

Constructivism, Intrinsic Normativity, and the Motivational Analysis Argument

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I.

Kant's universal law formulation of the categorical imperative can be fruitfully interpreted as a formal procedure for the "construction" or specification of substantive moral principles. On such a Rawlsian interpretation, moral "judgments are valid and sound if they result from going through the correct procedure correctly and rely only on true premises." Such a procedure can be considered "constructive" in at least two senses: first, it may be useful in resolving moral disagreements; and second, the judgments that result from its implementation may be viewed as constructed by it (Rawls, 2000, 238-241, cf. Rawls, 1989).¹ While Rawls tended to contrast such a "constructivist" theory with moral realism, absent an account of the status of the procedure itself, its metaethical implications are unclear. On Rawls' interpretation of Kant, it turns out, the procedure itself is not constructed, but rather "laid out"; it is based in a "conception of free and equal persons" and is ultimately authenticated by its coherence into a conception of the unity of reason (Rawls, 2000, 239-241, 266-268). This account of the procedure has appeared to some as a concession to realism or dogmatism (O'Neill, 2003a; O'Neill, 2003b; O'Neill, 1989, 206-218).² Other Kantian theorists have proposed a "deeper" or more "radical" version of constructivism which accounts for the authority or normativity of the procedure itself in a clearly anti-realist manner. Constructivist or "ideal agent" theories of normativity claim that what *makes* a principle normative is that rational agents endorse or possess a motive of a certain kind to comply with it, or that they endorse or possess such a motive to comply with it insofar as they are rational. On this type of theory, it is the actual or potential presence of a certain kind of "non-factive" mental state capable of motivation that constitutes normativity; norms are

¹ For interpretation and refinements of the "CI-procedure," see, for example, O'Neill (1989), Herman (1993) and Reath (1994). For reservations about and criticisms of a procedural interpretation of the categorical imperative, see for example, Wood (1999, 91-107, 164, 182) and Herman (1993, 147).

² For other discussions of the metaethical implications of Rawls' interpretation, see also Krasnoff (1999) and Kain (2004, esp. n. 5 and n. 88).

“constructed” out of such motivational states. In so far as metaethical realism requires that the norms of practical rationality are mind or “stance independent,” radical constructivism is clearly an anti-realist doctrine.³ According to what has become a very influential interpretation of Kant in the English-language literature, Kant was such a constructivist about normativity and this constructivist anti-realism is among the most distinctive and important, if controversial, contributions of his theory. On Korsgaard’s interpretation, for example, the obligatoriness or “intrinsic normativity” of obligatory actions is constituted by or grounded solely in the intrinsic properties of an agent’s motives or maxims: obligation and, more generally, normativity are located completely “in the first-person perspective,” “in the motivational properties of people” (Korsgaard, 1996b, 257; Korsgaard, 1996a, 67).⁴

³ Moral realism is often articulated as the view that there are moral claims that are literally true and that their truth is not dependent upon people’s beliefs, activities and social conventions (Sayre-McCord, 1988; Boyd, 1988). As Milo has noted, moral realism is consistent with a weak form of mind dependence; what it precludes is *stance dependence*, the view “that moral facts supervene on other facts (including psychological facts) only as a consequence of these other facts being made the object of some intentional psychological state, such as a belief or attitude (perhaps under idealized conditions)” (Milo, 1995, 191-192). “Realists believe that there are moral truths that obtain independently of any preferred perspective, in the sense that the moral standards that fix the moral facts are not made true by virtue of their ratification from within any given actual or hypothetical perspective.” This can be consistent with recognizing that there would be no obligations if there were no rational agents to be obligated (Shafer-Landau, 2003, 15).

⁴ Korsgaard insists that Kant applies constructivism “all the way down,” to the justification of the categorical imperative itself (Korsgaard, 2003, 112-115, 118). “For Kant acts of valuing are the source of all value – all legitimate normative claims – not the other way around. Obligation does not arise from value: rather obligation and value arise together from acts of the legislative will” (Korsgaard, forthcoming, ms. 20). Ascriptions of a fundamentally constructivist or ideal observer theory of normativity to Kant are shared by many others. O’Neill has argued that Kant is a “radical” metaethical ethical constructivist: the fundamental principles of practical reason, including the categorical imperative, are “vindicated,” without moral realism, if it can be shown that it is the only principle that could be chosen by a plurality of finite interdependent individuals concerned with finding or constructing “some common authority” “to organize their thinking and doing together” (O’Neill, 2003a, 356, 358). The normativity is ultimately vindicated by this very *concern or commitment*. “We are unavoidably committed to thinking and acting[...]

(O’Neill, 1992, 291; cf. O’Neill, 2004). On Krasnoff’s account, the “CI-procedure” is “a *constructed* procedure:” it is what is chosen by “agents committed to the idea of rationally justified principles” (Krasnoff, 1999, 403, 407; cf. Milo, 1995, 192-3). Wedgwood describes the Kantian conception of practical reason as “the clearest example of constructivism” which holds, at bottom, that the fundamental principles of practical reason do not have an “external” justification; their justification turns on “what is going on inside the agent’s

The potential appeal of this radical Kantian constructivism is at least two-fold. First, it promises to neutralize skepticism about the motivational force of norms because it understands norms themselves in terms of the motivational or volitional states that constitute them or out of which they are constructed. Second, it intends to provide an account of objective normativity which is free of significant metaphysical “baggage” and thus largely immune to threats posed by the “Modern Scientific Worldview.” On its face, it presupposes only that we have or could have certain mental states, e.g., a specific class of motivational or volitional states; and this is something that may be, in principle, accessible to introspection (Schneewind, 1991; Korsgaard, 1996b).⁵ Of course, one significant challenge for constructivism is to present an adequate account of the objectivity and binding *authority* of norms solely in terms of the motivational states which are alleged to constitute them.

