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HOW WE CAN BE FREE: KANT AND THE DEDUCTION OF THE MORAL LAW

Abstract

The *Groundwork of the Metaphysics of Morals* and the *Critique of Practical Reason* contain two different attempts to provide a “deduction” or foundation for the categorical imperative. Kant does not doubt that the categorical imperative is a principle of practical reason; instead, he raises questions about how it can be normative for us, because he wonders how “pure practical reason” can motivate us. But he has no such worry about the hypothetical imperative, which he thinks draws on empirical sources of motivation. I argue that this contrast is based on a mistake about the normativity of hypothetical imperatives. Both categorical and hypothetical imperatives arise from the nature of action as rational causality. Conformity to both imperatives is therefore constitutive of action. Although we may doubt whether we are genuinely active rational beings in general, the fact that we must act under the idea of freedom shows why we must conceive ourselves as bound by the imperatives. Insofar as we can therefore act on the imperatives, we really are free.

Key Words: Categorical Imperative · Constitutivism · Deduction · Freedom · Hypothetical Imperative · Motivation · Normativity.

1. Introduction

The *Critique of Practical Reason* is not an elegant book. In fact, it is obscure and a little stuffy even for Kant. But underneath the long, tangled sentences, the endlessly repeated reminders that morality cannot be grounded in happiness, and the unexplained division into theorems, remarks, and problems, it is almost impossible to miss the tone of excitement. In his own way, Kant almost bumbles. He thinks he has discovered something, something deeply important, something that vindicates his system as a whole, and that shows us that we can be free.

In this paper, I will discuss Kant’s attempts to find a foundation for the moral law in the *Groundwork of the Metaphysics of Morals* and the *Critique*

of *Practical Reason*. I believe that the argument of the second *Critique*, in which Kant derives freedom from morality, is closer to the truth than the one in third section of the *Groundwork*, in which Kant derives morality from freedom. But I think that elements from both arguments must be combined to explain the complex relationship between morality and freedom.¹ I also think that both arguments are infected by an error that Kant made about how we should understand the normativity of the principles of practical reason in general, and of the hypothetical imperative in particular. Only when this error is exposed can we see just how powerful the resulting argument is. Although I do not think Kant himself correctly explained the way the argument should go, Kant really did show us how we can be free.

2. The Problem

In the third section of the *Groundwork*, Kant offers us an argument intended to establish that, in the words of that book, “morality is *something* and not a chimerical idea without any truth” (G 4:445; my emphasis).² After laying out his argument, Kant tells us that “the practical use of common human reason confirms the correctness of *this deduction*” (G 4:454; my emphasis). So it is clear that he considers his argument there a “deduction,” in the same sense that the categories of the understanding have a deduction. In the second *Critique*, however, Kant argues that a *deduction* of the moral law is neither necessary nor possible (C2 5:42-5:50). Instead morality is given to us as a “fact of reason,” and Kant tells us that “in place of this vainly sought deduction”—morality gets a “credential” from the facts that it gives us a positive conception of freedom, and that our own freedom can be deduced from that conception.³

Many commentators have tried their hands at making sense of Kant’s attempts to find a foundation for the moral law, by explaining one or both

1 For an earlier discussion of this topic, see my “Morality as Freedom,” essay six in Korsgaard, *Creating the Kingdom of Ends*. There I also concluded that elements from both arguments must be combined, in essentially the same way I will combine them in this paper, to give us the best account of the foundation of morality according to Kant. See especially p. 175.

2 References to Kant’s works will be inserted into the text, using the page numbers of the relevant volume of *Kants gesammelte Schriften*, which appear in the margins of most translations. Below I list the abbreviations I use and the translations I am drawing from.

G=*Groundwork of the Metaphysics of Morals*, translated by Mary Gregor.

C2=*Critique of Practical Reason*, translated by Mary Gregor.

MM=*The Metaphysics of Morals*, translated by Mary Gregor.

REL=*Religion within the Boundaries of Mere Reason*, translated by Allen Wood and George Di Giovanni; here referred to as *Religion within the Limits of Reason*.

3 Kant thinks that all of the ideas of reason—God, Freedom, and Immortality—are given positive content by morality. In this paper, I discuss only the argument about freedom.

of the arguments, or by advancing theories about the relation between them. According to one familiar view, the second *Critique's* assertion that morality is given to us as a fact of reason is a retreat into dogmatic intuitionism, motivated for Kant by his inability to produce a satisfactory deduction.⁴ Instead of focusing on the details of these arguments, I want to ask a prior question. What exactly is it that needs to be proved, why do we need to prove it, and to whom do we need to prove it? To ourselves, of course, but in what capacity? If we are rational beings, why do we need some further argument for the necessity of acting on a principle of reason? Are we theoretically rational beings who need to be shown that practical reason exists? Are we practically rational beings who can take it for granted that we are subject to the hypothetical imperative but have some reason to doubt that we are subject to the categorical imperative? What is necessary to show *us* that morality is “something, and not a chimerical idea,” and why is it necessary?

3. The Content Argument

Let's get one thing out of the way first. What needs to be proved is not what the moral law says, that is, it is not its formulation. Kant has already explained that to us in the second section of the *Groundwork*, when he says:

When I think of a *hypothetical* imperative in general, I do not know beforehand what it will contain; I do not know this until I am given the condition. But when I think of a *categorical* imperative I know at once what it contains. For since the imperative contains, beyond the law, only the necessity that the maxim be in conformity with this law, while the law contains no condition to which it would be limited, nothing is left with which the maxim of action is to conform but the universality of a law as such, and this conformity alone is what the imperative properly represents as necessary. (G 4:420-421)

The first thing to notice about this obscure passage is this: when Kant says we do not know what a hypothetical imperative contains until we are given the condition, he is using the words “hypothetical imperative” to refer only to the *imperative clause* of what most of us think of as a hypothetical imperative. Suppose there is a hypothetical imperative that tells us that we ought to exercise if our end is to be healthy. Kant is thinking of “having the end of health” as the condition under which the imperative “you ought to exercise” holds. So the “imperative” is limited in its application to those who meet the condition—to those who will to be healthy. Or of course to those who have some similar end that requires the same means, but I won't keep adding this

4 According to Karl Ameriks, Kant himself thought so. Ameriks reports, “At the very end of his career Kant frankly acknowledged that his practical philosophy was “dogmatic” and that only his theoretical philosophy was to be called Critical.” See Ameriks, “Kant's Deduction of Freedom and Morality.” Kant is quoted on p. 72.

rider.⁵ Notice that if we instead took the words “hypothetical imperative” to apply to the entire formulation, “if you will to be healthy, then you ought to exercise,” it would apply to all rational beings, or at least to all rational beings with physical bodies relevantly like ours. When we take the imperative as a whole, the agent’s end is not a condition of its holding.

