Moral Law: Rationally Necessary or Social Constructed?

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In his *Groundwork of the Metaphysics of Morals,* Immanuel Kant famously distinguishes between two types of imperatives, hypothetical and categorical, to explain the structure of moral obligation. According to Kant, only categorical imperatives can serve as the foundation of morality, since moral laws must be universally binding for all rational beings. This paper begins by exploring Kant's definitions and arguments for why morality must rest on categorical imperatives. Then, it examines two modern commentaries that defend and challenge Kant's position. First, Camillia Kong defends Kant's dualism by contending that hypothetical and categorical imperatives draw on distinct sources of authority, preserving the unconditional character of moral duties. Second, Philippa Foot questions whether moral obligations truly function categorically. She compares moral duties to social norms, such as etiquette, suggesting that moral "oughts" resemble hypothetical imperatives more closely than Kant allows. By comparing Kong's defense of Kant's categorical imperatives with Foot's critique, this paper evaluates the strengths and weaknesses of each approach, as well as Kant's potential responses. This discussion will highlight whether morality is best understood as an unconditional requirement of rationality, or a conditional framework reliant on human motivations, and what this means for Kant's moral law.

In the *Groundwork of the Metaphysics of Morals,* Kant introduces the distinction between categorical and hypothetical imperatives. These define the structure of moral obligation that all rational beings experience. This section of the paper examines Kant's definitions of these imperatives, their differences, and his reasoning for why morality must be based on the categorical imperatives alone. Kant defines an imperative as a principle that tells us what we ought to do, derived from reason. Imperatives express necessity, they

dictate what a rational agent must do given certain conditions. Kant distinguishes between two types of imperatives, which differ based on whether they are contingent on desires. A hypothetical imperative is a conditional command, and they will have this general structure:

> If you want A, then you should do B.

It expresses what to do if a particular goal or desire is present. A is an end, that may or may not be adopted by any rational being, and B is the means prescribed to the rational being to achieve end A. These have no moral value, or morality associated with them, they are morally neutral and are morally permissible. They are not moral laws, but they remain practically necessary in certain contexts. Kant specifies that "the hypothetical imperative says only that the action is good for some possible or actual purpose" (Kant AK 4: 415). This means that a hypothetical imperative is instrumental, it prescribes means to an end rather than necessitating an action as inherently good. Kant distinguishes two types of hypothetical imperatives, the imperatives of skill and of prudence. Imperatives of skill only apply when a specific goal is met. Let's take the following example:

> "If one wants to become a lawyer, one should study law."

Not everyone shares this common goal, so it is a hypothetical imperative of skill. When one has this goal, the imperative commands them to study law to achieve the goal. The act of studying and reaching this goal has no moral value. An imperative of prudence is an assertorically practical principle, so it is practically universal. These involve ends that all rational beings have. Let's consider this example:

> “If one wants to be happy, you should practice self-love.”

Since everyone desires happiness, this is a practically universal hypothetical imperative, and Kant still considers it hypothetical since its authority is contingent on the accepting of happiness as an end. It depends on the goal of happiness, which all rational beings share. It does not derive from pure reason, but from an empirical fact about human nature. Kant argues that morality cannot be based on hypothetical imperatives because they are contingent on individual desires, and they do not apply universally. If moral obligations were hypothetical, people could simply opt out of moral duties by changing their goals. Since hypothetical imperatives apply to only those with a particular goal, and moral laws should apply to rational beings, hypothetical imperatives cannot serve as a sufficient foundation for morality. Because of these limitations, Kant concludes that moral law cannot be based on hypothetical imperatives, because rational agents could simply opt out of moral law by not adopting a particular end.

To summarize, hypothetical imperatives are instrumental and prescribe a means to specific ends that may or may not be adopted by any rational being. They can be practically necessary, such as the goal of happiness, but they lack unconditional necessity because they depend on individual desires. So hypothetical imperatives cannot serve as the foundation of morality because moral duty must be inescapable and universal to all moral beings. Only categorical imperatives, as we will see in the next paragraph, can serve as moral laws in Kant’s ethical theory.

