not of the understanding itself, but rather of the “unnoticed influence of sensibility” upon us.³⁵ And so, much like the moral law, the principles of the understanding can be regarded either as characterizing how the understanding operates insofar as it is free of the “unnoticed influence of sensibility” or as imperatives which characterize how the understanding *ought* to function in creatures in whom such interference is possible.³⁶

We can now see that a very general sort of meta-normative constitutivism does indeed follow from Kant’s conception of our rational capacities, when paired with his account of imperatives or normative claims. For, given these commitments, the normative principles that apply to the activities of *any* rational faculty will, for Kant, be grounded in that faculty’s nature – and, in particular, the nature of its characteristic activity. Or, more precisely, the principles in question will be grounded in the nature of the relevant rational capacity – while the status of these principles *as normative* will be grounded in the fact that this rational capacity is *not* free of external hinderance.

In this way, Kant is deeply committed to a form of constitutivism, which we might characterize as follows:

Rational Capacities Constitutivism: The normative principles that apply to the activities of any rational capacity are grounded in the nature of that capacity.

This principle is quite similar to Reason-First Constitutivism, but it differs from that principle insofar as it treats as fundamental *all* of our rational faculties, as opposed to focusing on reason *in particular*. But remember that our rational capacities must *themselves* form a system for Kant. And given that reason is autonomous, this system must be one in which the ends of reason take precedence. Thus, if our faculties are to form a rational system, it must be reason’s ends in particular that serve as the foundation of this system’s teleological unity.

For this reason, it can only be reason that ultimately determines the proper scope of *all* of our rational faculties. That is, it is the ends of reason that form the foundation for the system of our rational faculties.³⁷ Thus, in the end, Kant is indeed best read – not as a proponent of Rational Capacities Constitutivism – but as a proponent of Reason-First Constitutivism.³⁸ For it is ultimately reason, and its characteristic activities or ends, which determines the norms that govern the proper operation of *all* our various rational faculties for Kant:

Reason-First Constitutivism: The most fundamental norms that apply to us are grounded in our nature as *rational beings* or creatures with the *capacity of reason*.

7. Kant's constitutivism and the unity of reason

Of course, Reason-First Constitutivism leaves the nature of the capacity of reason entirely open, and so, on its own, tells us very little about what these norms are. As a result, in order to understand the implications of Kant's commitment to this form of constitutivism, we would need to say much more about the ends and activities that are characteristic of reason as a capacity for Kant.

Unfortunately, Kant describes reason's characteristic activities in a variety of ways – including descriptions of reason as (i) the faculty for (mediate) *inference*, (ii) the faculty of *principles*, (iii) the faculty for *systematic unity*, (iv) *autonomous*, and (v) the faculty for what Kant calls *comprehension*. So, from an interpretative perspective, this question is anything but simple. As a result, I won't pretend to offer a comprehensive answer to it here.³⁹ But I do want to say a bit about this – both to put some meat on the bones of the reading of Kant we have been developing, and because doing so will help clarify the relationship between Kantian forms of Reason-First Constitutivism and Agency-First Constitutivism.

With these aims in mind, I'm going to focus here on three of Kant's characterizations of reason in particular:

- (i) Reason's proper activity lies in (theoretical and practical) *cognition from principles*.
- (ii) Reason's proper activity lies in (theoretical and practical) *comprehension*.
- (iii) Reason's proper activity lies in *autonomy*.

Let's begin with the first of these claims. To understand what it implies, we need to remember that "cognition" (*Erkenntnis*) comes for Kant in both a theoretical *and a practical* form.⁴⁰ In this sense of these terms, theoretical cognition is cognition of what is – cognition which (at least canonically) depends in some way on the existence of the object it represents. Practical cognition, on the other hand, is cognition of what ought to be.⁴¹ As such, as Kant understands it, it is a form of cognition which (canonically) relates to its object by being the ground of that object's existence.⁴²

It is crucial to keep both of these forms of cognition in mind when reading the first of these characterizations. Otherwise, we might miss that Kant's characterization of reason as the faculty for "cognition from principles" applies *equally* to both theoretical and practical reason. In other words, for Kant both theoretical reason and practical reason aim at this sort of principled cognition. The only difference between them lies in the sort of "cognition from principles" they aim at – and, in particular, in the manner in which this cognition relates to its object.

So, in this broad sense of "cognition", reason for Kant is "cognitive" in both its theoretical and its practical manifestations.⁴³ But this, of course, does not distinguish reason from our other cognitive faculties. What is distinctive of reason, on this characterization, is its concern for cognition *from principles* in particular. What this means is a complicated question, but the fundamental idea here is simple enough. One has cognition from principles, in the sense relevant here, just insofar as one's cognitions are grounded in even more fundamental and more general cognitions. So, for example, one has theoretical cognition from principles insofar as one's cognition of *what is* is grounded in cognition of other, more basic features of reality.