Now consider what Kant says about categorical imperatives in the passage. When Kant says that the law “contains no condition to which it would be limited,” I think that what he means is that the law to which the imperative tells us to conform is not derived from some *other* law. A hypothetical imperative has a condition, because it—that is, the imperative clause—applies only to those who have the end in question. Here’s the parallel. First, let’s call the law to which a categorical imperative tells us to conform the “first-order” law. Then Kant’s point is that the first-order law would be “limited to a condition” if it were derived from some other, more fundamental, law. That is because the first-order law would apply only in cases to which that more fundamental law applied. Suppose, for instance, that the first-order law tells us that we ought to make only promises which we intend to keep.⁶ And suppose that the first-order law were in turn derived from a more fundamental law which tells that we ought to obey divine commands, together with some reason for believing that God commands us to make only promises which we intend to keep. Then the first-order law would be binding only on those who must obey the more fundamental law.⁷ The first order law that we should make only promises which we intend to keep would “contain the condition” of applying only

5 Although the fact that we need the rider shows that in one sense what Kant says here is wrong. The imperative clause in a hypothetical imperative is not limited to those who meet “the condition.” It is limited to those who meet some such condition. A similar point can be made about the denial that categorical imperatives have a condition, as we will see later.

6 Strictly speaking, I believe, every law that gives us a perfect duty should include the purpose for which the proposed act is done. So it might, as in Kant’s own example, be the law that we should make only promises which we intend to keep in order to secure loans. I omit this complication here to avoid the resulting mouthful, and because promises, being what I have elsewhere called “conventional acts,” nearly always should be made sincerely. (“Kant’s Formula of Universal Law,” Essay 3 in *Creating the Kingdom of Ends*. See especially pp. 84–85). In fact there is another problem here, which is that this is one of a number of supposedly moral claims that are nearly tautological. They include the claims that you should not make promises that you do not intend to keep, that you should not break promises, and that you should not steal other people’s property. You only need to know what promises and property are to know that these claims are true, so we might wonder why *any* moral argument is needed to support them. The moral question to which they give rise is really just why a person should not use the normative conventions of society in order to manipulate others for his own ends. I am using this example in spite of all this because it is readily grasped.

7 Or, again, to those who must obey some law with similar implications. The issue here is the same as the one discussed in note 5.

to those bound by divine command.⁸ Since a categorical imperative must be binding on all rational beings, it cannot “contain” a condition, that is, it cannot depend on the applicability of some other law. The only possibility left is that the categorical imperative should tell us to obey laws that are *not* derived from other laws. Laws that are not derived from other laws, according to Kant, must be principles that are laws *in themselves*, laws by virtue of their own nature, which are the most fundamental laws. As we learn later, Kant takes that to mean principles that are laws in virtue of their universal *form*. So the categorical imperative tells us to obey principles that have universal form.⁹ As I will have occasion to refer to this argument later, I’m going to call this “the Content Argument,” because it tells us what the categorical imperative must contain.

4. Two Caveats

I need to introduce two caveats to this argument before I proceed.

First caveat: Kant has a tendency to move directly from the idea that we must obey principles that have the form of law to the idea of an imperative which tells us to do that, as if the categorical imperative directly told us to act on those principles that have the form of law. The trouble with that is there are two different senses in which a principle can have the form of law or universal form. In one sense, a principle has the form of law if it *could* be a law for all rational beings, or if you could will it as such. We might call this “permissible universality.” Such a principle is one on which it is permissible to act, and the categorical imperative tells us to act *only* on such principles, although of course from that restriction it follows that there are things that we must and must not do. For instance, if, in the circumstances at hand, we must say something, and it is impermissible to lie, then we must tell the truth. That means that in another sense, a principle has the form of law if it *must* be a law for all rational beings. We might call that “necessary universality.” We arrive at principles that are necessarily universal when we learn that failing to act on them is impermissible. This complicates the argument I have just described

8 I am assuming for purposes of the example that we do *not* have an argument proving that all rational beings are bound by the law of obeying divine command. That is, I am assuming that we cannot derive the law of obeying divine command from the categorical imperative. For of course, we can be bound by laws that are derived from more fundamental laws if those more fundamental laws are themselves categorical imperatives.

9 Because Kant sometimes denies that the law has any “empirical condition,” my example characterizes the necessity of obeying divine command as an “empirical condition.” That may seem awkward. But if, as I am assuming, there is no argument showing that all rational beings are bound by divine command, the necessity of obeying divine command *would* be determined by an empirical condition—a desire to please God or a scriptural edict or membership in a faith community or something of that sort.

in ways which Kant does not discuss explicitly. Kant never mentions that there are two senses of “universal law.”

Second caveat: You might want to protest that the categorical imperative *itself* is a more fundamental law from which other, more particular categorical imperatives are derived. But it is very important to see that it is not, at least not in the way that laws are usually derived from other laws. To clarify matters, I am going to call principle that we should act only on maxims that we can will to be universal laws the “formal” categorical imperative, as opposed to substantive categorical imperatives that tell us what to do. We do not derive substantive categorical imperatives from the formal categorical imperative by adding further empirical information that makes its dictates more specific, in the way we might derive laws from, say, the principle of utility, by adding information about what is likely to cause the most happiness.¹⁰ Instead, the formal categorical imperative tells us what a principle has to be *like* in order to be a law in virtue of its own nature, in order to be a fundamental law. The principle has to have the form of law in the sense that it is necessarily universal. The formal categorical imperative is not really a practical law; it is a principle that tells us how to identify fundamental practical laws, namely, by their necessarily universal form.

This point may seem a little fussy, but it becomes more interesting when we realize that the formal hypothetical imperative, by which I mean the principle that tells us to take the means to our ends, is not a substantive hypothetical imperative either. And this is not only because the formal hypothetical imperative does not tell us to do any particular action, but because it is not hypothetical. All rational beings, without condition, are obligated to take the means to the ends that they will.¹¹ These two formal “imperatives” are not really imperatives at all, if imperatives are practical laws which tell us what to do. Rather, as I will argue in this paper, they are principles of the *logic* of practical reason, which tell us how to derive imperatives from our situations and our desires.

