

# The Form of Practical Knowledge and Implicit Cognition: A Critique of Kantian Constitutivism

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**Abstract:** Moral realism faces two worries: How can we have knowledge of moral norms if they are independent of us, and why should we care about them if they are independent of rational activities they govern? Kantian constitutivism tackles both worries simultaneously by claiming that practical norms are constitutive principles of practical reason. In particular, on Stephen Engstrom's account, willing involves making a practical judgment. To will well, and thus to have practical knowledge (i.e., knowledge of what is good), the content of one's will needs to conform to the formal presuppositions of practical knowledge. Practical norms are thus constitutive of practical knowledge. However, I will argue that the universality principles from which Engstrom derives the formal presuppositions of practical knowledge are reflectively and psychologically unavailable. As a result, they cannot help Kantian constitutivism provide an answer to moral realism's worries.

**Keywords:** Engstrom; Kant; universality; constitutivism; practical knowledge; cognition; will; normative problem; reason; epistemological problem

## 1. Introduction

Moral realism faces two important worries: (1) How can we have knowledge of moral norms if they are independent of us? (Let's call this the *epistemological problem*); and (2) Why should we care about moral norms if they are independent of rational activities they are said to govern? (We can call this the *normativity problem*.)<sup>1</sup> Kantian constitutivism, while endorsing the objectivity of moral norms, seeks to solve both worries at the same time by claiming that practical norms are constitutive principles of practical reason.<sup>2</sup> According to Kantian constitutivism, the nature of rationality is such that a rational person, insofar as he is rational, cares about moral reasons. Moreover, moral norms are principles of rea-

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<sup>1</sup>See Christine M. Korsgaard, *The Sources of Normativity*, ed. Onora O'Neill (Cambridge: Cambridge University Press, 1996), pp. 21-49.

<sup>2</sup>For a defense of Kantian constitutivism, see Christine M. Korsgaard, *Self-Constitution: Agency, Identity, and Integrity* (Oxford: Oxford University Press, 2009). See also the discussion of challenges that Korsgaard's account faces in R. Jay Wallace, "Constructivism About Normativity: Some Pitfalls," in James Lenman and Yonatan Shemmer (eds.), *Constructivism in Practical Philosophy* (Oxford: Oxford University Press, 2012), pp. 18-40.

son of which a rational person has a priori knowledge in virtue of the nature of reason. As a result, a person who acts morally is a rational person guided by constitutive principles of reason.

Stephen Engstrom has developed an elaborate account of how Kantian constitutivism is supposed to work.<sup>3</sup> Following Kant, Engstrom holds that

[r]eason, as Kant characterizes it, is “the faculty of principles,” or our capacity for “knowledge from principles” ... Since the principles spoken of here are so called because they are primary in reason’s cognition, knowledge from such principles is a priori knowledge. ... It is by reason, then, that a cognizing subject is able to reach judgments about particular matters from the universal principles on which it relies in its cognitive activity.” (35)<sup>4</sup>

The principles Engstrom is interested in are constitutive principles of the will. To will involves making a practical judgment. To will well, and thus to have practical knowledge (i.e., knowledge of what is good), one’s practical judgment must be valid. However, once we understand the nature of validity in practical judgments, we will learn that the validity of practical judgment is constitutively dependent on the implicit recognition by the subject that the judgment conforms to subjective and objective universality requirements. The form of the will, that is, the formal presupposition of practical judgment (which is roughly Kant’s Categorical Imperative), can be derived from the universality requirements. A valid practical judgment, which amounts to practical knowledge, must conform to the form of the will.

