Immanuel Kant on the Supremacy of a priori *Practical Reasoning*

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1. *Introduction*

Immanuel Kant was convinced that moral agents must follow the moral law. In his seminal works, the *Groundwork* and the *Critique of Practical Reasoning*, he advanced two fundamental claims. First, the Moral Law has absolute authority. And second, humans have the capacity to acquire *a priori* knowledge of this law. The ability to engage in *a priori* practical reasoning is a hallmark of human practical cognition. Pure practical reason can determine their will. In order to defend his central claims, Kant developed the doctrine of autonomy. In the course of their moral deliberation, agents are required to envision themselves as autonomous, that is to say, as citizens and legislators of the "kingdom of ends", or the morally perfect world.

Kant's defence of human autonomy is not without its drawbacks. It is widely acknowledged that he disregards the moral status of individuals who are either too young or too mentally deficient to be fully rational. Furthermore, he neglects to consider the moral status of non-human sentient beings and other entities that are deemed worthy of protection from harm. However, it is crucial to direct attention to another chal-

lenge that derives from Kant's theory of autonomy, namely the supremacy Kant accords to the rational and moral agents. My claim is that, in virtue of their autonomy, moral agents are endowed with supreme authority and power to determine the meaning and moral value of their actions; they exercise this authority over those affected by their actions. The latter have no input into the determination of the meaning and moral value of their actions, despite being the ones to bear the consequences. These consequences belong in the realm of contingencies and are subject to moral luck.

In order to defend the aforementioned claim, my focus will be on the role Kant attributes to maxims in the context of moral deliberation. Maxims originate as subjective principles. Moral agents are permitted to rely on such principles, provided they can be universal laws of a morally perfect world. I will argue that it is due to the role of maxims in moral deliberation that Kant attributes to autonomous agents the uncontested authority – or supremacy – to determine the meaning and moral value of their actions. My claim gives rise to two questions: What is the rationale behind the silencing of other people's voices by moral agents? Why would this be problematic for the conclusions to which the agents resort following their moral deliberations?

I will briefly explain Kant's theory of moral deliberation and the role of maxims. Then, I will argue that maxims are practical schemes. Agents, in virtue of the selection of maxims for the purpose of decision-making, will identify and conceptualise the options available to them in a particular manner. This results in a pre-determination of actions, which are then imbued with a specific meaning and moral value. Furthermore, the maxims inform agents' decision as to whom they will address their actions. For instance, an individual intending to make a promise will select a promisee, while an individual desirous of making a charitable donation will opt for a beneficent. I will

rely on Kant's famous example of an agent who feels bound by the absolute law not to lie, even at the cost of delivering his friend to his would-be murderer (2). The subsequent discussion will address the widely debated procedure for ascertaining whether a specific maxim could be considered a universal law within a morally perfect world, known as the universalizability test. Relying on Kant's example of someone who considers making a false promise, I will argue that maxims also serve as devices to attribute certain volitions to the chosen addressee. In instances where maxims do not pass the universalizability test, the agent responsible for the maxim in question will ascribe inconsistent volitions to the addressee (3). The subsequent discussion will then be based on other, non-Kantian examples for maxims, with the aim of highlighting that, in their moral deliberations, agents may deceive themselves about the moral permissibility of their actions. Kant does not request that agents pay empathic attention to the otherness of those they have chosen as the addressees of their actions; they will therefore overlook the particular vulnerabilities these others might have and the harm and wrong they will inflict on them nevertheless (4). Finally, an investigation will be conducted into Kant's *Doctrine of Virtue*, with the objective of ascertaining whether virtuous agents relinquish their supremacy in order to accommodate an empathic consideration of other individuals and their specific vulnerabilities (5).

2. *Maxims and Their Function as Practical Schemes*

Moral agents, according to Kant, should let pure practical reason determine their will. Pure practical reason is the faculty of universal principles. It is pure and thus cannot generate principles with a specific content. Examples for practical principles with a specific content are the ten commandments. According

to Christian beliefs, God legislated these commandments as universal laws with absolute authority for humans to follow. Because he was omniscient, he knew the morally good and bad, and could make laws against killing, lying and breaking promises. Since humans are not omniscient, they can cognize *a priori* only a formal law for their will to follow. Nevertheless, in their moral deliberation, they should follow the example of God and imagine themselves in the role of legislators for the morally perfect world: they should assume a state of autonomy. The foundation for their practical supremacy, namely their uncontested authority to determine the meaning and moral value of their actions, is derived from their autonomy and their legislation of a merely formal moral law.