10 Or, to take another example, you might derive laws from the law of obeying divine command by adding information about what exactly God does command. That is not exactly “empirical” information, although again if we cannot derive the conclusion from reason, then the way we acquire this information would have to be empirical—by reading sacred texts, consulting the ten commandments, etc..

11 In “The Hypothetical Imperative,” Thomas Hill argued what I am calling the formal hypothetical imperative would itself be a hypothetical imperative. He agrees that this is difficult to establish, because the formal hypothetical imperative “is a principle that any fully rational person would follow, it expresses a stringent rather than a prima-facie requirement of reason, and to establish its rationality we do not need any contingent premises about what human beings desire.” (p. 440) Nevertheless he argues that any imperative is hypothetical if cannot yield specific prescriptions without information about a person’s ends, and that this makes the formal hypothetical imperative hypothetical. The details of the argument are complex and I will not attempt to rehearse it here. I obviously do not agree.

5. The Content Argument in the Second *Critique*

Although the second *Critique* argument is different, Kant also appeals to The Content Argument in the Second *Critique*. There Kant tells us that we first become conscious of the moral law when we “draw up” maxims for the will, and that that we derive our awareness of our freedom from that consciousness:

It is ... the *moral law*, of which we become immediately conscious (as soon as we draw up maxims of the will for ourselves), that first offers itself to us and ...leads directly to the concept of freedom. (C2 5:29-30)

The passage makes it sound rather as if you start to “draw up” a maxim, and a sort of voice booms out in your head, telling you to act only on maxims that you can will to be universal laws. But Kant does not mean anything so silly, for he goes on to say:

But how is consciousness of the moral law possible? We can become aware of pure practical laws just as we are aware of pure theoretical principles, by attending to the necessity with which reason prescribes them to us and to the setting aside of all empirical conditions to which reason directs us (C2 5:30).

This is the same as the Content Argument in the *Groundwork*. Kant means that we must set aside all conditions that might make laws applicable to us, and consider ourselves rationally bound only by principles that are laws in virtue of their form, and of course by any other laws that follow from those.

All of that was by way of arguing that that there is nothing dogmatic about our awareness of the *formulation* of the categorical imperative. That is not based on intuition; Kant has a straight rational argument for that. Kant holds that we arrive at the formulation of the categorical imperative simply by considering what sort of law would hold for all rational beings categorically, and so without any condition. His answer is that it is a principle that is a law in virtue of its necessarily universal form. What Kant thinks needs to be proved is not that we can *formulate* a law of reason that tells us which actions are categorically required of practically rational beings, but that those actions are *in fact* categorically required of *us*. He thinks there is still a further question about whether the formal categorical imperative is normative *for us*.

6. The Initial Argument of *Groundwork* Three

That way of putting it shows why I think there is a problem about who the deduction is addressed to and what it is supposed to do. Ordinarily I think we would suppose that if we can make an argument that shows what reason requires, then that argument applies to us insofar as we are rational beings. Kant is not assuming that, because if he were, the argument would be over a

couple of pages into the third section of the *Groundwork*, after what I will call the Initial Argument of *Groundwork* Three. It goes like this:

1. A rational will must operate under the idea of freedom, where that means freedom in a negative sense. This is because the rational will cannot regard itself as determined by anything outside of itself, any “alien cause,” as Kant puts it.
2. Because the will is itself a kind of cause, it must have a law or principle in accordance with which it determines what to do. Identifying that law gives us the positive conception of freedom.
3. From the first point—that rational beings must act under the idea of freedom—it follows that the law or principle by which the rational will determines itself cannot itself be determined by any alien cause, anything outside of the rational will itself. It must be its own law.
4. The Content Argument shows us what that law must be, because a rational will that is not bound by any other law is bound only by principles that are laws in virtue of their necessarily universal form.
5. Therefore, the categorical imperative, which tells us to conform to principles that are laws in virtue of their necessary universal form, is the positive law of freedom and so the law of the rational will.

The question I am asking now is, why do we need anything else?

7. Why Kant thinks We need a Deduction: Analytic and Synthetic Principles

In the second section of the *Groundwork*, Kant explains the reason why he thinks we need something else. Having set forth the various kinds of imperatives, Kant asks how all these imperatives are possible (G 4:417). What he is asking is what gives them their imperative or normative force.¹² Hypothetical imperatives, he tells us, are analytic, or rather, they are grounded in an analytic proposition.¹³ As Kant explains:

12 It seems a little confusing to say so, but when Kant asks how the imperatives are possible, he is actually asking what makes them necessary. That is, an imperative is “possible” when we can explain why it is *necessary* to conform to it. Isn’t philosophy wonderful?

13 Since Kant uses “hypothetical imperative” to refer only to the imperative clause, a hypothetical imperative in his sense (e.g. “You ought to exercise!”) could not itself be analytic. As I have argued elsewhere, it is also misleading to say that particular hypothetical imperatives are themselves “analytic” even if we take them in their fully spelled out forms, because that appears to imply that we could not fail to conform to them, and if that were true, they would not be imperatives. I think it better to say that the formal hypothetical imperative is constitutive of volition—of willed action—and that not every attempt at volition is successful in the sense of meeting its constitutive standards. (see “The Normativity of Instrumental Reason,” Essay 1 in *The Constitution of Agency*.) In this essay, I argue that this is also true of the categorical imperative.

