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## Freedom and Ethical Necessity

### *A Kantian Response to Ulrich (1788)*

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Kant presents his argument about transcendental freedom, in the first *Critique*, not just as a new solution to an intractable metaphysical problem, but also as a vital part of his moral philosophy: freedom in the transcendental sense is essential for moral agency, because only possession of such freedom can secure governance by the moral “ought” as a genuine possibility for human beings.

Transcendental freedom is necessary for the moral “ought,” as Kant conceives it,

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<sup>1</sup> The paper has improved enormously thanks to the meticulous attention and helpful suggestions of the editors, James Clarke and Gabe Gottlieb, and the anonymous referee. An early version of the paper was presented at the “Morality after Kant” workshop, held at the University of York in 2017, and benefitted from discussion with the participants in that workshop.

<sup>2</sup> Kant makes the connection between the solution to the antinomy that yields the transcendental conception of freedom and morality explicit in the section on the “Clarification of the cosmological idea of a freedom in combination with the universal natural necessity” (*CPR*, A 542/B 570). He hints at this connection in an earlier section when he introduces the idea of “pure morals” in the context of explaining that certain metaphysical problems cannot be simply ignored (*CPR*, A 480/B 508). Relevant here is also Kant’s note on the “Clarification” section: “What speculative philosophy could not succeed at, bringing reason out of the field of sensibility to something real outside it, practical reason is able to do, namely, giving an existence that is not sensible, [and] through laws that are grounded on reason. This is morality, if one admits it through freedom” (cited in *CPR*, 537; *AA*, 23:41).

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that is, as a command of pure reason. Given this conceptual link between the “ought” and transcendental freedom, any problems with Kant’s theory of freedom would directly affect his ethics. On the other hand, and unlike most traditional metaphysical treatments of the topic of freedom, in Kant’s account it is the reality of the moral “ought” that secures the truth of the claim that human beings are transcendently free. Skepticism about the “ought” would then stand to damage the claim to freedom. The idea of a command that belongs, as Kant puts it, to an “order” that pure reason creates itself in “complete spontaneity” is vulnerable to doubts about its reality and its efficacy within the network of causes to which all beings and things are bound (*CPR*, A 548/B 576).

The aim of the paper is to examine these issues through a set of arguments presented by Johann August Heinrich Ulrich in his 1788 book *Eleutheriology or On Freedom and Necessity*. I devote the first part of the paper to presenting Ulrich’s views, focusing on his criticism of Kant’s theory of transcendental freedom. Ulrich uses what has come to be known in the contemporary literature on the metaphysics of freedom as the problem of luck. Critics of libertarianism argue that the denial of deterministic causation leaves choices fundamentally undetermined and, therefore, on libertarian assumptions, what agents do is a matter of luck. The criticism presents an interesting

<sup>3</sup> The book was a textbook for Ulrich’s lectures in Jena. Kant responds to the book in a letter to C. J. Krauss (notes of which are in *AA*, 23:79–81). Krauss’s review, which was indebted to Kant’s notes, was published in 1788 (*PP*, 8:453–60). On the historical significance of Ulrich’s book, see Di Giovanni 2005: 108–18.

<sup>4</sup> The problem of luck in the form that is relevant to Ulrich’s argument is in Mele 2006; for discussion, see Coffman 2010 and Franklin 2011. Mele, like Ulrich, argues that the libertarian cannot explain why a free agent on the libertarian account chooses option *a* rather than some alternative *b*. The

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challenge. In the second part of the paper I show how this challenge can be met from a Kantian perspective. Ulrich's critical argument, however, is not the only element of his engagement with Kant's philosophy that warrants attention. Equally interesting is his treatment of the Kantian thesis about the categorical nature of moral imperatives, which Ulrich endorses while rejecting Kant's commitment to the idea of a pure ethics. While Ulrich's naturalistic conception of ethical necessity is ultimately flawed, it helps bring into view the relations between practical and theoretical claims in Kant's defense of transcendental freedom.

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## 2.1 Freedom: A Problem about Determination

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In his opening dedication, Ulrich asserts that "properly understood, determinism does not abolish ethics, rather it protects it" (*EFN*, not numbered in the original).

