

Kant's Defense of Human Moral Status
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ABSTRACT: The determination of individual moral status is a central factor in the ethical evaluation of controversial practices such as elective abortion, human embryo-destructive research, and the care of severely disabled and those in persistent vegetative states. A comprehensive review of recent work on Kant's conception of moral status reveals the need for a careful examination of the content of Kant's biological and psychological theories and their possible relation to his conclusions about moral status. Examination of Kant's "naturalistic" biological and psychological theories reveals his commitment to the view that each human being, in virtue of being generated as a member of the human species, possesses a certain set of "predispositions" from the point of its procreation and throughout its life. Kant's doctrine of radical evil and his practical-metaphysical analysis of the origins of freedom reveal his commitment to a universally possessed practical predisposition ("personality") that is the basis of moral status. These disparate and oft-forgotten elements of Kant's "modest system," taken together, provide a coherent "apology" for Kant's inclusive claim that all human beings possess moral status, a defense more principled than the influential pragmatic decision interpretation suggests. The proposed interpretation clarifies a number of Kant's central commitments in the natural sciences and in ethical theory and sheds new light on one important moment in the history of philosophical reflection on questions of moral status. (225 words)

Kant insists upon a sharp distinction between *dignity* and mere *price*. Price is a kind of relative value, a value something has if it is related in the correct way to something else, in particular to the needs or desires of human beings. By contrast, dignity [*Würde*] is a kind of absolute and intrinsic value.(G 4:434)¹ In Kant's theory there is a deep connection between dignity and moral obligation. It is our innate capacity [*Fähigkeit*] for autonomy, the capacity to "legislate" the moral law and the predisposition [*Anlage*] to act out of respect for the moral law, that gives us dignity and marks us out as ends in ourselves.² Moral obligations can be seen as grounded in that very nature or endowment [*Begabung*] and articulated as demands to respect the dignity and autonomy of ourselves and others. (4:428-436)³ The second formula of the categorical imperative demands: "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means."(4:429) On Kant's view, we have moral obligations *to* and *only to* beings with dignity; though our moral obligations to beings with dignity also entail genuine constraints on how we may treat beings that lack dignity, we have no obligations *to* such beings.⁴ Beings with dignity, persons, can be obligated and can obligate others: in Kant's terms, they are capable of passive and active obligation; they can possess, in contemporary terminology, active and passive "moral status."⁵

Despite widespread agreement about these aspects of Kant's theory, there is remarkable disagreement in the recent literature, both English and German, about the scope and foundations of Kant's conception of moral status. Commentators remain particularly divided about the possible connection between moral status and membership in the human species. There is, as some interpreters have emphasized, substantial textual evidence that Kant ascribed basic moral status to all human beings.⁶ Even so, proponents of a more restrictive interpretation claim that many human beings, including human infants and severely disabled adults, must lack Kantian

moral status because, regardless of their species membership, they obviously lack the characteristics required by Kant's theory.⁷ These commentators tend to ignore Kant's claims that all human beings possess moral status or dismiss them as arbitrary or "speciesist" *dicta* unsupported by his theory.⁸ A third group of commentators has suggested that, on Kant's view, the scope and application of "status concepts" may be guided by but is necessarily underdetermined by the features of the entities to be classified and must, thus, be settled by pragmatic decision.⁹ A critical analysis of this recent work reveals, I shall argue (in section 1), the need for a careful examination of the content of Kant's biological and psychological theories and its possible relation to his conclusions about moral status.

Although Kant claimed that moral principles must have a pure, *a priori* foundation, he also recognized that "a metaphysics of morals cannot dispense with principles of application..." which must take into account "the particular *nature* of human beings, which is cognized only by experience." (MdS 6:217) A careful examination of Kant's *corpus* reveals that his defense of universal human moral status relies upon a combination of elements from his biological and psychological (and anthropological) as well as his metaphysical and moral theories. I will argue (in section 2) that central features of Kant's "naturalistic" biological and psychological theories commit him to the view that each human being, in virtue of being generated as a member of the human species, possesses a certain set of "predispositions" from the moment of its procreation and throughout its life. Kant's doctrine of radical evil and his practical-metaphysical analysis of the origins of freedom (discussed in sections 3 and 4) help to reveal his commitment to a universally possessed practical predisposition which is the basis of moral status. I will argue that these disparate and oft-neglected elements of Kant's "modest system," taken together, provide a

coherent “apology” for and defense of his inclusive claim that all human beings possess moral status, a defense which is more principled than the pragmatic decision interpretation suggests.¹⁰

On the proposed interpretation of Kant’s defense of human moral status, Kant’s arguments cannot, without modification, determine the contemporary “Kantian” options on questions of moral status. Insofar as aspects of Kant’s defense of universal human moral status will be shown to rely upon elements of his biological and psychological theory, some of which have been superseded by subsequent developments in those fields, there will be questions about the adequacy of Kant’s conclusion and his defense of it that cannot be settled here. Despite the interesting implications the proposed interpretation may have regarding Kant’s position vis-a-vis the moral permissibility of specific human practices such as abortion, embryonic stem-cell research, capital punishment, physician assisted suicide and the treatment of non-human animals, these are well beyond the scope of this study.¹¹ Nonetheless, the understanding of Kant’s defense of the moral status of all human beings that emerges clarifies a number of Kant’s central commitments in the natural sciences and in ethical theory and one point of connection between them, providing the basis for a better understanding of Kant’s ethical theory and his system more generally, and shedding new light on one important moment in the history of philosophical reflection on questions of moral status.

1. Three approaches to Kant’s account

There is substantial textual evidence indicating Kant’s judgment about human moral status: that all human beings possess moral status. In the *Groundwork*, this conclusion appears to be fundamental to the Formula of Humanity:

Now I say that the human being and in general every rational being *exists* as an end in itself, *not merely as a means* to be used by this or that will at its discretion; instead he must in all his actions, whether directed to himself or also to other rational beings, always be regarded *at the same time as an end*. ... *rational*

nature exists as an end in itself. ... The supreme practical imperative will therefore be the following: So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.(G 4:428;429)

However, as we shall see, Kant often uses “humanity” and “personality” as quasi-technical terms that refer to certain capacities or predispositions; we should not jump to the conclusion that either designates a kind-defining property necessarily possessed by all and only human beings.¹²

In the passage just cited, for example, Kant allows that there may be rational beings with “humanity” and “personality” that are not human beings. Nonetheless, in *The Metaphysics of Morals* in a section devoted to “our duties to others,” Kant insists that “a human being is under obligation to regard himself, as well as every other human being [*als auch jeden anderen Menschen*], as his end”(MdS 6:410) and, at the close of his discussion of perfect duties to oneself, Kant argues that we have obligations *only* to human beings.(6:442) Notably, Kant also specifically argues that human children are persons to whom their parents have obligations.

... children, as persons, have from procreation an original innate (not acquired) right to the care of their parents until they are able to look after themselves, and they have this right directly by law (*lege*), that is, without any special act being required to establish this right. / For the offspring is a *person*, and it is impossible to form a concept of the production of a being endowed with freedom through a physical operation. So from a *practical point of view* it is a quite correct and even necessary idea to regard the act of procreation as one by which we have brought a person over into the world without his consent and on our own initiative, for which deed the parents incur an obligation to make the child content with his condition so far as they can. – They cannot destroy their child as if he were something they had *made* (since a being endowed with freedom cannot be such a thing) or as if he were their property, nor can they even just abandon him to chance, since they have brought not merely a worldly being but a citizen of the world into a condition which cannot now be indifferent to them even just according to concepts of right.(MdS 6:280-1)

While such assertions demand additional scrutiny, they clearly support the proposition that Kant ascribed moral status to all human beings, including human children “from procreation” [*aus der Zeugung*].¹³ These passages constitute strong *prima facie* grounds for interpreting Kant’s moral theory in ways that support, or at least make intelligible, this inclusive conclusion. Recent commentary is deeply divided about whether the fundamental commitments of Kant’s theory can support or even cohere with such an interpretation.

Several of Kant's commitments about the nature of moral status emerge in the course of his dismissal of the possibility of human duties to non-human animals and to spirits. In an "episodic section" devoted to exposing "an amphiboly in moral concepts of reflection," Kant argues that we have a tendency to misinterpret the genuine moral constraints *upon* our relationship to natural beauty, to plants and animals, and to God as if those constraints were grounded in duties *to* such beings. Kant maintains that moral constraints that may appear to be duties *to* such beings are in fact grounded in (applications of) duties to oneself.¹⁴

As far as reason alone can judge, a human being has duties only to human beings (himself and others), since his duty to any subject is moral constraint by that subject's will. Hence the constraining (binding) subject must, *first*, be a person; and this person must, *second*, be given as an object of experience, since the human being is to strive for the end of this person's will and this can happen only in a relation to each other of two beings that exist (for a mere thought-entity cannot be the cause of any result in terms of ends). But from all our experience we know [*kennen*] of no being other than a human being that would be capable of obligation (active or passive). A human being can therefore have no duty to any beings other than human beings...(MdS 6:442)¹⁵

Kant begins by specifying what it is to have a duty to a subject: a "duty to any subject is moral constraint by that subject's will." An obligator (a being *to whom* one can have a duty, a being capable of "active obligation") must have a will that can impose a moral constraint upon the obligated, and the obligated (one capable of "passive obligation") has a will that can be constrained by the obligator. This analysis leads Kant to articulate two conditions for genuine moral status: we can be obligated only to a being that is both (i) a "person," a being with a (certain kind of) will, and (ii) is "given as an object of experience." Kant claims that the former condition excludes objects "other than persons," namely "(non-human) objects" such as "mere inorganic matter [*der bloÙe Naturstoff*] (minerals), or matter organized for reproduction though still without sensation (plants), or the part of nature endowed with sensation and choice (animals)." While these beings are given as objects of experience, Kant thinks they lack a will that can impose moral constraint upon us. Kant's latter condition excludes "superhuman,"

“absolutely imperceptible” spiritual persons (such as God, angels, and demons) “who cannot be presented to the outer senses.”(6:442) Insofar as these beings cannot be given in experience, Kant argues, we are unable to cognize them or their needs and we are unable to intentionally affect their condition through our actions or to regard them as the cause of effects upon us. Thus, we cannot consider ourselves to obligate or be obligated by them.¹⁶ Neither non-persons nor imperceptible persons are capable of actively obligating human beings or of being obligated to human beings. So, if all human beings are to possess moral status, they must all be perceptible and persons.

In the context of this “amphiboly,” Kant does not specify exactly what a *person* is (nor does he defend his assertion that non-human animals are not persons), though clearly a person must be a being with a will that can impose obligation. But earlier, in the introduction to the *Metaphysics of Morals*, Kant offers a “preliminary” exposition of the concept of moral personality:

A *person* is a subject whose actions can be imputed to him. *Moral* personality is therefore nothing other than the freedom of a rational being under moral laws (whereas psychological personality is merely the ability to be conscious of one’s identity in different conditions of one’s existence). From this it follows that a person is subject to no other laws than those he gives to himself (either alone or at least along with others.) / A *thing* is not capable of having anything imputed to it. Any object of free choice which itself lacks freedom is therefore called a thing (*res corporalis*). (MdS 6:223)¹⁷

This passage begins like a mirror-image of the foregoing one. It first characterizes personhood in terms of the capacities for responsibility and the freedom to stand under moral laws, which are found first and foremost in the obligated, rather than the obligator.¹⁸ Taken together, these two passages suggest that while Kant draws a distinction between active and passive obligation, he considers the relevant capacities to be connected: persons are beings with free wills, standing under the moral law, whose wills can reciprocally obligate and be obligated by one other. Moral obligation is a relation between (perceptible) persons, between two distinct persons or of one person to him- or herself.¹⁹

This conception of obligation and the basis of moral status fits well with each of Kant's familiar formulations of the supreme principle of morality in the *Groundwork*. The Formula of Universal Law commands each of us to act only on maxims that we can simultaneously will to be universal laws *of volition*. Each will is constrained by the idea of what can be a law for all wills. The Formula of Humanity requires each of us to treat each person as an end-in-itself. The Formula of Autonomy and The Formula of the Kingdom of Ends have us conceive of the moral law to which we are subject as a law that we legislate as and for members of a kingdom of ends, a union of rational beings made possible by that law.

Recent commentators are deeply divided about the putative connection between this general conception of moral status, which focuses upon personhood, and Kant's conclusion that all human beings possess moral status: interpreters disagree about the nature and legitimacy of the putative connection between being a human being and possessing moral status. Defenders of an *inclusive interpretation* of Kant's conception of human moral status must suppose that, since Kant thought that one must be a person to possess moral status and that all and only human beings possess moral status, Kant must have considered all human beings to be persons.²⁰ Yet they have not isolated any independent justification from within Kant's system for such an assertion. Advocates of a more *restrictive interpretation* contend that on Kant's personhood criterion many human beings, including normal human infants and seriously (even if only temporarily) cognitively disabled human adults, must lack moral status.²¹ Construed most narrowly, Kant's cited claim (6:223) about imputability or responsibility may suggest the following criteria for moral status: an individual is a person and has moral status if and only if it is reasonable to hold her morally responsible for some action. Since there is nothing for which

we would hold human infants or severely cognitively disabled adults morally responsible, it is argued, such humans must lack Kantian moral status.²²

This initial argument for a restrictive conclusion comes up short, but it effectively brings into relief a problem for the inclusive interpretation of Kant's theory. As Brandt has noted, this argument comes up short because Kant's cited claim about personhood and responsibility does not entail that each person acts or has acted or that each is always able to act; it only entails that *when or if* a person does act, she may be held responsible for her actions.²³ Thus, while actual attributions of responsibility and an immediate capacity to act can provide a sufficient condition for the possession of moral status, they may not be necessary for moral status: this is one reason why Kant's claim need not imply that sleeping adults, for example, are non-persons.²⁴ What Kant emphasizes in the relevant passages is how the freedom possessed by persons is a prerequisite for any ascriptions of responsibility.²⁵ It is the will and its freedom under moral laws that are definitive of persons and, hence, ground active and passive obligation, define the limits of moral status, and ground judgments of responsibility. Thus, a focus on present action and actual judgments of responsibility, rather than upon freedom itself, is misplaced. Yet, despite these shortcomings in the argument, a problem remains: human infants may not fare much better if Kant's criterion focuses on the possession of autonomy or freedom under moral laws. After all, part of the reason why we do not hold infants morally responsible for their behavior is that they fail to manifest an ability to control their behavior, much less to control it via a conception of the moral law.²⁶ Two month old humans manifest a rational will as much as rodents do, namely, not at all.

In fairness to Kant, this point is acknowledged in his discussion of the distinction between mature [*mündige*] and immature [*unmündige*] persons. Immaturity, he explains, is the

inability to make use of one's understanding, at least an inability to make use of it without the direction of another.(8:35; 7:208) For example, an immature child is a "person" and a "being endowed with freedom," [*ein mit Freiheit begabten Wesen*] "from procreation" even though it is "not yet able [*mächtig*] to make its own use of its members or understanding."(6:280-281; 6:454)²⁷ The clear implication of this distinction is that there are persons, beings endowed with freedom, that are, at least temporarily, unable to make effective use of that freedom.

Thus, Kant seems to hold that the individual manifestation of "freedom under laws" is not a necessary condition for moral status; he can resist the conclusion that infants lack moral status. A brief consideration of Kant's theory of freedom shows that this is far from an *ad hoc* evasion: on Kant's theory, freedom is not something that can be empirically cognized. Kant argues that our cognition of empirical objects involves a commitment to causal determinism, but that freedom involves an independence from determination by such causes: it requires a "faculty of determining oneself from oneself" in accord with reason. (A534/B562ff.) Thus, "experience lets us cognize only the law of appearances and hence the mechanism of nature, the direct opposite of freedom."(KpV 5:29, cf. G 4:446, MdS 6:221, 226)²⁸ Although this precludes the empirical cognition of freedom, Kant's transcendental idealism allows him to claim that empirical causal determinism does not entail that freedom is impossible: "in freedom a relation is possible to conditions of a kind entirely different from those in natural necessity, the law of the latter does not affect the former; hence each is independent of the other, and can take place without being disturbed by the other."(A557/B585) After experimenting with a variety of theoretical arguments to show that freedom is not merely logically possible but real, Kant ultimately concludes, in the *Critique of Practical Reason*, that all such theoretical arguments fail. Kant argues that the reality of our freedom can be established, but only by practical reason: we

are each “immediately conscious (as soon as we draw up maxims of the will for ourselves)” of the moral law; the moral law is given to us as “the sole *fact* of pure reason” and this fact leads us to the concept of freedom and the postulation of its reality in us.²⁹ These features of Kant’s theory of freedom impose significant constraints upon the conclusions that may be drawn about moral status: the empirical manifestation of freedom cannot be a prerequisite for the moral status of anyone. Thus, within Kant’s theory, the failure of human infants, for example, to empirically manifest freedom cannot itself count against their possession of moral status.

Taken by itself, this response to the restrictive interpretation only puts off the problem facing the inclusive interpretation, however. Recourse to Kant’s theory of freedom, one of the most controversial elements of his transcendental idealism, seems to be of little help in this context.³⁰ If anything, attention to Kant’s theory of freedom seems to accentuate the apparent gap in Kant’s theory of moral status. The inclusive position is hardly vindicated if the inclusion of all human beings is, at bottom, fundamentally arbitrary. Kant’s theory of freedom may preclude straightforward empirical criteria for the ascription of freedom or “moral personality,” but that does nothing to suggest how the “fact of reason” could support or even allow any alternative criteria. In the light of these considerations, the lesson drawn by many commentators is straightforward: only the restrictive conclusion that many human beings lack moral status appears consistent with his theory; the ascription of moral status to all, and only, human beings appears quite “arbitrary” and “speciesist.”³¹

A third set of commentators has suggested a way to bridge this gap, making a virtue of necessity and interpreting Kant’s own conclusion about human moral status as the product of an unavoidable pragmatic decision, rather than as a case of pure arbitrariness.³² Christine Korsgaard has argued that on Kant’s account moral concepts are “precise in themselves,” but lack a

determinate application to “the things we find in the world,” because moral concepts are “ideals.”³³ The nature of ideal concepts, she argues, gives rise to an ineliminable gap between the “ideal” content of “practical concepts,” including that of moral status, and the empirical evidence we can gather about individuals. While there is often a morally significant difference between children and adults, for example, the process of individual maturation is continuous; there can be no precise fit between an individual’s intrinsic features and the boundaries of moral classification. We are faced with a continuum of various degrees of inadequate fit between empirical and moral concepts. Yet, Korsgaard explains, despite the lack of fit, we cannot avoid employing moral concepts altogether because to do so would be to evade morality. We must ascribe freedom and moral status to ourselves as obligated “because the moral law commands categorically, and we recognize that we can do what we ought,” and we must ascribe it to ourselves and others as obligators, since otherwise duty would be “without content or application.”³⁴ Insofar as the fact of reason requires us to apply status concepts, we are left with no choice but to do the best we can: to make some somewhat arbitrary pragmatic decisions, “to draw some lines that are not firmly grounded either in the theoretical facts about those persons ... or in the moral law.”³⁵

Korsgaard suggests that, on the Kantian view, acceptable pragmatic decisions about the application of moral concepts can and should be guided by the theoretical facts and empirical investigation as far as possible, and should be responsive to the moral ideal of promoting a “kingdom of ends,” even though these considerations underdetermine such decisions.³⁶ On this *pragmatic decision interpretation*, Kant’s decision to consider membership in the human species to be the mark of moral status, “to treat ... (almost) every human being as free and rational,” was a pragmatic solution to an unavoidable problem.³⁷

The pragmatic decision interpretation effectively highlights a crucial, yet undefended, assumption of the restrictive interpretation: the assumption that the connection between empirical concepts, for example, those of biology, and moral status concepts must be either immediate or fundamentally arbitrary. While Kant's theory of freedom does entail constraints upon the way in which empirical concepts and moral concepts may be connected, it may not render all such connections completely arbitrary. As we shall see, there is also something fundamentally correct about the suggestion that the "fact" of moral obligation plays a particularly foundational role in Kant's account of human moral status and his attempts to connect empirical concepts with judgments of moral status.