Neither under divine legislation nor under the legislation of the ruler of a state to which they are citizens, are people autonomous[1]. They must adhere to the established legal framework. Both divine laws and the positive laws of a state have content, thereby determining the kinds of actions that are deemed permissible and impermissible. In the moral realm, things are different. It seems that Kant acknowledges the extensive authority – or supremacy – exclusive to the autonomous moral agent when he states in the *Doctrine of Virtue*:

> The greatest perfection of a human being is to do his duty *from duty* […] At first sight, this looks like a *narrow* obligation, and the principle of duty seems to prescribe with the

1. I proposed a detailed argument for this claim in C. Fricke, *Kant's moralische Begründung der Rechtspflichten und das Immanuel-Kant-Problem*, in J.-C. Merle - C. von Villiez (eds.), *Zwischen Rechten und Pflichten. Kant's Metaphysik der Sitten*, de Gruyter, Berlin 2021, pp. 263-284. Kant's works are cited as AA, according to the edition *Kant's gesammelte Schriften*, ed. by the Königlich Preußische Akademie der Wissenschaften (vols. 1-22), the Deutsche Akademie der Wissenschaften zu Berlin (vol. 23), and the Akademie der Wissenschaften zu Göttingen (vols. 24 ff.), Reimer (later de Gruyter), Berlin 1900 ff.

> precision and strictness of a law not only the *legality* but also the *morality* of every action, that is, the disposition. But in fact the law […] prescribes only the *maxim of the action*, that of seeking the basis of obligation solely in the law and not in sensible impulse […], and hence not *the action itself*. (AA 6: 392, Kant's italics)

Within the domain of moral actions defined merely by a formal and autonomously given law, there is no distinction between acting in accordance with the law (legality) and acting for the sake of the law. In the absence of moral laws with content, actions of certain kinds cannot be deemed legal. Thus, moral agents either act for the sake of the moral law, that is, from "respect" for this law, or they don't act morally at all[2]. In the latter case, they can still act legally. But agents who perform their actions for the sake of a positive law – be it a divine commandment or a law of the state of which they are citizens – do not thereby transform their actions into moral actions. They do not act autonomously, quite independently of whether they act in accordance with the law of for the sake of the law.

Kant's famous example of the shop-keeper «who does not overcharge an inexperienced customer» (AA 4: 397) is therefore misleading. Of course, one may wonder whether the shop-keeper acts «in conformity with duty» or «in accordance with duty». But Kant silently assumes that there is a moral law and thus a duty that requests shop-keepers and all other people to be honest. While this is an intuitively plausible assumption to make, there is nothing in the formal moral law that says anything about honesty. A shop-keeper who follows the law of keeping «a fixed general price for everyone» for the sake of this positive law does not thereby act autonomously (AA 4: 397).

2. Kant introduces «respect» for the moral law as the main moral incentive at AA 5: 73.

In the morally perfect world, all citizens are equally rational and bound by the same moral laws; they are all legislators of these laws; and they always act in accordance with them. In the actual world, people can violate these laws. Thus, for them, following these laws is a categorical imperative. Kant proposes different formulations of this imperative. I will first rely on the formula in which Kant requests the moral deliberator to inquire into whether the maxim of their action could become through their will a universal law of nature; it expresses the idea of autonomy or legislation for the morally perfect world most clearly:

> So act as if the maxim of your action were to become through your will a universal law of nature. (AA 4: 421)

This imperative does not tell agents to help the poor, or to welcome and take care of migrants, or to pay their taxes, or to save the environment, or to stop the wars in Ukraine and Gaza. Instead, it mentions the "maxim of an action" and the possibility to will that this maxim becomes a universal law (in the morally perfect world). Much ink has been spilled on explaining what this is supposed to mean. A central point of interest has been the notion of a maxim. Despite its central function, Kant does not explain in any detail what he thought a maxim was. But, as Patricia Kitcher has pointed out, he could rely on his contemporary readers being familiar with what Christan Wolff had said about maxims[3].

Kant defines maxims as subjective practical principles «that contain a general determination of the will» (AA 5: 19). Christine Korsgaard and Onora O'Neill have made convincing suggestions of how to make sense of the claim that rational agents rely on maxims when they deliberate about what best do under the given circumstances. They do not for this reason think

3. Cfr. P. Kitcher, *What Is a Maxim?*, in «Philosophical Topics», XXXI, n. 2-3, 2003, pp. 215-243.

about maxims, they might not even be aware of the maxims underlying their practical deliberation. Nevertheless, maxims are constitutive for their deliberation to be rational[4]. Rational, self-interested, and prudent agents do not simply act on *ad hoc* desires; nor do they let themselves be driven by instincts. They pursue their interests in accordance with their personal preferences and practical knowledge as they have acquired it in processes of practical and social learning, that is, by trying things out and by following examples and instructions. Instrumental rationality, success and prudence are their devices. They decide what to do in accordance with their short term and long-term interests and ends, and they are instrumentally rational in pursuing their ends, adjusting their actions to their social, technically designed, and natural environment. Their acquired practical competency is manifest in the way they conceptualize the circumstances at a particular moment in time and space and the options to act these circumstances provide. It is this acquired practical competency – based on instrumental and prudential reasoning informed by self-love – that Kant has in mind when he talks about maxims. Maxims are long term intentions on which people rely for attributing value to an action, the «best for me» kind of value[5]. They give rise to principles of choice applicable to the circumstances under which agents decide what to do[6]; and they have motivational

4. Cfr. Ch. Korsgaard, *Kant's Formula of Universal Law*, in Ead., *Creating the Kingdom of Ends*, Cambridge University Press, Cambridge 1996, pp. 77-105; O. O'Neill, *Consistency in Action*, in Ead., *Constructions of Reason Explorations of Kant's Practical Philosophy*, Cambridge University Press, Cambridge 2012, pp. 81-104; Ead., *Acting on Principle. An Essay on Kantian Ethics*, Cambridge University Press, Cambridge 2014[2].