mind,” (Wedgwood, 2002b, esp. 141, 140, 146-147) e.g., the agent’s non-factive mental states and the facts that supervene on them (Wedgwood, 2002a, 358). Along similar lines, Darwall interprets Kant’s theory as a model of the “ideal agent theory of normative reasons,” according to which “there are no truths about normative reasons that are independent of what a free rational agent would regard as reasons. What *makes something a reason* for acting is that it would be treated as such in an ideal agent’s deliberations” (Darwall, 1998, 171 emphasis added, cf. 147). Earlier, Darwall described Kant’s theory as a model of “constitutive existence internalism:” “normativity just is the force of motives resulting from self-determining practical reasoning.” “Facts concerning what agents ought to do are constituted by motives they can acquire through practical reasoning” and the correct nature of practical reasoning can “be specified internally” (Darwall, 1992, 168-169, 157-158, 165). Darwall has also classified Kant’s theory as a model of “autonomist internalism,” noting that such a theory “retains a normative element in its ideal of autonomy,” yet holds that “the only thing unqualified justification is likely to be is something we can construct in the course of [the] search [for unqualified justification].” But this approach seems to assume “that fully normative unqualified reasons exist” (Darwall, 1990, 263-264, 266, 261).

Some theorists prefer to characterize metaethical constructivism as a thesis about the construction or conferral of value, but typically note that it also requires a conception of practical reason or norms “specified in terms of a set of formal (non-evaluative) principles” (Gaut, 1997, 177-178, cf. 163).

Of course, there are a variety of other views and claims about Kant and Kantian ethics that are associated with the term “constructivism.” For a brief discussion, see Kain (2004, esp. n. 5).

⁵ Of course, Kant thought that we can never be certain about the content of our own maxims or motivating reasons (GMS IV 407). He also seemed to recognize that a good willed person may lack an articulate, complete, or accurate grasp of the justifying reason for his action. It may also turn out that certain, critically important features of our motivational states (such as their putative causal or rational origins or causal efficacy) are not themselves apparent to introspection and may involve significant metaphysical assumptions about the nature of our minds.

I have argued elsewhere that, appearances to the contrary, Kant's conception of "self-legislation" presents a serious impediment to many constructivist interpretations of his work (Kain, 2004). Here I want to examine one specific line of argument offered for radical constructivism in particular, an argument that focuses upon Kant's account of moral motivation. Korsgaard has argued that Kant's "motivational analysis" of the concept of obligation in *Grundlegung* I shows that it is good maxims, subjective practical principles chosen by people, that are "intrinsically normative entities," and that such norms are valid "because we legislate them;" it is our motivational commitment or "endorsement that does the work" (Korsgaard, 1996a, 66; Korsgaard, 1996b, 254-257).⁶ Despite significant recent attention to Kantian theories of moral motivation and to many aspects of Korsgaard's work, this motivational analysis argument for constructivism has received surprisingly little attention.⁷ In this paper, I reconstruct and critically evaluate this tempting, allegedly Kantian motivational analysis argument and determine what it can establish. I will argue that, while it helps to clarify certain important features of the normative relationship between the will and the supreme principle of morality, this argument fails to establish constructivism about normativity. I will not be primarily interested here in close textual or contextual exegesis of Kant's texts, but rather, will concentrate upon the argument as it proceeds from central Kantian claims. In section II, I offer a reconstruction of the motivational analysis argument for constructivism. In section III, I propose two important modifications of the central concept of "intrinsic normativity." Finally, in section IV, I suggest that once these modifications are made, the motivational analysis helps us to make sense of the claim that the supreme principle of morality must be "intrinsically normative," but it fails to establish the constructivist claim that the supreme principle's normative authority is constituted by or depends solely upon agents' motivational states.

II.

⁶ At some points, Korsgaard suggests the argument is intended to reveal "the principle of action which characterizes a good will" or "the principle of unconditionally good action" (Korsgaard, 1996a, 55, 60). But more generally, she suggests that it reveals "what the concept of obligation contains" and what "the source of intrinsic normativity, and ... of obligation" is (Korsgaard, 1996a, 46, 65).

⁷ Although, see Kerstein (2002), Gaut and Kerstein (1999), Cullity and Gaut (1997, 19-20), Stratton-Lake (1998, 8).

A motivational analysis of obligation, Korsgaard explains, attempts to discover the nature of obligation by identifying the motives from which obligatory acts are performed by a morally good person (Korsgaard, 1996a, 47). The key

“assumption behind such an analysis is that *the reason why a good-willed person does an action, and the reason why the action is right, are the same*. The good willed person does the right thing because it is the right thing, so if we can discover why the good-willed person does it, we will have *ipso facto* discovered why it is the right thing.” (Korsgaard, 1996a, 60-61)⁸

The analysis begins with reflection upon people’s motivations to fulfill some relatively uncontroversial obligation: for example, the obligation to help others in grave need, at least when it is at little cost to oneself, or the obligation to make only promises one intends to keep. Employing the standard distinction between motivating reasons and justifying reasons, the first premise of the argument could be stated as follows:⁹

(1) *The good-willed person’s motivating reason for adopting an obligatory maxim is (a mental state which has as its semantic content) the justifying reason for adopting that obligatory maxim.*¹⁰

⁸ By “right,” Korsgaard means “obligatory” or “morally necessary,” not just “morally permissible” (Korsgaard, 1996a, 69n11). This is what Stratton-Lake means by “lawlike” (Stratton-Lake, 2000).