Yet, there are problems with the pragmatic decision interpretation, particularly when it is applied to questions of basic moral status.³⁸ First, while the pragmatic decision interpretation raises important questions about the content and potential relevance of empirical concepts within Kant's theory, it fails to specify much of the content of the relevant empirical concepts and fails to clarify how and how far empirical investigation and the theoretical facts can and should inform judgments about basic moral status.³⁹ More significantly, it is unclear how the moral law itself can serve as a guide to settling fundamental questions about the scope of basic moral status without lapsing into vicious circularity. The determination and application of special status concepts such as "child" can be guided by the ideal of realizing a kingdom of ends precisely because it is already assumed that all concerned, anywhere on the developmental continuum, are appropriate objects of basic respect. Precisely because it is assumed that all are persons entitled to basic respect as members in a kingdom of ends, we can use the ideal of such a kingdom of ends to help determine which developmental conditions are morally relevant obstacles to individuals' full participation in such a kingdom and as a guide to our treatment and

compensation of those who, to some degree or another, face such obstacles.⁴⁰ But how could this ideal provide any non-circular guidance for our judgments about the scope of personhood and basic respect itself?⁴¹ While the pragmatic decision interpretation attempts to mitigate charges of arbitrariness by suggesting that empirical concepts and the moral law could provide some guidance to pragmatic decisions about moral status, closer scrutiny raises questions about the adequacy of these sources of guidance.

Kant's texts clearly indicate that he ascribes moral status to all members of the human species from procreation, yet our analysis of recent commentary reveals an explanatory gap between Kant's general conception of moral status, which emphasizes the importance of personhood, and his assertions that all human beings possess moral status. To adequately grasp Kant's position, it is crucial to pursue the suggestion of the pragmatic decision interpretation and the clues implicit in Kant's use of biological terminology in these contexts. When we take into account some of the oft-neglected content of Kant's theory of human beings, his inclusive conclusion can be seen to be more principled than the pragmatic decision interpretation suggests.⁴²

2. The nature of human beings: Kant's biology and psychology

Quite independently of his moral philosophy, Kant articulated conceptions of the disciplines of biology, psychology and anthropology and, within these disciplines, in light of empirical evidence, he developed a theoretical and empirical conception of human beings which provided key elements for his defense of human moral status.⁴³ Kant's biological and psychological theories contain a conception of predispositions, reproduction, and ensoulment, and a manner of identifying the predispositions of the human species which provide part of the

basis for his contention that each human being possesses from his or her procreation the features requisite for moral status. Within the context of his “naturalistic” theory of organisms, species, and organic reproduction and development, Kant contended that each human being, in virtue of being generated as a member of the human species, possesses a certain set of “predispositions” from the moment of its procreation and throughout its life.

Before proceeding to the relevant details of Kant’s biological, and then his psychological theory, it is useful to identify a few of the commitments that shape Kant’s contributions to the disciplines of biology and psychology.⁴⁴ Kant insists that in natural science we must seek to identify a system of efficient or “mechanical” causal laws responsible for observable regularities, yet he also maintains that there are phenomena that resist such an understanding. (KU 5:387-8, 5:372-6, 401f.)⁴⁵ Many biologically interesting “appropriate regularities,” especially those observed in reproduction and development, while contingent with respect to the efficient causal laws of physics and chemistry, are more than the mere “work of chance,” “accident,” and “the simple play of nature.” (GtP 8:166-8)⁴⁶ A tree, for example, must be understood as being capable of organic growth and of maintaining itself over time as a functioning whole of its kind, and as capable of producing other members of its kind. Trees are simultaneously “cause and effect of themselves” in so far as they produce members of their own kind and organize themselves as they grow and because of the way that the whole organism and its parts are causally interdependent. (5:371f.) Kant claims that we can never fully comprehend such “reciprocal” causal structures within the resources of uni-directional efficient causation characteristic of physics and chemistry.⁴⁷ What we need to bring these regularities “under laws,” (2:429) Kant contends, is a set of teleological concepts, including the concept of an *organism*, a “natural end” which is a teleologically organized and self-organizing whole, organized for life and

reproduction.⁴⁸ Yet the “warrant” to employ such teleological principles in natural science must be carefully specified and limited if we have any hopes for “real knowledge” or understanding.(GtP 8:160, 162; 2:429)⁴⁹ To avoid “straying into the desert” of fantastic metaphysics and personally “invented” forces (GtP 8:179-180, 161; cf. A222/B269), we must observe the maxim that “in a system of natural science everything must be explained *naturally*.”(GtP 8:178; cf. A544/B572, A773/B801) Kant takes this maxim to have several implications for explanation within natural science. First, within natural science it is not “advisable to use theological language”(8:178; 5:361) or appeal to direct or intentional supernatural intervention, which withdraws the events from nature and natural explanation.(5:375, 383) Second, Kant insists that the specific powers and laws appealed to in natural science should be “derived from the forces of nature as they present themselves to us;”(8:161-2) invented or imagined powers must be eschewed.⁵⁰ Third, explanations appealing to teleological principles must be “economical” or parsimonious, not positing complexity or multiplicity which fails “to secure the slightest bit more for rational comprehension”.(8:169)⁵¹ “Reason will not, without need, proceed from two principles” or powers or laws “if it can make do with one.”(8:165) Fourth, the acquisition of genuine knowledge in natural science, especially in relation to the study of organisms, depends upon the contribution of a special science of “natural history” which systematically investigates “the connection between certain present properties of the things of nature and their causes in an earlier time” so far as but “only so far as permitted by analogy” with the laws and powers derived from what we observe.(8:161-2)⁵² This seems to be a particular application of the general demand of reason for unity and systematicity in a science.⁵³ Fifth, Kant takes this maxim to entail that some questions are completely beyond the competence of natural science: for example, natural science “cannot ask where all organization itself

originally came from. The answer to this question, if it is available to us at all, would obviously lie *outside* natural science.”(GtP 8:179, 161, 169; 5:389)

As part of his attempt to “naturalistically” explain a number of important apparent regularities of organic reproduction and development, Kant advocated an epigenetic theory of the reproduction of organisms, a conception of real species, and a doctrine of original predispositions. Offspring appear to resemble their parents in regular ways: in rather predictable ways, they tend to resemble one and/or the other of their parents in many respects and may possess some mixed characteristics. Without arbitrarily positing some sort of preestablished harmony of bodies, strong individual preformation theories of reproduction have great difficulty accounting for such patterns, especially those involving mixed characteristics. Such considerations motivated Kant’s moderate version of “epigenesis” or merely “generic preformationism,” according to which adult organisms, rather than simply unfolding a preformed body contained in one of the parents’ body, produce a new organism endowed with the parents’ specific organization.(5:423)⁵⁴ On Kant’s account, the specific organizing form of the offspring is present in both parents in advance and the particular organizing form that a given individual begins with is a result of its parents’ activity, a result of their “mixing”, rather than the sole contribution of either parent. “The parents are the productive causes of the conception [*Zeugung*], and the young animal thus arises from the mixture [*aus der Vermischung*] of both sexes as a product.”(K3 (1794-5) 29:1031)⁵⁵

Kant was impressed with how the “species in nature are really partitioned”(A661/B689) from one another, how the “rungs are too far apart” to be conceived as a continuum.(A668/B696) Kant insisted that if we are to avoid inventing powers and attempt to trace “the present properties of things,” such as this partitioning and its persistence, back to their causes as far as we can go

by analogy with observed powers, natural science should focus on identifying the “real kinship” relationships between organisms, a kinship revealed by individuals’ reproductive origins and their capacity to produce fertile offspring with one another.⁵⁶ The epigenetic reproductive power we observe, Kant suggested, is that of *generatio homonyma*: a power to produce, in cooperation with another, a new organism of one’s kind that fundamentally resembles its parents and other ancestors.(KU 5:419n.)⁵⁷ Kant argued that this “historical” criterion of kinship, grounded as it is in the conception of the epigenetic reproductive power that we can observe, is the key to a naturalistic account of “real” or “natural species” of organisms and of the variations and developments within them.(BBM 8:102; GtP 8:178)⁵⁸ Kant’s proposal is that the characteristic features and capacities of the members of each species be understood in terms of an underlying common specific nature, a set of “predispositions” [*Anlagen*] and “germs” or “seeds” [*Keime*], originally implanted in the species and then epigenetically imparted to each of its members via the reproductive power of their parents.

I, for my part, derive all organization from *organic beings* (through reproduction) and account for later forms (of this species [*Art*] of natural thing) through laws of gradual development from *original predispositions* (of the kind that one frequently finds in the transplantation of plants). I assume that these predispositions were to be found in the organization of the line of descent.(GtP 8:179)

Kant argues that this doctrine of “predispositions incorporated originally in the line of descent” must be part of a “philosophically appropriate” “naturalistic” explanation of the observed stability of and variation and development within biological species.(GtP 8:168-9) Common, inherited original predispositions and germs of each species underlie, limit and structure the development and adaptation of the species.(GtP 8:178-9) This power of organisms to develop and successfully adapt, in species specific ways, to a range of new environments is not “invented”, Kant suggests; rather it is like the power “frequently” observed in the behavior of transplanted plants.⁵⁹ Much of the variety of characteristics observed within species can be understood as the effect, over generations, of the differential development, in a variety of

individuals and environments, of the original, common fixed germs and predispositions implanted in each generation by the parents' reproductive power.⁶⁰ The stability of each species, its underlying unity, and the unity of the historical chain based upon observed powers rests upon the original implantation of predispositions in a species and its universal transmission within a species via reproduction.

In addition to providing a principle for the naturalistic explanation of the continuity and change Kant observed within a human or animal population, Kant's doctrine of original predispositions also provides a crucial element for a properly naturalistic explanation of the development of an individual organism, from its point of origin and throughout its existence. Features of individual growth and development can be understood in terms of the characteristic development and exercise of the capacities and predispositions of its species and/or its particular lineage within that species (e.g., its race or variety) in a particular context; an individual's anomalies and deficiencies can be judged and explained in terms of the effects of and its responses to accidental injury, defects, or obstacles to the normal development and manifestation of the common predispositions and other inherited characteristics.(5:372, 374)

By placing all of the predispositions, even those manifested only later or only in some members of the species, at the origin of each species and at the origin of each of its members, Kant's theory provides a unified account of the aforementioned regularities that complies with his constraints upon naturalistic explanation. It provides a framework for explaining the connection between presently observable features of organisms and their causes in an earlier time, relying on powers derived from present observation and employing teleological principles in an economical manner, and all without appeal to theology. "With the least possible appeal to the supernatural, [it] leaves everything that follows from the first beginning to nature."(5:424)⁶¹

Now, within this explanatory framework, the actual identification of the distinct real species and the specification of their original predispositions and of the relation of such predispositions to contingent features of organisms require the exercise of judgment performed in the light of empirical observation and investigation. Specific claims about the predispositions shared by the members of a species must be formulated in the light of the features and capacities that are characteristic of its normal, mature members; conversely, the fact that normal, mature members of a species fail to manifest a capacity is strong evidence for supposing that the species lacks a predisposition for it.⁶² Within this explanatory framework and its doctrine of original predispositions, which Kant applied to species of dogs, horses and humans alike, the empirical judgment that human beings can interbreed with one another supports the conclusion that all human beings are members of a single species and share a set of common predispositions, as Kant argued forcefully.⁶³

This biological theory provides an important part of the content, relevant for our purposes, of Kant's empirical conception of human beings, but there is much of significance in Kant's psychological theory, as well. Most of the fundamental endowments or predispositions of the human species which Kant chose to identify are of a psychological, rather than merely biological nature; these psychological predispositions seem more germane to the questions about moral status.⁶⁴ Kant's psychological theory also contains an important twist that necessitates some refinements to Kant's basic theory of organic generation and has significant implications for his defense of universal human moral status.

While Kant was rather skeptical of the possibility of a psychological "science," in the strict sense, and more generally skeptical about how far the discipline of empirical psychology

could go in systematically uncovering useful, reliable, and precise empirical laws or generalizations about many psychological phenomena, such skepticism did not prevent him from claiming that empirical psychological events follow deterministic laws nor from developing an empirical model for the explanation of human thought and action which embodies his broadly “naturalistic” theory of explanation and employs elements and analogues of his biological theory.⁶⁵ Observable behavioral patterns present themselves to us and they have a similar form to empirical biological laws: human individuals characteristically manifest and develop, in regular, if also differentiated ways, the basic psychological predispositions that they share with their parents and other members of their species.⁶⁶ Because of the strong “pragmatic” interest we have in developing reliable expectations about other’s behavior and patterns of thought, Kant suggested, we seek to identify *characteristics* of individuals, the two human sexes, different cultures, nations, and races, as well as of different animal species, understanding their behavior in the light of the psychological capacities, faculties, powers and characters shared by the members of each group and their distinctive acquired inclinations and habits, features which are ultimately grounded in (though in some of these cases, not determined by) some of their essential, species-specific predispositions.⁶⁷ The key to Kant’s explanatory model in empirical psychology is the way that certain predispositions and propensities, which underlie or manifest themselves in a variety of instincts, acquired inclinations, and habits, serve as causal grounds for the occurrence of certain thoughts, feelings, desires, and behaviors.⁶⁸ As in biology, the fundamental psychological endowments or predispositions shared by the members of each species are to be judged in the light of the features and capacities that are characteristic of its normal, mature members.

If Kant conceived of psychology as nothing more than an application of general biological concepts and principles to psychological phenomena, his doctrine of original predispositions would entail that organisms are endowed with psychological predispositions, if at all, from their generation and according to their species; it would entail that every human being possesses the psychological predispositions of its species from procreation. However, a central feature of Kant's psychology precludes such a direct connection between biological reproduction and the possession of psychological predispositions. While Kant insisted, as we have seen, that many biological phenomena are properly explained solely in terms of organized matter and its natural effects, he also insisted that although human actions and the appearances of "inner sense" can be cognized and explained, neither can be fully explained "materialistically." Kant argued that, even if our mental representations and the actions that proceed from them can be correlated with specific states of organized matter and predicted on that basis, these mental representations cannot themselves be the object of "outer sense." (e.g., A357, A379, B427) He also contended that the unity we are aware of in our mental representations can never be fully explained in terms of the states of infinitely divisible matter. (e.g., A352, B419) Kant held that we must conceive of the mental representations which are essential constituents of genuine psychological regularities to be states of an immaterial *soul* (though not necessarily a simple, substantial or immortal one), something not fully explicable in terms of mechanical or material laws. (B419-20; KU5:460) This is what Kant had in mind when he suggested that "the sole (presumably valid) object of the rational psychology is the 'refutation of materialism'."⁶⁹ Insofar as this immaterialism implies that psychological predispositions are features of or in relation to an immaterial soul, it raises significant questions about the relationship between an organism's reproductive origins and its

membership in its species, on the one hand, and its possession of psychological predispositions on the other.

Before addressing these questions, it is important to emphasize that Kant's immaterialistic psychological theory is intended to manifest, rather than abandon, his core "naturalistic" principles. Immaterialism is not an *ad hoc* assertion, nor is it asserted on the basis of or solely for the sake of moral intuitions. The concept of immaterial psychological entities is defended, rather, on the basis of a philosophical assessment of the limits of "materialistic" explanations of psychological phenomena, paralleling Kant's defense of the introduction of teleological principles in biology; and empirical psychology, too, eschews theological language and explanation.⁷⁰ After immaterial entities are admitted, empirical psychology proceeds with reference to allegedly observed psychological powers: Kant claims that we human beings can become aware from experience that we possess a capacity to represent objects external to ourselves because we have the power to reflect upon such outer representations and their unification in our thought.⁷¹ We can also be "immediately aware" that we act in accord with our representations. (5:464n, 457) Empirical psychology aims to capture regularities of animal behavior "under laws" through the systematic and parsimonious appeal to the observed powers of outer sense, inner sense, and the faculty of desire. This commitment to systematicity is evident in Kant's explicit ascription of souls to all animals (including non-human animals to which he denies moral status) and indeed to all "living" organisms, a class he took to include zoophytes and polyps (e.g., coral, hydra, sea anemone) and some but not all plants.⁷² Noting that animals can perceive and respond to changes in their immediate environment in ways that (most) plants cannot, Kant insists upon judging their behavior as a product of inner principles (even if less than conscious ones), and argues that animals are not "mere machines," but have souls with

a *vis locomotiva*, because the mental representations that guide their behavior cannot be realized in matter.(5:457,464n.)⁷³ This is part of what Kant has in mind in the *Metaphysics of Morals* when he writes that non-human animals are more than merely teleologically organized natural ends, like plants; their organization involves “endowments,” for “sensation and choice.”(6:442, cf. 2:60) At the same time, it is Kant’s naturalistic commitments, combined with his understanding of observable differences in behavior between mature individuals of different species, that lead him to argue that there is a distinction in kind between the cognitive and volitional predispositions and capacities of human beings and those of all non-human animals with which we are familiar. Kant concluded, as a matter of empirical psychology, that human beings possess a power of inner sense and powers for reasoning and for reflecting upon our desires, which no other animals we know of do. While further development of the mental capacities present in other species is possible, such development, Kant thought, could never yield our higher form of cognition and volition.⁷⁴

Keeping these judgments in mind, we can return to the questions about the possible connection between the reproduction of an organism and its possession of its species’s psychological predispositions. Kant maintains that ensoulment is simultaneous with the generation of any living organism. “When through procreation [*Zeugung*] an organized body comes to be, [the body] has the condition in itself to become ensouled immediately by the intelligible living principle...” “[An] animal is living matter. All living matter is simultaneously ensouled.”⁷⁵ And he claims that ensoulment occurs in accord with an organism’s species. Concerning the human case, for example, he wrote: “The human procreative faculty is the faculty of a human being, with a human of the other sex, to put a person in the world. The means to this or the act through which this effect can occur is the bodily mixing of those two.”⁷⁶

This **doctrine of original ensoulment** makes sense given Kant's biological theory and his conception of naturalistic explanation. Kant's naturalism sets the task of parsimoniously explaining the "appropriate regularities" of animal life, including, if possible, ensoulment, in terms of the non-"invented" causal powers of empirical beings.⁷⁷ Appealing to the power, well established within his biological theory, that organisms have to generate, by mixing, offspring with their species's predispositions, Kant can explain ensoulment, suggesting that an animal or ensouled organism possesses a closely analogous power to generate, by mixing, an animal or ensouled organism of its kind, that is to say, to generate an organism endowed from the beginning with a soul of its kind. The power to ensoul at the point of generation is closely analogous to the established power to generate an organism with original predispositions and makes intelligible the phenomena of regular and continuous psychological development within an individual, in roughly the same way as the doctrine of original predispositions does in biology; such development is understood in a unified and relatively parsimonious way: what appears to be the continuous life of a single animal in a single organic body is treated as such.⁷⁸ Confirmation that this is Kant's approach can be found in his specific resistance to the postulation of a succession of distinct souls or the accumulation of several souls in an individual over time to explain development and a multiplicity of capacities; Kant insists that a single original soul with a range of essential, if differentially manifested, capacities is to be preferred.⁷⁹ Similarly, original ensoulment according to one's species remains closely analogous to the established power to generate an organism of one's kind and makes intelligible the significant psychological differences Kant recognized between species (and especially between humans and non-human animals) and the significant psychological regularities manifested within each species. Kant's judgment that we should ascribe living organisms the power to produce living

organisms of their own biological species, endowed from procreation with their kind of soul and predispositions, is intended as a “naturalistically” respectable theory that accounts for the relevant observable regularities.