In contrast to hypothetical imperatives, which are conditional and dependent on a rational beings adopted ends, Kant insists that true moral obligation must be universal. It must be binding on all rational beings regardless of their individual goals. Let's define a categorical imperative in contrast to a hypothetical. Recall the structure for hypothetical imperatives:

If you want A, then you should do B.

The structure for a categorical imperative will look like this:

Do B.

As you can see, unlike hypothetical imperatives, categorical imperatives apply universally and command actions because they are good in themselves, not because they serve an external purpose A. Kant writes that "the categorical imperative would be that which represented an action as objectively necessary of itself, without reference to another end" (AK 4: 414). In other words, categorical imperatives are not based on consequences or individual preferences. They express moral laws that arise from pure reason and thus apply to all rational agents. If moral rules were conditional, like hypothetical imperatives, morality would then be subject to personal choice, undermining the absolute authority moral law ought to have. Moral laws are inescapable because they derive from rationality itself and not from subjective inclinations, their pure reason origin is why they are so strong. To determine whether an action is morally permissible, Kant introduces the Formula of Universal Law (abbreviated FUL), the first formulation of the categorical imperative, and it is as follows: "act only in accordance with that maxim through which you can at the same

time will that it become a universal law" (AK 4: 421). This test will ensure that moral principles are consistent and universalizable. To determine if an action is morally acceptable, one must formulate their principle of action then ask whether it passes the FUL and check for logical contradictions if it were universalized. Let's look at an example:

> Proposed action: "I will borrow money with the intent of not paying it back."
>
> Apply FUL: "Every rational being will borrow money with the intent of not paying it back."
>
> Find logical contradictions: "If every person borrows money with no intent of paying it back, then no one would lend money, and so lying would lose its intended purpose in this situation."
>
> So, we find a contradiction that arises when we conceive of this maxim being universal, since we lie for money, but lying would no longer be useful to borrow money, so the maxim contradicts itself when universalized.
>
> This maxim does not pass the FUL.

So, we see that this formulation of the categorical imperative ensures that moral actions are not based on personal preference but on principles that all rational beings could will universally. The second formulation of the categorical imperative is the Formula of Humanity (abbreviated FH), which emphasizes the intrinsic worth of all rational beings. This is as follows: "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" (AK 4: 429). This means that rational beings must be treated with inherent dignity, not as tools for achieving personal goals, and that moral actions must respect rational beings' autonomy. We can now test actions with both the FUL and FH to ensure that the action can be willed to be universal, and that the action does not undermine the autonomy of rational beings. These two formulations together dictate moral law. For example, lying is wrong not only because it undermines the value of truth as the FUL would find, but also that it manipulates rational beings and uses them as a mere means to an end, according to FH. Only when an action passes both tests without contradiction, it becomes moral law. Kant concludes that only categorical imperatives can serve as a foundation for morality.

To summarize Kant's argument thus far, we have found that hypothetical imperatives are conditional and provide morally permissible means to a possible end. Categorical imperatives are unconditional and apply to all rational beings, and they establish moral laws that are not contingent on person inclinations. Categorical imperatives are formulated through the FUL and the FH.

In *The Normative Source of Kantian Hypothetical Imperatives,* Camillia Kong critiques interpretations of Kant that attempt to unify the normativity of hypothetical and categorical imperatives. She defends Kant's dualism between instrumental reasoning, and moral reasoning, arguing that hypothetical imperatives derive their normativity from instrumental reasoning itself, while categorical imperatives derive theirs from moral reasoning. Normativity refers to the thing that gives a principle its authority over our actions, so hypothetical imperatives have instrumental normativity since they only have

authority over actions when one has a particular goal. A major part of Kong's argument is directed against Christine Korsgaard's interpretation of Kant, where Korsgaard argues that all imperatives derive their normativity from the categorical imperative. According to Korsgaard, we follow hypothetical imperatives because we are rationally committed to the ends we set for ourselves. The normative source is our ability to self-legislate as rational beings. Kong rejects this, as Kant never states that all imperatives derive authority from categorical imperatives. Kong argues that if Korsgaard is correct in deriving all normativity from self-legislation, then hypothetical imperatives would carry moral value. This blurs the boundaries between practical necessity, and moral obligation, making the moral laws appear contingent upon individual commitment. Kong emphasizes Kant's separation between the normativity of hypothetical and categorical imperatives, and by preserving this distinction, Kong ensures that moral obligations remain unconditional, and Kant's moral law remains an inescapable duty.

