Anne Margaret Baxley


One of the most important distinctions in Kant’s moral philosophy is the distinction between *legality* and *morality*. An action has legality when it is a *morally permissible action*, either because it is morally obligatory or because it is morally optional. An action lacks legality when it is an *immoral* action. The test for legality (only) is the Categorical Imperative test. ‘Legality’ is thus a synonym for moral permissibility, and ‘illegality’ would be a synonym for immorality.

However, legality, while necessary for morality, is not sufficient for morality. An action has morality when it is a morally permissible action (obligatory or optional) that is performed *with a motivation that is moral*. The test for a motivation that is moral may be called the Esteem test. If the motivation for an action elicits our esteem, then the motivation is moral. If the motivation for an action fails to elicit our esteem, then the motivation is not moral. The motivation of duty – i.e., the motivation of respect for humanity – elicits our esteem. It is a moral motivation. Indeed, it is the only motivation of which human beings are capable that elicits our esteem. An action has morality if and only if it is a ‘legal’ action that is motivated by duty. As it were, then, the Categorical Imperative test tests the action for the presence of immorality, and the Esteem test tests the motivation for the presence of duty. Both tests must be passed for the action to have morality.

One way of understanding Anne Margaret Baxley’s *Kant’s Theory of Virtue: The Value of Autocracy* is that it argues for a further distinction within Kant’s moral philosophy, a distinction that only comes into play once an action has morality. This distinction is the distinction between *continence* and *virtue*. It may also be said to argue for a third test. This third test may be called the Temptation test.

The motivation of duty is, according to Kant, the only moral motivation of which human beings are capable. The motivation of duty is the motivation of a *good will* that is subject to sensible inclinations and that has the propensity to subordinate respect for humanity to these sensible inclinations, but that does not. It is to be contrasted with the motivation of a good will that is not subject to sensible inclinations at all (the *infinite holy will*, possessed by God), and the motivation of a good will that has sensible inclinations but that lacks the propensity to subordinate respect for humanity to these sensible inclinations (a *finite holy will*, possessed by embodied angels, Jesus Christ, and possibly by other finite rational beings in the universe (humanity is not restricted to...
human beings)). Neither of these two motivations is the motivation of duty. In the *Groundwork for the Metaphysics of Morals* Kant says that the good will is the only thing in the world or beyond the world that is “good without limitation,” “absolutely good,” “unconditionally [good],” etc. This means that, for us human beings, the only thing that is absolutely good in this world is the motivation of duty. However, even if the motivation of duty is the only thing in this world that is absolutely good, one can nevertheless have something good *in addition to* the motivation of duty. As Baxley says, “that the good will is good without limitation does not imply that the good will is lacking in no good” (p. 178). One can have, in addition to the motivation of duty, *virtue*. As Baxley says again: “a good will turns out not to be the same as a morally good person or person with complete moral character. [...] To have a good will is to have the essential feature of what constitutes a morally good person, but virtue... is something over and above a good will” (p. 45). As a result, “the fact that one acts in accordance with duty from duty, even repeatedly and reliably... is fully compatible with not having acquired virtue” (p. 176). Virtue is moral perfection in human beings, and goes *beyond* performing morally permissible or obligatory actions from the motivation of duty.

Consider the maxim ‘In order to respect my own humanity, I will not kill myself.’ The motivation here is the motivation of duty. My action of not killing myself has morality. However, we know nothing about the relationship between the motivation and my various sensible inclinations. If I am tempted to subordinate respect for humanity to these sensible inclinations – if, say, I am tempted to kill myself out of a desire to put an end to my woes, valuing my happiness above my humanity – but I do not, then my action of not killing myself has morality, but not virtue. It has *continence*, or strength of will (*enkrateia*). On the other hand, if I am not tempted to subordinate respect for humanity to my sensible inclinations, then, in addition to morality, my action of not killing myself has *virtue*. As Baxley admits, there are no examples of actions with virtue in the *Groundwork* (the actions of both the sorrowful philanthropist and the cold philanthropist are merely continent), since Kant chose to provide only examples of actions that are contrary to sensible inclinations. Even just one example of an action with virtue here could have saved him from a great deal of misunderstanding.

The particular form that virtue takes in Kant’s moral philosophy is *autocracy*, which is *the rule of reason over our sensible inclinations*. As Baxley points out, Kant’s view of virtue as rational self-governance “more closely resembles Plato’s” (p. 174) than Aristotle’s. Contrary to popular belief, Kant is not against the presence of sensible inclinations in people. He does not consider the source of immorality to be sensible inclinations themselves. In *Religion Within