However, I will argue that it is wrong to think that the validity of practical judgments involves the recognition of the universality requirements. The recognition of the universality requirements is not constitutive of the validity of practical judgments. It does not seem plausible, I will argue, to think that a rational person with moral knowledge has an understanding of the universality principles. I will also raise some worries regarding the truth of the universality principles. But even if those principles are true, they do not necessarily play a justificatory role in the practical judgments of a rational person. Therefore, Engstrom’s project cannot vindicate that “it is by reason ... that a cognizing subject is able to reach judgments about particular matters from the universal principles on which it relies in its cognitive activity.” In other words, Kantian constitutivism, at least in the way that Engstrom understands it, cannot provide a solution for the epistemological and normative problems. I conjecture

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<sup>3</sup>Stephen Engstrom, *The Form of Practical Knowledge: A Study of the Categorical Imperative* (Cambridge, Mass.: Harvard University Press, 2009). Unless otherwise specified, all page numbers in the text refer to this book.

<sup>4</sup>See Immanuel Kant, *Critique of Pure Reason* [1787] (Cambridge: Cambridge University Press, 1999), A299-300/B356-357; see also *Groundwork of the Metaphysics of Morals* [1785], ed. Mary Gregor (Cambridge: Cambridge University Press, 1998), 4:412.

that the objections I will develop in this paper would equally apply to any form of Kantian constitutivism that makes use of the universality principles to solve the epistemological and normative problems.

In section 2, I will outline Engstrom's account of Kantian constitutivism. In section 3, I will argue that while Engstrom is right that a valid judgment should not be arbitrary, the nonarbitrariness of a judgment does not require even an implicit recognition of subjective universality. In section 4, I will argue that Engstrom provides us with no reason to think that moral judgments display some degree of objective universality. But even if they do, it is just wrong to hold that an implicit awareness of universality is constitutive of the validity of practical judgments.

## 2. The Form of the Will

According to Engstrom, in choosing an action, one exercises the will or the capacity for practical knowledge. To will an action is to exercise the capacity for practical knowledge through making a practical judgment that the action is good. One wills well when one's practical judgment is valid and so it amounts to a piece of practical knowledge. On Engstrom's view, any practical judgment, regardless of its content, involves a certain formal presupposition that can be called the form of the will. A practical judgment is valid only if the content of the will conforms to its form. Conformity to the form thus has a normative status in the sense that the will, to be properly exercised, must conform to its form. In Engstrom's words:

It is *constitutive* of judging in general that it is *determinable—regulated—*by the form *constitutive* of its own validity ... if reason can be practical at all, if there can be any such thing as practical knowledge, knowledge of the good, then it must be possible to exercise the will in such a way that its content agrees with its form. (132)

We might wonder, however, what the content of the form of the will—that is, the formal presupposition of a practical judgment—is. Engstrom characterizes the content of the form of the will in the following way:

[A] particular practical judgment contains in its self-consciousness an understanding of itself as in accordance with the form of such knowledge, understanding lying in the presupposition that *it is possible for every subject with the capacity for practical knowledge to share (not only in abstracto but also in use) the practical judgment that every such subject is to act as determined in the particular judgment when in the conditions on which it is based.* (125-26)

But why does any practical judgment involve such a presupposition? Engstrom holds that the formal presupposition of practical judgments can be derived from three principles: *Subjective Universality*, *Objective Uni-*

versality, and *Subject-Object Identity in Practical Knowledge*. I will shortly show how he derives the form of the will from these three principles. But let me first explain briefly the principles.

According to Engstrom, a valid judgment involves an “understanding that all judgments, so far as they are proper exercisings of the capacity to know, are cognitions and hence in necessary agreement” (111). However, we have two types of agreement that reflect two aspects of universality. *Subjective universality* is about agreement between judgments made by different subjects. Given that all cognizing subjects share the same capacity to know, they have an awareness that all subjects would agree in their judgments provided that they exercise their capacity properly (115). On Engstrom’s view, subjective universality “belongs to cognition’s consciousness of the identity of the capacity to know, by which all cognizing subjects share a capacity to communicate uniting them as members in a community of knowers” (ibid.). We can state the *Principle of Subjective Universality* in the following way:

*Principle of Subjective Universality:* One’s judgment that P counts as valid only if one implicitly recognizes that all subjects with the capacity to know would agree on P, where they are in the same circumstance as one is, and exercise their capacity properly.