In the introductory sections of the book, he defends this claim mainly by appealing to common sense – for example, he points out that nobody worries whether or not a man of "reformed and ennobled character" can "still act, think,

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libertarian cannot give such an explanation because the libertarian position presupposes that the agent is free and no facts can be given that show why the agent's choice is determined in the way it is rather than in some other way. This indeterminism amounts to chance. Libertarian responses to the problem of luck include probabilistic explanations, which cite the conditions that raise the probabilities of specific actions performed by specific agents, and singular case explanations, which require that the agent is able to cite reasons for her actions. Whether either of these is available to Kant is something I discuss in the final section. The probabilistic account is generally associated with Kane. See Kane 1989 and 1996; but see too the event-causal position defended in Clarke 2005. The main contemporary agent-causal account is due to Tim O'Connor; see O'Connor 2007 for specific engagement with Mele.

or will badly"; what matters is that such a man does not want to do anything other than what is right – and to philosophical tradition (*EFN*, 7, 11–15). He presents the systematic defense of his position in the main part of the book.

Chapters 1–5 are devoted to a systematic defense of determinism, while the last two chapters, 6–7, focus mainly on the ethics of the position. The core theoretical thesis, defended in the early chapters and essential for Ulrich's criticism of Kant, is presented as follows. Determinism, on Ulrich's definition of it, is belief in the existence of "determining [*entschiedene*] and universal necessity" (*EFN*, 8). The advantage of the position is that it secures everyday and scientific cognitions, by justifying our expectations that what we experience is explicable by reference to causes or "grounds [*Gründen*]" (*EFN*, 8). Epistemic expectations of "order, lawfulness and intelligibility" depend on deterministic necessity and the thoroughgoing application of natural laws (*EFN*, 8). Before I turn to Ulrich's engagement with Kant's arguments, from both his theoretical and practical philosophy, I want to discuss briefly the notion of "ground," a notion that plays a key role in Ulrich's theoretical argument, which includes his criticism of Kant's theory of freedom.

As we have just seen, the central thesis in Ulrich's defense of determinism is that our expectations of the intelligibility, order, and lawfulness in nature depend on the existence of regularity of ground and grounded relations among natural phenomena, which is secured only by deterministic necessity. Although it is evident, from the presentation of the position in the introduction, that Ulrich believes this to be an easily graspable and uncontroversial claim, it is worth examining further his use of "ground" in the opening statement of his position.

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This is because it is important to distinguish different senses of the term according to whether it features in everyday requests for explanation or in metaphysically ambitious explanatory projects. In the context of everyday explanatory demands, “ground” stands for the reasons that explain people’s actions and also, like the more usual “*Ursache*,” for the causes cited to explain natural phenomena. In the book, Ulrich uses “grounds” and “causes” interchangeably. He only differentiates between the two when he claims that the search for specific causes (*Ursachen*) is justified on the assumption that there are determining grounds (*Gründe*), which permit thoroughgoing connection between phenomena without exceptions (*EFN*, 21, 41–2). While it is plausible to assert that there is a relation between the fulfillment of everyday explanatory needs and assumptions about how the world is, where these assumptions guide the search for explanation, this thought alone cannot support Ulrich’s claim about unexceptionally determining grounds (*EFN*, 21). The thesis about unexceptionally determining grounds requires a more demanding conception of ground than is used or needed in everyday explanations. To reach the deterministic position about natural necessity that Ulrich advances here, the search for explanation must be guided by a different set of expectations. In other words, the more demanding conception of ground that justifies determinism has a counterpart that guides and sustains ambitious explanatory expectations, by guaranteeing, for example, the application of the principle that similar effects have similar causes (*EFN*, 16) and that given some state of affairs an explanation is available why it is so and not otherwise (*EFN*, 17). This more demanding conception is given by the principle of sufficient reason (PSR), especially as

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formulated by Leibniz, who is mentioned in the brief bibliography Ulrich provides in the introduction (EFN, 13).

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Ulrich's reliance on Leibniz's formulations of PSR is key to understanding his criticism of Kant. Leibniz gives two versions of PSR. The first formulation, following Aquinas's conception of the principle, serves to justify a regressive quest after what is ontologically prior and foundational. Adherence to this version of PSR is needed for Ulrich's claim that the causal relations cited in explanations depend, or have their ground, in thoroughgoing natural necessity, which functions as the foundational and ontologically prior ground. The second formulation elaborates the demand for a *sufficient* reason in terms of a demand for a form of explanation that is, in the contemporary terminology, "contrastive," that is, it is an explanation that gives a reason why something is such and such

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<sup>5</sup> In his introduction, Ulrich focuses on the so-called causal principle, which stands for the idea that there is no effect without a cause. As Ulrich rightly points out, the use of this principle is widespread. In appraising Ulrich's arguments, however, it is important to specify what the principle entails. Usually, it entails a substantive conception of causal relations, where this is to be contrasted with a semantic relation between the meanings of "cause" and "effect," as discussed in Hume, for example. Importantly, having such a substantive conception of causal relations is compatible with modest explanatory demands, which are satisfied once antecedent causes for observed phenomena are identified. To motivate the regress needed to launch a metaphysically ambitious explanatory project, a notion of cause is needed according to which the cause is qualitatively different and superior to that which it explains. Formative for the tradition to which Ulrich belongs is Thomas Aquinas, who relies on the causal principle in the search for an explanation of the existence (*esse*) of non-necessary beings. This search leads to a consideration of hierarchical relations of ontological dependence, leading up to a cause that is necessary. This philosophical inheritance is discernible in Ulrich's argument in his demand for a complete explanation of actions.

