Imputation Judgment in Kant’s Practical Philosophy

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Imputation judgment is a somewhat forgotten topic in the literature on Kant’s practical philosophy, or at least as a central topic that deserves systematic treatment per se. Nonetheless, it would be reasonable to look at it as a necessary counterpart of the well known first person moral judgment in the sense of one of two parts which fit and complete each other. Yet we will see that the fact that imputation judgment should be represented as a counterpart in this sense does not mean that both judgments entertain any kind of symmetry; on the contrary, they are asymmetrical judgments. This is a very important feature of their reciprocal relation because only by stressing their asymmetrical position, simultaneously with their complementarity, is it possible to establish some systematic points which deserve elucidation.

A little more clarification of this notion of counterpart is important. In the first place, what I have in mind is that imputation judgment works as a counterpart of first person moral judgment in the way that a declaration such as “I promise X” can be seen as the counterpart of a declaration such as “he promises X”, by which someone ascribes to another person an attitude – in this case a promising attitude. In the first case, the promising attitude is expressed by a first person statement in the present tense, the features of which are clearly identified by certain qualities such as authority, infallibility or evidence derived from the very condition of just being a first person expression. An utterance such as “he promises X” is a third person statement of the same promising attitude and it is evident that it possesses none of the characteristics referred to above, which reveals an essential asymmetry between first and third person perspectives. The properties of these asymmetries in such counterpart utterances are well known in philosophical and linguistic pragmatics.\(^1\) How-

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Also it would be interesting to compare the notion of “counterpart” that I am using here with the notion of incongruent counterparts that Kant discusses in his
ever, these are not asymmetries that are rooted in a supposed epistemological limitation inherent to third person knowledge of other minds. At this point, I wish only to stress that what is at stake here is not a theoretical problem about knowledge of other minds. The asymmetry is a practical one insofar as it concerns the agency of moral subjects.

Kant, in his Lectures on Ethics especially, and in the so-called Monogovius/Collins lectures in particular, and in the Metaphysics of Morals (1797), presents imputatio judgment in the following terms:

All imputation is the judgment of an action, insofar as it has arisen from personal freedom, in relation to certain practical laws. In imputation, therefore, there must be a free action and a law. We can attribute a thing to someone, yet not impute it to him; the actions, for example, of a madman or drunkard can be attributed, though not imputed to them. In imputation the action must spring from freedom. (V-Mo/Collins, AA 27: 288.13–18)

Imputation is a judgment of an “action” which is supposed to “arise from personal freedom” and if it is true that the condition of freedom is an essential one, this is a judgment on actions or deeds by reference to the inner moral law. Kant is not claiming that one judges the existence or non-existence of freedom in the other in the sense of a conscience of moral freedom in such and such a person. In imputation, the condition of freedom in other people is presupposed insofar as everybody has a clear consciousness of the moral law. Therefore, as already mentioned, in imputation what is at stake is the quality of the deeds by reference to that non-disputed freedom. We are not entitled to introduce any shadow of a doubt regarding the existence of moral law in other people. This is a distinction that one must keep in mind since the relationship between action and freedom or between exterior and interior is what is at stake here. Furthermore, the quality element of imputation judgment is crucial and often Kant characterizes this as the merit or demerit of an action or deed. “All imputation that takes place generally is made either in merum, as merit, or in demeritum, as a fault. The consequences and effects of actions can be either imputed to a person, or not”. In one important sense we are facing a type of judgment that expresses an evaluation not exactly about the deed as a factum, but about the authorship of an act based on personal freedom. If one wants to go further, this is the same as considering the quality of someone’s agency under a law – in the moral case, moral law. Following a line coherent with what was already asserted in the Lectures, Kant defines imputation in the Metaphysics of Morals in reference to that internal law by which I know myself as a free actor, which is the main object of demonstration in the second Critique.

Imputation (imputatio) in the moral sense is the judgment by which someone is regarded as the author (causa libera) of an action, which is then called a deed (factum) and stands under laws. (MS, AA 06: 227.17–20)

In the second part of the same work, Doctrine of Virtue, in a well known passage where he compares moral consciousness with a court, he repeats that imputation in the moral sense is the judgment by which one ascribes the quality of freedom to this double entity: authorship and the corresponding deeds. Even individual moral consciousness is represented by Kant under the model of imputation judgment, the structure of which is precisely the split between a first person and a second or third person judgment. In fact, moral consciousness splits itself in a double I, where one of them judges, as it were, in the place of another person, the authorship of my deeds. In this case we are allowed to speak of an “internal imputation” of our own deeds in order to evaluate their merit or demerit.