*Objective universality*, on the other hand, concerns agreement and coherence among a subject’s judgments about different objects. “A judgment has objective universal validity if ... the act of predication in which it properly speaking consists, is valid for *all objects falling under the concept*—just if its validity has universality in respect of those objects” (116). To elucidate the notion of objective universality, Engstrom provides this example: “The judgment that the water in the pond is frozen, for example, in relying on the concept water, implicitly involves the universal judgment that *any* bit of water, when in the conditions of the water in the pond, must be frozen” (ibid.). We can state the *Principle of Objective Universality* as follows:

*Principle of Objective Universality:* One’s judgment that *aG* counts as valid only if one implicitly recognizes that for all *x* if *x* falls under the same concept as *a* does, then *xG*, where *x* is in the same condition as *a* is.

Subjective and objective universality are constitutive of the validity of all practical and theoretical judgments, whereas *Subject-Object Identity in Practical Knowledge* is a constitutive condition of the validity of only practical judgments. On Kant’s view, theoretical knowledge is knowledge of *what is*, and practical knowledge is knowledge of *what ought to be*

(knowledge of good). While in theoretical knowledge the object of knowledge is “given from elsewhere” and “knowledge depends for its actuality on the actuality of its object,” in practical knowledge the actuality of “the object depends on actuality of the knowledge” (119).<sup>5</sup> According to Engstrom, not only does practical knowledge work to make actual the object it determines, “such efficacy is essentially self-conscious ... Knowledge that is practical, or self-consciously efficacious, not only has causality in respect of some effect, but has this causality only through its understanding itself to have it” (120). As a result, Engstrom holds that “practical knowledge distinguishes itself from theoretical in that its determination of its *object*—the good—must also be the practical determination of the judging *subject*. It reveals, that is to say, that the subject of practical knowledge is necessarily the same as the object this cognition determines” (ibid.). To understand this, consider this example: the object of my practical knowledge that I should return the book I have borrowed is myself returning the book, and the content of the judgment is something like my returning the book is good. So let’s state the *Principle of Subject-Object Identity* as follows:

*Principle of Subject-Object Identity:* In a practical judgment, the object of the judgment is the determination of the judging subject. In other words, in willing  $\phi$ , which involves making a practical judgment that to  $\phi$  is good, my practical judgment is that the practical subject’s  $\phi$ -ing is good.

Now we are in a position to see how the form of the will is derived from the principles: Suppose I make a practical judgment according to which I deem  $\phi$ -ing good. According to the Principle of Subject-Object Identity, my practical judgment is that the practical subject’s  $\phi$ -ing is good. According to the Principle of Objective Universality, the judgment that the practical subject’s  $\phi$ -ing is good counts as valid only if I implicitly recognize that for all  $x$  if  $x$  is a practical subject, then  $x$ ’s  $\phi$ -ing is good (where  $x$  is in the same condition as I am). Therefore, my judgment that my  $\phi$ -ing is good counts as valid only if I recognize that all practical subjects’  $\phi$ -ing is good (when they are in the same condition as I am). But, according to the Principle of Subjective Universality, those judgments are valid only if I recognize that all subjects with the capacity to know would share them in similar circumstances. Therefore, my judgment that my  $\phi$ -ing is good is valid only if I recognize implicitly that everybody (with the capacity for practical knowledge) would agree that everybody’s  $\phi$ -ing is good, when everybody is in the same condition as I am. And so is the formal presupposition of practical judgments derived from the principles.

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<sup>5</sup>See also Kant, *Critique of Pure Reason*, B10.

### 3. Subjective Universality

It is plausible to think that those who share the capacity for practical knowledge would share the same practical judgments when they are in the same circumstances. However, it is not right, I will argue, to think that one, to be able to be justified and thus have knowledge, needs to be able to represent this fact. This requires one to have concepts of other minds, agreement, the capacity for practical knowledge, and so on. Engstrom acknowledges that this recognition is not explicit. Rather, he thinks that all subjects with the capacity for practical knowledge have an implicit recognition of this fact.<sup>6</sup> However, I argue that to have knowledge one does not need to have even an implicit cognition of that fact.