Given this, cognition from principles involves a grasp, not just of which properties something has (or ought to have), but also of *how these ground one another*. In other

words, cognition from principles goes beyond mere cognition (*Erkenntnis*) to encompass what Kant calls comprehension (*Begreifen*). For comprehension in Kant's sense differs from mere cognition precisely insofar as it involves a grasp of these sorts of explanatory relations. In this way, "comprehension" in Kant's sense involves the sort of cognitive achievement which contemporary epistemologists call "*understanding*".

This brings us to the second of our characterizations of reason's function – namely, the idea of reason as the faculty for comprehension – or, to put things in more contemporary jargon, reason as the faculty for understanding. Once again, it is crucial that comprehension or understanding in this sense may be either theoretical – an understanding of what is – or practical – an understanding of what ought to be. So, on this characterization, the ultimate task of reason is to achieve a *systematic understanding of both what is and what ought to be*.⁴⁴

Turning to the third of these characterizations of reason, one of Kant's deepest insights is that this second way of characterizing reason is equivalent to our third. There is a great deal to say about this connection, but again the basic idea is simple enough. On Kant's conception of autonomy, for reason to be autonomous is just for its activities to be determined only by reason's own *a priori* principles. So, for example, the activity of practical reason will be autonomous just in case this activity is an (absolute or unqualified) instance of *practical cognition from principles*. And, as just laid out, practical cognition from principles is just practical comprehension. So, to say that reason's *telos* lies in autonomy is equivalent to saying that it lies in comprehension.

In this way, it is not too difficult to see why Kant would regard these three characterizations of reason as equivalent to one another. And given this, Reason-First Constitutivism can be made more precise in either of the following ways:

Understanding-First Constitutivism: The most fundamental norms that apply to us are grounded in our nature as *rational beings* or creatures with the *capacity for (theoretical and practical) understanding*.

Autonomy-First Constitutivism: The most fundamental norms that apply to us are grounded in our nature as *rational beings* or creatures with the *capacity for autonomy*.

One of the strengths of the Kant's approach to constitutivism, and of the conception of reason which sits at its heart, is how it brings together these two characterizations of constitutivism.

This is, of course, significant for the relationship between Reason-First Constitutivism and Agency-First Constitutivism in their most Kantian forms. For the most Kantian forms of Agency-First Constitutivism conceive of agency precisely as the capacity for autonomy. As a result, in their most Kantian forms, Agency-First Constitutivism and Reason-First Constitutivism do indeed converge with one another – just as we suggested above.

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Notes

1. The association of Kant and constitutivism is due above all to the work of Korsgaard – see for example Korsgaard (1996, 2008, 2009). A close second in significance in this regard is Velleman (2000, 2009). For some of the other (Kantian and anti-Kantian) variants on the constitutivist idea, see Foot (2003), O'Neill (1989), Thomson (2008), Thompson (2008), Smith (2012,