5. Cfr. P. Kitcher, *What Is a Maxim?*, cit.

6. Cfr. Ch. Fricke, *Maximen*, in V. Rhoden - R.R. Terra - G.A. de Almeida - M. Ruffing (eds.), *Recht und Frieden in der Philosophie Kants. Akten des X. Internationalen Kant-Kongresses*, de Gruyter, Berlin 2008, pp. 125-135.

force, a force they derive from rational agents' desires as they originate in self-love.

The maxims that, more or less explicitly, guide an agents' deliberation on the actions to be taken in given circumstances function as practical schemes. That is to say, they serve the purpose of identifying the options available in a given situation and determining which of these options should be given preference. In analogy to concepts which function as perceptual schemes for recognizing objects in a visual manifold, maxims function as practical schemes for recognizing options to act in a perceived environment. As with the concepts of objects, maxims need to be acquired in processes of learning. The acquisition process is initiated from a bottom-up perspective whereby learners explore their environments and their own capabilities with a view to modifying these environments and identifying their options for action. It is through this process, that they acquire their maxims. Once acquired, they rely on their maxims for identifying and conceptualizing their options for action; this process occurs in a top-down manner. Their maxims determine their actions and who they address[7].

Concepts are defined as general representations of objects; the application of a concept to an object results in the representation of the object as being of a specific kind. Just as a general concept can be employed to describe objects that are relevantly similar, a maxim can be utilised to identify relevantly similar actions that are possible to perform under certain

7. In his reconstruction of Kant's account of practical deliberation in 12 steps, Jens Timmermann claims that maxims play their role from step 2 onwards. While he does not describe maxims as practical schemes, he assigns them an important function throughout the process of practical deliberation. Cfr. J. Timmermann, *Kant's Will at the Crossroads. An Essay on the Failings of Practical Rationality*, Oxford University Press, Oxford 2022, chap. 6.

circumstances. Maxims are principles which can be expressed as follows:

> Whenever the circumstances provide me with a choice between A, B, and C, I will choose C.[8]

The preference for C may also serve as a device for looking for opportunities to perform an action of the kind C. Kant mentions the example of someone whose maxim is «to increase […] [his] wealth by every safe means» (AA 5: 27). Such an agent will then walk around and watch out for safe means to increase his wealth. Whatever his circumstances, he will think about how to increase his fortune and thereby neglect other things he might do, such as socializing with friends of exercising etc.

For further explaining in what sense maxims are practical schemes, I will rely on the famous example of an agent who encounters a would-be murderer who asks whether a friend of his whom he is pursuing has taken refuge in his house (see AA 8:425). According to Kant, the agent in question has endorsed the maxim that, whenever he must choose between telling the truth and lying, he chooses to tell the truth. This maxim, equivalent to the divine commandment not to lie, could be a universal law in the morally perfect world. According to Kant, the agent who relies on this maxim and chooses not to lie thus does what is morally permissible, never mind that he thereby delivers a friend to his murderer. Kant realizes that his defence of the absolute authority of the principle not to lie even under such circumstances is counter intuitive. But, since he takes moral laws to have absolute authority, he

8. For a similar account of the form of maxims cfr. M. Timmons, *The Categorical Imperative and Universalizability*, in Ch. Horn - D. Schönecker (eds.), *Groundwork for the Metaphysics of Morals*, in cooperation with C. Mieth, de Gruyter, Berlin 2006, pp. 158-199: p. 162. The choice a maxim presents to an agent will be a choice between at least A and non-A; but it can present any larger number of alternative options just as well.

can rely on this example for illustrating what it means to attribute absolute authority to the moral laws. These laws do not allow for any exceptions, never mind the circumstances and the consequences of acting in accordance with these laws.

Jens Timmermann has recently subjected Kant's discussion of this example and the conclusion he draws in his *On a Supposed Right to Lie from Philanthropy* to an encyclopaedic inquiry, including an examination of the various attempts made by scholars to assist Kant in circumventing his counterintuitive claim. This examination has culminated in the conclusion that, from Kant's perspective, this claim is inevitable. It is evident that once the agent has decided to adhere to the maxim of veracity and elected a course of action, the ensuing outcome is unavoidable. This example does not solely exemplify the recognition of an absolute moral law and the subsequent entitlement of moral agents to disregard all negative consequences of their actions as contingent and beyond their control. It also illustrates how an agent uses a maxim as a practical scheme, namely for constructing the options available under given circumstances, for choosing one of these options, and for choosing the person to be addressed.