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and not otherwise. Leibniz presents the contrastive interpretation of PSR as:  
 “nothing happens without it being possible for someone who knows enough to

<sup>6</sup> Leibniz presents contrastive PSR in the following extract, using “cause” and “reason” interchangeably:

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the reason [*causa*] why some particular contingent thing exists, rather than others, should not be sought in its definition alone, but in a comparison with other things. For since there is an infinity of possible things which, nevertheless, do not exist, the reason [*ratio*] why these exist rather than those should not be sought in their definition ... but from an extrinsic source, (Leibniz 1989: 19)

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That the explanation is not in the definition means that it is not a feature of the substance itself as would follow from Leibniz’s principle of predicate-in-notion, which states that: “The nature of an individual substance or of a complete being is to have a notion so complete that it is sufficient to contain and to allow us to deduce from it all the predicates of the subject to which this notion is attributed” (Leibniz 1989: 41). A clear case of the dual use of PSR is the following from the *Principles of Nature and Grace*: “the first question we have the right to ask will be, *why is there something rather than nothing?* For nothing is simpler and easier than something” leads to “a necessary being, carrying the reason for its existence within itself. Otherwise, we would not yet have a sufficient reason where one could end the series. And this ultimate reason for things is called *God*” (Leibniz 2004: 5). Then supposing that there are some things, “we must be able to give a reason for *why they must exist in this way*, and not otherwise” (Leibniz 2004: 4). Aside from the contrastive version of PSR, Ulrich is also relying on a principle that follows Leibniz’s PSR, possibly in conjunction with the predicate-

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give a reason sufficient to determine *why it is so and not otherwise*.” An illustration of Leibniz’s use of this interpretation of PSR can be found in his correspondence with Clarke about absolute space. Leibniz is critical of absolute space because it violates PSR: if the orientation of the world is God’s free choice, as Clarke claims, then for Leibniz this freedom is senseless because it explains nothing. Most clearly and famously, the contrastive sense of PSR is used by Leibniz to explain God’s choice of the actual world over the many possible worlds that he could have chosen instead. Optimality, the idea that the actual world is the best of all possible worlds, explains by giving a reason why this world is the case and not others. The originality of Ulrich’s criticism of Kant’s theory of freedom consists in his use of the contrastive version of PSR.

### 2.1.1 Chance

Ulrich’s critical discussion of Kant’s theory of freedom comes immediately after the introductory sections. It contributes to a general argument intending to show that there are no philosophically credible defenses of freedom, or, as the title of the chapter has it, that “[t]here is no middle way between necessity and chance, between determinism and indeterminism” (*EFN*, 16). The first subsection,

entitled “Necessity,” contains Ulrich’s views on the categorical imperative, which in-notion, that has a criterial role for explanations and states that one explanation cannot be used for two incompatible phenomena. This principle has gained currency in contemporary philosophy of science as “Leibniz’s principle”:<sup>7</sup> “It is impossible that, on one occasion, circumstances of type *C* adequately explain an outcome of type *E* and, on another occasion, adequately explain an outcome of type *E* that is incompatible with *E*” (*Salmon 1998*: 155; see also 329).

<sup>7</sup> Leibniz 2004: 7; my emphasis.

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anticipate his positive argument about the ethics of determinism. It is the second section, entitled “Chance,” that contains his criticism of transcendental freedom. I start with the latter partly because it is the centerpiece of Ulrich’s argument against libertarian freedom and the basis of his defense of determinism, the truth of which is presupposed by and sets the metaphysical context for the ethics.