Kant’s commitments may allow us to be slightly more specific about the meaning of his claims about ensoulment “from procreation.” Kant’s theory of reproduction takes generation to be constituted by the successful “mixing” of the parents’ gametes. On this theory, when such mixing succeeds, the result is a new organism endowed with its own predispositions; there is no mention of and seems little room to interpolate, for example, the generation of some intermediate organism of a different kind or of some intermediate entity which is not an organism but which eventually produces or becomes an organism.⁸⁰ Kant’s position seems to be, in many relevant respects, a rather close approximation to the contemporary idea that, normally, organisms come to be at the point of conception or completed fertilization.⁸¹ Kant’s doctrine is that ensoulment is simultaneous with the successful generation of a new organism; if this interpretation of his theory of reproduction is correct, these claims entail that animals are ensouled at conception.⁸²

Taken together, Kant’s empirical assumptions, immaterialism, and restriction of legitimate naturalistic hypotheses to empirical beings and their non-invented powers provide persuasive arguments against many alternative explanations for the psychological regularities with which Kant was concerned. One could go beyond experience and “invent” a reproductive power of organisms to produce a living organism of its own biological kind ensouled with, say, a soul possessing *only* those powers that can or will be exercised in that particular body; or imagine that parents possess a power of ensoulment, distinct from the power of reproduction, which may be exercised at some point after procreation.⁸³ But such hypotheses would seem to flout Kant’s naturalistic principles and inappropriately, as Kant says in the biological context,

add complexity without “securing the slightest bit more for rational comprehensibility.”(GtP 8:169) Similarly, it would have been fanciful for Kant to imagine that an unensouled organism has a power to ensoul itself at some point in its development.⁸⁴ While one could imagine that God might choose to ensoul organisms according to any of a number of principles, such musings violate the constraints of Kant’s naturalistic psychology. Subsequent discoveries of genetic mutations and of species change provide us with evidence for a weaker form of *generatio homonyma* and the discovery of monozygotic twinning provides us with evidence for a different form of generation; they also, by extension, raise questions about some of the assumptions of Kant’s doctrine of original ensoulment. Perhaps other discoveries or theories about the genetic basis of psychological capacities may provide some support for aspects of Kant’s doctrine. Either way, Kant cannot be blamed for failing to anticipate all such discoveries.

From a historical perspective, there is another, more serious objection to Kant’s doctrine of original ensoulment. If ensoulment marks “the beginning of the interaction of the soul with the body,” as Kant suggests, it may seem puzzling or mysterious what “ensoulment” could amount to in the early stages of embryonic development.⁸⁵ An initial response to such puzzlement could begin by recalling Kant’s judgment that rather rudimentary animal behaviors must be explained in relation to a soul. Insofar as activities such as those of “living plants” and “zoophytes” can be understood as manifestations of a soul, souls need not mysteriously “wait around” after procreation, completely idle until major organic developments facilitate their manifestation of their higher capacities. On Kant’s account, neither a brain nor central nervous system need be a prerequisite for ensoulment; neither are they needed to provide a precise spatial location for a soul in organisms that do or can develop them.⁸⁶ Yet, all of this is compatible with Kant’s plausible idea that some of the higher capacities of some kinds of souls can only be

exercised after certain bodily developments have occurred or certain organs or systems are in place.⁸⁷ Kant is certainly not claiming that we can directly observe body-soul interaction in simple organisms or embryos in early stages of development and he need not deny that there could be informative physical or chemical explanations of their rudimentary behaviors. His doctrine only requires that immediate ensoulment is possible and that from a systematic naturalistic perspective, that the complete explanation of the behavior of such animals should include reference to a soul even at such stages.⁸⁸ Given the state of eighteenth-century embryology, Kant's general commitment to animal souls and the systematic considerations that, from Kant's vantage point, favor the doctrine of original ensoulment (and undermine its competitors), it is unsurprising that questions about the evidence for such interaction, especially at a particular stage of development, did not undermine his commitment to this doctrine.

It may seem "wasteful" or contrary to some criteria of parsimony to suppose, as Kant does, that even seriously, congenitally disabled animals and each animal that dies during an early developmental stage is endowed with a soul, most or all of whose capacities never can or will be exercised. Kant seems to accept this cost of his doctrine of original ensoulment according to species as a consequence of a systematic naturalistic theory of ensoulment. Many rational souls, he acknowledges, will never have the opportunity to exercise many of their capacities in this life because their life is "nipped in the bud" or various obstacles prevent their exercise or development.⁸⁹ As with Kant's theory of original biological predispositions, systematic considerations purport to justify the judgment that specific psychological predispositions are present despite the failure of many individuals ever to manifest or exercise those predispositions or capacities in the characteristic way. While we could speculate about the reasons God would or would not choose to apportion predispositions or types of souls to organisms less "wastefully"

by doing so in accord with the possible or likely exercise of capacities, these are not legitimate “naturalistic” hypotheses for Kant.⁹⁰

In sum, Kant articulated a principle of “naturalistic” explanation which eschews appeals to theological intervention and focuses on explaining phenomena in terms of laws based upon “the forces of nature” and powers of natural objects “as they present themselves to us.”(GtP 8:161-2) Applying this principle to some of the fundamental regularities of biology and then psychology, Kant concluded that there are real species, one of which includes all human beings, and that the essential and characteristic features and capacities of organisms of a species should be understood as the manifestation of common specific predispositions present “from procreation” or conception. While Kant’s psychological immaterialism necessitates some additional complexities, in the end, Kant maintains that all organisms, including all human beings, are members of fixed species with common original predispositions and that each living organism, including each human being, is, in virtue of its original ensoulment, endowed from its conception with its species’s psychological predispositions. It is this conception of predispositions, reproduction, and ensoulment, and Kant’s manner of identifying the predispositions of the human species that, I contend, provide crucial elements of his defense of universal human moral status. It is worth noting that, whatever the philosophical and scientific strengths or weaknesses of this theory, whether judged from the perspective of Kant’s contemporaries or that of the present day, at least this part of Kant’s defense purports to be “firmly grounded ... in the theoretical facts.”⁹¹

It is important to note that these elements of Kant’s biological and psychological theories do not and cannot, by themselves, yield sufficient theoretical grounds for settling questions about human moral status. On Kant’s account, moral status depends upon the possession of “freedom

under moral laws” and Kant famously argued that neither rational nor empirical psychology can establish that there is any absolute freedom. We lack theoretical grounds for claiming that any of us are beings that are living organisms or souls endowed with freedom (or immortality). Moreover, even if we had theoretical (or even other) evidence that some of us are living organisms endowed with freedom, absent a showing that freedom should be considered an essential feature or predisposition of our kind of soul, we would still lack warrant for Kant’s claim that all human beings possess freedom. To address these issues we must turn to Kant’s practical philosophy.

3. Personality as a practical predisposition: anthropology, radical evil, and moral status

Kant’s moral philosophy is explicitly committed to a conception of “original” “practical predispositions” which are alleged to be both the basis of moral status and shared by all human beings. The clearest expression of this conception is found in the *Religion*, where Kant argues that each human being is innately or “radically evil,” in virtue of possessing both an “original predisposition to good” and a contingent “propensity to evil.” (R 6:28) Brief reflection reveals that this account of the practical predispositions is a presupposition, rather than a conclusion, of Kant’s argument for his controversial doctrine of radical evil. Thus, the account of radical evil in the *Religion* cannot provide independent philosophical support for Kant’s claim that the practical predispositions are original and universal in human beings. Nonetheless, before proceeding (in section 4) to the defense Kant does offer for such a claim, it is worth briefly considering both the connection Kant highlights, in this context, between moral status and the practical

predispositions and the way in which his doctrine of radical evil reveals his commitment to their universal possession from conception.

Kant clearly identifies moral status with the presence of the predisposition to good. Kant analyzes the original predisposition to good into three practical predispositions, the third of which is the “predisposition to personality” which involves “the susceptibility to respect for the moral law as of itself a sufficient incentive to the will.”(6:26-28)⁹² He carefully distinguishes between this “good” predisposition to personality and good character:

The human being must make or have made *himself* into whatever he is or should become in a moral sense, good or evil. These two characters must be an effect of his free power of choice, for otherwise they could not be imputed to him. ... He has been created for the *good* and the original *predisposition* in him is good; the human being is not thereby good as such, but he brings it about that he becomes either good or evil, according as he either incorporates or does not incorporate into his maxims the incentives contained in that predisposition (and this must be left entirely to his free choice). (6:44)⁹³

Good character must be something acquired: it is the “incorporation” or adoption of respect for the moral law as of itself the supreme incentive of the will; the predisposition to personality, in contrast, is that in our nature which grounds the *possibility* of good character.(6:27) It is because of this predisposition to personality that “the moral law is itself an incentive in the judgment of reason, and whoever makes it his maxim is morally good.”(6:24, 36) Kant insists that dignity does not depend upon the possession of good character. What qualifies us for that special dignity as ends-in-ourselves, as beings that may possess moral status, is the predisposition to personality; personality is what makes us “rational and at the same time responsible” [*der Zurechnung fähigen*] beings.(6:28, Cf. 4:440) It is this *predisposition* that is the “one thing in our soul which if we duly fix our eye on it, we cannot cease viewing with the highest wonder, and for which admiration is legitimate and uplifting as well.”(6:49)

... we, beings ever dependent on nature through so many needs, are at the same time elevated so far above it in the idea of an original predisposition (in us) that we would hold the whole of nature as nothing, and ourselves as unworthy of existence, were we to pursue the enjoyment of nature – though this alone can make our life desirable – in defiance of a law through which our reason commands us compellingly, without however either promising or threatening anything thereby...(6:49)

The second *Critique*'s rousing peroration on the "moral predisposition" of "personality" and its ode to the sublimity of duty and personality contain similar sentiments.(5:161-163, esp. 163 ; cf. 5:86-88)⁹⁴ Kant's defense of universal human moral status must rest on his claim that all human beings possess this practical predisposition.

The second point of note is that Kant's discussion of universal radical evil provides clear textual evidence of his deep commitment to the idea that the basis of moral status is such an *essential and original* practical predisposition. Similarly to the way in which teleological principles function in biology and psychology, the conception of practical predispositions and propensities is intended to render intelligible certain patterns in and assumptions of moral experience (and mark the limits of such intelligibility). Kant was struck by the "multitude of woeful" deeds in human history and by the universal presence of an "innate guilt... detectable as early as the first manifestation of the exercise of freedom in the human being."(6:33, 38) Kant also insists that the recognition of a propensity to evil is important for even the earliest stages of human moral education.(6:48,51) These features of moral experience are intelligible, Kant argued, if there is a universal human propensity to evil. "According to the cognition we have of the human being through experience... we may presuppose evil as subjectively necessary in every human being, even the best."(6:32) This innate characteristic is considered part of the "character of the human species" because it is possessed universally, even though each possesses it merely contingently: the "anthropological research" and "the grounds that justify us in attributing one of these two characters [good or evil] to a human being as innate are of such a nature that there is no cause for exempting anyone from it, and that the character therefore applies to the species" as a whole, not just to this or that member of the species.(R 6:21,25)⁹⁵ Since the ascription of the propensity to evil is an ascription of *moral* evil, Kant argues, it must

be imputable to the individual. This in turn presupposes that each individual with the propensity to evil (i.e., each human being) must be susceptible to respect for the moral law, i.e., must possess the predisposition to personality.⁹⁶

Because of the way that the propensity to evil presupposes the predisposition to personality, the doctrine of universal radical evil provides decisive evidence that Kant considers the predisposition to personality to be something possessed by every human being.⁹⁷ On Kant's theory, the predisposition to personality is the basis of moral status and is ascribed prior to and independently of its (individual) manifestation in individual character. But again, insofar as the doctrine of radical evil effectively *presupposes* this claim about universal human moral status, we must look elsewhere to isolate the metaphysical foundations of this presupposition.

4. The origin of free beings: Kant's practical-metaphysical argument

Kant's ascription of radical evil to every human being entails that every human being possesses personality and thus moral status, but investigation of the doctrine of radical evil fails to reveal the grounds for this position. Kant's assertions in the *Metaphysics of Morals* about parental obligations to children "from procreation," noted earlier, also explicitly commit him to a recognition of the personhood or moral status of human beings long before they individually exhibit any free or responsible action. Kant claims that the argument for this obligation requires, as he apologetically notes, an investigation "all the way back to the first elements of transcendental philosophy in a metaphysics of morals." (MdS 6:280n) A careful analysis of this seldom discussed "investigation" reveals some of the as yet missing elements in Kant's defense of human moral status. First, the investigation identifies and defends the doctrine that freedom

must be an original and essential predisposition of any being that can possess it.⁹⁸ Second, in the light of this **doctrine of original freedom**, the investigation helps to clarify the role that Kant's biological and psychological theories play in Kant's defense of human moral status.

Kant argues that parents have rights to manage and educate their children and to take control of them when they have run away because such rights arise necessarily out of the duty that parents have to preserve and care for their children.⁹⁹ Parents have an "obligation to make the child content with his condition so far as they can" because parents must "from a practical point of view" consider their child to be a person they have "brought over into the world without his consent and on [their] own initiative" [*auf die Welt gesetzt und eigenmächtig in sie herüber gebracht haben*] rather than consider him as a product, as "something they made" [*ihr Gemächsel*]. Here Kant is distinguishing between his theory of ensoulment (or of the embodiment of a soul) and an account of the origin of a soul. While living organisms possess the power to ensoul their offspring, Kant argues that it is logically impossible for "a person," "a being endowed with freedom" to be the product of a "physical operation." (6:280) We have already seen that it is a fundamental tenet of Kant's conception of freedom that freedom cannot be empirically cognized, it cannot be considered as a physical or empirical psychological capacity, endowment or predisposition. Physical and empirical psychological operations are governed by empirical causal laws whereas freedom involves an independence from determination by such laws.¹⁰⁰ Here Kant elaborates: freedom cannot be conceived of as a natural product or organic development either.¹⁰¹ If it were the effect of such a natural cause, it would be empirically cognizable, which it is not.¹⁰² Moreover, Kant insists that physical operations fully determine their effects, so any capacity produced by such an operation must be

fully determined by its cause, a cause which precedes it in time; but such external pre-determination is incompatible with the nature of freedom.

In fact, Kant goes even further: not only is it impossible to conceive of the production of a free being through a physical operation, but, as he emphasizes in an extended footnote, we cannot even conceive of “how it is possible for *God to create* free beings”.(6:280n) In addition to general questions about whether genuine finite substances of any kind could come into being, Kant expresses particular puzzlement about the possibility of *free* creatures. Kant worried that the creation of free beings may seem impossible “for it seems as if all their future actions would have to be predetermined by that first act [of creation], included in the chain of natural necessity and therefore not free.”(6:280n)¹⁰³ Insofar as the inner determining ground of a creature’s action is placed in her by her creator, her action seems to be outside of her control, already determined, and not free.(KpV 5:100-101, R 6:142) “Speculative reason is not able to comprehend, nor is experience able to prove how a creature can be free at all...”¹⁰⁴

Although Kant claims that it is logically impossible for free beings to be the product of any physical operation, he insists that it must be possible for finite beings endowed with freedom to come into being somehow, since “the categorical imperative proves for morally practical purposes” that “we human beings” are free.(6:280n) Kant distinguishes two stages in the solution to this puzzle. First, one must address the logical problem: refute the assertion that the idea of a free creature is self-contradictory. Kant argued that that the doctrine of the transcendental ideality of time was the key to solving this logical problem:

All that one can require of reason here would be merely to prove that there is no contradiction in the concept of a *creation of free beings*, and it can do this if it shows that the contradiction arises only if, along with the category of causality, the *temporal condition*, which cannot be avoided in relation to sensible

objects (namely, that the ground of an effect precedes it), is also introduced in the relation of supersensible beings.(6:280n., cf. 5:100-103)

If time is transcendently ideal, merely a form of our sensible intuition, then the supersensible creation of free beings does not entail that they and their actions are *pre*-determined, and thus does not, on that account contradict their freedom.¹⁰⁵ While we cannot comprehend *how* we are created as free beings, Kant takes this to prove that the creation of free creatures is not logically impossible.¹⁰⁶

Of course, Kant famously insisted that there is a large distance between the logically possible and the philosophically respectable. Respectability requires, in addition to a showing of logical possibility, establishing that a concept is “really possible,” that there is some ground in reality to consider the concept applicable to a genuine object.¹⁰⁷ The second stage of Kant’s solution to this puzzle calls our attention to the “fact” of our moral obligation. This fact or immediate consciousness of the moral law grounds the real possibility of our freedom; from a practical point of view, we must consider the logical possibility of free creatures to be a real possibility.¹⁰⁸ Moreover, “the categorical imperative proves for morally practical purposes” that at least some of us “human beings” *are* free.(6:280n) The fact of reason commits us to a postulation of the existence of free creatures.¹⁰⁹

Now it might seem that this strategy could also support the conclusion that a free being could be a product of his or her parents. Kant clearly rejects the possibility of parents producing free beings by any “physical operation,” but once appeals to “supersensible” or non-physical divine acts are allowed to mitigate concerns about theological pre-determination, one might feel entitled to suppose that parents could produce free beings by some supersensible free act of their own.¹¹⁰ Kant intends to reject such a possibility, however, when he asserts that human children must *not* be viewed as something “made” by their parents, but rather as persons merely “brought

over into the world” by their parents. The outlines of his position can be found in his notes and lectures on the possible origin of souls.

Were the soul a product, then the parent souls would have to have a creative power. Each production of a substance is production from nothing <*productio ex nihilo*>, creation; for before the substance, nothing was there. But a creature itself has not a creative, but rather a formative power, i.e., to separate or compose things which are there. Therefore nothing else remains than to view the soul as preformed, however it may stand with bodies. (“Metaphysik K2” 28:761)

If the soul is a substance, Kant suggests, it must, as any other substance, be created *ex nihilo*, something for which parents, as creatures, lack the power. Moreover, if souls are simple they cannot be produced from or proceed “by transference” from their parents’ souls, because those souls are themselves non-composite.¹¹¹ In the *Metaphysics of Morals*, Kant emphasizes the particular logical impossibility of any finite being producing a *free* simple substance.¹¹² Of course, Kant’s critique of rational psychology (for example, in the Paralogisms of the first *Critique*) purports to establish that we cannot have theoretical knowledge that we are or have simple, substantial, immortal souls.¹¹³ At first glance, this contention undercuts a key premise of such metaphysical arguments. But the practical point of view demands that we think of ourselves as free beings, restoring that premise for practical use.¹¹⁴ Thus, Kant reasons, we cannot conceive of ourselves from the practical point of view as products generated by our finite parents (and parents cannot consider their children to be their products), not even as non-natural products of some free act of theirs. Insofar as we must regard ourselves as beings endowed with freedom, we cannot regard ourselves as produced; thus, the only thing shown to be logically and really possible is the “concept of creation” of beings endowed with freedom.¹¹⁵ Kant’s point is not that we have determinate theoretical knowledge of *how* it is that free creatures are created; he insists we do not.¹¹⁶ What he insists is that freedom or the predisposition to personality must be

conceived of as something so fundamental and radical that it cannot be produced by finite creatures, cannot be acquired or derived or developed from some more fundamental power, and cannot come in degrees; it must, rather, be an original predisposition, part of the essence and original endowment of anything that can possess it.¹¹⁷

Here the “fact of reason”, in addition to revealing the need for a workable conception of moral status (as the pragmatic decision interpretation suggested), plays a vital role in grounding a crucial element in Kant’s response to that need: what we might call his **doctrine of original freedom**. Whatever the generation or procreation [*Zeugung*] of a human being is taken to amount to in the context of empirical biology or psychology, Kant insists that we cannot regard it from the practical point of view as itself the production [*Erzeugung*] of a person by his or her parents. Kant suggests that the most appropriate way to think about the origins of a human being is to think that rational souls are created endowed with freedom and are embodied or “brought over into the world” by human parents when they generate and ensoul a human organism.¹¹⁸ This phrasing “brought over...” is more than just a rhetorical flourish: Kant is expressing some preference for the pre-existence of the human soul, even for the creation of all souls at the creation of the world, in part because of the apparent simplicity, lawlikeness, and dignity he finds in such a hypothesis. On this hypothesis, all free souls are created at once and independently of empirical events, avoiding ubiquitous “miracles” and the dependence of souls’ existence (as distinct from their embodiment) or nature upon the “contingencies of begetting.”¹¹⁹ (The basis and merits of this particular judgment need not detain us here, however.)