In the renowned example, the agent who hosts his friend and discloses this information to the would-be murderer has endorsed the maxim not to lie and thereby reduced his options to act to merely two, namely, to tell the truth or to lie to the would-be murderer. Relying on this maxim, he crafts his circumstances as a case «where he cannot evade an answer of "yes" or "no"» (AA 8: 426). His maxim forces him to opt for veracity. Consequently, the agent chooses to address the would-be murderer, disclosing the truth to him. This shows a lack of consideration for the friend staying with him. Could he not just as well have chosen this friend as the one to be addressed? It is evident that there are numerous perspectives from which these circumstances can be viewed and a multi-

tude of options and addressees that the agent can choose between. There is nothing pre-given that compels the agent to zoom into his being asked by the would-be murderer whether he hosts his friend. The agent could just as well have endorsed his role as a host who is committed to «entertain his guests with agreeable things» (AA 5: 213) and recognizes that he has a duty to protect them from evil, at least while they stay with him. His maxim could have been expressed as follows: In the event of being designated as a host and being required to select between the protection of guests and the potential exposure of them to peril, the preference is for the protection of guests. The content of this maxim is as morally relevant as the content of the maxim not to tell any lies. There is no obligation for the agent to prioritise his role as the individual to whom the would-be murderer addresses his question; he could just as easily have constructed the circumstances differently, envisioning himself in the role of a host whose responsibility is to safeguard his guests.

Kant's analysis does not extend to questioning the manner in which the agent in this example employs a maxim to construct the available options, to guide his choice of one of these options, and to select the person to address[9]. Neither does he call the agent's authority to determine which of his maxims to rely on under the given circumstances into question. His guest and friend, had the agent consulted him, would have pointed out that there were alternative ways of constructing his op-

9. In the examples Kant provides for explaining how moral agents make use of maxims, there are not only examples where the agents address other people, the people they talk to and to whom they make promises. There are also maxims in which an individual agent addresses her- or himself; questions in these cases are: may I commit suicide? Or may I neglect developing my talents? (See AA 4: 422, 429 and 423, 430.) In these cases, there is no choice of an addressee; the agent can only direct the question at her- or himself.

tions in a rational and morally permissible way and that it was within his power to prioritize to safe him from his murderer. In Kant's account of what he should do, all things considered, this friend does not have a voice; for the agent, the friend's fate is not of any particular concern. He exercises his supreme authority as a legislator in the morally perfect world to determine the meaning and moral value of his action, thereby silencing all those who rely on their moral intuitions to question the agent's choice of a maxim and choice of an action with the foreseeable consequences.

Kant had anticipated such objections and defended his view by pointing out that there was nothing to guarantee that the agent, by deceiving the would-be murderer, would have saved his friend[10]. In a contingent world, the agents' control of the consequences of their actions is limited. The moral permissibility of action cannot be contingent upon its outcomes. However, if a different maxim had been selected, the agent could have been on the morally safe side just as well, at least under the assumption of his maxim being universalizable. In that case, he would have done what was morally permissible irrespective of whether he had succeeded in saving his friend. However, the probability of successfully rescuing the friend would have been considerably higher.

3. *Testing a Maxim for its Universalizability*

Prior to agents' relying on a particular maxim to construct the options available to them in their particular circumstances, said maxim must be submitted to what is termed the universalizability test. They must ask: Can their will be guided by

10. See AA 8: 426-7.

this maxim while this maxim at the same time is a universal law in a morally perfect world without constituting any kind of inconsistency? In order to answer this question, it is helpful to consider two slightly different formulae of the categorical imperative:

> So act as if the maxim of your action were to become through your will a universal law of nature. (AA IV: 421)

> So act that the maxim of your will could always hold at the same time as a principle in a giving of universal law. (AA V: 30)

Scholars have proposed numerous recommendations regarding the reconstruction of the procedure that moral deliberators must undertake in order to ascertain whether a specific maxim could be considered a universal law within a morally perfect world. According to Kant, if the maxim to be tested could not be such a universal law, the procedure would result in some kind of inconsistency[11].

11. For some influential contributions to this debate, cfr. Ch. Korsgaard, *Kant's Formula of Universal Law*, cit.; H.E. Allison, *Kant's Groundwork for the Metaphysics of Morals. A Commentary*, Oxford University Press, Oxford 2011; O. O'Neill, *Consistency in Action*, cit.; Ead., *Acting on Principle*, cit.; O. Sensen, *Universalizing as a Moral Demand*, in «Estudos Kantianos», II, 2014, pp. 169-184; S. Nyholm, *Kant's Universal Law Formula Revisited*, in «Metaphilosophy», XLVI, 2015, pp. 280-299; M. Timmons, *The Categorical Imperative and Universalizability*, cit.; J. Timmermann, *Kant's Groundwork of the Metaphysics of Morals. A Commentary*, Cambridge University Press, Cambridge 2007; Id., *Acting from Duty: Inclination, Reason and Moral Worth*, in Id. (a cura di), *Kant's Groundwork of the Metaphysics of Morals. A Critical Guide,* Cambridge University Press, Cambridge 2010, pp. 45-62; Id., *A Tale of Two Conflicts: On Pauline Kleingeld's New Reading of the Formula of Universal Law*, in «Kant-Studien», CIX, n. 4, 2018, pp. 581-596; Id., *Kant's Will at the Crossroads*, cit.; P. Kleingeld, *Contradiction and Kant's Formula of Universal Law*, in «Kant-Studien», CVIII, n. 1, 2017, pp. 89-115; Ead., *A Defense and Development of the Volitional Self-Contradiction Interpretation*, in «Philosophia», LI, 2023, pp. 505-524; the discussion of Kleingeld's view in the special issue of «Philosophia»: M. Timmons,