Famously, Kant designs moral conscience as a court where a double I operates as actor and as a judge of himself.

Every human being has a conscience and finds himself observed, threatened, and, in general, kept in awe (respect coupled with fear) by an internal judge: and this authority watching over the law in him is not something that he himself (voluntarily) makes, but something incorporated in his being. It follows him like his shadow when he plans to escape. (MS, AA 06: 438.13–17)

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2 English translations are from the Cambridge Edition of the Works of Immanuel Kant, edited by Paul Guyer and Allen W. Wood. (Quotations are to be found in the volumes: Lectures on Ethics and Practical Philosophy.)


4 MS, AA 06: 438.02–04.
However, if this scenographic analogy is adequate to explain how individual consciousness works as an internal imputation, it creates serious difficulties when one considers imputation judgment as being essentially external. After all, it is the kind of judgment that not only the judge professes in court but is also performed among common people. In everyday life, second and third person imputation judgment is a central issue among human beings. How, or in what terms, can we represent this difficulty? The fact that imputation is external in its literal sense only means that each of us does not have direct access to the other’s mind (or, if we want, to the other person’s moral experience). In fact, as we have seen, every time we are judging we are imputing or ascribing merit or demerit to the deeds of other people on the basis of a putative freedom from which those actions are supposed to arise. These are difficulties that have their roots in the above-mentioned asymmetrical and (if we wish) incongruent position of both kinds of moral judgments: on one side, first person moral judgment and on the other, its counterpart, that is to say, second or third person imputation judgment.

The threat of sceptical consequences of this asymmetry is quite evident. In external imputation (which is almost a pleonastic formula), it is supposed that such and such an act arises out of freedom, but each of us does not have direct access to the inner law by which other persons perform their actions freely. Such sceptical consequences vis-à-vis other moral persons have already been noted, for example by Paul Guyer in an article on the topic of proving ourselves free and the concept of transcendental freedom. The author claims that since Kant, after the first Critique, needs to prove that we are free, not merely acting under the idea of freedom, what he offers in the second Critique “are arguments by means of which each of us may prove him or herself free, but not arguments by means of which any one of us can prove that any or all others are free. Thus Kant revises the first Critique’s statement that transcendental freedom cannot be proven for the first person case, but not for the third person case. Kant’s arguments address the first person question of how I should choose to behave, not the third person question of whether I can hold others responsible for their actions”. In the face of this situation, Guyer continues to argue in favour of an irreducible fallibility of our judgments about the inner life of other people and consequently en-

dorses what would be, from his point of view, the best rational attitude which consists of making a sort of Pascalian wager: there is much more to win by treating others as free and rational agents and little to lose by so doing. The fact that one does not have direct access to another’s inner experience seems to be an irrevocable epistemic limitation with heavy practical consequences in the Kantian sense of practical.

Despite Guyer’s understanding of the fallibility of imputation judgment seeming to be correct, and the said asymmetry between first and third or second perspectives being a structural feature of human moral and juridical interaction, I propose another approach to imputation judgment. This starts from the premise that the essential asymmetry is not grounded in epistemological causes but in practical ones. Consequently, what is to be ascribed in terms of fallibility to our judgments about another’s inner life is due not so much to a supposed limitation of our knowledge of what is going on inside other people but more to the possibility that in many cases we are deceived by dissimulation or insincerity. However, all things being equal, each of us does not doubt the existence of an inner law in other people even though statements like “I must keep my promise” or “I must not lie” are just expressions (not descriptions) in the first person of my immediate consciousness of that law. It would be at the very least counterintuitive, if someone were to declare these same propositions, for me to remain always uncertain about the moral experience that he or she expresses to me, although I can of course not believe in the sincerity of other people depending on the context in which such utterances are made. In any case, however, I do not doubt that he or she has complete consciousness of the inner moral law. Exactly the same thing happens when someone expresses a pain to me. The fact that, in some cases, I do not believe in the sincerity of someone’s pain expressions does not mean that I rationally think he or she has never felt a pain as I have or that my pain is different from the pain of other people.