⁹ On the distinction and relationship between motivating, explanatory or operative reasons and justifying or normative reasons see (Korsgaard, 1996a, 49; Baier, 1958, 148-156; Baier, 1995, 63-66; Scanlon, 1998, 18-19). Since we are talking about justifying obligation, it is a matter of “requiring” rather than merely “justifying strength” in Gert’s terminology (Gert, 2002, 318).

¹⁰ It is tempting to just say “the good will person’s motivating reason *is* the justifying reason.” But there is reason for caution here. One might object that motivating reasons and justifying reasons cannot be, strictly speaking, identical, because a motivating reason must always be a mental state such as a belief, desire, or attitude whereas justifying reasons are facts, often extra-mental facts, such as “her life was threatened,” which, at least in some contexts, might require or justify action independently of an agent’s awareness of them (Stratton-Lake, 2000, 20-22; Scanlon, 1998, 56-57). Supposing this distinction is correct, it is not unreasonable to hold that the mental states which constitute a motivating reason may have facts, even extra-mental facts, as their semantic content. One can acknowledge this possibility and still maintain a close connection between the justifying reason for an action and the

This first premise seems to be supported by Kant's familiar claim that "pure reason can be practical," (KpV V, 15) and the claim that pure reason *is* practical in a good willed person. That is, a good willed person is not merely motivated, somehow or other, to do that which morality requires, but is motivated *by* morality's demands themselves. This possibility is closely connected to the "internalism requirement" for practical reasons.¹¹ If this is correct, we can learn about justifying reasons by examining the motivating reasons of good willed agents.

It is tempting to construe this first premise as the basis of a very short argument to constructivism. Since Kant is committed to thinking that an agent's motivating reasons must be understood as a product of his choice to adopt or "incorporate" an incentive into his maxim,¹² the identity of semantic content in the motivating and justifying reasons demanded by premise (1) might seem to directly entail that the *justifying reason* is constituted by the choice of the good

good-willed agent's motivating reason for it in terms of the semantic content of her motivating reason, as in the main text: the good willed agent's motivating reason can or does have the justifying reason as its semantic content. As I will suggest below, Kant himself seems to take this position when he claims that the justifying reason is the moral law while the good willed agent's motivating reason is respect for the moral law. Of course, even if both are mental states, the internalism requirement only requires motivational function insofar as one is rational.

¹¹ In this context, internalism is a thesis about the necessary connection between norms (or normative judgments) and the will. On one popular version, internalism maintains that *N is a norm binding on an agent A if and only if A would be motivated to comply with N insofar as A is rational*. As Korsgaard has explained, "practical reason claims, if they are really to present us with reasons for action, must be capable of motivating rational persons." Similarly, whatever motivates (purely) rational agents, precisely insofar as they are rational, might be plausibly construed as a norm (Korsgaard, 1996a, 315-317, cf. 329-331). There are two easily confused senses in which this is an "internalism" requirement. First, and originally, it requires an "internal connection" between practical reasons or judgments or justifying reasons, on the one hand, and motives or motivating reasons, on the other. Second, to the extent that motives or motivating reasons are themselves psychologically "internal" states of an agent, it also requires something about what is (or could be) internal to an agent. This is why "the force of the internalism requirement is psychological" (Korsgaard, 1996a, 329). In a very perceptive discussion, Smit interprets Korsgaard's internalism as involving the motivational efficacy of a cognitive "appreciation," "grasp," or "rational appreciation" of reasons, but this is unnecessarily strong and it appears to conflict with what Smit later dubs her "autonomism" (Smit, 2003, 206, 210, 227). For present purposes, all that is necessary is that agents can be motivated *by* the very mental state that has the norm as its content.

¹² Allison has dubbed this the "Incorporation Thesis" (Allison, 1990, 40, citing RGV VI 24; cf. Korsgaard, 1996a, 57, 162 f., esp. 165).

willed person. Unfortunately, this short argument is either unsound or question-begging. In order to avoid begging the question, the first premise must simply claim that one entity or semantic content plays two, perhaps discrete, functional roles: it is both the good willed person's motivating reason and the justifying reason. But if the two functions may be discrete, then that in virtue of which the entity or content fulfills the first role need not be that in virtue of which it fulfills the second. One cannot simply assume that the mental act of making some content one's own maxim is what constitutes the justification for doing so. The phrase "*good willed person's motivating reason*" appears to involve more than merely being the product of someone's choice; it may presuppose the goodness or justifiability of the choice. This leaves it open, for the moment, whether it is in virtue of fulfilling (or appearing to fulfill) the role of a justifying reason that that content is chosen by and motivates the good willed person, or vice-versa. The good willed person might be motivated by obligatory maxims *because* they are obligatory, rather than them being obligatory *because* they are something that motivates him.¹³ A successful motivational analysis argument for constructivism must close this gap.

As Korsgaard explains, the Kantian motivational analysis also makes a distinctive, if controversial, claim about the good will: a good will fulfills its obligations, not from natural inclination, not from the desire for pleasure or the attachment to some contingent purpose, but "from the motive of duty" (Korsgaard, 1996a, 47, cf. 58, 61). The reason why the good willed person adopts an obligatory maxim or performs an obligatory action is "because it is necessary—that is, it is a law—to perform such an action."¹⁴ The good-willed person's maxim has "legal character" and "since the legal character of the maxim is what motivates the good-willed person, it is that, and nothing else, that makes the action or the purpose right" (Korsgaard, 1996a, 61). Thus:

¹³ As Korsgaard allows, it could turn out that "moral reasons motivate *because* they are perceived as binding" (Korsgaard, 1996a, 43).