To test a maxim for its universality, one should remember that Kant wants a piece of *a priori* knowledge to be the outcome of moral deliberation. This excludes relying on any kind of moral intuition or empirical knowledge. The agent may draw only on the maxim to be tested, analytic and deductive inferences from it and tests for logical consistency. The deliberator must also consider the multitude of citizens inhabiting the morally perfect world. By assumption, all rational agents are citizens and autonomous legislators of this world, all of them equals, bound by the same principles of *a priori* reasoning, with equal dignity and moral value. They always act in accordance with the moral laws that govern this world since violating these laws is not possible for its citizens. In the morally perfect world, the authority of the moral laws is absolute, like the authority of natural laws.

The majority of scholars who have proposed reconstructions of the procedure for testing maxims for their universalizability have focused on the will of the moral deliberator. The question they pose is as follows: In what ways might the moral deliberators encounter a contradiction when imagining their maxim as a universal law in an ideal, morally perfect world? Here, I want to suggest that this procedure be examined from the perspective of the addressee of an agent's action, one of the other citizens to the morally perfect world. The underlying idea is that a maxim, in its multifaceted role, may function as a device for attributing specific volitions to the person addressed by an agent's actions.

Making Sense of Kant's Formula of Universal Law. On Kleingeld's Volitional Self-Contradiction Interpretation, pp. 463-475; P. Romero, *From Volitional Self-Contradiction to Moral Deliberation: Between Kleingeld and Timmons' Interpretations of Kant's Formula of Universal Law*, pp. 477-481; M. Walschots, *The Volitional Self-Contradiction Interpretation of Kant's Formula of Universal Law: A Response to Kleingeld*, pp. 483-497; S. Lo Re, *All Bad Things Come in Threes? On FUL and its Contradictions – Comments on Walschots' Response to Kleingeld*, pp. 499-504.

Before acting according to a maxim, a moral deliberator imagines what would happen if it became a law in the morally perfect world, where all citizens know the laws, including the maxim to be tested. Kant rejects any exceptions to the law forbidding lying, as suggested by the title of the famous text *On the Supposed Right to Lie from Philanthropy*. He defends this view claiming that with a false statement…

> […] I […] do wrong in the most essential part of duty in general […] that is, I bring it about, as far as I can, that statements (declarations) in general are not believed, and so too that all rights, which are based on contracts come to nothing and lose their force; and this is a wrong inflicted upon humanity generally. (AA 8: 426)

In this text Kant discusses the absolute duty never to lie in a framework of a theory of rights. But he uses a similar argument in the *Groundwork*, that is, in his moral theory. There, he does not talk about lying in general, nor about signing a contract, but about making a false promise:

> Another finds himself urged by need to borrow money. He well knows that he will not be able to repay it but sees also that nothing will be lent him unless he promises firmly to repay it within a determinate time.
>
> […] his maxim of action would go as follows: when I believe myself to be in need of money, I shall borrow money and promise to repay it, even though I know this will never happen […]. (AA 4: 422)

For testing whether this maxim could be a law in the morally perfect world, this agent must ask:

> How would it be if my maxim became a universal law? (AA 4: 422)

And he would conclude that this maxim

> Could never hold as a universal law of nature and be consistent with itself, but must necessarily contradict itself. (AA 4: 422)

And the reason is that this maxim, as a universal law,

> Would make the promise and the end one might have in it itself impossible, since no one would believe what was promised him but would laugh at all such expressions as vain pretenses. (AA 4: 422)[12]

If everyone knew this maxim was a universal law, no one would lend money to someone who made a false promise, because they'd know they'd never get their money back. So, agents who make false promises and desire success, and seek the implementation of their maxim as a universal law would compromise the conditions necessary for their success. The contradiction between the aspiration to achieve success and the concomitant desire for a circumstance that renders such success unattainable should serve as a deterrent to reliance on false promises[13].

This example of moral deliberation about the universalizability of a maxim shows how deliberators can attribute certain volitions to those they address with their actions. Someone considering making a promise hypothetically attributes the role of the promisee to another. This person, by virtue of accepting this role, expects the promiser to act as promised. But if the promiser has made a false promise, assuming there is a universally known law that allows people to do that, then the promisee expects the promiser not to act as promised. The promisee would be in a position to both expect and not ex-

12. Kant mentions a similar example in AA 4: 403. He returns to the topic of lying in the *Doctrine of Virtue*; see AA 6: 429-31.