- 2013), James (2012), Walden (2012), Katsafanas (2013), Setiya (2013), and Lavin (forthcoming).
2. I've discussed this question previously (with a contemporary focus) in Schafer (2015a, 2015b, 2018a). See also the discussion of Sensen (2013), which arrives at a somewhat similar conclusion, albeit in a different systematic context.
 3. Korsgaard herself is often read this way, although the sense in which this is true of her work is open to dispute.
 4. Compare Lindeman (2017).
 5. For modest conceptions of constitutivism's role, see Schafer (2015a, 2018a), Smith (2012, 2013), Lord and Sylvan (forthcoming).
 6. See Enoch (2006, 2011). For discussion, see Ferrero (2009), Tiffany (2012), and Silverstein (2015).
 7. See Schafer (2015a, 2015b), and compare Paakkunainen (2018). But note that the "shmagency point" might point to certain explanatory limitations of constitutivism, and these could impact the attractiveness of the view.
 8. Here I take the second *Critique* to provide Kant's canonical views on this issue. Unfortunately there's no space here to discuss the relationship between the second *Critique* and the *Groundwork*, where Kant *may* flirt with aims more like those Enoch targets.
 9. Again, this view is most closely associated with the work of Korsgaard and Velleman. For related views, see Bagnoli (2011, 2013), James (2012), Smith (2012, 2013), and Katsafanas (2013).
 10. For more discussion of this point, see Schafer (2018a; forthcoming a). Compare Walden (forthcoming).
 11. For a fuller development of this view, see Schafer (2018a; forthcoming a; forthcoming c).
 12. Kant uses a variety of terms to refer to mental capacities or faculties – including *Vermögen*, *Fähigkeit*, and *Kraft*. There is considerable debate about the exact relationship between these, but in what follows I will generally use "capacity" and "faculty" interchangeably to refer to what Kant refers to by "*Vermögen*".
 13. I discuss this further in Schafer (manuscript). For related discussion of these issues, see Ameriks (2011), Guyer (2008), Wood (1999), Grier (2005), Watkins (2018), and Willaschek (forthcoming).
 14. Thus, in some ways, Kant is here closer to Hegel's holistic picture of the *interdependence* of the elements of a system than he is to Reinhold or Fichte's emphasis on locating some absolute *first* principle.
 15. Note that this means that to say that philosophy rests on our capacity for reason is *not* to say that it rests on the mere *concept* of this capacity – which, on its own, is inadequate (for Kant) to play the role required here. (6:26)
 16. Compare Reath (2006, 2013) and Herman (1993, 2007).
 17. But see Schafer (forthcoming d).
 18. Given these limitations, I'll mostly leave the hylomorphic dimension of Kant's conception of our faculties to the side here, although this is absolutely central to the explanatory project once it is fully developed. Compare e.g. Willaschek (forthcoming). For an insightful development of these aspects of Kant in the context of contemporary epistemology, see Kern (2018).
 19. Here there are interesting connections with the contemporary literature on the "taking condition". See Boghossian (2008, 2014). Unfortunately I can't explore these connections in more detail here, but see Neta (forthcoming) a view that share some features with my reading of Kant.
 20. This is clearly true of reason's ends. Whether the ends of other rational faculties – such as the understanding – are internal to those faculties is a complicated question, since these ends do in some sense depend on reason.
 21. See: "Nevertheless, teleological judging is rightly drawn into our research into nature, at least problematically, but only in order to bring it under principles of observation and research in analogy with causality according to ends, without presuming thereby to explain it." (5:360–1, my emphasis, compare 5:375).
 22. For discussion, see (e.g.) Guyer (2008), Ginsborg (2015), and Breitenbach (2014) (amongst others). I am most sympathetic to Breitenbach's treatment of these issues, which focuses on the analogy between natural teleological systems and the teleology of practical reason.
 23. Compare the very helpful discussion in Fugate (2014).

24. See Breitenbach (2014). Here it is important to stress that there are real limits, according to Kant, to our ability to achieve anything like genuine cognition (*Erkenntnis*) of the teleological structure of our faculties. For further discussion, see Schafer (forthcoming d).
25. Thus, to be self-organizing whole something must possess a “a self-propagating formative power” – a power to bring form to itself. (5:374)
26. For discussion of this idea, see Herman (2007), Reath (2013), and especially Engstrom (2009). Compare Rödl (2018).
27. This point has its sensible manifestation in Kant’s discussion of judgments of beauty within the third *Critique* – and, in particular, in that discussion’s claim that we take pleasure in the free-play of our basic rational faculties. Such pleasure, I believe, is best understood as the sensible manifestation of the interest that any faculty must have in its own actualization or exercise.
28. Reath (2013), 577.
29. Compare Cohen (2009), Longuenesse (2017).
30. See Boyle (2009), Burge (2010), and Longuenesse (2017).
31. Compare Marshall (forthcoming).
32. As Kant stresses in the *Religion*, exactly how this sort of “hinderance” occurs is (at least in some cases) “inscrutable” for us – given that it must leave evil actions imputable to us and so traceable to our spontaneous power of choice. (6:21) Here, as in many places, we come up against the limits of our comprehension of the relationship between our sensible and intellectual faculties.
33. Compare 5:403–4.
34. In his insightful (if somewhat Sellarsian) discussion, Pollok (2017) claims that such principles are both constitutive and normative, but he does not explain this in the manner I do. As a result, he fails to recognize that this basic framework applies to the principles of logic (insofar as they are realized by a sensibly conditioned subject).
35. A294/B350-1.
36. Compare McDowell (2006), Engstrom (2009) and Kern (2018). For more, see Schafer (forthcoming d).
37. See 5:119–120.
38. Compare Ameriks (2003, 2011), Reath (2006, 2013), Sensen (2013), Pollok (2017).
39. But see Schafer (forthcoming d).
40. For more on my understanding of Kant’s conception of cognition, see Schafer (forthcoming d; forthcoming b), for other important work on this topic, see Smit (2000), Willaschek and Watkins (2017), and Tolley (manuscript).
41. See (e.g.) A633/B661.
42. See (e.g.) Bix-x.
43. Compare Engstrom (2009). Of course, the idea that practical reason is cognitive in this sense is not uncontroversial. For example, contrast Neiman (1994).
44. This focus on comprehension/understanding as the ultimate cognitive aim of reason marks one important difference between my interpretation and Engstrom’s.

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