¹⁴ There is a difficulty with the claim that "the motive of duty" provides a sufficient basis for the performance of obligatory actions: as Marcia Baron's contribution suggests, imperfect duties, which tend to be the clearest examples of positive duties, typically underdetermine particular actions (Baron, forthcoming). The adoption of obligatory maxims, however, may elude this problem.

- (2) *The good-willed person's motivating reason for adopting an obligatory maxim is (a mental state which has as its semantic content) the "legal character" of that maxim.*

From (1) and (2), we infer:

- (3) *The justifying reason for adopting an obligatory maxim is the "legal character" of that maxim.*

Now, Korsgaard continues, comes the "delicate" and "critical step" in the motivational analysis argument: because a *justifying* reason is supposed to pick out "the real reason why the action" is obligatory, it must be an *intrinsically* normative entity; it must be something that is intrinsically obligatory because it must stop the justificatory regress, bringing "the endless reiteration of the question 'why must I do that?' to an end" (Korsgaard, 1996a, 60-61; Korsgaard, 1996b, 34).¹⁵ Only an intrinsically normative entity can answer "the normative question." This principle, when conjoined with the foregoing, implies that "the maxim must not get its legal character from anything outside of itself. For, if there were an outside source of legal character, then that source, rather than the legal character itself would be what makes the action right. Instead, the maxim's legal character must be intrinsic [...]" (Korsgaard, 1996a, 61).¹⁶

- (4) *If the justifying reason for adopting an obligatory maxim is the "legal character" of that maxim, then "legal character" must be an intrinsic property of obligatory maxims.*

Before proceeding, it is important to get a bit clearer about the nature of intrinsic properties. Intrinsic properties are distinguished from extrinsic properties. One helpful way of articulating the distinction is that

¹⁵ This is an example of reason's search for the "unconditioned" (Korsgaard, 1996b, 94, 111).

¹⁶ "A law in the nature of things, if it is understood as a theoretical or metaphysical principle that is external to the will [...] can only make our maxims extrinsically, not intrinsically, normative" (Korsgaard, 1996a, 66; cf. Korsgaard, 1996b, 98).

*P is an extrinsic property of an object x if and only if x's having P consists in some relation which x bears to some distinct object; a property P is an intrinsic property of an object x if and only if x has P and P is not an extrinsic property of x.*¹⁷

If we think about physical objects for a moment, we can see that the weight of a physical object is not an intrinsic property: weight is a measure of the gravitational forces acting upon an object (and its reciprocal action upon other objects.) In contrast, the mass of a body is a measure of the quantity of matter that makes up the body. We ordinarily think of mass as an intrinsic property of objects.¹⁸ We should also note that the distinction between intrinsic and extrinsic properties is not the same as that between essential and contingent properties.¹⁹ Being self-identical is an essential intrinsic property of objects; and being present in Marburg, a contingent extrinsic property of some objects. But the two distinctions can part ways. For example, if numbers necessarily exist then I have the essential property of “being accompanied by the number 21,” but this is an extrinsic essential property of me.²⁰ Likewise, some of my intrinsic properties are

¹⁷ I believe that what I have to say here informally about intrinsic properties fits well with Francescotti's work on the subject (Francescotti, 1999). In the preceding sentence, by “an extrinsic property of an object x,” I have in mind what Francescotti calls an “d-relational property,” i.e., roughly, a property, the exemplification of which by x consists in a relation which x bears to some distinct object. Francescotti takes “consists in” to involve nothing less than identity because mere logical equivalence is too weak (599). But, in general, I think identity is too strong because it rules out asymmetry and the possibility of a non-sparse theory of properties and relations. We may even want to provide for asymmetry while remaining agnostic about whether the relata or the relation is more fundamental. See also, for example, Langton and Lewis (1998) and Vallentyne (1997). The precise definition of intrinsic properties is a much contested issue in analytic metaphysics that has attracted significant recent attention. Philosophers have used the intrinsic vs. extrinsic terminology to mark a number of different distinctions having to do with the non-relationality, qualitateness, or interiority of a property or characteristic; see Weatherson (2002). It is also clear that historically, many philosophers have used the term “intrinsic” to mean essential, without any implications of non-relationality or interiority. For an interesting discussion of intrinsic and extrinsic properties in relation to Kant's theoretical philosophy, see Langton (1998).

¹⁸ At least in classical physics, that is. In Einsteinian physics, mass itself varies according to the relative motion of the observer, but the contrast within classical physical theory can still be helpful in fixing ideas about intrinsic and extrinsic properties.

¹⁹ See Francescotti (1999, 596-597). Weatherson (2002) cites Dunn (1990) on this point.

²⁰ Here I follow Francescotti, contra Langton and Lewis, and Vallentyne.

contingent properties. Right now I have a mass of about 75 kilograms, but I could have failed to have that much mass (as indeed I did when I first started thinking about this topic.)

The motivational analysis argument employs the concept of intrinsic properties in order to rule out the dependence of justificatory reasons upon anything external to the maxims of agents. The precise nature of this demand for intrinsic normativity emerges from the way Korsgaard deploys it against a theological voluntarist theory of obligation:

“Suppose that right actions were those commanded in laws laid down by God.

According to Kant’s analysis, the good-willed person does these actions because it is a law to do so. But why is it a law to do so? The answer is: because God so commands.

Now, which of these two reasons is the reason why the good-willed person does the action, which is also the reason why the action is right? If the action is right because God commands it, it is not right because its maxim is intrinsically legal; and the reason why the good-willed person does it will not be grasp of its legal character, but response to divine command. This is contrary to Kant’s analysis. The maxim of the action must be legal in itself [...]” (Korsgaard, 1996a, 62-63).