In *Morality as a System of Hypothetical Imperatives*, by Philippa Foot, challenges Kant's claim that moral obligations must be categorical. Unlike Kant, who argues that moral laws apply unconditionally to all rational beings, Foot suggests that moral obligations function more like hypothetical imperatives, and they are only binding if one has the right motivations and commitments. This can be understood as a direct reversal of Kong's defense of Kant's distinction between the normativity of hypothetical and categorical imperatives. According to Kant, a moral command like "no lying promises" is a categorical imperative, it applies to all rational beings regardless of personal goals. Foot challenges this by arguing that moral obligations, like other normative rules, only apply to those who

accept their concerned moral values. Foot argues this by examining the words “should” and “ought”, and observing that both these terms have hypothetical and categorical usages. For example, consider the hypothetical imperative:

> If you want to become a doctor, you should study medicine.

The usage of “should” here is hypothetical because it depends on the particular goal. Consider this example of a categorical imperative:

> You ought to tell the truth.

“Ought” here is indicating a moral obligation. Kant relies on this distinction when he claims that moral duties must be categorical. He believes that moral statements are necessarily of the second kind, since they express categorical duties that all rational beings “ought” to follow. Foot is arguing that we can use “ought” and “should” in both hypothetical and categorical contexts, showing that linguistic usage alone does not establish moral obligations as uniquely categorical. Further strengthening her point by comparing moral laws to social norms like rules of etiquette, Foot writes:

> The conclusion we should draw is that moral judgments have no better claim to be categorical imperatives than do statements about matters of etiquette. People may indeed follow either morality or etiquette without asking why they should do so, but equally well they may not. They may ask for reasons and may reasonably refuse to follow either if reasons are not to be found (Foot 312).

She is arguing that moral “oughts” have no more authority than what is granted by social norms, since we can use “ought” for both. Only moral “oughts” are considered categorical imperatives, despite no linguistic difference between moral law and social norms as imperatives. So, Foot writes that “it is obvious that the normative character of moral

judgment does not guarantee its reason-giving force. Moral judgments are normative, but so are judgments of manners, statements of club rules, and many others" (Foot 310). She concludes that moral laws inherently have no more reason-giving force than etiquette. Foot ultimately suggests that the reason people treat moral obligations as special is not because they are categorical, but instead is the way morality is taught and enforced. She argues that while moral obligations are treated as more serious, this is due to social conditioning rather than any fundamental difference from hypothetical imperatives.

To ensure a structured, thorough, and charitable evaluation of Foot's argument, we need to identify the strengths and weaknesses of her arguments, as well as formulate possible Kantian responses. Her critique of Kant's categorical imperative is compelling for several reasons. She presents a strong linguistic analysis, challenges the necessity of categorical normativity, and offers a psychologically and socially realistic view of morality. One of her most persuasive contributions is her careful analysis of "should" and "ought". Kant assumes that moral statements are categorically binding because of how we use "ought" in moral language. In the *Groundwork of the Metaphysics of Morals,* Kant writes that "all imperatives are expressed by an ought and indicate by this the relation of an objective law of reason to a will that by its subjective constitution is not necessarily determined by it (a necessitation)" (Kant AK 4: 413). Since Foot demonstrates that we also use "ought" non-hypothetically, its role as an indicator of uniquely categorical statements is undermined. Kant's philosophy is also deeply integrated with the idea that moral law is inescapable by any rational being. Foot points out that people can rationally reject moral law, when she writes that "people may indeed follow either morality or etiquette without