The example of perceptual knowledge shows that subjective universality cannot be a necessary condition for knowledge in general. Following Kant, P.F. Strawson seems to think that the subject needs to be able to make a distinction between himself, or his perception, and the physical objects that are the objects of his perception.<sup>7</sup> Tyler Burge, on the other hand, argues that it is not plausible to think that the condition for the possibility of perception is the ability to represent one's perceptual states.<sup>8</sup> Burge criticizes Strawson for not making a distinction between two different projects. The first project is about what is necessary for the capacity to represent particulars, while the second project concerns what is the necessary condition for an individual to represent particulars *as* objective, that is, to have a conception of objectivity. While the capacity to make the distinction between perception and physical objects might be a good candidate for the latter project, one does not need to have such a capacity to represent particulars. If Burge is right and it is not necessary to have the ability to make a distinction between perception and physical

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<sup>6</sup>Kant also thinks that the formula of the universal law is not a new principle, and though a common human reason "admittedly does not think so abstractly in a universal form ... it actually has [it] always before its eyes" (*Groundwork of the Metaphysics of Morals*, 4:404). The formula of the universal law is supposed to articulate in abstract terms ("in abstracto") what the common human already knows "in concreto" and uses in his life. By formulating the principle, "without in the least teaching [common human reason] anything new, we only, as did Socrates, make [common human reason] attentive to its own principle" (*ibid.*). The goal of Socrates, as opposed to a mathematician, was not to find a first principle from which he could build up the rest of his philosophy. Rather, observing the ability of his fellow citizens to identify the instances of courage or piety, he explicated, one may think, the concepts of which they had an implicit understanding.

<sup>7</sup>P.F. Strawson, *Individuals: An Essay in Descriptive Metaphysics* (New York: Doubleday Anchor, 1963).

<sup>8</sup>Tyler Burge, *Origins of Objectivity* (Oxford: Oxford University Press, 2010). For a critical discussion of Burge's view, see John Campbell, Review Essay, Tyler Burge, *Origins of Objectivity*, *Journal of Philosophy* 108 (2011): 269-85.

objects to have perception, it is implausible to think that one, to have perception, needs to have the ability to recognize oneself as a subject among others. The ability to represent particulars is shared between adults, babies, and perhaps even higher animals, and thus one does not need to have complex conceptual capacities to be able to represent particulars.

However, as Burge himself notes, we should not equate Kant's notion of experience with the notion of perception. Experience for Kant has a technical sense. Kant thinks that experience is "empirical cognition," and "perception is consciousness of an appearance (before any concept)."<sup>9</sup> It is clear, thus, that Kant thinks that animals can have perception, while experience is peculiar to creatures with some conceptual capacities. But the question is whether, to have an experience in the Kantian sense, one needs to be able to represent oneself as one in a community of knowers. The answer, I think, is no.

It seems that individuals lacking meta-representational capacities (i.e., capacities to represent their representational states and capacities) can have perceptual knowledge. Young children do have perceptual beliefs without having meta-representational capacities. One does not need to even have self-knowledge to have perceptual beliefs. To have perceptual knowledge, it seems that it is enough for the perceptual belief to be caused by perception in the right way (when perception is veridical). If so, one does not seem to need to be able to represent one's perceptual faculty to have perceptual knowledge.

Why does Engstrom think that a feature of Kantian experience is subjective universality? He thinks that experience needs judgment, and one cannot make judgment unless one implicitly recognizes that this judgment can be agreed upon by different subjects. On Engstrom's view, a valid judgment cannot be arbitrary, and thus it should be self-sustaining through an awareness of its agreement with other judgments, among them judgments made by the same subject at different times, or other subjects in the same circumstances:

[A] judgment's nonarbitrariness lies in its self-consciously sustaining itself through its implicitly self-aware agreement with itself and with all others ... One form of agreement holds only among judgments that, being intrinsically the same, differ only subjectively, or externally (in respect of subject or occasion). (106, 112)