The Kantian’s problem with this proposed theological voluntarist theory of obligation, Korsgaard contends, is not that God’s existence may be illusory or merely contingent, nor that the content of God’s commands or prohibitions is contingent.²¹ The problem is that “the legal character of a maxim and the divine commandedness of an action are not analytically the same thing” (Korsgaard, 1996a, 62).²² Even if it were a necessary truth that God exists and commands us to act on certain kinds of maxims, if it were his commandments that made them obligatory, obligation would *only supervene* on the intrinsic properties of the maxim (and the agent’s will). If God’s commands must figure in the complete justification of obligation, as the theological voluntarist suggests, then the justifying reason is not constituted solely in virtue of the intrinsic features of the maxim; it must include God as an extrinsic relata. The maxims would not be obligatory solely in virtue of their intrinsic properties. To generalize the point: any “law in the

²¹ Here I depart from the analysis of Gaut and Kerstein (1999, 25) and Kerstein (2002, 76). Compare Lewis’s example of a divine command theory where the commands are contingent (Lewis, 1986, 16n10).

²² Korsgaard confuses the matter a few lines later when she equates being “analytically or essentially the same thing,” which is perhaps what leads Gaut and Kerstein to equate intrinsic and essential properties.

nature of things, if it is understood as a theoretical or metaphysical principle that is external to the will, gives rise to exactly the same problem that divine law does. Laws in the nature of things can only make our maxims extrinsically, not intrinsically, normative” (Korsgaard, 1996a, 66).

The motivational analysis argument turns on the fact that if justifying reasons were to take such a form, then they would not correspond with the good-willed person’s motivating reason, as required by premises (1), (2) and (3). That is: premises (3) and (4) entail

(5) “*Legal character*” must be an *intrinsic property of obligatory maxims*.

In a further step, Korsgaard claims, the Kantian argues that “lawlike form” (a feature identified by the universalizability test) is the only intrinsic property of a maxim that could constitute its “legal character.”²³ For present purposes, however, we should focus on this claim that “legal character” or obligatoriness must be an *intrinsic* property of obligatory maxims. Even if it is not sufficient to establish the objectivity of obligation, it seems sufficient to establish the truth of constructivism.

When extrinsic factors are excluded, it appears that “there is nothing left” to be the bearer and source or ground of normativity other than the agent’s own actual or dispositional motivational states.²⁴ Our maxims are subjective volitional and motivational states, elements of the first person perspective chosen by us, and it would seem that their intrinsic properties are simply features of and even products of our volitions. Which semantic contents *my* maxims include is determined by me, and more generally, which intrinsic properties my maxims possess seems to be determined by me.²⁵ Since the intrinsically normative volitional states are the contents or “the products of our own legislative wills,” their normative status appears to depend upon and be constituted by our acts of volition, imposition and endorsement (Korsgaard, 1996b, 112, 254).

²³ Gaut and Kerstein have criticized Korsgaard’s argument for this claim (Gaut and Kerstein, 1999, 24-25). One might also question whether “universalizability” can be an intrinsic property of maxims that have it.

²⁴ For a similar line of argument, see Darwall (1992, 167-8) and Darwall (1998, 171).

²⁵ Of course, some properties (such as having semantic content) may be essential intrinsic properties of *all* maxims, and they will not be subject to my choice; although perhaps I could avoid their instantiation by failing to adopt any maxims at all. Such properties are unlikely to be themselves the source of normativity, however.

Thus, normative principles, including the moral law, possess their normative authority “because we legislate them.” Obligation is constituted by and grounded completely “in the motivational properties of people” (Korsgaard, 1996a, 66, 67).

III.

The success of the motivational analysis argument turns upon the conception of intrinsic normativity deployed in premise (4). Premise (4) requires that justifying reasons must be made in terms of the intrinsic properties of maxims; obligatory maxims must exemplify intrinsic normativity. If legal character were an extrinsic property of a maxim, so the thought goes, then the complete explanation of the obligatoriness of an action (or maxim adoption) should be made, not in terms of the extrinsic “legal character” of the maxim, but in terms of the ultimate source or sources from which the maxim does derive its legal character. There are, however, two complications that must be taken account of.

First, although Korsgaard implies and I have presented the argument as if ordinary “particular” maxims could be intrinsically normative, it turns out that the only maxim fit to serve this role is the supreme principle of morality itself. If we take the notion of intrinsic normativity seriously, it seems that particular obligatory maxims such as “I will make promises only in good faith” or “I will aid others” will fail to be intrinsically normative. The normative status of such maxims is *derived from* the content (and authority) of the supreme principle and may also depend upon additional “anthropological” facts about us and other truths about the world crucial to their derivation from the supreme principle.²⁶ What does the ultimate justificatory work is the

²⁶ This emerges from a close examination of Korsgaard’s own analysis. On the practical contradiction interpretation of the universalizability test, obligatory maxims are maxims that an agent must will only under the assumption that the agent must will only universalizable maxims. Thus, Korsgaard is wrong to claim that “only those maxims shown to be necessary by the universalizability test – only those to which my own will commits me – are *intrinsically* normative” (Korsgaard, 1996a, 65). Only the categorical imperative itself is intrinsically normative; the normativity of specific obligations is derivative. Part of the confusion is a result of Korsgaard’s shift from conceiving of a maxim as “the grounds on which the action along with its purpose has been chosen,”(57) as the “ground for the adoption of a purpose,”(60) or as that which “expresses your conception of a law”(57) to a focus upon “particular” maxims, such as the one involved in a deceitful promise (63-64). For Korsgaard’s discussion of deceitful promising, see Korsgaard (1996a, 63-64, 76n60). For helpful clarification, see also Korsgaard

“intrinsically normative” supreme principle. This implies, given the assumptions of the motivational analysis argument, that such particular maxims cannot be justifying reasons, and hence cannot themselves be a good willed person’s motivating reason.²⁷ If only the supreme principle of morality can serve as a justifying reason for an obligatory action, then the good willed person’s motivating reason for performing an obligatory act must have the supreme principle as its content. It is clear, however, from the basic concept of a *supreme* principle that it cannot have its authority in virtue of any distinct principle.²⁸ So if there is a supreme principle, only it could be an intrinsically normative principle.