At first glance, Kant’s investigation into such “metaphysical” questions and his doctrine of original freedom may seem to imply that Kant’s biological and psychological theories about membership in the human species have no bearing on his claims about human beings possessing

moral status “from procreation.”¹²⁰ After all, the doctrine of original freedom itself is largely independent of the details of his biological and psychological theory and it indicates that a soul’s freedom or predisposition to personality is essential and not ultimately attributable to an organism’s reproductive origins. Yet it is important to recall that, on Kant’s account, it is a necessary but not a sufficient condition for moral status that one be a person, a being endowed with freedom. For all we know, there may be legions of disembodied spiritual beings endowed with freedom; but even if there are, on Kant’s account, we don’t have any obligations to them. Kant insists that only persons of a particular sort or in a particular kind of state can obligate human beings: they must be persons that are “perceptible” or can “be given as an object of experience.”(MdS 6:442) Thus, even though one of the necessary conditions of moral status, personhood, is not *per se* empirically cognizable, moral status is nonetheless tied to empirical events and objects. This transforms questions about moral status into questions about when, or in what circumstances, a being endowed with freedom is capable of being “given as an object of experience” or “brought over into the world” or, conversely, about which objects of possible experience are, or should be considered to be, the presentation in the world of such a being endowed with freedom. As suggested by the allusions to the procreation of human children found in the midst of Kant’s investigation of the origins of freedom, his defense of universal human moral status rests upon the conjunction of his doctrine of original freedom with his biological and psychological theories. Kant relies upon his biological and psychological theories to provide systematic and “naturalistically” respectable guidance about which objects of experience should be considered to be the presentation of the relevant kinds of predispositions.¹²¹ Absent sufficient justification to think that endowment and ensoulment occurs in radically different ways with humans or with respect to the predisposition to personality than with other

animals, this reliance seems both reasonable and in accord with Kant's principles. In fact, the particularly strong claims Kant makes about the origins of free beings (created by God and "brought over" by their parents) provide a special reason to adhere quite closely in this case to his general theory of predispositions and original ensoulment. It fits quite well with Kant's principle that, when theorizing does or must occur, one should seek a systematic and parsimonious account which relies upon analogies to observed powers and eschews unnecessary and unhelpful complexity. Once the fundamental limits upon our comprehension of this particular process are noted, Kant has reason to limit grounds for the introduction of significant disanalogies between the human and non-human processes of generation and ensoulment.

In light of Kant's commitments, the basis for his conclusion that moral status ought to be ascribed to an organism, if ever, from its point of biological origin is rather straightforward. Kant's biological theory maintains that it is an organism that can be considered to be the presentation of a being with predispositions, and, if we are to understand organisms in a non-arbitrary, naturalistically respectable way, we must consider them to be such presentations "from procreation" or conception. Kant's psychological theory maintains that all animals are ensouled organisms and on Kant's naturalistic account of ensoulment, each living organism gets its soul at the point of its reproductive origin. The practical doctrine of original freedom entails that free rational souls must be *essentially* free rational souls. Taken together, these claims imply that freedom is present, in any organism that will possess it at all, from the point of its reproductive origin. The generation of such an organism involves "bringing over into the world" or embodying a person. "The human procreative faculty is the faculty of a human being, with a human of the other sex, to put a person in the world. The means to this or the act through which this effect can occur is the bodily mixing of those two." (23:357) Since, on Kant's account,

moral status is identified with the presence of a free rational soul in an organism, this implies that moral status attaches as soon as an organism endowed with such a soul is generated or conceived.¹²²

It is worth recalling the resources at Kant's disposal for addressing concerns about the idea of ensoulment from conception. Since Kant distinguishes between the origins of free souls and their embodiment (even thinking it reasonable to suppose that souls pre-exist embodiment), the souls can certainly be ready for ensoulment at the conception of the organism.¹²³ Since, on Kant's theory, a soul can be considered responsible for rudimentary activities such as those of polyps and living plants, souls need not be considered mysteriously yet idly present until complex organs or systems develop. At the same time, there is no difficulty explaining why there is no conscious thought in a human soul before the body reaches a stage of development suitable to such intuition since, on Kant's theory, human thought is materially dependent upon and initially activated by sensible intuition.¹²⁴ If one can accept that souls endowed with higher cognitive powers can be present from conception despite the fact that those specific powers may only be manifested at a later point in time, there is little reason to find anything additionally puzzling about embodiment at conception of a soul endowed with freedom.¹²⁵

On this account, a being endowed with freedom comes to be embodied as a possible object of experience, initially, in the cases with which we are familiar, as a very vulnerable and dependent creature unable to exercise his or her own freedom. This is why Kant draws an analogy between the obligations of human parents to their children and the obligations of someone who "brings a sleeping human being to an unsafe location." ("Naturrecht Feyerabend" 27:1380)¹²⁶ Short of discovering or "inventing" a reproductive power in parents that is somehow sensitive to a wide range of future contingencies or positing divine interventions, it is to be

expected on this account that there may be many organisms endowed with freedom that lack the opportunity to exercise it in this life because they are somehow or other “nipped in the bud” and “die at the earliest age.”(29:918)

If all beings with moral status must possess it from procreation and at least some human beings possess moral status, it follows that at least some human beings possess moral status from procreation. This part of Kant’s position seems to follow from the combination of his theoretical and empirical judgments about reproduction and ensoulment and his practical-metaphysical argument about the origins of freedom. While this part of his conclusion depends upon the “practical” demand to ascribe freedom and moral status to ourselves and some others, and while many of the elements of Kant’s defense may be open to criticism, at this point, there is little reason to think that Kant’s defense requires appeal to any additional, distinctively “pragmatic” decision, ungrounded in the alleged theoretical facts, empirical concepts, or moral law.

Kant’s defense of the stronger claim, that all human beings possess moral status, depends upon some additional claims. It is a doctrine of Kant’s general psychological theory that ensoulment occurs according to species: animals of a given species generate offspring that possess their kind of soul, i.e., a soul with the psychological predispositions of that species. Given this doctrine, the crucial question is whether the practical predisposition to personality should be considered a predisposition of the human species, as opposed to a predisposition of only *some* of its members. Kant’s doctrine of radical evil and his discussion of the origins of freedom leave little doubt about Kant’s considered judgment on this question. “The human procreative faculty is the faculty of a human being, with a human of the other sex, to put a person in the world.”(23:357) While this seems to be the least explicitly developed part of Kant’s defense, the method and contents of Kant’s biological and psychological theories provide some

support for his judgment. Methodologically speaking, if the predispositions shared by the members of each species are to be identified in the light of the features and capacities characteristically ascribed to its normal, mature members, certain regularities of human individual and social development would suggest that the practical predispositions are predispositions of the species.¹²⁷ The mature offspring of putative human moral agents seem to characteristically manifest moral agency, for example. Behaviors that we view as successes or failures in the development of character, such as acts of promising, deception, and war, are widespread in the human species; moreover, Kant argues that these and other similar characteristics are integral to the collective realization of the moral end or vocation of our species as a whole. (APH 7:276, 331-2, 8:20)¹²⁸ These observations suggest that putatively free souls are not randomly distributed in the world, but that their presence may be considered an effect of the reproductive power of our species. In terms of content, Kant's biological and psychological theories attribute psychological predispositions to all members of the species both in spite of and for the sake of making variations and disabilities within the species intelligible. If we grant, as Kant does, that biological and psychological anomalies are compatible with the presence of specific biological and psychological predispositions, these anomalies can provide little basis for denying specific practical predispositions.

From a contemporary perspective we may be inclined to consider at this point cases of serious genetic disorders or disabilities that prove fatal at early developmental stages or invariably preclude, from conception, developments integral to the manifestation of rather basic psychological capacities. Such disorders may suggest the possibility of a human organism incapable of ensoulment of any kind, and *ipso facto* incapable of embodying a soul with personality.¹²⁹ Given the rather rudimentary basis Kant requires for the ensoulment of non-

human animals, it is unclear how many, if any, human organisms could fall into such a category on his theory. Historically speaking, some of Kant's own racist and sexist prejudices might suggest potential justifications for the denial of the practical predispositions to many human beings, but these are justifications which Kant himself clearly rejected.¹³⁰ Such considerations raise significant questions about the adequacy of Kant's defense of this stronger conclusion. But insofar as Kant's method for settling such questions is fundamentally his general method for judging what are and what are not the predisposition of a species, and these methods appear to function without the addition of any distinctively "pragmatic" decision, ungrounded in the available facts, even this stronger conclusion is best described as a principled, rather than merely pragmatic decision.

Since Kant insisted that moral status is a feature of *perceptible* persons, persons "brought over into the world," his biological and psychological theories and concepts must play a significant role in determining the scope of his account of moral status. Kant claims that when an organism of a species suitable for ensoulment by a soul endowed with a certain set of practical predispositions is brought into being by successful "mixing," it is immediately ensouled by a soul with those predispositions. The implication is that an individual's membership in a species, the mature members of which manifest the relevant predisposition, is a sufficient indicator of its moral status. If the fact of reason, our "immediate consciousness" of the moral law, proves that some of "[us] human beings" are free and that freedom must be an original endowment of the creatures that possess it, and insofar as reflection on the human species grounds the judgment that personality is a predisposition of the species, Kant has a principled

defense of his contention that *each* human being is an organism possessing the predisposition to personality, and thus that each possesses moral status from its procreation or conception.

5. conclusion

On Kant's moral theory, obligation is a relation between beings of a certain kind (in a certain state), namely between embodied beings endowed with a predisposition to personality. Each such being possesses moral status; their existence imposes rational constraints and demands upon how they and others may act towards themselves and each other. As the pragmatic decision interpretation suggested, theoretical and empirical investigations can play an important role in determining which beings possess moral status. The present study has identified a number of features of Kant's biology and psychology that purport to do just that: Kant's naturalistic account of organisms includes a conception of real species, the members of which share essential predispositions from procreation, and his psychological theory involves a commitment to souls with original psychological endowments, faculties and predispositions. As the pragmatic decision interpretation also suggested, Kant insists that the demands of morality require us to ascribe moral status to at least some empirical beings. I have argued that Kant's investigation into the origins of freedom reveals that the moral law anchors, from the practical point of view, the additional, crucial claim that freedom must be regarded as an essential endowment or predisposition of any being that can ever possess it. Taken together, these elements of Kant's system yield a defense of universal human moral status significantly more principled than the pragmatic decision interpretation led us to expect. When Kant's biological and psychological doctrines are combined with the practical grounds to consider freedom an essential predisposition of those capable of possessing it, little room remains for an arbitrary or merely

“loosely guided” pragmatic decision. Within Kant’s theory, existence as a living member of the human species is taken as a sufficient indication of basic moral status because membership in that species indicates the presence, in a perceptible being, of the status-grounding predisposition to personality.

Since, according to Kant’s Formula of Humanity, it is impermissible to treat any being with dignity as a mere means, Kant’s position entails that it is impermissible to fail to treat any human organism as an end-in-itself, which seems to entail a strong, though defeasible, presumption against, for example, the intentional killing of any human organism at any stage of its development. Such a presumption may serve as a useful starting point for discussions of Kant’s own commitments regarding the moral permissibility of specific controversial practices such as abortion, embryonic stem-cell research, capital punishment or physician assisted suicide. At the same time this presumption cannot, by itself, decisively settle Kant’s position on such matters: there are some recognized Kantian justifications for killing beings with moral status just as there are restrictions upon the treatment of beings that themselves lack moral status.¹³¹

The foregoing interpretation is not intended to establish that contemporary Kantians can or should accept Kant’s position. Kant’s defense of universal human moral status has been shown to depend, as it should, upon the details of his biological, psychological, metaphysical and ethical theories, many of which are open to serious question and some of which have been clearly falsified. Kant’s conception of freedom and his psychological immaterialism are not generally accepted even among Kantians. While some developments in genetics and embryology might be considered partial vindications of Kant’s theory of reproduction and original predispositions, modern biology has clearly rejected the fixity of species and Kant’s strict conception of *generatio homogenea* (both of which play a role in Kant’s defense of human

moral status). Serious debate continues over the proper philosophical interpretation of these biological discoveries, and Kant's commitment to scientific investigation and methodological naturalism would not have it otherwise. Even so, it is clear that Kant embraced the "inclusive" conclusion of universal human moral status and that this is neither a free-standing dictum, nor a reflection of arbitrary bias, nor a loosely guided pragmatic decision, but rather a principled, if fallible, judgment guided by the conjunction of many of Kant's deep commitments in a range of relevant disciplines.¹³²

NOTES

¹ References to Kant's works, apart from the *Critique of Pure Reason*, are to the volume and page number of the "Academy Edition." [*Kants gesammelte Schriften* (KGS), edited by the Deutsche Akademie der Wissenschaften zu Berlin (formerly the Königlische Preussische Akademie der Wissenschaften), 29 vols. (Berlin: Walter de Gruyter, 1902-)] References to the *Critique of Pure Reason* are to the standard A and B pagination of the first and second editions. Specific published works are also cited by means of the following abbreviations:

Critique of Pure Reason [KrV], 1st ed. [A], 1781; 2nd ed. [B], 1787.
Groundwork of the Metaphysics of Morals [G], 1st ed., 1785; 2nd ed., 1786.
 "Determination of the concept of a race of human beings" [BBM], 1785.
Critique of Practical Reason [KpV], 1788.
 "On the Use of Teleological Principles in Philosophy" [GtP], 1788.
Critique of Judgment [KU], 1790.
Religion Within the Limits of Reason Alone [R], 1st ed., 1793; 2nd ed., 1794.
The Metaphysics of Morals [MdS], 1st ed., 1797; 2nd ed 1798.
Anthropology from a Pragmatic Point of View [APH], 1798.

Translations from G, KpV, MdS are based upon the translations of Mary Gregor in *Practical Philosophy* (1996); from R upon the translation by George di Giovanni in *Religion and Rational Theology* (1996); from KrV upon the translation by Paul Guyer and Allen Wood in *Critique of Pure Reason* (1997); from KU upon the translation by Paul Guyer and Eric Matthews in *Critique of the Power of Judgment* (2000); from Kant's ethics lectures (when possible) upon the translation by Peter Heath in *Lectures on Ethics* (1997); from Kant's lectures on metaphysics upon the translation by Karl Ameriks and Steve Naragon in *Lectures on Metaphysics* (1997), all part of *The Cambridge Edition of the Works of Immanuel Kant* (Cambridge: Cambridge University Press). Translations from GtP are based upon the translation by Jon Mark Mikkelsen in *Race*, ed. Robert Bernasconi (Oxford: Blackwell, 2001). In each case, I have modified the translations as I have seen fit.

² On autonomy as "innate," "by our nature," and as an "endowment," see, e.g., G 4: 448-9, 457; R 6: 46; MdS 6: 418. Some commentators suggest that on Kant's theory any capacity or predisposition for practical rationality (which Kant, in the *Religion*, calls "humanity" in contrast to "personality," the specific capacity or predisposition for moral autonomy (R 6:26)) is sufficient for dignity or at least for moral status. As I will suggest in section 3, I find the *Groundwork* ambiguous on this point and take Kant's later texts to suggest that "personality" is the crucial feature. In any event, on the interpretation developed here, there is likely to be as much reason to suppose that every human being possesses the one as the other predisposition, ~~so the significance of this particular controversy for the interpretation of Kant's views about human moral status is minimal.~~ For recent discussions of this distinction and its broader implications, see Patrick Kain, "Prudential Reason in Kant's Anthropology" ["Prudential Reason"], in *Essays on Kant's Anthropology* [*Essays on Kant's Anthropology*], ed. Brian Jacobs and Patrick Kain (Cambridge: Cambridge University Press, 2003), 230-65, David Sussman, "The Authority of Humanity," *Ethics* 113 (2003): 350-66, David Sussman, *The Idea of Humanity: Anthropology and Anthroponomy in Kant's Ethics* [*Idea*] (New York: Routledge, 2001), Allen W. Wood, *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999), 364-6, 80, Christine M. Korsgaard, *Creating the Kingdom of Ends* [*Creating*] (Cambridge: Cambridge University Press, 1996), ch. 4, Otfried Höffe, *Medizin Ohne Ethik?* [*Medizin*] (Frankfurt: Suhrkamp, 2002), Reinhard Brandt, "Kants Ehe- Und Kindesrecht" ["Eherecht"] *Deutsche Zeitschrift für Philosophie* 52 (2004): 199-219, Donald H. Regan, "The Value of Rational Nature," *Ethics* 112 (2002): 267-91, Dieter Schönecker and Allen W. Wood, *Kants 'Grundlegung Zur Metaphysik Der Sitten': Ein Einführender Kommentar* (Paderborn: Schöningh, 2002), 143, 48-49, Allen W. Wood, "Kant on Duties Regarding Nonrational Nature I" ["Nonrational Nature"], *Proceedings of the Aristotelian Society, Supplement* 72 (1998): 189-210.

³ This is a demand for what Darwall has called "recognition respect," as opposed to "appraisal respect." Stephen L. Darwall, "Two Concepts of Respect," *Ethics* 88 (1977): 36-47, Thomas E. Hill, Jr., *Respect, Pluralism, and Justice: Kantian Perspectives* [*Respect*] (Oxford: Oxford University Press, 2000), ch. 3-4.

⁴ Kant's commitment to the "only to" principle (and what Wood has called Kant's "personification principle") has been recently criticized in Wood, "Nonrational Nature," Wood, *Kant's Ethical Thought*, 143, Hill, *Respect*, 103.

⁵ In this sense, to have moral status is to have some obligation to someone or to be such that someone has some obligation to one. This is, at least roughly, part of what Warren calls the "intuitive" concept according to which "to have moral status is to be morally considerable, or to have moral standing. It is to be an entity towards which moral agents have, or can have, moral obligations." Mary Anne Warren, *Moral Status: Obligation to Persons and Other Living Things [Moral Status]* (Oxford: Oxford University Press, 1997), 3. Some authors focus on a related but more specific conception of moral status according to which it is *prima facie* wrong to kill any being with moral status. See, for example Gregor Damschen and Dieter Schönecker, eds., *Der Moralische Status Menschlicher Embryonen [Moralischer Status]* (Berlin: de Gruyter, 2003), 1, 190f.

⁶ Höffe, *Medizin*, 64-79, Brandt, "Eherecht." This is also suggested by Ludwig Siep, "Personbegriff Und Praktische Philosophie Bei Locke, Kant Und Hegel" ["Personbegriff"], in *Praktische Philosophie Im Deutschen Idealismus*, ed. Ludwig Siep (Frankfurt: Suhrkamp, 1992), 81-115, Volker Gerhardt, *Der Mensch Wird Geboren: Kleine Apologie Der Humanität [Mensch]* (München: C. H. Beck, 2001). This also seems to be the implicit view in Christine M. Korsgaard, "Fellow Creatures: Kantian Ethics and Our Duties to Animals" ["Fellow Creatures"] in *The Tanner Lectures on Human Values*, ed. Grethe B. Peterson, vol. 25 (Salt Lake City: Utah University Press, 2005), 77-110, Alan Donagan, *The Theory of Morality* (Chicago: U. of Chicago, 1977), Hill, *Respect*.