How an imperative of skill is possible requires no special discussion. Whoever wills the end also wills ... the indispensably necessary means to it that are within his power. This proposition is, as regards the volition, analytic; for in the volition of an object as my effect, my causality as an acting cause, that is, the use of means, is already thought, and the imperative extracts the concept of actions necessary to this end from the concept of a volition of this end ...(G 4:417)¹⁴

Notice that it is volition, *willing* an end, not merely wanting one, that makes it necessary to will the means. Willing is setting yourself to cause an end, and setting yourself to cause an end is setting yourself to take the means to it. The analytic connection between willing an end and willing a means is one that characterizes volition, not desire or inclination.¹⁵

So hypothetical imperatives are “analytic” because the volition to use the means is contained in the volition to cause the end. By contrast, Kant tells us, a categorical imperative must be synthetic because there is no volition posited from which we can derive the imperative. As Kant puts it:

...[a categorical imperative] is in no way hypothetical and the objectively represented necessity can therefore not be based on any presupposition. (G 4: 419)

But there is a problem here. These remarks refer to particular categorical imperatives and particular hypothetical imperatives, and, in the latter case, just to the imperative clauses. Kant is inviting us to compare those. Suppose we compare the (hypothetical) imperative clause “you ought to exercise” with the (categorical) imperative “you ought to make only promises which you intend to keep.” Then Kant is claiming that the necessity of the imperative “you ought to exercise” is derived from the will to be healthy while the necessity of the imperative “you ought to make only promises which you intend to keep” is not derived from any prior volition. But suppose instead that we compare a categorical imperative like “you ought to make only promises which you intend to keep” with a hypothetical imperative fully spelled out, like “if you will to be healthy, then you ought to exercise.” Then it seems natural to say that the imperative telling us to make only promises which we intend to keep is derived from the formal categorical imperative, and while the imperative

14 Kant says this argument applies to imperatives of skill, that is, imperatives that concern how to achieve particular ends, but a few lines later, Kant says that “if only it were as easy to give a determinate concept of happiness, imperatives of prudence...would be just as analytic.” (G 4:417)

15 Kant uses the word *Begierde*, which Gregor translates as “desire,” to describe practical impulses in general; the practical faculty is the “faculty of desire.” She translates *Neigung* as “inclination.” “Desiring” however, makes for a more intelligible verb; “has an inclination for” is a mouthful, and “inclining” has various meanings. So at some risk, I will sometimes use “desire” for what Kant would call an inclination, or *neigung*. I hope this will not cause confusion. Where it matters, I will switch to “inclination.”

telling us to exercise if we will to be healthy is derived from the formal hypothetical imperative.¹⁶ Both of these “imperatives” apply to all rational beings, and, importantly, as I mentioned earlier, the formal hypothetical imperative itself is not hypothetical at all. It applies to all rational beings regardless of their desires or other ends.

Since the formal hypothetical imperative is not hypothetical, the *formal* hypothetical imperative is not itself derived from any presupposition. As the argument shows, it is derived from the nature of rational volition, or rationally willed action, as a kind of causality. But so is the formal categorical imperative. Both are derived from the fact that rational volition is a kind of causality, the rational causality of the agent himself. The argument I just quoted shows how that works in the case of the formal hypothetical imperative: it is because volition is the rational causality of the agent, and means just are the causes that are available to an agent, that an agent must take the means to an end that he wills. The Initial Argument of *Groundwork* Three shows how it works in the case of the formal categorical imperative. It is because volition is the rational causality of the agent, and causes must operate in accordance with laws, that the rational agent must operate in accordance with a law. So far the two formal imperatives are on a footing. Both are derived from the fact that rational volition is a kind of causality. So why should there be a special problem about the categorical imperative? I think the answer is that there is no special problem. The two formal imperatives really *are* on a footing. But then why does Kant think there is a problem?

8. Why Kant thinks We Need a Deduction: Normativity and Motivation

It becomes clear in the third section of the *Groundwork* that Kant thinks the special problem concerns what he calls *pure* practical reason. After setting forth what I have called the Initial Argument of *Groundwork* Three, Kant claims that that Initial Argument is circular. Kant says it is circular because in making it, we have not explained “the interest attaching to moral ideas” and therefore:

we have actually only presupposed the moral law, namely the principle of the autonomy of the will... (G 4:449)

The claim of circularity is puzzling, as H. J. Paton famously pointed out, because the Initial Argument does not make any appeal to or even reference to morality or to autonomy.¹⁷ Rather, morality, that is, the normativity of morality for us, is supposed to be the conclusion. I think what Kant means is that we cannot draw that conclusion—that the categorical imperative is

16 I am not taking back my second caveat. I am just using the word “derived” in a looser way.

17 H. J. Paton in *The Categorical Imperative*, p.225.

the law of the rational will—without assuming that we can be *motivated* to act as directed by the categorical imperative. This is why Kant says that the problem is that we have not yet explained the “interest” attached to moral ideas. It is also why when he makes the claim of circularity, Kant mentions that the moral law is the principle of autonomy. He is thinking of autonomy specifically as our capacity to be motivated to act on those principles that we ourselves take to be the laws that should govern our conduct, which of course he thinks should be moral laws. So Kant thinks there is some special problem about how we can be *motivated* to act in accordance with *pure* practical reason. Whatever this problem is, it is clear that Kant thinks there is no such problem for the hypothetical imperative. If “pure” is, as usual, contrasted with “empirical,” Kant must be thinking that the motivation for conforming to hypothetical imperatives can be explained empirically, while the motivation for the categorical imperative cannot be so explained. This is also suggested later in the *Groundwork* when Kant says this:

In order for a sensibly affected rational being to will that for which reason alone prescribes the “ought,” it is admittedly required that reason have the capacity *to induce a feeling of pleasure* or delight in the fulfillment of duty, and thus there is required a causality of reason to determine sensibility in conformity with its principles. But it is quite impossible to see ...how a mere thought which itself contains nothing sensible produces a feeling of pleasure or displeasure...(G 4:460)^{18, 19}

Kant apparently thinks that when you are motivated by a hypothetical imperative, your thought does “contain something sensible.” That suggests that he thinks that the motivation for conforming to the hypothetical imperative springs from the desires or inclinations for the ends that these imperatives serve. If that is right, he thinks that, for instance, your motive for

18 Two things: First, notice that Kant describes the categorical imperative as one through which “reason *alone*” prescribes the ought. That confirms that Kant thinks that in the case of the hypothetical imperative something else prescribes the ought, which I am about to claim Kant thinks would be the desire or inclination for the end. Second, Kant does not tell us how to square these remarks with his earlier insistence, in section one of the *Groundwork*, that it is possible to do your duty without any inclination. His description of the unfortunate man who “tears himself out of [his] deadly insensibility” to help others because it is his duty (G 4:398) certainly does not make it sound as if he finds in duty an alternative source of “pleasure or delight.”