This point should not be too surprising since Kant’s analysis in *Grundlegung* I is part of his attempt to identify the ultimate source of moral worth and the “*supreme* principle of morality,” that principle or law in virtue of which all particular obligatory maxims are obligatory.²⁹ It also fits Kant’s own account of the motivating and justifying reasons involved in duty. What the text of *Grundlegung* I suggests is that the good will’s motivating reason or subjective principle for obligatory acts is the representation of or “respect for the moral law” and that the objective

(forthcoming, ms. 23, esp. n52). For recent discussions of the importance of anthropological assumptions in Kantian moral judgment, see Wood (1999), Herman (1993), Höffe (94).

²⁷ It might appear that this saddles Kant with an untenable moral psychology, one that is vulnerable to “one thought too many” objections, insofar as it suggests that something like “Mary was in need” can never be either a justifying reason or, by implication, the content of the motivating reason of a good willed person. But although it could not by itself *be* the motivating or justifying reason, perhaps it could be a part of a whole that contains them (by also including the supreme principle). This possibility will depend upon one’s account of the motive of duty or “respect for the moral law” and the ultimate formulation of the thesis about the close relation between motivating reasons and (intrinsically normative) justifying reasons. For treatment of this issue more generally, see (Stratton-Lake, 2000).

²⁸ This feature may be hinted at in *Grundlegung* II when Kant considers the possibility of “another law” supporting apparently rival candidates for the role of supreme practical principle (GMS IV 432, 444) As Korsgaard may herself notice: “Kant is analyzing the good will [...] in order to discover the principle of unconditionally good action” (Korsgaard, 1996a, 60).

Note that *supremacy* may not always be an intrinsic property. To the extent that singularity may entail supremacy, and that singularity is an extrinsic property, supremacy may be extrinsic as well. If there is any “intrinsically normative” principle, it must not be derived from any other principle. And thus, if there is a supreme principle, from which all other principles are derived, then it is the only possible “intrinsically normative” principle.

²⁹ See (GMS IV 392); cited at Korsgaard (1996a, 55). See also Kerstein (2002, 1-2).

principle or justifying reason is the moral law, the supreme principle itself.³⁰ “Nothing other than the *representation of the law* in itself [...] insofar as it and not the hoped-for effect is the determining ground of the will, can constitute the preeminent good we call moral” (GMS IV, 400-401).³¹

There is a second problem with the account of intrinsic normativity: the normativity of a law, especially its obligatoriness, seems to be a polyadic relation or a relational property, rather than a monadic intrinsic property. As Korsgaard herself sometimes points out, “In order to be a law, [...] a principle [...] must [...] be normative for the person who is to follow it: there must be some intelligible reason why it binds *that person*” (Korsgaard, 1996a, 63, 62).³² So the motivational analysis argument must turn on the claim that obligation consists in a certain kind of *relation* between the supreme principle of morality and each person for whom it is normative. Presumably, part of the idea is that this relation must obtain in virtue of the intrinsic properties, especially the semantic content, of the supreme principle, as we have seen. But, as just noted, this is not sufficient. Part of the grounding of the normativity relation must also be some intrinsic property or properties of the person bound by the principle. The “Internalism

³⁰ This suggests that in this passage, at least, Kant thinks the moral law itself can be a maxim, or rather, that a maxim can have the moral law as its content.

³¹ One textual problem with Korsgaard’s claims about intrinsic normativity is that the presence or significance of the intrinsic-extrinsic distinction in Kant’s own discussion, esp. in the text of *Grundlegung* I, is less than clear. As Kerstein and Gaut have noted, the closest text Korsgaard actually cites on this point explicitly asserts only that no particular “law determined for certain actions” could be (or be the basis for) the supreme moral requirement (GMS IV 402) (Gaut and Kerstein, 1999, 24; Kerstein, 2002, 75).

³² Korsgaard herself is sometimes inclined toward a relational or polyadic analysis: “A maxim is a demand we make on ourselves: the relation is built into its nature” (Korsgaard, 1996b, 138n10). She also suggests that value “supervene[s] on the structure of personal relations” or the relations between person stages (Korsgaard, 1996a, 276, 301; cf. Korsgaard, 1996b, 137-138, 166). It is important to recall, however, that supervenience is too weak for the purposes of the motivational analysis argument. Schneewind also suggests that obligation is grounded in a relation, a relation between “the rational and nonrational aspects of the self” (Schneewind, 1998, 40). Each of these suggestions may be technically inconsistent with Korsgaard’s original claim that maxims are *intrinsically* normative, but as I will suggest, we may be able to capture most of the intended Kantian point in terms of a special class of relations. Alternatively, we might suspect that Korsgaard means to conceive of normativity as an *essential*, rather than intrinsic feature of maxims. But, since extrinsic essential properties involve relations to distinct objects, and thus do not preclude explanation that refers to the properties of distinct objects, including those that may be mind-independent, such an interpretation would undermine the argument for constructivism.