I agree with Engstrom that judgments should not be arbitrary. Also, I think that it may even be true that a full understanding of the notion of a valid judgment includes an understanding of agreement between judgments. However, none of this implies that the ability to judge, which

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<sup>9</sup>Kant, *Critique of Pure Reason*, B14 and B201.

might involve an implicit understanding of judgment, includes an understanding of agreement with other subjects. In the case of perception, non-arbitrariness of the judgment consists in being formed by the perception in the right way. Formation of perceptual belief can be passive without contribution from the reasoning part of the cognitive faculty. Non-arbitrariness of perceptual beliefs does not imply recognition of agreement. Once the belief is formed, the recognition that this belief is in conflict (or agreement) with others' judgments would be a reason against (or for) this perceptual belief. But it is one thing to say that P undermines one's warrant for one's beliefs, and another thing to say that to have knowledge one needs to know that P does not hold. So, from the fact that the conflict with others' judgments is a defeater for one's belief, it does not follow that to have warranted belief one needs to know that the defeater is not present.

One might think that a full explication of the notion of judgment involves an a priori understanding that a valid judgment can be shared with different subjects. This may be true. What I deny is that to be able to judge (which might involve an implicit understanding of judgment), one needs such an understanding. However, one might object that if a full explication of the notion of valid judgment involves subjective universality, then a person who makes a valid judgment has an implicit understanding of subjective universality. However, from the fact that the full explication of the notion X involves the a priori principle P, it does not follow that a person possessing the concept X is guided by the principle P in applying his concepts. The following two examples given by Burge about the a priori explication of a concept can demonstrate the point:<sup>10</sup>

(Case A) *Psychologically unavailable explication*: Consider the general explication of the concept *logical consequence* presented by Tarski. It does not sound plausible to think that earlier logicians believed implicitly in, or were guided by, the general Tarskian principle. However, earlier logicians had an implicit conception of validity (through the understanding of logical constants and middle-level principles) and the matters from which Tarski derived his general explication were available to them. Tarski's general principle, though it has an a priori warrant, was psychologically unavailable to earlier logicians.

(Case B) *Reflectively unavailable explication*: Consider the explication of the concept *infinitesimal* that is used by Leibniz in calculus. The concept is explicated rigorously by mathematicians about three hundred

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<sup>10</sup>See Tyler Burge, "Postscript to 'Individualism and the Mental'," in *Foundations of Mind* (Oxford: Oxford University Press, 2007), pp. 151-81.



years later using mathematical concepts and methods that were simply not available at the time of Leibniz. In this case, while the warrant for the explicit explication may be a priori, one needs further education to come to have such an explicit understanding of the explication. The material from which one derives the principle is simply not available to the individual through reflection without additional education.

As Cases A and B illustrate, from the fact that the full explication of a concept involves an a priori principle, it does not follow that the principle is psychologically or reflectively available to the individual applying the concept. Thus, even if a full understanding of the notion of judgment involves understanding it as having some kind of subjective universality, one does not need to understand this to be able to have a valid judgment. One can have a valid judgment as long as the judgment has in fact some kind of objectivity. In the case of perception and perceptual knowledge, the objectivity of the judgment is provided by perception.

One may concede that in the case of perceptual knowledge, validity does not need the recognition of subjective universality, yet insist that validity of other judgments, including practical ones, requires an understanding of subjective universality. However, this ignores the spirit of the objection, which is that nonarbitrariness does not require the recognition of nonarbitrariness. There are many ways to form a nonarbitrary belief. For example, one can form a belief based on testimony. One may think, though, that in the case of practical judgments, nonarbitrariness consists in the recognition of nonarbitrariness, among other things. However, this is a substantial claim that needs arguments, and there is no argument for it in the work of Engstrom. Moreover, to say that nonarbitrariness of practical judgments consists in the recognition of nonarbitrariness makes validity for practical judgments very demanding. One needs some abstract thinking to be able to recognize nonarbitrariness, and this is something that cannot be expected from children as well as many other people.