19 In the *Critique of Practical Reason*, in the chapter on “The Incentives of Pure Practical Reason,” Kant explains how moral thought can have an effect on feeling. Furthermore, a footnote in the first section of the *Groundwork* (G 4:401 fn) makes it clear that he already anticipated those views when he wrote the *Groundwork*. I am not sure how to square that with the doubt he raises here. I think he would say that the views in the incentive chapter presuppose that we are motivated by morality; the effects on feeling he describes would only happen if we recognized morality as a command. But then why does he call them an “incentive”? Nor is it clear from that chapter how exactly the feelings he describes operate as an incentive.

exercising is that you desire to be healthy. That is what supposedly gives you “a feeling of pleasure or delight” in exercising. Since a categorical imperative is “unconditioned” by any such presupposition, Kant thinks its power to motivate us must be explained in some special way.

However, in one way what I’ve just said is misleading. The problem Kant supposes he sees cannot merely be a problem about how categorical imperatives can motivate us. After all, a categorical imperative could motivate us if it somehow caused us to have desires, in the sense of inclinations, to do the thing it says to do—to take delight in doing our duties, as the remark I just quoted suggests.²⁰ To see why that would not be enough, suppose that Kant is right in thinking that we are bound by an imperative of prudence or a principle of self-love that tells us how to seek happiness, and that we choose which of our inclinations to satisfy on that basis. We choose to act on those inclinations whose satisfaction will make us happiest. And suppose that the categorical imperative did give us inclinations to do morally required actions. Then we might weigh these morally-generated inclinations against our non-moral inclinations to determine what, on the whole, would give us the most happiness. That is clearly not what Kant wants when he raises the question how practical reason can motivate us.

What this shows is that the question how imperatives are possible is not just about how they can motivate us, but about how they are *normative* for us: how they can give us commands—commands that tell us to do what the imperative says, and to do it in preference to other things we might want to do. As Kant puts it, the problem is about how to explain “the objectively represented necessity” of doing the action required. But Kant takes it for granted (rightly, in my view) that if an imperative is normative for us, and if we are aware of that fact, then it is also, thereby, capable of motivating us, and—importantly—of motivating us *in the way* that a command does, motivating us to do what it says regardless of the effect on the objects of our other, non-moral, desires. The “interest” attached to moral ideas must be an interest that shows how morality can give us a motivating command. Kant calls such motivation “necessitation” (G 4:413). But to remind you of what goes into the idea, I will sometimes call it being “normatively motivating.”

9. Kant’s Error: Conformity to Hypothetical Imperatives is not Empirically Motivated

So here’s where that leaves us. Kant thinks that hypothetical imperatives—remember, for him that’s the imperative clauses—are normatively motivating because they inherit their motivation from the end that they presuppose. Kant apparently thinks this means that the fact that they are normatively motivating—the fact that they “necessitate”—has an empirical source, in

²⁰ On “desire” and “inclination,” see note 15.

our interest in the end that they serve. But categorical imperatives do not presuppose any such source. Our interest in conforming to them must be explained in some other way. That is why they require a “deduction.”

But Kant is wrong. In the first place, Kant has not shown us that hypothetical imperatives get their normative or even their motivating force from an empirical source. The fact that desiring an end may cause you to desire to take the means does not tell us anything about how hypothetical imperatives give us *reasons* to act.²¹ It is willing an end that gives us reason to take the means to that end, not desiring it. Given the laws of nature, desiring an end can cause us to desire to take the means regardless of whether we will the end or not. But if we do not have a reason to will the end, then we do not have a reason to take the means either. More generally, hypothetical imperatives *do not* give us reasons to take the means to ends that we desire but cannot will, and they *do* give us reasons to take the means to ends that we must will even if we do not desire them, say if they are morally required ends. The question how the hypothetical imperative is “possible” is the question how there can be an imperative that does *that*; namely gives us a command. That command is conditional on consistency with morality. Both the end and the means must at least be permissible. But if that condition is met, it *is* a command. So long as we will the end we must will the means. The question how the hypothetical imperative tells us to do that is not answered by reference to our desires, or to any empirical sources of motivation.

You will probably want to protest that it cannot be the case that our desire for the end has nothing to do with the normative force of a hypothetical imperative, at least in the case where we do desire the end. After all, if the means seem so repugnant to us that we cease to desire the end, or at least decide the end is not worth taking those means for, we do not have to take the means. So it seems as if the normative force of the imperative is dissipated if the desire for the end is dissipated. Doesn't that show that the desire for the end must have something to do with the normativity of the taking the means to satisfying it?

It is important to keep in mind here that the object of volition is an action, not just an end.²² A desire for the end can make you want to perform

21 One might try to defend Kant from the charge I am making here by saying that the “empirical” source he is talking about here is not the agent's desire or inclination for an end, but simply the fact that the agent wills the end. After all, at least if an end is optional, it is an empirical fact that someone wills it. But this reading is not supported by some of the passages I have quoted here. In particular, in a passage from *Religion within the Limits of Reason* that I will be quoting later, Kant says that the incentives of hypothetical imperatives, at least for those who are only subject to such imperatives, come from “the objects of inclination.” (REL 6:26)

22 Even if you decide that an end is good and worth bringing about, you have a volition with respect to that end only when you decide to do whatever you can to bring the end about. If at present you do not see any way to bring it about, your volition may be indefinite. The maxim you adopt in such a case is something like: “I will do whatever I

some action that will realize the end, and so to consider a maxim of doing so. The maxim of that action will include both the act by means of which you propose to realize the end and the end itself, say for instance “I will exercise in order to be healthy.” The formal hypothetical imperative tells us that this maxim expresses a reason to exercise only if you do in fact make it your will to try to be healthy, and of course if exercise is really a means to health. The desire for the end may prompt you to consider the action, but it is the volition to seek the end, not the desire, that confers the normatively motivating status of a reason on taking the means.

But then where does the volition to seek the end come from? Doesn’t it come from the desire? First, consider that a duty to keep yourself healthy would give you an instrumental reason to exercise, whether you desired health or not. That’s because the duty to be healthy would be a ground for adopting a volition to take whatever means are necessary to maintaining your health. So a desire is not necessary to give rise to an instrumental reason. Of course that is not the case we are thinking about now. What is the ground for adopting the volition when we do desire the end? At the time he wrote the *Groundwork*, Kant thought that imperatives of prudence give us reasons to try to realize those ends which are also a means to happiness. In later works, Kant incorporates inclinations for things that will make us happy under what he calls a principle of self-love. Either the imperative of prudence or the principle of self-love would give you a reason for adopting an end that will make you happy, as long as there is no conflict with morality. That reason would confer normativity on taking the means to that end. But—and this is an important point—in Kant’s theory, the reason you would will the end is not, at least not directly, your inclination for the end; it is the fact that satisfying the inclination will make you happy.