13. A claim held by many scholars is that the attempt at universalizing a non-moral maxim violates the principle of means-ends rationality. Cfr. for example, Ch. Korsgaard, *Kant's Formula of Universal Law*, cit.; M. Timmons, *The Categorical Imperative and Universalizability,* cit.; O. O'Neill, *Consistency in Action*, cit.; P. Kleingeld, *Contradiction and Kant's Formula of Universal Law*, cit.; J. Timmermann, *A Tale of Two Conflicts*, cit.; Id., *Kant's Will at the Crossroads*, cit.

pect the promiser to keep their promise. These expectations would be inconsistent.

Consequently, it is not solely the deliberator who encounters inconsistencies in his volitions when he imagines acting on a maxim that does not pass the universalizability test. This dynamic is equally applicable to the individual to whom the action is directed. In the given context, the circumstances under which the action is chosen, and the specific features of the individual to whom it is addressed, are of negligible importance. The identity of the promisee, be this person a would-be murderer, a guest, a host, or an uninvolved bystander, is of no consequence. The actual volitions of the addressee are not relevant in this case. The process of evaluating a maxim for its universalizability is, despite the inclusion of an addressee and their volitions, inherently solipsistic in nature.

4. *Maxims to Help and Actions that Harm*

In the name of their autonomy, moral agents request the authority to define the meaning and moral value of their actions and to ascribe certain beliefs and volitions to others – without relying on anything but their maxim and *a priori* reasoning. This is what I mean when I attribute rational supremacy to the rational and moral agents as Kant wants them to deliberate about what to do. They assume this supremacy in the framework of a thought experiment. The question is why this would be a problem. Why is it not sufficient to respect others as rational agents and co-legislators in a morally perfect world? Why should agents pay attention to the otherness of others instead of merely respecting them as equally rational agents? My claim is that differences between people can be and often are morally relevant. People differ in their vulnerabilities, in-

cluding their vulnerabilities to disrespect and discrimination. Agents who engage in a thought experiment and submit the maxim on which they want to rely to the universalizability test are not required to pay empathic attention to the ones they address. Nor do they have to anticipate the consequences of their actions for other people. They do not have to care about others' vulnerabilities.

But would it not be better to respect other rational agents as co-legislators in the morally perfect world than denying them this status? It certainly would. But this respect is morally insufficient. Agents can be affected by others' actions, and being respected as co-legislators does not protect them from moral injury. Examples are abundant, even in academia, which is dominated by white men.

A middle-aged male professor enters a meeting room to find several colleagues waiting, including a young woman. He asks her to check the coffee order, assuming she's there as a secretary. This is based on the idea that secretaries are responsible for administrative tasks. Could this not be a universal law? People have different jobs and oversee different tasks. It's not wrong to ask a secretary about the coffee, but the choice of who to ask can be based on prejudice. For example, younger women, among other academics, are more likely to be secretaries than staff. Similar cases of thoughtless discrimination come to mind; people of colour are often taken to be cleaners. A look expressing astonishment can be humiliating; there's no need to say "Oh, I thought you were the secretary" or "Oh, I thought you came here for cleaning".

Investigating others' moral vulnerabilities in a process of practical and moral deliberation necessitates the abandonment of *a priori* reasoning. This step involves relinquishing one's rational supremacy and allowing the addressee and others prospectively affected by the action to have a say in the determination of

the meaning and moral value of the action to be performed. But how can agents access information about others' vulnerabilities? People often keep these hidden to protect themselves, making such access a major challenge. But agents can share their plans and encourage others to speak up and listen to them. And after having inflicted harm and wrong on others, they can acknowledge their mistakes and aim at more thoughtfulness in the future.

It is a fallacy to assume that all real people are similar to each other. While they are human, there are numerous natural and socially constructed differences between them. Kant does not raise the question of what equal respect for others signifies in a world in which people are different from each other. Within the confines of an idealised, morally perfect world, these disparities are rendered inconsequential, if they are even present at all. However, this does not transform the ideal world into a framework for understanding the challenges that arise from the demand of paying equal respect to all people.

5. *Virtuous Agents and how They Promote the Happiness of Other People*

My comments on Kant's account of *a priori* practical reasoning and the rational supremacy he attributes to the moral agent may sound uncharitable. But the absence of a request of empathic attention to the otherness of the others persists when we turn from the moral agents and their *a priori* reasoning to the virtuous agents. These agents' duties are the topic of Kant's *Doctrine of Virtue* in the second part of the *Metaphysics of Morals*.

First and foremost, virtuous agents are citizens of a state. The primary obligation of citizens is to adhere to the established

laws of the state. However, it is imperative to recognise the concomitant obligation to act virtuously. As agents under the imperfect duty of virtue, citizens should promote their own «perfection» and the «happiness of others» (AA VI: 386). The decision regarding the allocation of benevolence is at the discretion of the donor. How should the donors proceed to promote the happiness of the lucky recipients of their benevolence? The following is Kant's response:

> It is for them to decide what they count as belonging to their happiness; but it is open to me to refuse them many things that *they* think will make them happy but that I do not, as long as they have no right to demand them from me as what is theirs. (AA 6: 388)

Kant then mentions ends we commonly pursue, such structural as «prosperity, strength, health, and well-being». While there is no duty to pursue these ends for their own sake, they are means that help every human to resist to the «temptation to violate one's duty» as it originates in «adversity, pain, and want» (AA 6: 388). Thus, when people advocate their prosperity, strength, health and well-being, they are not merely advocating their happiness but, albeit indirectly, their moral perfection. This raises the question of whether virtuous agents should promote the prosperity, strength, health and well-being of others. While Kant does not articulate this explicitly, it makes sense to draw this conclusion.