#### 4. Objective Universality

According to Engstrom, “[judgment’s] validity includes, namely, the judgment’s awareness of its capability of sustaining itself, on the one side, *in every subject’s cognition* and, on the other side, *in the cognition of every object falling under its concept*” (115). Objective universality concerns the second aspect of validity. It is about the awareness of agreement among judgments about different objects that fall under the same concept. However, there are two worries about objective universality. The first worry is that Engstrom provides us with no reason to

think that moral judgments display any degree of objective universality. In other words, we have no reason to think that there is agreement among judgments about different objects falling under the same moral concepts. However, even if we assume that moral judgments display some degree of objective universality, it is just wrong to hold that awareness of that universality is constitutive of validity of practical judgments. Let's begin with the first worry.

Let's understand objective universality as the claim that a necessary condition for the validity of the judgment that *a* is *G* is that for all *x*, if *x* falls under the same concept as *a* does, then *x* is *G*, where *x* is in the same condition as *a* is. Consider Engstrom's example of water: "The judgment that the water in the pond is frozen, for example, in relying on the concept water, implicitly involves the universal judgment that *any* bit of water, when in the condition of the water in the pond, must be frozen" (116). Objective universality implies that if the judgment that the water in the pond is frozen is valid, then any bit of water in the same condition would be frozen. However, it seems that objective universality cannot be true in general. To illustrate, consider the artificial kind *Watoil*, which is defined as either *water* or *oil*. We cannot say that if this bit of *Watoil* is frozen, then any bit of *Watoil* would be frozen in the same condition. Objective universality is not true of artificial kinds like *Watoil*. However, that objective universality does not hold for artificial kinds should not come as a surprise for Engstrom, for Kant does not think that concepts of artificial kinds have validity. Kant thinks that concepts used in cognition that are supposed to give us knowledge of nature should not be arbitrary or "made up," otherwise they are "mere play" and "empty of content." For example, he thinks that proper mathematical concepts should be constructible. Regarding empirical concepts, he thinks that valid concepts refer to actual or possible objects of sensible intuition, or are necessary for sensible intuition.<sup>11</sup> Hence, Engstrom would reply that objective universality does not hold for artificial concepts.

But the point goes deeper. Consider the judgment that this *X* is red, where *X* is a valid concept of, say, a chemical substance. Does it follow that any bit of *X* would be red in the same condition? Not necessarily. It depends on whether or not red is a characteristic feature of the substance in question. For instance, if *X* is the concept *human blood*, then "this *X* is red" displays objective universality. However, if *X* is the concept *blood*, then the judgment is not universally objective (for not all blood is red). To give another example, think of the judgment that "this *X* is mine." The point is that even when we have judgments composed of "valid con-

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<sup>11</sup>Kant, *Critique of Pure Reason*, A239-240/B298-299.

cepts,” objective universality does not hold unless the predicates are in some sense suitable for the subject matter. Examples can be easily generated when the subject matter and predicate belong to two different branches of science. A clear example would be this. It is not true that if this heart is frozen, any other heart would be also frozen in the same condition. Even within a branch of science, as the red example shows, we can find examples in which objective universality does not hold when the predicate that is predicated of the subject does not bear some *internal relation* to the type of thing the subject is. We can understand the *internal relation* as a relation a predicate bears to its subject when the predicate is true of the subject in virtue of the type of thing the subject is. For example, “pumping the blood” and “heart” stand in an internal relation because a heart pumps the blood in virtue of its being a heart. Or, being “frozen at a certain temperature” and “water” bear an internal relation together because the water is frozen at a certain temperature in virtue of the type of thing it is and the constitution it has.