It is important to emphasize that I am talking about desires in the sense of inclinations (*Neigungen*) here. Kant thinks inclinations are wholly subjective conditions of sensibility. This becomes clear in the *Metaphysics of Morals*, when Kant says this:

The capacity for having pleasure or displeasure in a representation is called *feeling* because both of these involve what is *merely subjective* in the relation of our representation and contain no relation at all to an object for possible cognition of it (or even cognition of our condition). While even sensations, apart from the quality (of e.g., red, sweet and so forth) they have because of the nature of the subject, are still referred to an object as elements in our cognition of it, pleasure or displeasure (in what is red or sweet) expresses nothing at all in the object but simply a relation to the subject. (MM 6:211)

legitimately can, if only I knew what, to bring this end about.” Kant calls the object of such an indefinite volition a “wish” (MM 6:213).

Secondary qualities like “red” and “sweet,” do depend for their qualitative feel on the nature of the subject, on the way we respond to things. But they still contribute to our cognition of the object, by showing us things about its shape or chemistry, for instance. But pleasures and pains, including those we take in the objects of desire or aversion, are wholly subjective. For Kant, inclinations are not, as they are in, say, Aristotle, defeasible perceptions of the good. They are just personal tastes. The view is surprising and I think it is certainly inadequate. Since Kant explicitly says pleasure and pain do not contribute to the cognition “even of our condition,” Kant apparently does not even grant that physical pain is a cognition of something amiss with your body. So on Kant’s conception, the reason to satisfy your inclinations is that it will make you happy. But as Kant thinks of them, inclinations are not themselves reasons to do the things you are inclined to do, independently of the fact that that satisfying them will make you happy. All willed ends are grounded in principle—either the principles of duty or the principles of prudence or self-love. So of course all hypothetical imperatives are grounded in principles as well.

Of course, Kant also thought that our motives for trying to achieve happiness have an empirical source. In the *Groundwork*, Kant asserts that there is a hypothetical imperative of prudence, based on an end—happiness—which he claims we just “have” by a natural necessity. I cannot do the question full justice here, but I think this account is totally confused. Does “having” here mean willing or just wanting? If happiness is just something we want, it would not give rise to an imperative, as we have seen. Is it then something we will? Elsewhere Kant argues that we have complete freedom with respect to the volition of ends, and the *Groundwork*’s claim that we just *have* a certain end by natural necessity is obviously inconsistent with that. On the other hand, if there were an imperative *telling* us to seek happiness, it would not be a hypothetical imperative. There is more to say about all this than I have room for here, but Kant has not given us a reason to believe that hypothetical imperatives, or any non-moral imperatives, have empirical motivational sources.²³ Rather, they are grounded in the principles of rational volition.

10. Problems with the *Groundwork*’s Deduction

Kant’s confusion about the normativity of hypothetical imperatives becomes clear in the “deduction” he offers us in the third section of the *Groundwork*. To show you how, I need to summarize the deduction briefly. We need to know as background to the foundational arguments in both the *Groundwork* and the second *Critique* that Kant supposes that all the main forms of reasoning, that is the different kinds of syllogism, invite regress to the

23 For more extended arguments on these points, see Korsgaard, “The Myth of Egoism,” essay 2 in *The Constitution of Agency*.

unconditioned. When we ask ourselves what would bring such a regress to an end, we formulate what Kant calls the Ideas of Reason: God, Freedom, and Immortality. The Ideas of Reason concern things that could only exist in a noumenal world, and therefore their objects are not the sorts of things of which we can have knowledge. But we can still formulate the Ideas of Reason and think about their objects. Theoretical reason affirms these ideas, in the sense that it posits the objects of these ideas as features that the noumenal world must have if the noumenal world meets the standards of human reason. But it affirms them only in a negative form.

Freedom, in its negative theoretical role as the idea of uncaused causation (that is, causation that is *not* caused by anything else), will serve as an example. When we ask what is the cause of Z, and answer Y, we are then invited to ask what is the cause of Y, and so on. What would bring this regress to an end would be a spontaneously active first cause, which is to say a free cause. Unless things can in principle be traced to first causes, nothing would have a full and complete cause, because the regress of causes would go on forever. This would not be intelligible to human reason, which demands that every event have a full and complete cause. But a first cause could not exist as a part of the empirical or phenomenal world, in which every event has a cause. If it exists at all, it is as a noumenon, which somehow serves as the ground of the whole series of causes in the phenomenal world.

This is the starting point of the *Groundwork's* deduction. Kant argues that:

Reason “shows in what we call “Ideas” a spontaneity so pure that it thereby goes far beyond anything that sensibility can afford it” (G 4:452)

He means that we rational beings show our own spontaneity in formulating the Ideas and thinking about their objects because we “produce these [representations] simply from ourselves” rather than getting them passively “from somewhere else” (G 4:451), like the representations of the senses.

Because we are capable of this sort of spontaneous activity insofar as we are rational, Kant claims, we must conceive ourselves, insofar as we are rational, as members of the noumenal world.²⁴ And because we must conceive ourselves as members of the noumenal world, we must conceive ourselves as transcendentally free, and therefore as subject to the categorical imperative. That is, in very short form, the deduction Kant offers.

24 In the *Groundwork* Kant does not talk about noumena and phenomena, but rather about the world of understanding and the world of sense, and the intelligences that exist in the world of understanding. The noumenal world is a world of things as they are in themselves, and there is a question about whether they meet our standards of intelligibility or are wholly unknowable by us. The world of understanding is that world if it does meet our standards of intelligibility. I use the terminology of noumena and phenomena here.

There are a number of problems with this argument. One is that it does not seem to address the problem of moral interest, and therefore it is hard to see how it is supposed to solve the problem that Kant had originally posed. In fact, at the end of the book, Kant insists again that we cannot explain how pure reason can be practical.