asking why they should do so, but equally well they may not" (Foot 312). As an example, a psychopath who does not feel guilt when harming others is not necessarily irrational, they just simply do not accept moral values. If morality were truly categorical, it should bind all rational beings regardless of personal inclination, but Foot shows this is not the case. This argument makes moral obligation seem like a choice rather than a requirement. At this point, it is fair to say that if Foot's arguments are correct, Kant's claim that moral law holds a unique categorical status is substantially weakened. It is also worth noting that Foot's argument is more psychologically realistic than Kant's as it accounts for how moral motivation actually works in human society. Moral behaviour is often shaped by social conditioning, rather than rational necessity alone. However, Kant argues an ideal theory, one that if willingly followed by all rational beings, would constitute true moral behaviour. So while Foot's arguments reflect more accurately the intuitive conception of morality, this does not challenge Kant's claims.

Foot argues a new conception of moral law that is more realistic, but also undermines moral obligation. If moral law functions only hypothetically, then there's no real reason to follow them at all. It seems to be entirely based on the agent, and whether they value certain ends or not. This is essentially arguing moral relativism, and suggesting that morality is just a social construct with no real necessity. Foot's comparison of morality to etiquette is a point of contention between Kant and Foot as well, since moral violations have serious consequences but etiquette violations do not. While Foot acknowledges that moral violations carry more social weight than etiquette violations, she attributes this difference to how morality is taught and enforced rather than to any inherent categorical

necessity. However, this explanation is insufficient if morality is to hold a unique status beyond social practice. Kant argues that moral obligation is grounded in reason itself, whereas etiquette remains a construct of social convention. However, there is a key weakness within Foot's arguments that calls into question its broader implications. Kant is not describing how people behave, but how they ought to behave in an ideal moral system. Foot is assuming that because a person can reject morality, this proves morality is not categorical. But Kant's claim is about rational necessity, so if a person ignores a truth, this does not make this truth hypothetical or optional. But then, Foot argues that a person can rationally reject morality. Let's consider the psychopath case once again, where a psychopath does not feel guilt for harming others, and is rationally rejecting a moral law. However, once we actually evaluate a person's maxim by the FUL and FH, we find that this behaviour is irrational. A psychopath's lack of guilt does not change the fact that a maxim of harming someone will not pass the FUL or the FH. The psychopath's goal is impossible to achieve in a rational world. So, Kant would argue that Foot's claim misunderstands rational necessity because a maxim of harming others, when universalized, would contradict the very conditions that make rational agency possible. While Foot's argument is compelling in showing that moral motivation may depend on social conditioning, her critique does not fully disprove Kant's claim that morality is categorically necessary. Instead, it reveals that the real issue is not whether moral law can be ignored, but whether rationality itself demands moral obligation. Kant's framework holds that any rational being, upon proper reflection, would recognize moral duty as a necessity of reason; a claim that Foot does not entirely refute.

Kant's distinction between hypothetical and categorical imperatives remains at the heart of debates about the basis of moral obligation. On one side, Camilla Kong's defense of Kant preserves the idea that moral commands issue from reason alone, showing that moral duties are universal and inescapable for any rational being. On the other side, Philippa Foot challenges the categorical status of moral obligations by comparing them to social norms, suggesting that moral duties are conditioned by individual goals. Foot's position raises important questions about whether moral laws are truly unconditional, or reflective of social conditioning. The tension between Kant and Foot highlights two opposing visions of ethics. One sees moral law as a strict requirement of rationality itself, immune to individual preference or social circumstance. The other locates moral motivation and authority in the goals that individuals and their societies adopt. Each account has compelling dimensions, and this discussion illustrates the strength of Kant's arguments about reason, motivation and the nature of moral necessity. Whether morality stands apart from personal desires or is shaped by them remains a fundamental question for moral philosophy, but Kant's ethical theory remains as a compelling and invigorating philosophical endeavour.

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