The same point holds for practical and moral judgments. It cannot be taken for granted that the subject of practical judgments bears an internal relation to moral predicates such as “being good.” To assume this would be to beg the question against Aristotelian or Humean views of morality. For instance, one might think that the scope of the application of the concept *good* should be limited to only human beings (rather than all rational beings). This is one important difference between the Aristotelian conception of the good and the Kantian conception of the good. According to Aristotle, human good has an internal relation to human beings, whereas on Kant’s picture the good has an internal relation to all rational beings. In other words, on the Aristotelian picture, if one is to  $\phi$  in circumstance C, then while it is true that any other human being is to  $\phi$  in circumstance C, it is not true that any rational person is to  $\phi$  in circumstance C.<sup>12</sup> Objective universality by itself does not favor the Kantian conception of goodness over the Aristotelian. Accordingly, one might have a more limited understanding of the scope of universality when it comes to objective universality of moral judgments. Moreover, a skeptic or a Humean might even deny that the concept *good* bears any internal relation to the concept *person*, and so deny that moral judgments display any degree of objective universality. Engstrom provides us with no reason to think that the skeptic’s claim is unfounded.

However, for the sake of argument let’s just assume that the subject

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<sup>12</sup>See Michael Thompson, “What is it to Wrong Someone? A Puzzle about Justice,” in R. Jay Wallace, Philip Pettit, Samuel Scheffler, and Michael Smith (eds.), *Reason and Value: Themes from the Moral Philosophy of Joseph Raz* (Oxford: Oxford University Press, 2004), pp. 333-84.

of practical judgments bears an internal relation to its predicate. But then there is a second worry about objective universality. The basis of objective universality, according to Engstrom, lies in the representation of objects' law-governed coexistence. The presupposition of the law-governed coexistence of objects allows the mind to infer, from knowledge concerning one particular, something about the other particular.

[Objective universality] belongs to cognition's original representation of the possibility of its objects' coexistence, by which all cognizable objects share a capacity to interact uniting them as members in a law-governed system, an order of nature. (115)

On Engstrom's view, the recognition of objective universality makes the representation of objects' law-governed coexistence possible. This may be right. However, there is a difference between the representation of objects that are in fact law-governed and the representation of objects *as* being law-governed. While the latter needs the recognition of objective universality, the former does not need such recognition, even though objective universality in fact holds for objects that are law-governed. Representing an object as being subject to some kind of law, or as having some kind of nature that can bear an internal relation to a property, needs the recognition of objective universality. An implicit understanding of the concepts "law," "nature," "natural kind," or "internal relation" requires the recognition of something like objective universality. But this does not mean that a judgment about objects that are in fact law-governed needs even an implicit understanding of any of these concepts. One can judge, based on perception, that this water is frozen without knowing that water and being frozen bear an internal relation to one another. Of course, one's knowledge that this water is frozen would require the recognition of objective universality if this judgment was made based on the knowledge that this water is kept at  $-10^{\circ}\text{C}$ , and there is a law determining the state of water based on temperature. The latter judgment involves understanding water as having some kind of nature, and being frozen as being internal to this nature. In other words, the latter judgment involves an understanding of water's being subject to a law.

Let's make a distinction between a constitutive condition of the validity of a judgment and a consequence of the judgment. While Engstrom thinks that the recognition of objective universality is constitutive of the validity of a judgment, one might think that objective universality is a consequence of any judgment in which there is an internal relation between the subject and the predicate. But if the recognition of objective universality is not constitutive of the validity of those judgments, we can imagine individuals making the judgment without recognizing that objective universality is a consequence of their judgment. The recognition of

objective universality is only constitutive of judgments the subjects of which are represented as being under a law.

The same is true about practical judgments. If one judges that one is to return a book because one is subject to a moral principle that says that one ought to do this in that circumstance, then one needs to have the recognition of objective universality. However, it does not seem necessary that in all practical judgment one represents the judgment as a law or as the application of the law to a particular case. If not, one can make a valid practical judgment without knowing that the judgment in fact is objectively universal. For example, one may judge that one is to return the book based on a testimony, without knowing anything about the universality of the judgment. Hence, it is not clear that all practical judgments should be made based on the recognition of their being law-governed (even if they are in fact law-governed).