⁷ Tom Regan, *The Case for Animal Rights [Case]* (London: Routledge & Kegan Paul, 1984), esp. 174-85, Wood, "Nonrational Nature," at 198-9, 208n9, Wood, *Kant's Ethical Thought*, 144, Reinhard Merkel, "Rechte Für Embryonen," in *Ethische Essays [Ethische Essays]*, ed. Julian Nida-Rümelin (Frankfurt: Suhrkamp, 2002), 427-39, Julian Nida-Rümelin, "Humanismus Ist Nicht Teilbar," in *Ethische Essays*, 463-69. Others draw a similar conclusion, once Kant's theory of freedom is set aside. Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life [Ethics of Killing]* (Oxford: Oxford University Press, 2002), 9-10, 252-53, 474, 79, Warren, *Moral Status*, 101-04, 10. Wood and Warren specifically endorse Regan's criticisms.

⁸ For the charge that Kant is "speciesist" see Wood, "Nonrational Nature," at 199, Peter Singer, *Animal Liberation: A New Ethics for Our Treatment of Animals* (New York: Random House, 1975), 20-21, 222, 71, Regan, *Case*, 155, 74-85.

⁹ Korsgaard, *Creating*, ch. 7, 12, Tamar Schapiro, "What Is a Child?" ["Child"], *Ethics* 109 (1999): 715-38. A similar approach is suggested in Onora O'Neill, *Towards Justice and Virtue: A Constructive Account of Practical Reasoning* (Cambridge: Cambridge University Press, 1996), ch. 4. Recently, some commentators have proposed radically inclusive reconstructions, as opposed to interpretations, of Kant's theory that appear to ascribe moral status to all animals, and perhaps all entities. Wood, "Nonrational Nature," Korsgaard, "Fellow Creatures." I say "appear" because each seems to significantly alter the conception of "moral status" in the process.

¹⁰ For the proposal that Kant aims to provide a "modest system," see Karl Ameriks, *Interpreting Kant's Critiques* (Oxford: Oxford University Press, 2003), Karl Ameriks, *Kant and the Fate of Autonomy: Problems in the Appropriation of the Critical Philosophy* (Cambridge: Cambridge University Press, 2000). On the importance of philosophy as apology or "defense," see John Rawls, *Lectures on the History of Moral Philosophy*, ed. Barbara Herman (Cambridge: Harvard University Press, 2000), 147, 324-5.

¹¹ For a very brief discussion, see section 5.

¹² In the *Religion*, Kant distinguishes between "humanity" and "personality" as two of the three "practical predispositions." (R 6:26) See n 2 above and section 3, below.

¹³ For helpful discussions of these passages, see Höffe, *Medizin*, Brandt, "Eherecht." Brandt also cites Kant's judgment about cases where a pregnant woman commits suicide: "Willfully killing [Entleibung] oneself can be called murdering oneself (*homicidium dolosum*) only if it can be proved that it is in general a crime committed either against one's own person or also, through one's killing oneself, against another (as when a pregnant person takes her

life.)”(MdS 6:422) This supports recent interpretations of Kant’s latitudinarian approach to the punishment of maternally induced infanticide, according to which it is wrongful killing, but not punishable by death.(MdS 6:336) Wood, *Kant's Ethical Thought*, 370n31, Höffe, *Medizin*, 89-92, Brandt, “Eherecht,” at 215. In the light of these passages, it is surprising that as reliable a commentator as Barbara Herman could write of “Kant’s deep silence on the question of the moral status of children.” Barbara Herman, *The Practice of Moral Judgment* (Cambridge: Harvard, 1993), 62.

¹⁴ Kant could, of course, broaden this to include those restrictions entailed by our duties to other persons.

¹⁵ Kant’s use of “*kennen*,” rather than the narrower terms “*erkennen*” or “*wissen*” in this context may be significant, indicating the relevance of a broader set of “experiential” considerations that may include biological, psychological, anthropological and perhaps moral concepts. Sometimes Kant suggests that we “*kennen*” our freedom, and speaks of how we “*kennen*” our species through experience, e.g., 6:226, 239, 461; 7:321.

¹⁶ Even supposing they exist, we lack knowledge of them and are unable to affect them. These barriers of knowledge and power are emphasized at “*Metaphysik der Sitten Vigilantius*” 27:711 and 713. In the *Metaphysics of Morals* Kant places emphasis on their status as “mere thought entities.” If they do exist, presumably they possess dignity, but they lack moral status for us. (Perhaps they could have duties to one another, or even to us, however.) This suggests that there may be an indexical element to Kant’s conception of moral status: that there can be some individuals or communities of individuals with moral status that neither obligate nor are obligated by some other individuals with moral status. If there are rational beings on other planets, as Kant suspects, or finite disembodied spirits that can interact with one another, they may have moral obligations to each other, though so long as *we* humans are unable to perceive or intentionally affect them, we could have no obligations to them (and perhaps they none to us). In this case we may say that they lack moral status (for us humans).

¹⁷ It is often claimed that such a suggestion resembles Locke’s claim that “‘person’... is a forensic term, appropriating actions and their merit; and so belongs only to intelligent agents, capable of a law, and happiness, and misery.” John Locke, *An Essay Concerning Human Understanding* [Essay] II.27.26. Siep, “Personbegriff”, McMahan, *Ethics of Killing*, Warren, *Moral Status*, Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984). However, given the substantial differences in their philosophical approaches and commitments, one should be careful about assuming too much from superficial similarities between Locke’s and Kant’s discussions of persons and personal identity. Cf. n 57, below. Höffe, *Medizin*, 75-76. It is not clear that Kant considers “psychological personality” to be a necessary condition for moral responsibility – as we will see in section 3, Kant considers the propensity to evil to be imputable, even though we have no real consciousness of any noumenal choice which gave rise to it. For criticisms of Lockean reductionist conceptions of the person, Karl Ameriks, *Kant's Theory of Mind* (Oxford: Clarendon, 1982/2000), 148ff, Ludger Honnefelder, “Der Streit Um Die Person in Der Ethik” [“Streit”], *Philosophisches Jahrbuch* 100 (1993): 246-65, at 256ff, Eberhard Schockenhoff, “Pro Speziesargument: Zum Moralischen Und Ontologischen Status Des Embryos” [“Speziesargument”], in *Moralischer Status*, 11-33, at 16f, Eric T. Olson, *The Human Animal* (New York: Oxford University Press, 1997).

¹⁸ The passage does not identify personhood specifically in terms of the capacity to obligate or be obligated. On Kant’s view, obligation implies constraint, which is not applicable to holy persons. It is also important to recall that, on Kant’s account, the subject of the law (the obligated) is simultaneously a legislator of the law that binds him, and all others; thus the law must be grounded in the subject’s will, his true nature or “proper self” as intelligence. Patrick Kain, “Self-Legislation in Kant's Moral Philosophy,” *Archiv für Geschichte der Philosophie* 86 (2004): 257-306.

¹⁹ Scanlon may be at his most Kantian when he suggests that the scope of moral status, in the narrow sense, should include “at least all those beings who are of a kind that is normally capable of judgment sensitive attitudes.” T. M. Scanlon, *What We Owe to Each Other* (Cambridge: Harvard University Press, 1998), 186. This contrasts with the interpretation of Scanlon’s earlier work in Mark Bernstein, “Contractualism and Animals,” *Philosophical Studies* 86 (1997): 49-72.

²⁰ This seems to be the case with Höffe, Brandt, Siep, and perhaps Gerhardt. To my knowledge, none of these commentators emphasizes the significance of being a *perceptible* person, which will become important below.

²¹ This general strategy is deployed by Regan and followed by Wood, McMahan, Warren, Merkel, and others. For the claim that such humans are not persons, on Kant's theory, see also Sussman, *Idea*, 242.

²² Regan, *Case*, 84-6, 151-6, 77-85. See also Siep, "Personbegriff." This is discussed in Höffe, *Medizin*, 75-6. Strictly speaking, such an interpretation of this passage might suggest that sleeping adult humans lack moral status, although they may be accorded it in virtue of prior (and perhaps future) actions for which they may be held responsible.

²³ Brandt, "Eherecht," at 214.

²⁴ The moral relevance of differences between sleep, temporary mental disability, and the temporary cognitive limitations of healthy infants is, of course, a matter of significant contemporary controversy.

²⁵ Thus, it also does not imply that persons may not sometimes be excused for their actions, or that ascriptions of responsibility must ignore mitigating factors. The capacity for freedom is a necessary, not sufficient condition for particular ascriptions of responsibility. Siep, "Personbegriff," at 295.

²⁶ Regan, *Case*, 152.

²⁷ To be able [*mächtig*] to make use of freedom is more than to be "endowed with" or capable of [*fähig*] freedom. Cf. 6:384: virtue is "the state of health proper to a human being," the strength or cultivated ability (which must be acquired (6:477)) of being "in control" of oneself [*seiner selbst mächtig*] that a being endowed with freedom may acquire. Höffe may be suggesting a similar distinction between having [*haben*] a capacity and having it at one's disposal [*verfügen über Fähigkeiten*]. Höffe, *Medizin*, 74-5. Without any historical intentions, Damschen and Schönecker draw a distinction between an *Anlage* or actual and inherent *Vermögen* and an actual *Fähigkeit* which seems to capture a similar point in the language of "predispositions." Gregor Damschen and Dieter Schönecker, "In Dubio Pro Embryone. Neue Argumente Zum Moralischen Status Menschlicher Embryonen," in *Moralischer Status*, 187-267, at 226-7. In light of such a distinction, it is surprising how often proponents of a restrictive interpretation of Kant's theory insist, without much argument or textual evidence, upon a very narrow understanding of autonomy as a manifest, immediately exercisable ability (often described as a "capacity" as opposed to a mere "potential for a capacity"). Wood, "Nonrational Nature," at 198, 208-9n10, Warren, *Moral Status*, 102-06, McMahan, *Ethics of Killing*, 13, 253f.

²⁸ Here and throughout, we are concerned with what Kant calls "transcendental" or "absolute freedom." Characterized negatively, this is an independence from determination by alien causes; positively, it is a power to determine oneself to action in accord with reason, specifically in accord with the moral law.

Kant's arguments for the "Analogies of Experience," if successful, may only establish an "every event some cause" principle, not a stronger "like effect like cause" principle that would indicate a set of general causal laws. Eric Watkins, *Kant and the Metaphysics of Causality* [*Metaphysics of Causality*] (Cambridge: Cambridge University Press, 2005), Michael Friedman, *Kant and the Exact Sciences* (Cambridge, MA: Harvard University Press, 1992), Michael Friedman, "Causal Laws and the Foundations of Natural Science," in *Cambridge Companion to Kant*, ed. Paul Guyer (Cambridge: Cambridge University Press, 1992), 161-99, Gerd Buchdahl, *Metaphysics and the Philosophy of Science* (Cambridge, MA: MIT Press, 1969). While it is not entailed by the "Analogies of Experience," Kant does suggest that there are psychological "laws" and that, in principle, human behavior can be predicted with certainty. (e.g., A546-558/B574-586; cf. 8:17) Westphal contends that Kant should not affirm the existence of (deterministic) psychological laws because, he suggests, Kant's argument in the "Paralogisms" precludes the subsumption of psychological phenomena under the Analogies. Kenneth Westphal, "Kant's Critique of Determinism in Empirical Psychology" ["Determinism"], in *Proceedings of the Eighth International Kant Congress*, ed. Hoke Robinson, vol. II.1 (Milwaukee: Marquette University Press, 1995), 357-70. See also Hud Hudson, *Kant's Compatibilism* (Ithaca: Cornell University Press, 1994). For a partial reply, see Thomas Sturm,

“Kant on Empirical Psychology: How Not to Investigate the Human Mind” [“Empirical Psychology”], in *Kant and the Sciences*, ed. Eric Watkins (Oxford: Oxford University Press, 2001), 163-84, Ameriks, *Kant's Theory of Mind* (Oxford: Clarendon, 1982/2000), 292-3. Regardless of the outcome of this dispute, insofar as Kant insists that every empirically *cognizable* event must have some cause, freedom cannot be empirically cognizable. This might seem to create a problem for Kant’s claim that objects with moral status be both persons, and thus free, and be “given as objects of experience.” This problem is merely apparent, however. While objects of experience cannot be (or be empirically cognized as) free, this does not preclude the possibility that there are free beings or that free beings may be given as cognizable objects of experience.

²⁹ As Kant added in his own copy of the first *Critique*, “Morality is that which, if it is correct, positively presupposes freedom. If the former is true, then freedom is proved.” (23:42. Marginalia to A558/B586 (cited in Guyer and Wood ed., 546)) Kant’s abandonment of theoretical arguments for freedom (and his *Groundwork* deduction of freedom) for the fact of reason is often referred to as Kant’s “Great Reversal.” Ameriks, *Interpreting Kant's Critiques*, ch. 9-10. For less “dogmatic” recent interpretations of the “fact of reason,” that do not significantly affect the present point, see Sussman, *Idea*, Ian Proops, “Kant's Legal Metaphor and the Nature of a Deduction,” *Journal of the History of Philosophy* 41 (2003): 209-29.

There is a substantive disagreement in the recent literature about whether the commitments of the “practical point of view,” including the practical postulates, constitute real ontological commitments. For a critical overview, see Patrick Kain, “Realism and Anti-Realism in Kant's Second *Critique*,” *Philosophy Compass* 1 (forthcoming), Frederick Rauscher, “Kant's Moral Anti-Realism,” *Journal of the History of Philosophy* 40 (2002): 477-99, Paul Guyer, *Kant on Freedom, Law, and Happiness [Freedom, Law and Happiness]* (Cambridge: Cambridge University Press, 2000), ch. 10, Onora O'Neill, *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989), 36, 64-65, Onora O'Neill, “Within the Limits of Reason,” in *Reclaiming the History of Ethics: Essays for John Rawls*, ed. Andrews Reath, Barbara Herman, and Christine Korsgaard (Cambridge: Cambridge, 1997), 170-86, Rawls, *Lectures*, 260f, Ameriks, *Interpreting Kant's Critiques*, ch. 11, A. W. Moore, *Noble in Reason, Infinite in Faculty* (London: Routledge, 2003). Regardless of the outcome of this dispute, as long as Kant can defend the claim that we must regard all human beings, for practical purposes, as beings endowed with the predisposition to personality, he will have a defense of the moral status of all human beings.

³⁰ E.g., Warren, *Moral Status*, 100, McMahan, *Ethics of Killing*, 252-3, 56, 474, 79.

³¹ See, for example, Warren, McMahan, Singer, and Regan. Regan insists that the capacity to suffer is the morally relevant feature and that it is always arbitrary to give moral consideration to some but not all beings that possess such a capacity. Warren adds the further charge that, in practice, such an arbitrary theory may facilitate attempts to arbitrarily exclude many vulnerable human beings

³² Korsgaard, *Creating*, Schapiro, “Child.” But for a different approach, see also Korsgaard, “Fellow Creatures.”

³³ Korsgaard, *Creating*, 353.

³⁴ Korsgaard, *Creating*, 351, 206-7.

³⁵ Korsgaard, *Creating*, 356.

³⁶ Korsgaard and Schapiro, developing Rawls’s suggestions about the role of teleological considerations within a “non-ideal” theory, have shown this to be a philosophically fruitful Kantian approach to questions about the permissibility of paternalism (especially toward children) and of decisions to excuse or hold individuals morally responsible for their behavior, in various contexts. What remains unclear, however, is how *absolute* restrictions upon the means to the ideal may be acknowledged without a prior determination of the basic moral status of the individuals concerned.

³⁷ Korsgaard, *Creating*, 356. Korsgaard implies that this decision, allegedly motivated by the desire to minimize the dangers of a slippery slope, may have been a poor one; but she leaves it rather unclear where she thinks its weakness lies.

³⁸ It is unclear whether it is actually intended as an interpretation or reconstruction of Kant's general theory of moral status. On the one hand, most of the considerations Korsgaard raises in support of the pragmatic decision interpretation are general claims about the nature of moral concepts and their relation to empirical judgments, and Schapiro interprets them this way. On the other hand, both Korsgaard and Schapiro leave a few contrary indications and are most immediately concerned with a few specific questions such as whether paternalistic lies to children should be permitted or how responsibility and "full autonomy" should be assigned, rather than with questions about the scope of personhood. At one point, Korsgaard distinguishes her discussion of holding a person responsible for a specific act from general questions about personhood. Korsgaard, *Creating*, 219n30. There is some indication that Korsgaard may intend to exclude questions about the scope of personhood from the range of "pragmatic concepts" when she suggests that "it is theoretical facts which teach us which things are even potentially rational beings. The ethical concept of a moral person is mapped on to the naturalistic concept of a human being." Korsgaard, *Creating*, 356. See also Korsgaard, "Fellow Creatures," at 82.

³⁹ This interpretation relies upon an implicit contrast between the indeterminacy common to many types of empirical judgment and a special sort of indeterminacy that occurs in the case of status concepts. Even with respect to status concepts, the interpretation seems to overgeneralize from the particular challenges posed by applying "stage" concepts such as "child." On Kant's account, there is a general difficulty with the application of moral concepts that stems from our cognitive limitations: our empirical cognition is spatio-temporal and structured by empirical causal determinism, whereas moral concepts presuppose a conception of freedom that transcends empirical cognition. (This is only misleadingly described as an "imperfection of the world.") This generates a general methodological problem for the ascription of any moral concepts, including the capacity of freedom, to any empirical object. Other moral concepts, such as that of "perfect virtue" cannot be directly applied to empirical objects for a different reason: we have positive reason, according to Kant, to believe that none of the empirical objects to which we can ascribe freedom (human beings) has achieved perfect virtue. In this case, there is no problem of direct application at all: it is clear that it is not an attribute any of us possess. Yet special status concepts like "child" or "adult" are difficult to apply for a different reason: they are stage concepts, picking out or distinguishing stages in the development of an individual, a development that appears to be continuous. (See Korsgaard, "Fellow Creatures," at 96n49.) It is this continuity that makes it difficult to specify boundaries for the concepts that are simultaneously precise and intrinsically significant, or to identify them with specific events. The pragmatic decision interpretation seems well designed to address the special problems with the application of stage concepts, such as "child." It is not clear, however, that all moral concepts face these same difficulties. In particular, Kant insists that "personality" and basic moral status cannot come in continuous degrees (see section 4, below), and may deny that empirical objects could manifest such a continuum. Kant accepts the continuity of change, but rejects a physical law of continuity. See Eric Watkins, "Kant on Rational Cosmology," in *Kant and the Sciences*, at 76f.

⁴⁰ cf. Korsgaard, *Creating*, 351, 208. On Korsgaard's version of non-ideal theory, the absolute restrictions grounded in the Formula of Universal Law are prior to the teleological considerations found in the Formula of Humanity and the Formula of the Kingdom of Ends. Korsgaard, *Creating*, ch. 5. This seems to preclude the "goal" from providing guidance about the scope of those absolute restrictions.

⁴¹ There may be cases where an agent's duties to herself or duties to a third-party directly entail constraints on how she ought to treat an object of unspecified moral status. For example, perhaps I have obligations to my neighbor not to destroy at will her, her husband, their son, their dog or their fence. (Even here we may be assuming a certain forms of legitimacy in the relationship between her and those other items which may turn on their moral status. (Cf. 6:358n) I don't have an obligation *to her* not to destroy someone she has enslaved.) But we cannot determine what duties, if any, we have *to* any of those items without determining their status.

⁴² Höffe suggests that, while the context of Kant's remarks suggests that species membership is somehow important, Kant failed to distinguish between individual- and species-based ascriptions of moral status and to defend the latter. Höffe, *Medizin*, 73-79. Siep asserts, with little argument, that Kant's efforts to reestablish a severed link between

moral personality and membership in the human species must fail. Siep, “Personbegriff,” at 96-98. Enskat has suggested in passing that Kant’s terminology allows one to understand how species membership could legitimately serve as an empirical criterion for moral status. Reiner Enskat, “Pro Identitätsargument: Auch Menschliche Embryonen Sind Jederzeit Menschen,” in *Moralischer Status*, 101-28, at 125.