Requirement” entails that a principle can have normative force for an agent only if that agent can (under certain conditions) be motivated to follow it.³³ Thus the normativity of the supreme principle must depend, at least in part, upon some claims about its subject’s actual or possible motivational states, which necessarily include claims about intrinsic properties of his will. This is why a complete account of its normativity cannot “bypass” or proceed solely in terms of things “external” to the subject’s will (Korsgaard, 1996a, 65, 66).

When we focus upon a relational conception of normativity and upon the supreme principle of morality rather than particular maxims, the fate of the motivational analysis argument turns on the answer to two questions. First, *which* intrinsic properties of the will are essential to grounding the normativity of the supreme principle? Second, why think these properties are jointly sufficient for and *only* these properties are relevant to its normativity?

The constructivist thesis is that unconditional obligation obtains *solely* in virtue of the motivational states of the agent (and the semantic content of the supreme principle) without dependence upon any “external” relata. The exclusion of any features of or relations to anything distinct from the principle and the motivational states of the agent’s will are what is decisive. The argument turns, then, upon understanding unconditional obligation or “intrinsic normativity” as a *completely internal normative relation* between the supreme principle and its subject’s motivational states.³⁴ But what precisely is the warrant for this claim? What justifies the exclusion of everything other than the intrinsic properties of the subject’s motivational states?

³³ See note 11.

³⁴ In general, a *completely* internal relation is one that obtains solely in virtue of (or is constituted by?) the intrinsic properties of its relata. I say “completely internal” because Moore and others have used the term “internal relation” broadly to cover any necessary connection. Lewis has recently suggested that “an internal relation is one that supervenes on the intrinsic natures of its relata” (Lewis, 1986, 62). For present purposes, this is too strong in one way and too weak in another. If “intrinsic natures” means more than “intrinsic natural properties” (e.g., if it means “intrinsic essential properties”) then it is too strong. (Though this point does not apply once we proceed to consider absolutely internal relations below.) If supervenience only requires invariance across (some range of) possibilities, then it is too weak because it would be useless to detect or rule out necessary “background conditions” which could be hidden relata. A three-place relation with a necessary relatum could be confused with a two-place internal relation because both would supervene on the intrinsic properties of the two non-necessary relata. This parallels a problem in the definition of intrinsic properties cf. Francescotti (1999, 599). Korsgaard’s treatment of a divine command theory, discussed above, reveals the importance of this point. Wedgwood defines “internal facts” in a way that includes any fact that supervenes upon a thinker’s non-factive mental states and any fact about explanatory

As the motivational analysis argument notes, Kant argues that the supreme principle of morality cannot borrow its motive or authority from the actual or expected *effects* of complying with it or from a desire for such effects. That is part of the lesson of the “second proposition” in *Grundlegung* I (GMS IV, 399). Moreover, if the supreme norm applies to all rational beings in the same categorical way (which Kant insists it must), its authority cannot depend upon any presupposed intention to produce some contingent, material, producible, or “to be effected” end or “object” of the will.³⁵ The authority of the supreme principle cannot be derived from the authority of any distinct principle, nor depend upon divine authority, nor can it depend upon any of the subject’s contingent ends or contingent motives, nor upon any contingent facts about the world. Kant insists that the normative relation holds always and necessarily for any being to whom it could apply at all, which implies it must depend upon *essential* intrinsic properties, and not merely contingent intrinsic properties, of the wills of beings to which it applies; insofar as he insists that it necessarily applies to each rational being, it must depend upon *kind-defining* intrinsic properties of rational beings. Thus, Kant seems committed to the claim that the fundamental normative relation between the moral law and a rational agent is an *absolutely internal relation* between the norm and will, a relation constituted only by or obtaining solely in virtue of some essential, kind-defining intrinsic properties of a rational will and the intrinsic properties of the law (its semantic content).³⁶ The fundamental normative authority of the

relations between other internal facts (Wedgwood, 2002a, 358). For his discussion of internalism in epistemology, because most of the “external” candidates involve contingency, this may be fine; but in the present context, this may be too weak, since most of the potential “external” elements are necessary if relevant at all.

³⁵ This remains implicit in *Grundlegung* I, although it is made explicit in the Preface, and especially in section II: “[Whatever] is derived from the special natural constitution of humanity- what is derived from certain feelings and propensities, [or] even, if possible, from a special tendency that would be peculiar to human reason and would not have to hold necessarily for the will of every rational being—that can indeed yield a maxim [valid] for us but not a law. [...] [It cannot yield] an objective principle on which we would be directed to act even though every propensity, inclination, and natural tendency of ours were against it” (GMS IV 425, trans. Gregor, 1996). The principle may not be an *imperative* for all rational beings, but it still applies to all as a categorical principle.

³⁶ It may be the apparent *directness* of obligation that is supposed to exclude the possibility of any additional relations, even necessary ones, from the fundamental normative relation (Kain, 2004, sec. II, citing KGS 27:261-2). Kant’s moral argument for the existence of God and his conception of divine commands may turn out to require a specific interpretation of this claim, however. It may turn out that part of the “authority” of the moral law for some finite agents may depend upon the real existence of God, something which is not an intrinsic property of such finite beings

supreme principle of morality must arise from the nature of the rational will. I submit that what Kantians should mean with the talk of “intrinsically normative” entities and unconditional practical normativity boils down to this claim about the absolutely internal normative relation between the supreme principle of morality and each agent’s will.

IV.

What does the motivational analysis argument reveal about *constructivism*? Under the proposed reformulation of the conception of intrinsic normativity, the focus shifts from being explicitly about the intrinsic properties of agents’ motivational states to being about the *essential* intrinsic properties or nature of the will. What remains to be determined is whether there are grounds for thinking that the only relevant essential intrinsic properties of the agent’s will are or are reducible to her actual or dispositional motivational states.