In this sense, there is no cognitive problem regarding what is going on in the interior of another person. It is simply not possible for me, who is completely aware of the inner law within me and expresses it in the first person, to treat other people with doubt, even methodical doubt, as to whether they can become aware of that very law. Paraphrasing Wittgenstein, my attitude towards other people is an attitude towards someone

who is or can be aware of his inner moral law and I am not of the opinion he or she is aware of the moral law.\textsuperscript{6}

The fact that third and second person judgments evaluating the moral quality of another person's deeds are asymmetric to first person statements has a practical meaning, not a cognitive one. Besides, in Kant's view, epistemic failure in relation to moral law is extensible to first person insights in, say, our own moral world. That he does not ignore the permanent threat of self-deception in judgments about our moral experience is well certified in the following passage from Metaphysics of Morals:

For a human being cannot see into the depths of his own heart so as to be quite certain, in even a single action, of the purity of his moral intention and the sincerity of his disposition, even when he has no doubt about the legality of the action. Very often he mistakes his own weakness, which counsels him against the venture of a misdeed, for virtue (which is the concept of strength); and how many people who have lived long and guiltless lives may not be merely fortunate in having escaped so many temptations? In the case of any deed it remains hidden from the agent himself how much pure moral content there has been in his disposition. (MS, AA 06: 393)

This is an extraordinary description of the intrinsic epistemic limits of moral self-knowledge. It would certainly lead us to some sort of scepticism if, in relation to the moral law, a proof similar to the proof that is required in the domain of theoretical reason were required of us.

Deepening the nature of this asymmetry entails remembering how Kant presents the moral law in his second Critique, contrasting its deduction with that of theoretical reason: not as a reality that requires proof or justification, but as something given as a factum.

Moreover the moral law is given, as it were, as a fact of pure reason of which we are a priori conscious and which is apodictically certain, though it be granted that no example of exact observance of it can be found in experience. Hence the objective reality of the moral law cannot be proved by any deduction, by any efforts of theoretical reason, speculative or empirically supported [...] (KpV, AA 05: 47.10–15)

This peculiar condition of the moral law, which is given as a fact to the subject who becomes aware of it without mediation (without a sensible scheme) as happens in the case of cognitive judgments, forces him to express his moral judgments under the form of a universal and coercive form, let us say with no epistemic support whatsoever. Judgments like “in all situations I must keep my promises”, in which an action (promising something) falls under a practical rule, are the linguistic first person expressions of the respect for an inner rule in all its necessitation and coercive power. There is not a true transcendental scheme that moral judgment can use for its work of applying the moral law to specific actions, but only a rule of nature as an analogon of a scheme, a type in Kant's words.

Here I come back to the characterization and role of imputation as it works as a real counterpart of moral judgment in the first person. As already mentioned, imputation judgment is typically a second or third person judgment on another person's deeds which must arise out of freedom. It was also stressed that what eventually causes fallibility of imputation is not a kind of epistemic limitation in relation to knowledge of what is going on in other minds, but of course this does not mean that one has any sort of direct access to the inner experience of other people. In this sense imputation judgments are not about the problem of knowing whether another person has acted genuinely under the duty imposed by moral law or only according to the moral law, which is another question.\textsuperscript{7} Imputation is about merit or demerit of a subject's actions and corresponding grades of responsibility. The difference between actions performed under the power of duty and according to duty is not something which is to be evaluated by the criteria of merit or grade of responsibility. In relation to the baker who sells his bread honestly, I do not judge the moral merit of his action or do not consider it crucial to know whether he acts by duty or only according to duty. The reason for that is merely because in relation to the acts performed by the baker in his profession, I do not require they arise from freedom, I do not evaluate, or I do not want to evaluate, the moral quality of his acts.

Since imputation is essentially interested in freedom of the agency, and by this very feature deserves to be considered a counterpart of first person moral judgment, since also there is no space for scepticism about the existence of moral law in others and, finally, since in this kind of second and third person judgment (imputation) what it is all about is the quality of the deeds and the corresponding authorship, it is possible to claim that imputation does not add or alter anything in the moral world yet at the same time it is the central point of human interaction in that world.

\textsuperscript{6} See Wittgenstein, \textit{Philosophical Investigations}, II, iv: "My attitude towards him is an attitude towards a soul. I am not of the opinion that he has a soul."