Another problem is that formulating and thinking about the Ideas of Reason, in their negative versions, is a function of theoretical reason.²⁵ Kant believes theoretical reason has to affirm the bare negative idea of freedom as uncaused causation in order for us to believe that anything we encounter in the phenomenal world has a full and complete cause. Uncaused causation is essential to the world's intelligibility, to its being a rational place in human terms. Of course that does not show that *we*, human individuals, must conceive ourselves as free. What is supposed to show that *we* are free is that *we* formulate and think about the Ideas of Reason and are therefore rationally active. But even if that is right, it does not seem to show us that our capacity for *practical* reason makes us members of the noumenal world. In fact, it is hard to see how anything short of having a reason to think of ourselves as capable of free agency could make us think of ourselves as noumenal *agents*. Presumably, that is why Kant later decided to reverse the argument, and derive transcendental freedom, and with it our membership in the noumenal world, from the practical freedom involved in morality.

Most importantly for my purposes here, despite Kant's insistence that *pure* spontaneity is exhibited by theoretical reason, he evidently thinks the argument shows that we must regard reason *in general* as an active faculty that makes us members of the noumenal world. He says:

As a rational being, and thus as a being belonging to the intelligible world, the human being can never think of the causality of his own will otherwise than under the idea of freedom.... (G 4:452)

But where does this leave the hypothetical imperative? If we can only think of the causality of our own wills under the idea of freedom, then we can only think of our subjection to the hypothetical imperative that way, since the formal hypothetical imperative is derived from the causality of our wills. In that case our subjection to the hypothetical imperative does not have an empirical source. But if the source of its "normativity" were empirical, then it

25 Could we have theoretical but not practical reason? In an earlier passage, Kant suggests that there could be a creature who has some sort of reason but not practical reason (G 4:395). This "favored creature" would have instincts that secured its happiness, but would still be able to appreciate "the fortunate constitution of its nature." Kant suggests that the kind of reason left to him would be theoretical when he says that in this creature reason would not "break forth into practical use"; nature would select both its ends and its means. But in fact the favored creature could not appreciate the well-designed purposiveness of its nature without a grasp of practical reason, since what its nature does so well is to find the means to happiness. Teleological claims depend on practical reason, not just on theoretical reason.

would not be an expression of freedom. So the *Groundwork's* deduction leaves the hypothetical imperative in limbo.

11. Why the Categorical Imperative Doesn't Need a Deduction

Here is one reason why Kant should have seen the problem with what he was saying. There is an important difference between practical reason and the theoretical understanding, and it suggests one reason why the principles of practical reason do not need a deduction in the same sense that the principles of the understanding do. I will put the point in a somewhat abbreviated form. We cannot impose human standards of rational intelligibility on things as they are in themselves if those things are *completely* independent of us. So if the experienced world must meet human standards of rational intelligibility, it must be because we contribute something to that experience ourselves. The deduction, as Dieter Henrich suggests, establishes our right to impose our human standards of intelligibility on the experienced world.²⁶ But there is no problem about what establishes our right to impose our human standards on the actions produced by practical reason. Our actions are our own, we produce them ourselves, and we can impose any standards we like on them.

In the *Critique of Practical Reason*, Kant himself mentions all this. He says that we can prove the laws of the theoretical understanding by showing that:

appearances could be cognized as objects of experience only by being brought under the categories in accordance with these laws...and consequently...all possible experience must conform to these laws. (C2 5:46)

But practical reason is not an attempt to impose our own standards on independent objects; it creates its own objects. But instead of concluding that there is no need for a deduction in the practical case, Kant just asserts that it is a different kind of problem requiring a different kind of deduction.

12. Kantian Constitutivism as a Replacement for the Deduction

In the *Groundwork*, Kant tends to characterize heteronomous agents as driven by the laws of nature. By the time he wrote the second *Critique*, Kant had realized that this is a mistake. He now characterizes heteronomous action as based on a *principle* of self-love (C2 5:23). Importantly, that means

26 See Dieter Henrich, "Kant's Notion of a Deduction and the Methodological Background of the First Critique" in Eckart Förster's collection *Kant's Transcendental Deductions*, Stanford 1989.

that all rational agents are in a formal sense autonomous: all rational actions, good or bad, are governed by a law that we ourselves choose, or at least allow, to determine what we do. In general, Kant has come to believe that the distinctive feature of rational agency is that rational beings choose not only our ends and actions, but the laws that govern that choice. In the *Religion*, Kant says that all choice is governed by two principles, the moral principle and the principle of self-love. The difference between good and evil rests in which of these principles you make the condition of the other. The trouble with choice governed by the principle of self-love is not exactly that it is heteronomous in the sense that the agent is determined by the laws of nature. Instead, it is heteronomous in the sense that principles which prioritize self-love over morality cannot really be autonomously willed. The choice to act on them must therefore be partly an effect of outside influences.

At this point, Kant could have realized that his view implies that an imperative commanding autonomy—that is, an imperative commanding that we should subject ourselves to principles that we ourselves regard as the laws that should govern our own conduct—stands in the same relation to rational action as the hypothetical imperative does. It is constitutive of it. Both imperatives spring from the idea that an action is the exercise of the agent's rational causality. Conformity to the hypothetical imperative is what makes our actions effective, which they must be if we are to be causes. Conformity to a principle that is autonomously chosen is what makes those effects our own, which they must be if what we do is to count as our own causality. What in fact remained for Kant to prove is that the principles that we ought to take to be laws are those principles which we would take to be laws for anyone in our circumstances. In other words, Kant needed to prove the connection between autonomy and morality. If autonomy is constitutive of action, and the connection between morality and autonomy holds, then morality and effectiveness, the objects of the two imperatives, are the perfections of rational action. This is the view now sometimes called Kantian Constitutivism.²⁷

But Kant did not hold it. As late as when he wrote *Religion within the Limits of Reason*, Kant still rejected the view that the two imperatives are both necessary features of action. In a footnote in that book, Kant makes it clear that he still believed that there could be an agent who was hypothetically but not categorically rational, and he still believed that that agent would be motivated by incentives of inclination. As he says:

The most rational being of this world might still need certain incentives, coming to him from the objects of inclination, to determine his power of choice. He might apply the most rational reflection to these objects—about what concerns their greatest sum as well as the means for attaining the goal determined through them—without thereby even

27 For some arguments in favor of this view, see Korsgaard, *Self-Constitution: Agency, identity, and Integrity*.

suspecting the possibility of such a thing as the absolutely imperative moral law Were this law not given to us from within, no amount of subtle reasoning on our part would produce it or win our power of choice over to it. (R 6:26fn)

13. Some Things Kant Got Right

I have been arguing that Kant is wrong about the need for a special “deduction” of the categorical imperative, because he misunderstands the normativity of the hypothetical imperative. Once we see that we can see that both imperatives are grounded in the nature of rational volition. But I want to say something now about some important points that Kant got right.