How patriarchal may one be when promoting others' happiness? Helping them to increase their wealth may be welcome, but less so if that means that they are encouraged to aim at long-term financial security rather than their immediate pleasure. Promoting others' health, strength and well-being may take the shape of encouraging healthy eating, not drinking alcohol, regular exercise, and promoting their talents. Those in need of this kind of encouragement may not be grateful. Kant mentions the «bitter merit» that awaits a virtuous pro-

moter of others' happiness «when they fail to recognize it as such» (AA 6: 391).

Agents who choose to promote others' wealth are at liberty to decide how much of their own wealth they want to give away:

> […] it is impossible to assign determinate limits to the extent of […] [their] sacrifice. How far it should extend depends, in large part, on what each person's true needs are in view of his sensibilities, and it must be left to each to decide this for himself. (AA 6: 393)

This vagueness allows for different decisions about what a beneficiary truly needs. Mr. John Dashwood and his wife from Jane Austen's *Sense and Sensibility* provide an example. They discuss how Mr. Dashwood should support his widowed sister and her three daughters, as he had promised to do to his father on his deathbed. The question is how to fulfil this promise. Under his wife's influence, Mr. Dashwood reduces an initial plan to support them with £4,000 to the offer to help them find a small house, move there, and send them «presents of fish and game, and so forth, whenever they are in season». It would be uncharitable to assume that Kant would have approved of Mrs. John Dashwood's manner; but what he says about what virtuous agents should do for others in need leaves room for an attitude like hers. She may have felt perfectly virtuous every time she sent a fish to her sister-in-law and her family[14].

Unlike the moral agents, the virtuous agents must pay attention to the actual needs of those whose happiness they want to promote. Also, they must anticipate the consequences of their actions. Kant makes explicit that agents, in their attempts to promote the happiness of others, must recognize every other's «legitimate claim to respect from his fellow human be-

14. Cfr. J. Austen, *Sense and Sensibility*, with an Essay by C.S. Lewis, Running Press, Philadelphia-London 1996, p. 15.

ings» (AA VI: 462). Accordingly, «to be *contemptuous* of others […], that is, to deny them the respect owed to human beings in general, is in every sense contrary to duty; for they are human beings» (AA VI: 463, Kant's italics).

What does it mean to respect another as a human being? And what kind of action would show a lack of respect? An agent who does something to another agent without showing the respect due to this agent humiliates the latter. But how can agents humiliate others if they treat them with the respect due to them as human beings?

Agents may accidentally humiliate someone they are trying to help. But, according to Kant, they cannot be blamed for this. Just as moral agents, virtuous agents have the monopoly to determine the meaning of their actions; they are also equally free to attribute beliefs and volition to others without asking how they feel. Here, I will use a Kantian example about charitable donations to illustrate this point[15].

Charitable donations should be made in accordance with the requirements of respect, that is, without humiliating the recipient of the donation. Kant was aware of the possibility that the recipient of a charitable donation might feel humiliated by the donor's awareness of his neediness:

> […] we shall acknowledge that we are under obligation to help someone poor; but since the favour we do implies that his well-being depends on our generosity, and this humbles him, it is our duty to behave as if our help is either merely what is due to him or but a slight service of love, and to spare him humiliation and maintain his respect for himself. (AA 6: 448-449)

15. I have already discussed this example of Kant's in an earlier paper: C. Fricke, *Kant's Apparent Moral Universalism and the Challenge of Persistent Structural Racism*, in «Rivista di estetica», LXXXVII, n. 7, 2024, pp. 28-49.

As Kant points out, virtuous agents should perform their duty in such a way that others do not thereby feel humiliated.

Now, a charitable donor might choose a recipient of his donation who is not in need. Kant mentions the possibility of this kind of error. However, according to Kant, the moral challenge arising from such an error is not on the side of the donor, but rather on the side of the recipient of the donation. He claims that morality requires us not «to accept favors […] [we] could do without; and […] not be a parasite or a flatterer or […] a beggar» (AA 6: 436).

The erroneous donor is not to blame. He meant well. He was assuming that poor people welcome charitable donations, if they are made respectfully.

However, Kant does not account for the possibility that the chosen recipient of the charitable donation may experience feelings of humiliation nevertheless, stemming neither from the agent's overt display of his wealth nor from his disdain of the recipient's reliance on his benevolence. Not withstanding the agent's efforts to circumvent such a scenario, the recipient may experience a sense of humiliation at the hands of the agent. It is possible that the recipient may recognise that the agent's selection was influenced by preconceived and discriminative notions regarding individuals of their kind.