⁴³ Kant’s views about the natural and social sciences (other than perhaps physics and bits of biology) and especially concerning the nature of human beings have been largely neglected by philosophers and historians of philosophy. See Brian Jacobs and Patrick Kain, “Introduction,” in *Essays on Kant's Anthropology*, 1-14. But recent work in the history and philosophy of science and new material, including the critical edition of student notes from Kant’s lectures on metaphysics and anthropology, allow a reconstruction of many of the relevant features of Kant’s empirical conception of human nature. The German critical edition of the lectures on anthropology was published in 1997 and of the lectures on metaphysics in 1968-72 (with additions in 1983); the editing of the lectures on physical geography is in progress. This material sheds light upon many of the positions advanced in Kant’s published works. Although the material derives from students’ notes from his lectures, its overall reliability is well corroborated by Kant’s own *Reflexionen* and published works. For discussion, see Karl Ameriks and Steve Naragon, “Translator's Introduction,” in *Lectures on Metaphysics*, ed. Karl Ameriks and Steve Naragon (Cambridge: Cambridge University Press, 1997), xiii-xliii, Werner Stark, “Historical Notes and Interpretive Questions About Kant's Lectures on Anthropology,” trans. Patrick Kain, in *Essays on Kant's Anthropology*, 15-37. In what follows, I employ some of this material to clarify claims found in Kant’s published works and *Reflexionen*.

⁴⁴ For purposes of exposition, I will often abstract from many of the differences between, for example, the Kantian disciplines of “natural description” and “natural history” of organisms which I will refer to as “biology,” or between “empirical psychology” and “anthropology”, which I will often refer to as “psychology”. Kant’s account of each of the relevant disciplines deserves further historical and philosophical examination than it has received. Significant questions remain about the nature of these disciplines, the “mixed” *a priori* and empirical status of the regularities or laws identified in them, and of the precise relationship between them. For helpful discussion of such issues in a variety of disciplines, see the essays in Eric Watkins, ed., *Kant and the Sciences*.

⁴⁵ The tension between these two principles is the basis for the Antinomy of Teleological Judgment in the *Critique of Judgment*. The relationship between mechanical and teleological principles was a central concern for much of Kant’s career. There is significant disagreement about the nature of this relationship and its connection with the second Analogy (A189/B232) and, more generally, with the first *Critique*’s conception of empirical causality, e.g., A538/B566f. See Hannah Ginsborg, “Kant on Understanding Organisms as Natural Purposes” [“Understanding Organisms”] in *Kant and the Sciences*, 231-58, Hannah Ginsborg, “Two Kinds of Mechanical Inexplicability in Kant and Aristotle,” *Journal of the History of Philosophy* 42 (2004): 33-65, Marjorie Grene and David Depew, *The Philosophy of Biology* (Cambridge: Cambridge University Press, 2004), ch. 4, Paul Guyer, “Organisms and the Unity of Science” [“Organisms”] in *Kant and the Sciences*, Peter McLaughlin, *Kant's Critique of Teleology in Biological Explanation: Antinomy and Teleology* (Lewiston, NY: Edward Mellin Press, 1990), Clark Zumbach, *The Transcendent Science: Kant's Conception of Biological Methodology* (Boston: Nijhoff, 1984).

⁴⁶ Kant would add that those tempted to chalk every such regularity up to “external contingency” cannot really justify this on the basis of “insight into the nature of the object,” because the natures in question are “too deeply hidden.”(A667/B695)

⁴⁷ As Ginsborg has explained, while “rife with exceptions,” “the regularities exhibited by organisms cannot be accounted for in terms of the fundamental regularities – those described by the laws of attraction and repulsion – that characterize the behavior of matter at the most general level.” Ginsborg, “Understanding Organisms,” at 242, 5.

⁴⁸ In its strongest form, Kant contends that “an organized product of nature is that in which *everything* is an end and reciprocally a means as well. Nothing in it is in vain, purposeless, or to be ascribed to a blind mechanism of nature.”(KU 5:376) Kant may allow a slightly weaker interpretation of this principle when applied to mere parts (as opposed to organs) of an organism such as “skin, hair, or bones.”(KU 5:377)

⁴⁹ The precise status of teleological concepts and entities within Kant's system remains unclear. He insists that "experience leads our power of judgment to the concept of an objective and material purposiveness, i.e., to the concept of an end of nature." (5:366) As we shall see, he insists there is a real distinction between species. Yet he is reluctant to commit, at least on theoretical grounds, to the ultimate reality of such entities. The concepts of a "natural end" (such as an organism with predispositions) and of a soul are to be regarded as regulative, not constitutive, principles for theoretical reason, and there can be no "proof" that there really are species, or "organisms" in his precise sense. Our need, in theoretical contexts, for these concepts might be fundamentally dependent upon peculiarities of our discursive form of cognition and the structure of our "reflective judgment," and these concepts might not correspond with the ultimate, "hidden" nature of the objects in question, which is, in any event, completely beyond our cognition. (5:359f, A672/B700ff.)

⁵⁰ On the uniformitarian, or at least "actualist," implications of this principle, see Phillip R. Sloan, "Kant on the History of Nature: The Ambiguous Heritage of the Critical Philosophy for Natural History" ["History of Nature"], *Studies in History and Philosophy of Science Part C: Studies in History and Philosophy of Biological and Biomedical Sciences* 37 (2006):627-648.

⁵¹ Kant contends that parsimony favors the monogenetic hypothesis for a potentially interbreeding population (*contra* Georg Förster). (GtP 8:169) Similarly, I suggest, it is parsimony that favors a hypothesis of *generatio homonyma* over *generatio heteronyma*. (KU 5:419n)

⁵² It is worth recalling that Kant imagines both a natural history of the universe, as in his 1755 essay on "Universal Natural History," and a natural history of organisms, in particular.

⁵³ For a classic discussion of the methodological significance of systematicity and the projected unity of nature, see Gerd Buchdahl, *Metaphysics and the Philosophy of Science* (Cambridge, MA: MIT Press, 1969), 497-516. On its particular importance in biological investigations, see Phillip R. Sloan, "Buffon, German Biology, and the Historical Interpretation of Biological Species" ["Buffon"], *British Journal for the History of Science* 12 (1979): 109-53, Sloan, "History of Nature."

⁵⁴ Kant's theory constituted an innovative "'middle way' between mechanistic epigenesis and strong preformationism" in the theory of reproduction. Phillip R. Sloan, "Preforming the Categories: Eighteenth-Century Generation Theory and the Biological Roots of Kant's *a priori*" ["Preforming"], *Journal of the History of Philosophy* 40 (2002): 229-53, at 238. Kant seems to endorse an individual preformationist account of the generation of the body in "Metaphysik Mrongovius" (1782-3) 29:910. But by the *Critique of Judgment* and in the *Metaphysics* lectures in the 1790s he prefers a version of "epigenesis or *generic* preformation," according to which "the productive capacity of the progenitor is still preformed according to the internally purposive predispositions that were imparted to its stock... the specific form was preformed virtualiter." (KU 5:423) Sloan traces Kant's movement, first in 1785 and then further in 1790, away from individual preformationism, and his apparent abandonment in biological contexts of preformed germs (although his commitment to preformed predispositions remains). For important recent work on the place of Kant's theory in the context of eighteenth century debates about generation, see also Sloan, "Buffon", Timothy Lenoir, "Kant, Blumenbach and Vital Materialism in German Biology" ["Vital Materialism"], *Isis* 71 (1980): 77-108, Sloan, "Preforming," Robert J. Richards, "Kant and Blumenbach on the *Bildungstrieb*: A Historical Misunderstanding" ["*Bildungstrieb*"], *Studies in History and Philosophy of Science Part C: Studies in History and Philosophy of Biological and Biomedical Sciences* 31 (2000): 11-32, John H. Zammito, "'This Inscrutable Principle of an Original Organization': Epigenesis and 'Looseness of Fit' in Kant's Philosophy of Science" ["Inscrutable Principle"], *Studies in history and philosophy of science* 34A (2003): 73-109.

⁵⁵ Thus Kant eschewed both spermatocentric and oocentric theories of reproduction. On the human case in particular, Kant wrote: "The human procreative faculty is the faculty of a human being, with a human of the other sex, to put a person in the world. The means to this or the act through which this effect can occur is the bodily mixing [*die fleischliche Vermischung*] of those two." (Draft for the Mds Appendix, 23:357)

⁵⁶ “For one cannot make a kind of animal into a distinct [*besondern*] species if it belongs with another in one and the same system of reproduction.” (GtP 8:165) For a helpful account of Kant’s conception of species in the context of eighteenth century debates, see Sloan, “Buffon.” I emphasize that Kant employs his historical criterion for species to isolate real species with common predispositions and germs. For discussion of the interbreeding criterion and its relevance to moral status, see McMahan, *Ethics of Killing*, 211-14.

⁵⁷ Although Kant came to employ arguments from hybrid or anomalous organisms against individual preformationist views of reproduction (5:423), he did not share Locke’s fascination with “monsters” or “changelings,” nor find them a significant challenge to “real” biological classification, *generatio homonyma*, or to fundamental questions of moral status. Kant’s works contain only a few allusions to “*Mißgeburten*.” (KU 5:372, 423; APH 7:194; 2:366; BBM 8:95) cf. Locke, *Essay* III.3.17; 6.22f; 11.16-20; IV.4.13. On Kant’s theory, while mixing may fail to result in an organism or may occasionally produce an anomalous organism, it can only produce an organism of the same species as the parents, possessing the relevant predispositions. ~~There is little room in his biological theory for the thought that there are any human offspring without the human predispositions, or any individual human organisms that are not (moral) persons, contra the suggestions in Siep, “Personbegriff,” at 84f, Honnefelder, “Streit,” at 249. While some of the fundamental predispositions of a species may be inactive or expressed in peculiar ways in some individuals, Kant avoids denying their presence. See n60.~~ From a contemporary perspective, observed mutations in DNA and changes in species may be construed as evidence of a somewhat looser conception of *generatio homonyma*, which is part of why it undermines Kant’s grounds for resisting the “daring adventure of reason,” that is, a thesis of universal common descent. (5:419n)

⁵⁸ It is the project of “natural history” to properly identify the various “natural species” of organisms and their varieties and races, through a consideration of the possibility and effects of reproductive connections. Kant distinguishes this discipline from that of “natural description.” (GtP 8:161) The fixity of species is an important part of Kant’s species concept. (BBM 8:97; GtP 8:164; KU 5:420) Kant presses this point against advocates of a great chain of being, “continuum of forms,” or physical “law of continuity.” (28:205, 662, 762; 29:921, 1033) **Thus, the biological employment of the concept of species is thus stronger than the logical and transcendental employment of the general “law of genera” and “law of specification,” in chemical contexts, for example. (A649/B677f.) See Watkins, “Kant on Rational Cosmology.”** This fixity is secured by the original endowment and transmission of predispositions and germs. Lenoir, “Vital Materialism,” Sloan, “Preforming,” Zammito, “Inscrutable Principle!” Kant thought that the empirical evidence counts against a thesis of universal common descent of all organisms (a thesis which would undermine the interbreeding criterion). But Kant does allow that real species and nominal, morphologically defined, species concepts may differ significantly and that apparently distinct species may in fact be varieties of a single species, descendents of some common ur-ancestor. (KU 5:419n) **Sloan and Zammito emphasize that Blumenbach’s conception of the *Bildungstrieb*, for which Kant had some sympathy, may reopen questions about the transmutation of species; but, as Richards suggests, it is not clear that Kant recognized or adopted the relevant aspects of Blumenbach’s theory. Richards, “*Bildungstrieb*.” Wood discusses problems that Darwinian evolution poses for some of the assumptions of Kantian teleology, Wood, *Kant’s Ethical Thought*, 215-25.**

⁵⁹ On the biological and specifically horticultural roots of Kant’s conception of predispositions, see G. Felicitas Munzel, *Kant’s Conception of Moral Character: The “Critical” Link of Morality, Anthropology, and Reflective Judgment* (Chicago: University of Chicago Press, 1999), 112-15, 335-45.

⁶⁰ Kant also distinguished, within species, between races (the characteristics of which, once they have emerged, remain fixed and are necessarily hereditary) and variations (the characteristics of which are neither). Kant once hypothesized that the observed fixity of racial characteristics in human beings (esp. skin color) was a result of certain predispositions having developed in response to environmental conditions and having extinguished inactive alternative predispositions. (BBM 8:105, cf. GtP 8:166, 175, 177) He insisted that developments can only be permanently taken up into the reproductive power insofar as they are already in accord with the original predispositions. (See also “On the different races of human beings” in Kant’s Announcement of his Physical Geography Course (1775), modified (1777) 2:429-442.) On Kant’s conception of race, see John H. Zammito, *Kant, Herder, & the Birth of Anthropology* (Chicago: University of Chicago, 2002), Robert Bernasconi, “Who Invented the Concept of Race?: Kant’s Role in the Enlightenment Construction of Race” [“Concept of Race”], in *Race*, 11-36.

Although Kant claims that skin color is the only necessary racial characteristic (8:94), he unfortunately asserts that there are also significant heritable and fixed racial differences in intelligence, talents, culture and sensitivity. Many of Kant's occasional remarks about non-white races and about women imply that he considered them to be permanently immature human persons and that he thought only white males may be truly able to develop the moral predispositions. Louden has argued that such implications are incompatible with Kant's more systematic anthropological and moral claims. Robert B. Louden, *Kant's Impure Ethics: From Rational Beings to Human Beings* [*Kant's Impure Ethics*] (Oxford: Oxford University Press, 2000), ch. 3. Regardless of the outcome of that argument, all of Kant's assertions are consistent with his claim that all human beings are endowed with the moral predispositions. (Cf. 25:694.) Kant never claims that women or non-whites lack the practical predispositions or basic moral status. On a related point, he was intent in his lectures on metaphysics to criticize arguments for immortality that fail to cover humans who will never develop their practical predispositions. (Cf. 29:917, 28:443, 767.) For a strong argument that Kant developed a less hierarchical, more egalitarian conception of race in the 1790s, see Pauline Kleingeld, "Kant's Second Thoughts on Race," *Philosophical Quarterly* 57 (2007): 573-592.

⁶¹ Kant resists explaining organisms, in general, and their predispositions and formative powers as the direct artifacts or instruments of immaterial souls or of God because that would either remove organisms from the realm of nature altogether or provide the mere illusion of an explanation of the possibility of organized matter. (KU 5:374, 394; GtP 8:179f.) To this extent, it is fair to see Kant as advocating, in biological contexts, what Lenoir has called "vital materialism," a non-reductive account of organisms that eschews recourse to souls. Lenoir, "Vital Materialism." But as we will see, Kant nonetheless maintains that the discipline of empirical psychology, even the empirical psychology of non-human animals, requires the concept of an immaterial soul.

⁶² It remains defeasible evidence, since Kant insists that some specific predispositions or germs may become manifest only over time, for example, in later stages of history or only in response to specific changes in environmental conditions.

⁶³ Relying on his interbreeding criterion, Kant vigorously defended human monogeneticism against opponents including Linnaeus, Voltaire, Hume, Henry Home (Lord Kames), and Georg Förster; and the reality of human races against opponents such as Herder. See GtP, BMM, and "On the Different Races of Humankind" (1775/77), discussed in Bernasconi, "Concept of Race," Sloan, "Buffon." I suspect that doubts about the possibility of interbreeding humans with, say, apes would serve as the biological basis for Kant's contention that human beings constitute a distinct species.

⁶⁴ Kant recognized complex relations between biological or bodily predispositions and psychological and practical predispositions, and was most interested in characterizing the content and role of the psychological and practical predispositions. See his "Review of Moscati" (1771) 2:421-425; and APH 7:322-323.

⁶⁵ For Kant's claims about empirical psychology and determinism, see e.g., A546-558/B574-586 and A347/B405 and literature cited above n28. For the outlines of part of Kant's empirical model of human thought and action, see Patrick Frierson, "Kant's Empirical Account of Human Action" ["Kant's Empirical Account"], *Philosophers' Imprint* 5, no. 7 (2005): 1-34. Kant's skepticism about the possibility of a psychological "science" derives in large part from the special difficulties of objectively and systematically observing our own and other's thoughts and behavior and from his assumptions about the role of mathematics in science, neither of which need detain us here. See *The Metaphysical Foundations of Natural Science* 4:471. For a discussion of Kant's criticisms of empirical psychology, see Sturm, "Empirical Psychology," Wood, *Kant's Ethical Thought*, 196-202, Allen W. Wood, "Kant and the Problem of Human Nature," in *Essays on Kant's Anthropology*, Gary Hatfield, "Empirical, Rational, and Transcendental Psychology: Psychology as Science and as Philosophy," in *Cambridge Companion to Kant*, ed. Paul Guyer (Cambridge: Cambridge University Press, 1992), 200-27, Westphal, "Determinism," Frierson, "Kant's Empirical Account." Kant's critique of empirical psychology played an important role in his attempts to define the discipline of anthropology: anthropology is concerned with the human being (soul and body), not specifically the human soul. See Heiner Klemme, *Kants Philosophie des Subjekts: Systematische Und Entwicklungsgeschichtliche Untersuchung Zum Verhältnis Von Selbstbewusstsein Und Selbsterkenntnis* [*Philosophie Des Subjekts*], *Kant Forschungen* 7 (Hamburg: Felix Meiner, 1996), 81.

⁶⁶ Kant notes, for example, that human children come to employ first-personal pronouns (APH 7:126), that there seem to be laws of mental association (A100, A347/B405, APH 7:176ff) and a widespread human propensity to intoxicants (6:29)(see Frierson, “Kant's Empirical Account,” at 22.) and that human adults tend to do things like make agreements with one another, deceive themselves and others, and fight wars.(APH 7:276, 331-2; cf. 8:20)

⁶⁷ This goal of characterization is central to Kant’s conception of anthropology as a “pragmatic” discipline useful for “citizens of the world”. Makkreel has emphasized how Kant grounds the disciplines of anthropology and pragmatic history in a “practical”, as opposed to theoretical idea. Rudolf A. Makkreel, “Kant on the Scientific Status of Psychology, Anthropology, and History,” in *Kant and the Sciences*, 185-201. Given this interest, it is understandable that, in the context of anthropology and, often, empirical psychology, Kant tends to focus on characteristic capacities, powers and faculties rather than the underlying predispositions; but the commitment to such predispositions is made explicit when anthropology aims to characterize the human species (APH 7:285f.) and when rational psychology considers certain arguments for the immortality of the soul. (e.g., 29:915, 28:765, 29:1040)

⁶⁸ Frierson, “Kant's Empirical Account.”

⁶⁹ Ameriks, *Kant's Theory of Mind*, 38. (citing “Metaphysik K2” 28:768) This is what Ameriks identifies as “scientific immaterialism,” the view that the mind is not fully explicable in terms of the properties of matter. Ameriks, *Kant's Theory of Mind*, 34, 37-42. For criticism of Kant’s arguments, see Ameriks, *Kant's Theory of Mind*, 55-64, Henry E. Allison, *Idealism and Freedom: Essays on Kant's Theoretical and Practical Philosophy* (Cambridge: Cambridge University Press, 1996), ch. 7. Kant’s transcendental idealism also clearly commits him to “noumenal immaterialism,” the view that nothing, in itself, is material. Ameriks, *Kant's Theory of Mind*, 35, 45, 59. It is important to keep in mind, however, the limits of Kant’s “mere immaterialism”: Kant insists upon a distinction between souls and spirits. (Spirits are, by definition, able to exist in complete independence of a body, whereas souls may not be.) Most importantly for Kant, this mere immaterialism does not entail the simplicity, substantiality, or, especially, the personal immortality of the soul, which are the foci of Kant’s Paralogisms (A341/B399 – A405/B432). For a rival view, Andrew Brook, *Kant and the Mind* (Cambridge: Cambridge University Press, 1994), 14-23. For a detailed reply, Ameriks, *Kant's Theory of Mind*, 304-12.