First of all, Kant was right to think that if we are practically rational beings, the principles of reason must be able to incentivize the actions they direct us to perform. For this to happen, rational thoughts must have a certain effect on our empirical nature: they must make the recommended action in some way appear attractive, worth doing, to us. I am not denying this; I am only claiming that this is true of all of the principles of practical reason. Reason and sensibility cannot just be separate. They must work together in the production of action, just as they work together in the production of experience. This is a point on which I think more work needs to be done.

A second point that Kant got right is that we have no theoretical knowledge that we are free. The fact that there is no *special* problem about the normative force of the categorical imperative does not show that we cannot doubt that we are motivated by the categorical imperative. It only shows that we can also doubt that we are motivated by the other principles of practical reason. We must remember that, as Kant emphasizes in the *Groundwork* deduction, rationality is a form of activity, and activity, according to Kant, is not empirically knowable. In the course of the *Groundwork* deduction, Kant reminds us that this restriction applies even to self-knowledge, that is, to our introspective awareness of ourselves. He says:

Even as to himself, the human being cannot claim to cognize what he is in himself through...inner sensation. (G 4:451)

When we think of ourselves as rational, we think of ourselves as beings with active minds, applying both theoretical and practical principles, drawing inferences, formulating the ideas of reason, choosing our own actions, and doing them. But all we experience through inner sense is one thought following another, just as in external perception, all that we experience directly is a sequence of events. So it is possible to entertain the idea that we are beings whose thoughts, and ultimately whose movements, follow a rational sequence, not as a result of our own rational activity, but from some

other cause.²⁸ That would give us the answer to a question I raised earlier—to whom is Kant's argument addressed? If I am right, it should be addressed to ourselves as beings who experience ourselves as rationally active, even though we cannot know for sure that we are. My point is that this would be just as true of the activity of deciding to take the means to a willed end as it would be of the activity of deciding to govern your conduct by a universally necessary law.

By the time he wrote the *Critique of Practical Reason*, Kant had come to think that the problem he saw about the deduction is insoluble but of no practical importance. It is simply a "fact of reason" that the moral law is normative for us. I think the same point can be made about the problem I have just identified, the problem whether we are genuinely active rational beings at all. In the *Groundwork*, Kant tells us that:

...every being that cannot act otherwise than under the idea of freedom is just because of that really free in a practical respect, that is, all laws that are inseparably bound up with freedom hold also for him...(G 4:447)

In the second *Critique*, Kant himself seems to abandon the idea that we "act under the idea of freedom," for he says that we would never have suspected our freedom were it not for the fact of reason (C2 5:29). But I think that what Kant said about this in the *Groundwork* is right. You must excuse me for quoting my own argument from "Morality as Freedom":

...imagine that you are participating in a scientific experiment, and you know that today your every move is programmed by an electronic device implanted in your brain. The device is not going to bypass your thought processes, however, and make you move mechanically, but rather to work through them: it will determine what you think. Perhaps you get up and decide to spend the morning working. You no sooner make the decision than it occurs to you that it must have been programmed. We may imagine that in a spirit of rebellion you then decide to skip work and go shopping. And then it occurs to you that *that* must have been programmed. The important point here is that efforts to second guess the device cannot help you decide what to do. They can only prevent you from making any decision. In order to *do* anything, you must simply ignore the fact that you are programmed, and decide what to do—just as if you were free.²⁹

28 This gives a different sense to the idea of "empirical practical reason." Empirical practical reason would be having practical thoughts that follow a rational sequence but are not necessarily the products of the thinker's own rational activity. Of course, there may be a problem about how we would know that our thoughts follow a rational sequence, or why we would think that they do, if we are not genuinely active rational beings.

29 Korsgaard, "Morality as Freedom," Essay 6 in *Creating the Kingdom of Ends*, pp. 162-163.

I think that once we see that the real problem concerns our conception of ourselves as rationally active, the claim that we must act under the idea of freedom has an essential role to play. The fact that we must choose our actions under the idea of freedom shows that skeptical doubts about our rationally active nature can have no real effect on what we do. After all, nothing counts as *acting* under the conception of ourselves as passive beings, and we do have to act.

So it is because we cannot help but *regard* ourselves as rationally active beings that we have to act under the idea of freedom, in the sense of negative freedom. And then the Initial Argument of *Groundwork* Three takes over. The realization that the will must have a law under which it operates requires us to seek a positive conception of freedom, which the Content Argument gives us. That's how we arrive at the categorical imperative. Once we have done that, Kant thinks it is a "fact of reason" that we realize that that law really is normative for us, and so can motivate us. I would say instead that it is because we have to act under the idea of freedom that we must see *all* of the laws of practical reason as being normative, and therefore motivating, for us.

14. The Argument for Freedom

Instead of the deduction, in the second *Critique* Kant offers us a "credential" for morality. The credential is that practical reason supplies us with positive content for the Ideas of Reason, Ideas which theoretical reason can define only negatively. In the case of freedom, practical reason does that by giving us the positive conception of freedom, which is morality. Morality gives us the positive content for the negative idea of unconditioned causation.

Kant's final argument, I believe, is this: If we must conceive of the principles of practical reason as normative for us, then the conclusion that we really are, or can be, free readily follows. Here is why: If we have a positive conception of freedom, we know exactly what transcendently free beings would do, at least if the world is intelligible to human reason. They would conform to moral laws, because those laws are categorical. Suppose Kant is right in the Second *Critique*, and it is a fact of reason that the moral law is normative for us. Or suppose Kant is right in the *Groundwork*, and I am right, that because we must act under the idea of freedom, all of the laws of practical reason are normative for us. Either way, because we must regard the principles of practical reason as normative for us, we must believe that we can be motivated to act on them. So we must believe we can act as reason directs, because reason so directs. In that case, we must believe that we can be motivated to do what transcendently free beings do, for the reasons, and so from the motives, that they do what they do. And if all of this is true, then nothing is missing. We *are* transcendently free beings. From a practical point of view, that is how we must understand ourselves, and there is nothing more to prove.

That is the discovery that animates the *Critique of Practical Reason*. Our transcendental freedom, our capacity for genuine rational agency, can be deduced from the fact that we must conceive the principles of practical reason as normatively motivating for us. That is how Kant shows us how we can be free.

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