The donors may be wealthy and white, and the chosen recipients equally wealthy – and of colour. The recipients may think the donors chose them because of a prejudice that people of colour are inevitably at the bottom of the socio-economic hierarchy. Indeed, they may be right. But if they confront the donors and accuse them of "structural racism", the donors will respond that they had no intention of humiliating them. On the contrary, they would have pointed out that they recognised them as rational agents. Such a response reveals a

lack of sensitivity towards the recipients' vulnerability to racist discrimination.

In such an encounter between white, charitable and respectful donors and wealthy recipients of colour who feel humiliated and suspect racial discrimination, the question is who is right and who is wrong. I asked several colleagues and friends what their opinions were. Many sided with Kant, claiming the donors were not blameworthy, that they meant well, and that the recipients had no reason to feel humiliated. They granted the agent the monopoly to determine the meaning and moral value of his action; the others, the recipients, did not have a say. This attitude assumes equality and expresses the belief that an agent's charitable donation to a needy person is a morally innocent expression of recognition of that person as an equal citizen and legislator in a morally perfect world. It is an act of virtue since it is meant to contribute to the others' happiness. Someone in need always welcomes a donation. If the beneficiary is not in need, they will refuse to accept it. The maxim to donate to someone in need stands the universalizability test. However, this line of thinking does not consider that the choice of the beneficiary may express a prejudicial insult or that the recipient may feel humiliated. To consider this, the agent must give up his rational supremacy, listen to the recipient's complaints and recognise his own prejudices. Recognising others as equals cannot and should not be an excuse for overlooking their particular vulnerabilities.

In the pursuit of moral rectitude, we should avoid what I call rational – or Kantian – "supremacy". We should not assume the monopoly to determine the meaning and moral value of our actions; we should pay empathic attention to the vulnerability of those affected by our actions and let them have a say. Engaging in a thought experiment and respecting others as equally rational agents and co-legislators of a morally perfect

world is not enough. The challenge of equal respect reveals itself when we pay attention to the actual differences between people and their different vulnerabilities. We should be aware of the need to develop our sensitivity to others' vulnerabilities. After all, we are not only equals – equally rational agents with equal dignity (whatever that may mean) – we are also different from each other. These differences shape our different vulnerabilities. Morally competent agents should be sensitive to these vulnerabilities. Otherwise, they cannot avoid humiliating others. Kantian supremacy is dangerous. Doing good and meaning well are not the same. Requesting the monopoly to determine the meaning and moral value of our actions denies those affected a say in the matter.

Kantian supremacy is built into Kant's moral project, namely the project to secure the absolute authority of the moral law and the possibility of infallible moral knowledge for humans. It is equally built into his account of virtuous agency since he allows the virtuous agent to set the standards for right action in an idiosyncratic way. If we request moral agents to pay empathic attention to the vulnerabilities of those affected by their actions, we must give up the Kantian moral project. We must give up Kantian supremacy and listen to those affected by our actions. We must give up the monopoly to determine the meaning and moral value of our actions and to tell those affected by them what they should think, will and feel in response. We still have a long way to go, but it is worth it.

6. *Conclusion*

As I have argued, Kant's doctrine of autonomy, his account of moral deliberation and the role he attributes to maxims imply that he attributes to moral agents the absolute authority or ra-

tional supremacy to determine the meaning and moral value of their actions. Moral agents, in their deliberation, attribute certain interests and expectations to the people they address. Due to the constraints imposed on their deliberation, they must derive these interests from mere assumptions, namely that they are rational, and that they are the chosen addressees of the action. These addressees' further interests and vulnerabilities are irrelevant. However, people's interests and vulnerabilities are not all the same. Even if we assume that rational agents share an interest in not being harmed or wronged, what they experience as a harm or a wrong may not be the same for all. People are not all similar. There are both natural and cultural differences between them, many of which are socially constructed. While they are human and share vulnerabilities connected to human nature, their further vulnerabilities differ with who they are and the circumstances under which they live. Kant's autonomous moral agents cannot always avoid harming and wronging other people. Their autonomy and authority restrict the empathic attention they might otherwise have for other people's concerns and vulnerabilities.

However, Kant does not request that moral agents pay empathic attention to the particular vulnerabilities of others. Neither does he task virtuous agents with this responsibility. Moral agents are requested to do their moral duty, namely to submit their will to the moral law. Kant does not disregard the fact that moral agents, in the course of their practical deliberation, address others. However, it is important to note that the respect owed by agents to these others does not extend to the right not to be subjected to unnecessary harm. It is a respect of their autonomy and of their being co-legislators in the morally ideal world.

This sounds negative. Why should we care? Alasdair MacIntyre is right to say that, today, ethics is largely defined in Kantian

terms[16]. I would add that many of us trust to be moral agents and to understand what morality requires of us. Like Kant's moral agents, we request the authority to determine the meaning and moral value of our actions. We mean well when we do something and deny others the right to question the goodness of the resulting actions. We assume an attitude I suggest to label "Kantian supremacy". But we should remember that our moral supremacy does not protect us from harming and wronging others.

16. A. MacIntyre, *A Short History of Ethics*, Macmillan, New York 1967, p. 190.