\textsuperscript{7} See for example: KpV, AA 05: 81.10–15 or GMS, AA 04: 398.
What remains as a continuous behaviour in our lives is that each of us ascribes more or less quality to the deeds of other persons according to a supposed freedom about which nobody is in doubt. The problem is, however, precisely that the formula “more or less freedom” seems to enter in contradiction with, so to speak, the “all or nothing” logic of freedom in Kant’s view. From all that we know of what Kant thinks about acting freely under the moral law, to say that such and such an action is performed more or less according to the law, more or less free, would not be allowed. At this point one can speak of a sort of challenge to the coherence of practical reason. Imputation is a judgment about quality, merit and demerit of another person’s agency. Thus, on one hand, it must take into account certain subjective conditions of the action (without which it does not make sense to ascribe merit or demerit to the action) but, on the other hand, the fact of reason, of moral law, requires a form of purification of all subjective elements. If this is correct and if it is what corresponds to Kant's conception of how practical reason works, then we must ask ourselves what place, if any, remains for imputation judgment as a legitimate element in the system of morals.

Perhaps the apparent incoherence disappears as soon as we see first person moral judgment giving way to second and third person imputations in the context of moral life. At this point, it is crucial to say that this change of perspective is not an arbitrary one: these later judgments are simply what men are always carrying out in real life; in other words, every man evaluates the subjective conditions of the exercise of freedom of other persons. Then each of us needs to develop a double consideration of moral life, where the all or nothing logic of moral law must prevail without denying imputation about the merit and quality of subjective conditions of freedom. This need is justified by Kant in the following passage from the Lectures already quoted above:

Fragilitas humana can therefore never be a ground, coram foro humano interno, for diminishing imputation. The inner tribunal is correct; it looks at the action for itself, and without regard to human frailty, if only we are willing to hear and feel its voice; suppose, for example, that I have insulted someone in company, by my words, and return home; it then troubles me, and I wish for an opportunity of repairing the situation. By no means must I rid myself of these inner reproaches, however many plausible excuses I may have, which would certainly be sure to weigh with any earthly judge [...]. Fragilitas and infirmitas humana can only be taken into account when judging the actions of other people; in regard to my own actions, I myself must not count on them, and thereby excuse what I do. Man, as a pragmatic lawyer and judge, must take fragilitas and infirmitas humana into consideration when dealing with others, and remember that they are only human; but in regard to himself he must proceed with complete strictness. (V-Mo/Collins, AA 27: 295.11–29)

Thus to open a legitimate and necessary space for imputation judgment is allowed. It is enough to take into account human weakness and to have a double insight into the real moral life. In fact, this double insight only replicates the asymmetry between these moral judgments and it opens up for imputation a specific autonomy. This becomes clearer if one focuses on how imputation works. Kant notes that what is at stake are the subjective conditions of freedom and that in the absence of these conditions there is no imputation. Furthermore, he specifies that there are degrees of imputation depending on the degree of freedom. 8 If we regard the moral agency from the perspective of its subjective conditions, in order to evaluate its merit or demerit, then imputation is a judgment that everybody makes about the inner permanent struggle in other persons. How can it be characterized? In the words of Kant, “The more an action has impediments, the more it can be imputed, and the less an action is free, the less imputable it is.” 9 This can be seen as a rule governing the logic of all imputation, whether in ethics or in juridical cases. Its application suggests, naturally, many intricate problems relating to the nature of the impediment, such as if it is to be considered internal or external, in what measure strength of will is needed to overcome impediments, especially inner impediments, and so on. Through imputation, men place themselves at the centre of moral life, not only in the sense of individual life but also social life. Men are not allowed to remain as mere observers of actions of other people, and they have the duty to evaluate their quality. It then remains very clear how moral life is not complete without that second or third perspective that can be carried out only through imputation. As has already been pointed out, it is through this faculty of judgment that moral conscience replicates the scene in a tribunal where there are no mere observers but essentially participants in the endless struggle that inhabits moral life. 10

10 The condition of participants with a faculty of judgment exercised as imputation is clearly formulated in the following passage of the Lectures: “It is thus an instinct for us to judge and pass sentence on our actions, and this instinct is conscience. Hence it is not a free faculty. If it were a voluntary faculty, it would not be a tribunal, since in that case it could not compel” (V-Mo/Collins, AA 27: 297.03–06).