While Kant is committed to an “empirical dualism” of bodies and souls (A379), he is not committed to considering immaterial souls as both ontologically ultimate and distinct from the substrate of matter, as a noumenal substance dualism would. Kant leaves open the possibility, which he calls “transcendental “ or “virtual materialism,” that there is a single kind of noumenal substance which is the substrate of both material and psychological phenomena. Ameriks, *Kant's Theory of Mind*, 34-6, 45-7, 63. This is the sense in which Kant eschews “ontological dualism.” Cf. Georg Mohr, “Der Begriff Der Person Bei Kant, Fichte Und Hegel,” in *Person: Philosophiegeschichte - Theoretische Philosophie - Praktische Philosophie*, ed. Dieter Sturma (Paderborn: Mentis, 2001), 103-41, at 114-15. For some of Kant’s later musings on the ultimate ontology, “Metaphysik K2” 28:757-760, “K3” 29:1032. For the claim that Kant offers a defensible theory of human embodiment compatible with common sense, see Ameriks, *Kant's Theory of Mind*, 99-108.

⁷⁰ As will emerge in section 4, Kant also suggests that determining the ultimate origin of souls is beyond the competence of natural science.

⁷¹ On Kant’s account, this capacity for inner sense is closely related to our capacities for apperception, mental unity, concept acquisition, and our ability to think in terms of the “I”. (APH 7:126-134, 161, B152-159) On the meaning of and complex relationship between inner sense and apperception in Kant’s theory of self-knowledge, see Ameriks, *Kant's Theory of Mind*, ch. 7, Henry E. Allison, *Kant's Transcendental Idealism: An Interpretation and Defense* (New Haven: Yale University Press, 1983), ch. 12-13. For a helpful discussion of inner sense and its importance for Kant’s conception of causal powers more generally, see Eric Watkins, *Kant and the Metaphysics of Causality [Metaphysics of Causality]* (Cambridge: Cambridge University Press, 2005), 272-82.

⁷² Kant does not seem to ascribe souls to all plants, though he views plants as organisms; he seems to avoid considering (most) plants as *living* beings. (E.g., Mds 6:443, 6:211, 5:9n) See Guyer, “Organisms,” at 268-9.

Greene and Depew, citing Hatfield, note that a Wolffian, Michael Christoph Hanov, articulated a similar position in 1766. Greene and Depew, *The Philosophy of Biology*, 123. Kant does say that in the plant kingdom there is “already a beginning of life” (“Metaphysik L1” 28:205); in this connection, he often distinguished between lifeless plants, living plants, and/or zoophytes (including polyps). (e.g., KU 5:419, “Herder” 28:42; “K2” 28:726; “K3” 29:1033; cf. 2:330-1, “Physische Geographie Dohna” mss. 35:7. Refl. 1570 (15:7)) For a recent discussion of the difficulties in identifying a criteria for the ascription of intentional states, see Jerry A. Fodor, “Why Paramecia Don't Have Mental Representations,” *Midwest Studies in Philosophy* 10 (1986): 3-23.

⁷³ Kant explicitly criticizes Descartes and Malebranche on this score. (KU 5:464n) This point is made repeatedly in Kant’s lectures on metaphysics. (“Metaphysik Volckmann” 28:449; “L2” 28:594; “Dohna” 28:681,690; cf. “Herder” 28:115-6) On the more general point, see “L1” 28:274; “Mrongovius” 29:906; “K3” 28:1026. For an excellent discussion, see Steve Naragon, “Kant on Descartes and the Brutes,” *Kant-Studien* 81 (1990): 1-23. Of course, if non-human animals lack “inner sense” and apperception, the “unity argument” for immaterialism will not be applicable to them. But once some immaterialism is accepted as really possible, systematic considerations might justify the ascription of immaterial souls to such animals based upon analogy with the accepted power of an immaterial soul to generate a suitably analogous effect.

⁷⁴ “Metaphysik L1” 28:274f; “Mrongovius” 29:906; “Volckmann” 28:448-9; “L2” 28:594; “Dohna” 28:690; “K3” 29:1026. Relatedly, see A802-3/B830-1, 7:321f. Kant also believes that there are salient enough differences between their behavior and ours to warrant the judgment that their volitional predispositions are different in kind from human volitional predispositions. In the first *Critique*, Kant suggests that our use of precepts and of concepts of what is more generally “useful and injurious” already distinguishes us from other animals, even if it is simply the product of some more remote or higher level natural cause. (A802-3/B830-1) In the *Anthropology*, Kant claims that the technical, pragmatic and moral predispositions of human volition *each* distinguish human beings, as a species, from all other species on earth. (7:321f.) Of course, ultimately, Kant insists on “practical” grounds that humans possess transcendental or noumenal freedom, which he thinks non human animals lack. Kant argues in the second *Critique* that our conviction that we are endowed with autonomy or transcendental freedom is grounded solely in the non-empirical fact of pure reason. (5:31, 5n) The most detailed Kantian discussions of the variety of animal species and behaviors come in Kant’s lectures on physical geography.

Kant’s contention that humans are the only rational animals we know of is intended as a probable contingent claim: he insists upon the possibility that there may be non-human rational animals on other planets. (See A493/B521; A825/B853; KU 5:467; 1:349-68; 2:363; 8:23n) In Kant’s time there were some prominent proponents of the claim that animals possess *rational* souls. Cf. Johann Heinrich Winkler, et al., *Philosophische Untersuchungen von dem Seyn und Wesen der Seelen der Thiere von einigen Liebhabern der Weltweisheit in sechs verschiedenen Abhandlungen ausgeföhret und mit einer Vorrede von der Einrichtung der Gesellschaft dieser Personen ans Licht gestellet von Johann Heinrich Winkler* (Leipzig: Breitkopf, 1745). Discussion of Winkler’s research team can be found in Johann Heinrich Zedler’s *Universal-Lexicon* articles on “Thiere” (vol. 43, Halle, 1745) and on “Winckler, Johann Heinrich” (vol 57, Halle, 1748).

⁷⁵ Refl. 5462: “With epigenesis we must suppose that the soul belongs above all to the intelligible world; that it doesn’t have a location in space, that when through procreation [*Zeugung*] an organized body comes to be, [the body] has the condition in itself to become ensouled immediately by the intelligible living principle; and that the soul is not locally, but rather virtually present in the body.”(18:189-190 (1776-78) to §771 of Baumgarten’s *Metaphysica*.) Refl. 5458: “[An] animal is living matter. All living matter is simultaneously [*zugleich*] ensouled.”(18:188 (1776-78) to §742.)

⁷⁶ Draft for the MdS Appendix, 23:357. Kant claims that human parents are (at least part of) the productive cause of their child’s embodiment: the parents are considered the ones who have “brought” the person “over into the world” (MdS 6:280) and “are the cause of his physical existence” and the “*causa vitae*.” (“Metaphysik der Sitten Vigilantius” 27:670)

⁷⁷ As we will see in section 4, Kant's account of ensoulment is distinct from his account of the generation of a soul. Kant considers attempts to explain the ultimate origin of souls, or at least of free souls, to be beyond the competence of natural science.

⁷⁸ In the third Paralogism, Kant makes clear, among other things, that we cannot prove that underlying the apparent persistence of a set of conscious states is a single numerically identical soul; nor can we prove what we quite reasonably suppose, that there is a perfect coordination in this life between a single persisting body and a single persisting soul. (A361f.; B415) See Ameriks, *Kant's Theory of Mind*, ch. 4. We ought not to be too preoccupied in this context, however, about general skepticism about psychological identity or the problem of other minds. See Ameriks, *Interpreting Kant's Critiques*, 26, Hardy Jones, *Kant's Principle of Personality* (Madison: U. of Wisconsin, 1971), 23-24.

⁷⁹ See, for example, "Metaphysik Dohna" 28:683, "K2" 28:753, where Kant asserts that the singularity of the soul "is a principle in psychology" and that "the question cannot be settled otherwise." This is in marked contrast with the embryology of Thomas Aquinas, for example. Christina Van Dyke, "Thomas Aquinas on Human Bodies, Human Persons, and the End of Human Life," (unpublished manuscript), Robert Pasnau, *Thomas Aquinas on Human Nature: A Philosophical Study of Summa Theologiae Ia 75-89* (Cambridge: Cambridge University Press, 2001), John Haldane and Patrick Lee, "Aquinas on Human Ensoulment, Abortion and the Value of Life," *Philosophy* 78 (2003): 253-76, Stephen J Heaney, "Aquinas and the Presence of the Human Rational Soul in the Early Embryo," *Thomist* 56 (1992): 19-48.

⁸⁰ ~~A referee proposes an alternative theory according to which the mother's body, after mixing and after a fair bit of gestation, transforms what had been one of its parts into a new organism. Such a theory seems hard to reconcile with Kant's commitments. Kant suggests that the power to immediately generate an organism through mixing can be observed in plants and animals, whereas, by contrast, a discrete maternal power to generate an organism at a later point in gestation is not required by observation. There is no obvious metaphysical need to delay recognition as an organism until some later point in gestation or (as I will suggest below) until "higher" or psychological powers are manifest. Given Kant's emphasis on "mixing" and original endowment of predispositions, this alternative theory would also have the burden of explaining how a part of the mother could bear a set of individual predispositions (those resulting from the mixing with the father) distinct from her own or how the father's contribution to such a set would survive until the organism is generated. Kant's "naturalism" would recommend against adding such complexity absent need and/or observational support for the postulated powers. While subsequent observation of monozygotic twinning and cloning do provide evidence, unavailable to Kant, that some organisms do not arise immediately from ordinary "mixing," it is not clear that such observations warrant, much less demand, a theory according to which organisms arise only after a fair bit of gestation. See n81.~~

⁸¹ For the claim that contemporary embryology supports the thesis that, in ordinary sexual reproduction, an organism comes to be at the point of conception or complete fertilization, see, e.g., Patrick Lee and Robert P. George, "The Wrong of Abortion," in *Contemporary Debates in Applied Ethics*, ed. Christopher Wellman (New York: Blackwell, 2005), 13-26, Christopher Tollefsen, "Abortion and the Human Animal," *Christian Bioethics* 10 (2004): 105-16, David S. Oderberg, "Modal Properties, Moral Status, and Identity," *Philosophy and Public Affairs* 26 (1997): 259-98, Louis M. Guenin, "The Nonindividuation Argument Against Zygotic Personhood," *Philosophy* 81 (2006): 463-503, Gregor Damschen, Alfonso Gomez-Lobo, and Dieter Schönecker, "Sixteen Days? A Reply to B. Smith and B. Brogaard on the Beginning of Human Individuals," *Journal of Medicine and Philosophy* 31 (2006): 165-175. For the rival thesis that there may be no individual organism (in the relevant sense) present until approximately sixteen days after completed fertilization, see, e.g., Barry Smith and Berit Brogaard, "Sixteen Days," *Journal of Medicine and Philosophy* 28 (2003): 45-78, Peter van Inwagen, *Material Beings* (Ithaca: Cornell University Press, 1990), Eric T. Olson, *The Human Animal* (New York: Oxford University Press, 1997), 89-93, McMahan, *Ethics of Killing*, 24-29.

⁸² Specifying the precise relationship between the technical terms (or their referents) of one scientific theory and those of a successor theory can be a complicated and controversial matter. Yet, I would suggest that the somewhat radical nature of Kant's doctrine can be identified with relative precision. Kant's frequent use, in the relevant contexts, of a variety of semi-technical terms such as "from procreation" [*Zeugung*], "mixing" [*Vermischung*],

“begetting” or “impregnation” [*Begattung*] and “birth” [*Geburt*] may seem contradictory or suggest significant indeterminacy or flexibility in his position. Taken individually, none of these terms, in wider eighteenth century German usage, do not unambiguously correspond with twenty-first century medical concepts such as fertilization, implantation, the appearance of a “primitive streak,” “viability,” or delivery. “Fertilization” in the contemporary sense of syngamy or pro-nuclear fusion was first observed in the late nineteenth century, so there is some danger of anachronism in associating Kant’s usage of “mixing” too closely with “fertilization.” But the contemporary term “conception” may be a bit less technical or specific about the particular mechanics of the process involved than “fertilization,” while still referring to a moment at which the mixing is complete, at which point a new, if immature, organism exists with all of its own predispositions- which is what Kant’s position seems to demand. This interpretation is quite compatible with Kant’s usage of the term “birth,” which he links with ensoulment, not “delivery”: “The beginning of the interaction <*commerci*> of the soul with the body is the beginning of the existence of the human being, i.e., its birth.” (“Metaphysik K2” 28:757; cf. “L1” 28:282; “Dohna” 28:684) Similarly, Kant describes the *death* of embryos “at the earliest stage,” in a context which simultaneously implies that they were alive, i.e., that there was the relevant type of soul-body interaction. (“Mrongovius” 29:918)

⁸³ If one adopted, on biological grounds, a looser understanding of *generatio homonyma* (or a limited form of *generatio heteronyma*), there would be an analogical basis for considering the possibility of some variations in kind between the parents’ and offspring’s souls. Nonetheless, within Kant’s framework, this would not by itself legitimate a power to ensoul in precise relation to the body’s possible or likely future exercise of various capacities.

⁸⁴ Perhaps the phenomena of monozygotic twinning, first induced and observed by Hans Dreisch in the 1890s, might provide a legitimate analogical basis for such a power, however. (Interestingly, Dreisch himself drew vitalistic conclusions from his experiments.)

⁸⁵ “Metaphysik K2” 28:757; cf. “L1” 28:282; “Dohna” 28:684. For discussion of several such puzzles see, e.g., McMahan, *Ethics of Killing*, 9-19.

⁸⁶ As Kant put it, a soul is “virtually” rather than “locally” present in a body; it is considered located where its proximate material causes and effects occur. (Refl. 5462, cf. 28:281, 685, 756; 29:909, 1027)

⁸⁷ On Kant’s theory, human thought is materially dependent upon and initially activated by sensible intuition, so there is no difficulty explaining why there is no conscious thought before the body reaches a stage of development suitable to such intuition. Before its interaction with a human body, Kant suggests, a human soul may preexist, possessing “all abilities and faculties; but such that these abilities developed only through the body, and that it acquired all the cognitions that it has of the world only through the body, and thus had to prepare itself through the body for future survival. *The state of the soul before birth was thus without consciousness of the world and of itself.*” (“Metaphysik L1” 28:284) Kant recognizes that a developed brain and central nervous system play a vital role in our conscious soul-body interaction, even though he resists assigning the soul or its thoughts a specific physical location. Kant’s preferred view seems to be that the human being is a [human] soul *in interaction* with, or (since he allows that the afterlife might involve a bodiless existence, or interaction with a different kind of body) which has been in interaction with, a human body. Ameriks, *Kant’s Theory of Mind*, 95-108.

⁸⁸ Taken in isolation, the explanation of the rudimentary behavior of an animal embryo may not require reference to a soul. But the systematic explanation of such behavior, ultimately in relation to its grounds in the reproductive power of a certain species and to its potential connection to more complex behavior of such an organism in the future, may serve as a warrant for considering such behavior in connection with a soul. At first, it is the distinction between our inner and outer sense and the unity of our representations that lead us to the idea of an immaterial soul, then, on the basis of an analogy and systematic considerations, we ascribe souls to organisms whose behavior manifests some sort of “sensation and choice.” How rudimentary might such manifestations be? According to Kant’s biology, the organic processes that begin with the conception of an organism are themselves understood as grounded in and directed by a non-mechanical teleological principle or predisposition. Kant rejects the general identification of such principles with a soul (see n61), but in the case of human and non-human animals (and some kinds of plants), he is committed (for both theoretical and practical purposes) to the existence of a soul and to considering it apart from the realm of natural products. This may allow (though it certainly does not require) Kant

to take the first rudimentary organic processes of development in an animal to involve the relevant form of soul-body interaction that marks the beginning of an animal's life. Although conscious interaction could only occur after a suitable bodily infrastructure is sufficiently developed to support intuition and consciousness, there is no indication that Kant considered ensoulment to involve or presuppose *conscious* interaction, since he thought that that never occurs in most if not all non-human animals.

⁸⁹ 29:917-8. On the range of circumstances in which a soul may be prevented from developing or exercising many of its psychological predispositions, see 25:694, 28: 443, 695, 767.

⁹⁰ A referee has suggested a theory of ensoulment in stages, where an organism would receive "part" of its soul or, rather, some of its soul's predispositions before others. After all, While Kant considers some predispositions, including some of the practical predispositions to be logically separable from one another: "so far as we can see" there could be beings with "humanity" but lacking "personality," (R 6:26n, cf. n 2, 12, 92, 94) Likewise, God may possess personality, or some analogue of personality, while lacking animality, for example. But these separability claims do not entail that beings (or their souls) can acquire (or lose) any of their predispositions. Kant explicitly denies, for example, that human beings can acquire or can lose moral personality: "moral death" is impossible. (MdS 6:399-400; cf. R 6:28, 35, 46) Given Kant's general theory of predispositions and his doctrine of original freedom, all genuine predispositions (whichever they are) are original, and souls must be originally endowed with their predispositions, including freedom. In this context, it is unclear what "partial" as opposed to complete ensoulment would amount to, over and above the condition of any organism unable, for some period of time, to manifest some of the essential powers or predispositions of its soul. If the theory of partial ensoulment is to amount to more than this, to mark a specific sort of metaphysical impediment to such manifestation, it would seem to require additional acts (by the soul?, the body?, a parent?, God?) and powers capable of effecting further ensoulment. Kant would likely resist the legitimacy of positing such additional, unnecessary, and unobservable powers. For the bearing of such a theory on questions of moral status, see below n 121.

⁹¹ In employing Korsgaard's phrase (*Creating*, 356), I do not intend to express any disagreement with her about the nature of Kant's conception of empirical concepts, only to prepare the point that this part of Kant's account cannot be the source of the alleged merely "pragmatic" features of his defense of human moral status. This is not to deny that there are discrete Kantian and ordinary senses of "pragmatic" which can be applied to Kant's methodological principles, and especially his approach to the discipline of anthropology.

⁹² Kant insists that the practical predispositions to animality, humanity and personality can be distinguished in terms of the kinds of practical rationality they presuppose. Personality presupposes a special kind of judgment; it "alone is rooted in reason which is practical of itself, i.e., in reason legislating unconditionally." Personality is conceived of as positive freedom, the freedom to act out of respect for the moral law. It is in virtue of this special capacity that someone can be considered a moral agent: while humanity is a feature of the human being considered as a rational being, personality is a feature of the human being considered as a "rational and at the same time [morally] responsible" (*der Zurechnung fähigen*) being. (R 6:26-28) Kant's discussion of the three practical predispositions in the *Religion* parallels in interesting ways his discussion of practical predispositions in the *Anthropology*. (For a consideration of such parallels, see Kain, "Prudential Reason.")

⁹³ This is a distinction not emphasized in the *Anthropology*. In the context of the *Religion*, the distinction between good character and the predisposition to personality is particularly important because Kant argues that human beings are in fact innately, though contingently, radically evil: that human beings lack good character.

⁹⁴ While there is some ambiguity in the *Groundwork* about whether Kant intends to single out "humanity," as opposed to "personality" (in *Religion*'s terminology) as the "end-in-itself," an emphasis on personality comes through when Kant claims that practical reason is a predisposition to the development of a will good in itself (G 4:396) and that "the proper object of respect; and the dignity of humanity consists just in this capacity to give universal law, though with the condition of also being itself subject to this very lawgiving." (4:440) On this point, see above, n 2. Again, on the account provided here, this question is of little moment for Kant's defense of human moral status since there will be roughly the same basis for ascribing each of these predisposition to every human being.