Here it is important to recall that the relevant relation is not just a motivational relation; it must also plausibly constitute or ground an objective normative-justificatory relation. What motivational state could constitute the *authority* of the supreme principle? Within the good willed agent, three motivational states are obviously present – the good willed person is motivated by (respect for) the supreme principle; she is motivated to adopt obligatory maxims and having adopted an obligatory maxim; she is motivated to act upon it. But none of these motivations itself obviously *constitutes* the normative relation.³⁷ First, these motivations could at best constitute the normativity of the supreme principle for those who share them; if some may

or their maxims. While the fundamental normative relation may be an absolutely internal relation between norm and will, it may turn out that the relevant capacity to be *rationally* motivated is not possessed intrinsically by beings like us (Kain, 2005).

Perhaps it is the fact that the relevant properties of the will are essential properties that leads to the mistaken assumption that the normativity of the supreme principle is an intrinsic monadic property of the principle. Likewise, the fact that propositions like the moral law have their semantic content essentially leads to the suggestion that it is only the will that is responsible for its normativity. Thus, “*Nothing* except my own will can make a law normative *for me*” (Korsgaard, 1996a, 65). As Korsgaard notes, philosophers often “veil or obscure” internal relations (Korsgaard, 1996a, 271).

³⁷ Why assume that any “maxim to which your own will commits you is normative for you?” (Korsgaard, 1996a, 63).

lack such a motivations it could not account for the principle's authority for them and thus could not be the basis of a common objective normativity even in those with such motivation. Second, even if one stipulates or shows that all rational beings are or could be motivated by the supreme principle in the same way, there is still a problem.³⁸ The universal presence in rational beings of an actual or dispositional motivation to comply with a certain principle may not be sufficient to ground the principle's normative authority. Kant, in fact, thought that all human beings are motivated by the "evil maxim," that we tend to subordinate the demands of the moral law to our other concerns. The claim that we all are, and that perhaps all other rational beings may be so motivated certainly should not entail that the evil maxim is normative or authoritative.³⁹ Showing that there is one and only one principle that all rational agents are motivated to follow might go a long way towards establishing its authority. But even then, the fate of the constructivist claim that the motivational state constitutes the principle's normativity, rather than presupposing or depending upon it, would turn upon the details and assumptions of that argument for that motivational claim.

The burden of the motivational analysis argument is to show that the normativity of the supreme principle of morality not merely supervenes upon, but is constituted by or solely dependent upon essential and intrinsic features of each agent's "internal" motivational states (and the semantic contents of the principle). But the fact that the normativity relation must be an absolutely internal relation between the moral law and the will does not establish that it is constituted by or depends solely upon actual or dispositional motivational states. The argument fails to establish that the relevant essential intrinsic properties of the will are exhausted by or reducible to its

³⁸ Korsgaard suggests, for example, that Kant's "argument from spontaneity" establishes that the Formula of Universal Law is a principle of a spontaneous will by showing that it is a principle "about which it is impossible, unnecessary or incoherent to ask why a free person would have chosen it" (Korsgaard, 1996a, 164, 166). Smit provides a thorough analysis of recent suggestions that certain motivations are constitutive of rational agency (Smit, 2003). Of course, the presence of such motivational states is entailed by the conjunction of the normative relation and the internalism requirement: if something is a genuine universal norm, all rational agents are motivated by it *insofar as they are rational*.

³⁹ Kant, of course, does not hold that *all* rational beings can be motivated by the evil maxim. God, presumably, could not be motivated to adopt it.

actual or possible motivational states.⁴⁰ Of course, one important mode of epistemic access to the essential properties of the will is through an analysis of and reflection upon actual volitional states and the processes of deliberation associated with them. Every basic rule of rationality must “make sense” to those who follow it, so there is a sense in which the basic principles of practical reasoning, including the supreme principle of morality, must be accessible within and leave some motivational footprint in rational deliberation (Wedgwood, 2002a, 354, 364f.; Smit, 2003, 197). But, for all that has been said, the essential intrinsic nature of the will may be part of the explanation for many of the features of these motivational states. While we would expect many of the essential intrinsic properties of the will to be reflected in actual and hypothetical volitions, we cannot simply assume that the former are reducible to or explicable exclusively in terms of the latter.

In closing, we might consider Kant’s famous claims that each rational being exists as an end-in-itself and possesses dignity (GMS IV, 428). One can imagine that dignity and being an end-in-itself are essential intrinsic properties of rational wills, but they are not obviously constituted by the agent’s motivational states. These properties seem quite relevant to the nature of unconditional obligation; in fact Kant himself seems to suggest that they are the only possible ground of a possible categorical imperative (Donagan, 1977, 229-239; Wood, 1999). If the argument of this paper is correct, the motivational analysis argument itself provides no reason to reject this apparently realist understanding of its normativity. The motivational analysis helps to uncover the nature of the alleged internal relation between the supreme principle of morality and the nature of the rational will, but it does not demand the adoption of a constructivist theory of normativity.⁴¹

⁴⁰ We haven’t even been offered a reason to think that the essential intrinsic properties of the will are reducible to its *possible* volitional states.

⁴¹ I would like to thank the participants in this conference and Karl Ameriks, David Solomon, Paul Weithman, and Jeff Brower for helpful comments on earlier versions of this paper. I would also like to thank the Alexander von Humboldt-Stiftung for financial support during part of the work on this paper, and for facilitating my participation in this conference.

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 GMS *Grundlegung zur Metaphysik der Sitten* (1785)
 KpV *Kritik der praktischen Vernunft* (1788)
 RGV *Die Religion innerhalb der Grenzen der bloßen Vernunft* (1793)

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