One might think that after some kind of education or reflection, one will come to know that all practical judgments are law-governed. Even if this is right, as we noted before, from the fact that one learns an explicit understanding of a concept after education it does not follow that the explicit principle was implicitly understood when one applied the concept before coming to know the explication. Examples presented in Cases A and B—the cases of psychologically and reflectively unavailable explication—illustrate the point. Therefore, provided that a Kantian finds a solution for the first worry, he can claim that when one learns about the nature of practical judgments, one will have an a priori warrant to think that all practical judgments are law-governed. But the important point is that to be able to make a valid practical judgment, one does not need to know this (if it is a fact at all).

## 5. Conclusion

In section 2, we saw that according to Engstrom, the form of the will (which is roughly the categorical imperative) can be derived from the principle of subjective universality, the principle of objective universality, and the principle of identity of the subject and object. Engstrom thinks that the recognition of the conformity to the form of the will is constitutive of the validity of practical judgments. This requires individuals to have an understanding of the form of the will to be able to make valid judgments. In the last two sections, we saw that there are doubts as to whether subjective and objective universality are known by subjects even implicitly whenever they make valid practical judgments. However, even if we assume that subjective and objective universality are known implicitly by the subject, it does not follow that the form of the will is

also known implicitly. Here is the reason. The following closure principle is false:

If S knows P and P entails Q, then S knows Q

This is because S may fail to notice that P entails Q. For example, if P are some axioms of mathematics and Q a mathematical theorem entailed by the axioms, we cannot say that whoever knows the axioms knows the theorem. There are some who are ignorant of the entailment. If that closure principle does not hold, it seems plausible to think that the following principle does not hold either:

If S implicitly knows that P, and P entails Q, then S implicitly knows that Q

The reason is similar. One might fail to have an implicit understanding of the entailment, in which case we can't attribute the implicit knowledge of the entailed proposition to the individual. To fix the closure principles, we should include that S has knowledge, or at least implicit knowledge, of the entailment. However, there is no evidence that individuals are aware of how to derive the form of the will from the aforementioned principles. As in Case B (the case of reflectively unavailable explication), it might take substantial philosophical and moral education to reach the point at which one can understand the form of the will. If the form of the will is not known by individuals even implicitly, then its recognition cannot be constitutive of the validity of practical judgments, given that we want to say that individuals are usually able to make valid practical judgments.<sup>13</sup>

Kantian constitutivism is a view that promises to elucidate the nature of practical reason by appealing to constitutive principles of the faculty of reason. By tying the notion of being a reason to the notion of the faculty of reason, Kantian constitutivism provides an answer to the norma-

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<sup>13</sup>The worry is that Engstrom's account cannot explain the different ways that people come to have valid practical judgments. Engstrom is content with the notion of validity and does not use the notions of truth and justification (or warrant). However, since, on his view, a valid practical judgment is a piece of practical knowledge, one might wonder whether validity is constitutive of truth, or justification (or both). He shouldn't think that validity is only constitutive of truth in practical judgments, since in this case, his account would not be helpful as a solution to the epistemological and normative problems, in the sense that it says nothing about what justification and reason individuals have in their practical deliberations. Hence, he is committed to the view that validity is also constitutive of one's justification for one's practical judgment. However, this does not let Engstrom account for the notion of false justified practical judgments. Yet, it seems that there are cases in which one can make an innocent moral mistake while being perfectly rational.

tivity problem, and by appealing to principles that are known a priori in virtue of the nature of reason, it provides a solution for the epistemological problem. However, I have argued that the subjective and objective universality requirements, as well as the form of the will, are not even implicitly known by a rational person. If so, given that an acceptable account of the notion of reason must take into account the fact that a rational person is guided by his reasons, the prospect of explaining the notion of reason by appealing to the universality requirements is dim. It is hard to see why a rational person should care about reflectively and psychologically unavailable reasons. It is equally hard to see how reflectively and psychologically unavailable principles can explain that a rational person knows moral facts. I conclude, therefore, that Kantian constitutivism, at least in the way that Engstrom construes it, fails to answer the epistemological and normative problems, and so it presents no advantage over moral realism.<sup>14</sup>

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