⁹⁵ There are significant disagreements about the intended basis and epistemic status of the doctrine of radical evil. For the outlines of a conceptual argument which emphasizes Kant's ethical rigorism, see Henry E. Allison, "Ethics, Evil, and Anthropology in Kant: Remarks on Allen Wood's *Kant's Ethical Thought*," *Ethics* 111 (2001): 594-613, at 605-10, Henry E. Allison, *Kant's Theory of Freedom* (Cambridge: Cambridge University Press, 1990), ch. 8. There have been a variety of different attempts to connect the Kant's doctrine of radical evil to the results of his anthropological investigations. Patrick Frierson, *Freedom and Anthropology in Kant's Moral Philosophy* (Cambridge: Cambridge University Press, 2003), 34-39, 103-13, Wood, *Kant's Ethical Thought*, ch. 9, Stephen R. Grimm, "Kant's Argument for Radical Evil," *European Journal of Philosophy* 10 (2002): 160-77, Sussman, *Idea*, Sharon Anderson-Gold, "Kant's Rejection of Devilishness: The Limits of Human Volition," *Idealistic Studies* 14 (1984): 35-48. For a critique of Wood's approach, see Matthew Caswell, "The Value of Humanity and Kant's Conception of Evil," *Journal of the History of Philosophy* 44 (2006): 635-663, Allison, "Ethics, Evil, and Anthropology." Quinn suggested that Kant's thesis is supported by inductive evidence. Philip L. Quinn, "Original Sin, Radical Evil, and Moral Identity," *Faith and Philosophy* 1 (1984): 188-202, at 189, 94, Philip L. Quinn, "in Adam's Fall, We Sinned All" ["Adam's Fall"], *Philosophical Topics* 16 (1988): 89-118, at 111.

⁹⁶ Kant also takes the imputability of the propensity to evil to imply that it should not be regarded as something transmitted from parent to child like a hereditary disease (R 6:40n), but must arise from an "act of freedom." This leads to Kant's controversial conclusion that the choice to subordinate, in one's supreme maxim, the moral law to the law of self-love "is an intelligible deed, cognizable through reason alone apart from any temporal condition."(6:31) On Kant's conception of timeless choice, see Watkins, *Metaphysics of Causality*, 324, 33-39, Quinn, "Adam's Fall," at 113-15, Allen W. Wood, "Kant's Compatibilism," in *Self and Nature in Kant's Philosophy*, ed. Allen W. Wood (Ithaca: Cornell University Press, 1984), 73-101. In any event, since the predisposition to good is neither acquired nor chosen, it does not itself require the idea of a timeless choice.

⁹⁷ ~~Yet, Kant's conception of the predisposition to good need not inherit many of the problems associated with the idea of timeless agency and responsibility for a timeless choice. While both are "innate," the predisposition to personality is "original", a precondition of being responsible for anything, a part of the concept of the human being, a necessary as opposed to a contingent feature; the propensity to evil, by contrast, is contingent and acquired. Since the predisposition to good is neither acquired nor chosen, it does not require the idea of a timeless choice.~~

⁹⁸ It might seem that this "investigation" is rather superfluous for this point, that the status of freedom as original and essential can be established by an argument for the strong unity of causal powers within a substance. If it could be shown that each substance can possess only one basic power, or that the practical predispositions are so linked that possession of one entails possession of the others, this might be so. (I owe this latter suggestion to an anonymous referee.) But Kant remains non-committal about the former principle, which was endorsed by Baumgarten (see Watkins, *Metaphysics of Causality*, 259-65., see esp. GtP 8:180n.), and Kant's claims about the separability of the practical predispositions (esp. R 6:26n., noted earlier n 90) may preclude the latter suggestion. (For an important attempt to explore this latter suggestion, however, see Wood, *Kant's Ethical Thought*, 364n.11, discussed in Kain, "Prudential Reason.") Historically speaking, I see little textual evidence that Kant himself explored either of these strategies on this point, while he did provide this "investigation" and suggest that it was not "unnecessary pondering that gets lost in pointless obscurity."(6:280n)

⁹⁹ In §28-29 of the *Rechtslehre* Kant attempts to show that, in addition to the then-standard categories in the philosophy of law concerned with "rights to things" and "rights against persons," a third category concerned with "rights to persons akin to rights to things" is needed, and that parental rights are genuine rights of this special kind. This is elaborated in the 1798 appendix (6:357ff.)

¹⁰⁰ In this context, it is not merely determination by narrowly "mechanical" laws that is at issue. Cf. Ginsborg, "Understanding Organisms," at 239-40. What is needed here is a "faculty of determining oneself from oneself" in accord with reason. (A534/B562)

¹⁰¹ Volker Gerhardt, "Die Frucht Der Freiheit" ["Frucht"], *Die Zeit*, November 27, 2003, Gerhardt, *Mensch*, 22-23, Leslie A. Mulholland, *Kant's System of Rights* (New York: Columbia, 1990), 227-29, Eberhard Schockenhoff, "Pro Speziesargument: Zum Moralischen Und Ontologischen Status Des Embryos," in *Moralischer Status*, 11-33, at 27.

¹⁰² In empirical psychology, I have sensible intuition of only my own representations (in inner sense) but, on the basis of empirically cognizable markers and analogy, I may suppose and be said to cognize that other human and non-human animals have representations as well. Kant insists that I cannot have sensible intuition of even my own freedom. Lacking such intuition, theoretical cognition (which requires sensible intuition) of our freedom is impossible. This is not to say that, if there are practical grounds for attributing freedom to ourselves, there cannot be empirically cognizable markers for legitimately supposing its presence in others as well.

¹⁰³ Kant's concern with these questions dates back to his early notes and lectures on metaphysics and surfaces in the second *Critique* (5:100-103) and *Religion* (6:142) as well as the *Metaphysics of Morals*. The general concern arises in part because Kant argues for the persistence of substance in appearance, the first "Analogy of Experience." (A182/B224) This implies that genuine finite substances cannot be produced in time and, by extension, that we can have no experience of their production or creation. Similarly, on Kant's model of causality, the fundamental causal powers of a substance are the inner, unchanging grounds of its activity, which cannot be reduced to the activity of another (finite) substance and cannot be acquired or lost. Watkins, *Metaphysics of Causality*, ch. 4. Cf. GtP 8:180-181n. "How can a being be the cause of his actions, and nevertheless an effect of another [being]?" ("Metaphysik K2" 28:805 cf. 28:761) Kant insists, however, that we should not rule out the possibility that finite noumenal substances are created *ex nihilo* by an extramundane substance, that is, God. (5:100ff., "Metaphysik K2" 28:805; "Danziger Rationaltheologie" 28:1299-1300; "Metaphysik Dohna" 28:699; "Religionslehre Pölit" 28:1095-6; "Naturliche Theologie Volckmann" 28:1195) On Kant's special concern about free creatures, see Refl. 5535. (18:211) Kant's treatment of the possibility of free creatures emerged in reaction to §770-5 and §875 of Baumgarten's *Metaphysica* which concern "the origin of the human soul" and divine knowledge of contingent things, including human actions. Baumgarten maintained that "the soul is not able to come into being, unless out of nothing. Therefore it does not arise from parents." (§772, 17:148, Ameriks & Narragon, *Lectures on Metaphysics*, 593). For a brief discussion, see Klemme, *Philosophie Des Subjekts*, 92-93.

¹⁰⁴ "Religionslehre Pölit" 28: 1106; cf. "Metaphysik L1" 28:332; "L2" 28:607.

¹⁰⁵ Of course, without the supposition of causal pre-determinism of all events in time, this version of the logical problem does not arise in the first place.

¹⁰⁶ This parallels Kant's resolution of the third antinomy: transcendental idealism about time undercuts attempts to show that "freedom and natural necessity in one and the same action contradict each other." (A557/B585)

¹⁰⁷ For purposes of theoretical cognition, a showing of real possibility involves showing that a concept "agree[s] with the formal conditions of an experience in general," that is with the forms of intuition, and, for an empirical concept, that it also have some plausible causal connection with something actually given in experience. (A220/B267-8ff., A770/B798ff. cf. 2:77-78, 83; "Metaphysik Mrongovius" 29:811-3, "L2" 28:544, 554, 557)

¹⁰⁸ In practical contexts, Kant insists that real possibility must involve the givenness of some reality, which he comes to identify with the "fact of reason." (KpV 5:3-6, 29-31, 134-136; 6:221, 225) On Kant's conception of real possibility and its significance in practical contexts, see Guyer, *Freedom, Law and Happiness*, 180-82, 355-61, Allison, *Kant's Theory of Freedom*, 248, Robert Merrihew Adams, "Things in Themselves," *Philosophy and Phenomenological Research* 57 (1997): 801-25. Is it conceivable that we are free but not creatures? On this point, Kant seems to accept a practical variant of the "restraint argument" discussed in Ameriks, *Interpreting Kant's Critiques*, 131-32. From the "fact" of *obligation*, the way that we are conscious of the moral law as a categorical imperative, we can deduce both our freedom and our finitude. (5:32)

¹⁰⁹ Does this give rise to a "practical" theistic argument? The present argument certainly contains many of the premises of Kant's "moral argument" for the existence of God. To the extent it suggests a distinct argument, however, it would at best prove the existence of some being capable of creating free creatures; but it would likely fail to establish the specific personal and moral attributes of God which Kant demanded of theistic proofs and intended to establish by his moral argument from the highest good.

¹¹⁰ Gerhardt has suggested that Kant attempted to ground the possibility of free beings by locating the source or origin of a child's freedom in the freedom of his or her parents, especially in the freedom they manifested in entering a marital union that legitimates their act of procreation. This is crucial to Gerhardt's criticism that Kant makes *Elternrecht* (and parental obligation) completely dependent upon *Eherecht* and, by extension, that Kant's theory is unable to comprehend the widespread contemporary phenomena of children conceived out of wedlock and/or with the assistance of technicians in a lab. Gerhardt, *Mensch*, 23-25, Gerhardt, "Frucht." While Kant does emphasize that the "act of procreation" plays an important role in grounding the specific parental obligations (and rights) to care for children, a closer examination of his conclusion and the arguments offered for it reveals a different and more plausible position than Gerhardt suggests. While Kant claims that the duty to care for one's children "follows from procreation in this [marital] community," his arguments, contra Gerhardt, do not imply that it would not also follow from procreation in other contexts, nor need they restrict the duty of parents to care for children to their legitimate children. Likewise, Kant's oft-misunderstood argument for leniency in cases of maternal infanticide of illegitimate children still recognizes that a child, a person, has "come into the world," though perhaps under historical circumstances that make the death penalty for his infanticide inappropriate. (MdS 6:336) See n 13.

¹¹¹ cf. "Metaphysik K3" 29:1030-32; "Mrongovius" 29:910; "L1" 28:283. Here the point is primarily about the absence of parts, and need not imply that souls must lack all forms of complexity, or that they can possess only one fundamental power.

¹¹² Kant linked the possibility of creating a being with absolute spontaneity to the possibility of creating substances (with their own powers) more generally. If God can confer on a being the power "to be capable of determining itself to action from objective grounds," in which "reason is an active cause," then God can confer freedom or "absolute spontaneity." While we have no insight into this possibility, "it flows from the way God can make a substance." (Refl. 5535 (18:211), cf. Refl. 4338, 6101)

¹¹³ A341/B399ff. This theoretical conclusion is alluded to at MdS 6:419, KU 5:460 ff. Kant's critique of rational psychology on this point is also apparent in the lectures on metaphysics, e.g., "Metaphysik Mrongovius" 29:904; "L2" 28:590. As Ameriks has noted, Kant often conflates questions about the soul's *substantiality* - being "that which exists only as subject" - with those about its subsistence or persistence ([esp. psychological] identity over time), which are more closely tied to its immortality.

¹¹⁴ e.g., 5:133, 5:100f.; 6:418; B431-2, KU 5:468-9. Kant does at one point suggest that "the [transcendental] concept of personality, just like the concepts of substance and of the simple, ... is also necessary and sufficient for practical use..." (A365) (Thanks to Mike Jacovides for raising this point.) But he cannot mean that each is individually necessary and sufficient and he is clear elsewhere in the same work that freedom is also practically necessary. (A803/B831) Kant likely has in mind the practical adequacy of the "logical functions" or unschematized version of these concepts, as he suggests at 6:280n and B431.

¹¹⁵ On some interpretations, all of these assertions from the practical point of view are devoid of any real ontological commitment. However, as long as it is clear that freedom or personality must be regarded, for practical purposes, as a created endowment, the scope of moral status should remain unaffected by debate about whether morality as a whole, and moral status in particular, is something "ideal" rather than real. (See above n 29)

¹¹⁶ In Refl. 5535 Kant suggests we lack insight into how this is even possible. (18:211)

¹¹⁷ As Kant claimed at *Religion* 6:26n, 28. It is worth contrasting this position with an alternative suggested by Leibniz. In the *Theodicy*, Leibniz suggests that God may "elevate" or "transcreate" merely sentient animal souls into rational souls when a human being is generated. §91, 397. See Robert Merrihew Adams, *Leibniz: Determinist, Theist, Idealist* (Oxford: Oxford University Press, 1994), 92-93. In light of Kant's "naturalistic" principles, which prefer explanations in terms of "original" predispositions and eschew unnecessary appeals to divine intervention, Kant would question the need to posit transcreation on top of creation, if a version of original creation could suffice. He might also resist the idea that the numerical identity of a substance could be preserved through transcreation (given his general conception of powers as inner, *unchanging* grounds, noted above n 103, and the particularly fundamental difference between free and unfree causal powers).

¹¹⁸ It is unclear what Kant thinks about the origins of animal souls. Kant argues explicitly that *human* souls cannot be produced, but his arguments from substantiality and simplicity (though not the argument from freedom) may also apply to the case of animal souls. Of course, absent a pure practical need, this would yield only a logically possible, rather than a really possible concept, of their origin. Cf. Kant's obscure comment in "Danziger Rationaltheologie" 28:1311.

¹¹⁹ Refl. 4239 (17:473); "Metaphysik Mrongovius" 29:910; "L1" 28: 284, 295; "K2" 28:761; "K3" 29:1032. Leibniz favored a version of pre-existence. *Theodicy* §86-91, 397. There is a marked contrast between Kant's dismissal of such questions in theoretical contexts (A384-396, A683/B711) and his reconsideration of them in practical contexts. Kant's claims about the *pre*-existence of the soul must be reconciled with his claims about the ideality of time: as a first approximation, one might say that the existence of all human souls must be considered to be conceptually prior to their existence at each moment in time, or considered to be part of the noumenal ground for all temporal events. Kant does consider the possibility of a divine creation of souls "at birth," i.e., coincident with the beginnings of an organism, in "K2" 28:761; "K3" 29:1030.

¹²⁰ Kant's investigation into the origin of free beings is metaphysical in two Kantian senses. First, it is, or is grounded in, first principles of reason, in this case, especially principles of practical reason. Second, it appears to involve beliefs about supersensible or noumenal objects.

¹²¹ Thus, McMahan is mistaken to claim that Kant "apparently never explicitly addressed or even considered" questions about which empirical beings correspond to such noumenal selves, but "simply assumed that the realm of noumenal selves coincides with the population of human beings." McMahan, *Ethics of Killing*, 252.

Even if one were to countenance a theory that allowed some sort of stage-wise partial ensoulment (considered above n 90), it is unclear whether this need alter Kant's theory of (basic) moral status. While there could be some differences between our duties to partially ensouled and fully ensouled organisms and there could be reasons to treat them differently in some contexts (much as we make some moral distinctions between children, adolescents, and adults), there is no obvious reason to deny the partially ensouled basic moral status. Merely partial ensoulment would neither pose an obvious impediment to our perception of an organism that we have good reason to consider is ensouled by a soul that is endowed with freedom, nor would it preclude us from affecting that being's condition or regarding it as the cause of effects upon us (the issues Kant raises about spirits or disembodied souls at 6:442).

¹²² Kant's account of moral status, like his account of ensoulment more generally, does not require *conscious* interaction (see above n 88) or, in many contexts, memory, which may be possible only after the bodily infrastructure is sufficiently developed to support them. He thus does not seem to demand that active psychological personality ("the ability to be conscious of one's identity in different [temporal] conditions of one's existence" (MdS 6:223)) is essential to all beings with basic moral status; the concept of moral personality is not obviously temporal or concerned with (psychological) identity over time, at least if one sets aside the postulate of immortality. While some particular forms of obligation such as promising may depend upon the identity and reidentifiability of a person over time (as ordinary practices of holding people accountable certainly do), others may not. Many of my obligations to you, including my duty not to injure or kill you now, do not obviously presuppose that the same person has been inhabiting or will continue to inhabit that body for an extended period of time, or even that you have existed for an extended period of time. Moreover, as we have already seen, Kant's account of the imputability of radical evil extends responsibility beyond conscious memory.

¹²³ This is a further respect in which details of the metaphysical investigation into the origins of free beings contribute to Kant's defense of universal human moral status. If it were possible for parents to generate free souls (perhaps noumenally?) there would be less reason to suppose that souls are available at the moment of conception.

¹²⁴ See n 87.

¹²⁵ There remain interesting philosophical questions about the development of practical capacities, their sensitivity to empirical events, and the implications for specific status concepts, such as "child." See Frierson, *Freedom and Anthropology*, Schapiro, "Child."

¹²⁶ While Kant considers human parents to be (at least part of) the productive cause of the child's embodiment (cf. n 76), the parents' actions are not considered the productive cause of their child's soul or its freedom. Human parents are "instruments" and their actions the "means," rather than the "cause" of the moral status of their children. (cf. "Metaphysik der Sitten Vigilantius" 27:581, 509) This reveals another way in which the details of Kant's account the parents' metaphysical role may become morally relevant: it makes contact with Boonin's distinction between obligations grounded in responsibility for someone's existence and those grounded in responsibility for someone's neediness. David Boonin, *A Defense of Abortion* (Cambridge: Cambridge University Press, 2003), 167f. Working out the details of Kant's account of such duties is, however, beyond the scope of this essay.

¹²⁷ Although the basis for positing, in the first instance, mindedness and personality is quite different (the former is based upon inner sense and the latter on awareness of the fact of reason), the scope of one's legitimate attributions of such features or predispositions may be determined in similar ways.

¹²⁸ For a discussion of the significance of these claims, see Louden, *Kant's Impure Ethics*, 101-06. Despite the fact that Kant himself inclined toward considering significant portions of the human species to be permanently immature, he remained convinced that all human beings possess the predisposition to personality. See n 60 and n 90. Insofar as some of these claims are part of disciplines such as "pragmatic" anthropology and history, they may introduce something "pragmatic," in Kant's sense, into this part of Kant's defense; insofar as they may implicitly assume universal human moral status, they may also introduce some circularity into this part of the defense. For the present point, however, we need only note that Kant's sense of "pragmatic" is quite distinct from that of the pragmatic decision interpretation.

¹²⁹ From a contemporary perspective, there are difficult and disputed questions about whether incomplete fertilizations, or fertilizations (or certain variations on somatic cell nuclear transfer) resulting in extreme genetic anomalies produce a genuine organism at all.

¹³⁰ See above, n 60.

¹³¹ As Wood notes, "we should not expect [the Formula of Humanity] all by itself to decide questions like the morality or external rightfulness of abortion." Wood, *Kant's Ethical Thought*, 371. There may be moral justifications for killing beings with moral status in some circumstances. Kant, for example, endorsed the practice of capital punishment.(MdS 6:333) There can also be significant moral limits upon our treatment of beings that lack moral status. Kant, for example, thought there were significant moral constraints upon our treatment of non-human animals, even though he insisted that they lack "personality" and thus what we are calling moral status, e.g., MdS 6:443.

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