The purpose of the argument is to show that Kantian freedom reduces to chance. Ulrich starts by defining chance as a happening without determinate grounds (*EFN*, 19). He then asserts that a metaphysical defense of freedom that is plausible can be given provided freedom is understood as chance or as radical indeterminism, which Ulrich treats as equivalent to chance. However, Ulrich argues that the metaphysical plausibility of such a defense is offset by its epistemic costs—namely, that the appeal to chance or indeterminism leaves us without explanations based on “causes” (*EFN*, 41–2, 102). As well as pressing the general point about explanatory inadequacy, he argues that the position is morally unsustainable: indeterminism undermines morality because it makes impossible what is essential for moral accountability, namely, the identification of the determining grounds of the action (*EFN*, 87–8). Ulrich therefore concludes that chance or indeterminism should be rejected and proposes an ethics that is based on deterministic assumptions. The criticism of Kant’s theory of freedom plays an important role in this argument, because it aims to show that the doctrine of “transcendental freedom or absolute spontaneity” fails to explain free actions in a way that “unites freedom and natural necessity,” and that transcendental freedom is, consequently, nothing more than chance (*EFN*, 19).

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The main tool Ulrich uses in his criticism of transcendental freedom is the contrastive interpretation of PSR or what he calls “the causal principle.” He puts the Kantian doctrine to the test by asking whether transcendental freedom allows for an explanation why the agent acted in this way and not otherwise. At first, this looks like an unfair demand, because the concept of freedom that would seem more relevant to the topic of contrastive explanation is that of practical freedom, the freedom to do or to refrain from doing, what is traditionally called a “two-way power.” The concept of transcendental freedom, by contrast, is mainly a negative concept, signifying absence of necessitation by antecedent causes. Kant’s connection of practical and transcendental freedom, however, makes Ulrich’s question appropriate. Kant argues that the practical idea of freedom, which describes the human power of choice, is “grounded” on the transcendental idea and that “the abolition of transcendental freedom would also simultaneously eliminate all practical freedom” (*CPR*, A 533/B 561). If this ground proves problematic in the way Ulrich claims, then indeterminacy will be transmitted to the practical level. So Ulrich’s concern with explanation is perfectly legitimate.

Ulrich presents Kant’s position aiming to show that his concern with explanation cannot be met. He identifies two sides to the Kantian position. On the phenomenal “side,” human actions and decisions obey natural necessities (*EFN*,

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<sup>8</sup> At the practical level, reason-giving is undermined because although reasons can be cited by the agent to explain the chosen course of action, such reasons *ex hypothesi* are the upshot of a free process, grounded on transcendental freedom, which means that at some point there is no reason that can be cited as a reason for the reason.

22). So from this perspective, Kant is a “strict determinist” (*EFN*, 22). On the “other side,” however, Kant posits an extraordinary “*neutrum*,” which does not seem to fit existing classifications. By “other side” Ulrich presumably means what Kant calls the intelligible character of actions. It is with respect to this intelligible character that Kant argues that human actions are free in the transcendental sense: “in its intelligible character (even though we can have nothing more than merely the general concept of it), this subject would nevertheless have to be declared free of all influences of sensibility and determination by appearances” (*CPR*, A 540-1/B 568-9). Ulrich’s calling the side of freedom a “*neutrum*” anticipates his critical argument that transcendental freedom is neither one thing nor another.

Ulrich’s argument is based mainly on an analysis of the following passage from the first *Critique*, which he quotes in full (*EFN*, 23-4):

By freedom in the cosmological sense, on the contrary, I understand the faculty [*Vermögen*] of beginning a state **from itself**, the causality of which does not in turn stand under another cause determining it in time in accordance with the law of nature. Freedom in this signification is a pure transcendental idea, which, first, contains nothing borrowed from experience, and second, the object of which also cannot be given determinately in any

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<sup>9</sup> Kant makes the claim explicitly: “In its empirical character, this subject, as appearance, would thus be subject to the causal connection, in accordance with all the laws of determination; and to that extent it would be nothing but part of the world of sense” (*CPR*, A 540-1, B 568-9).

<sup>10</sup> The anonymous reader’s comments were particularly helpful in helping me clarify this point.

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experience, because it is a universal law – even of the possibility of all experience – that everything that happens must have a cause, and hence that the causality of the cause, as itself having happened or arisen, must in turn have a cause; through this law, then, the entire field of experience, however far it may reach, is transformed into the sum total of mere nature. But since in such a way no absolute totality of conditions in causal relations is forthcoming, reason creates the idea of a spontaneity, which could start to act from itself, without needing to be preceded by any other cause that in turn determines it to action according to the law of causal connection. (*CPR*, A 533/B 561)

Ulrich then proceeds to examine the plausibility of the concept of a “faculty” – or, better, “power” (*Vermögen*) – that allows the beginning of a state from itself in a way that is genuinely independent of all grounds (*Gründe*).

Starting with the negative characterization that Kant provides, namely, that the power signifies an idea that contains nothing borrowed from experience, Ulrich proposes that we understand the freedom in question as independence from sensuous causes, which are identifiable as temporally preceding appearances (*EFN*, 24–5). This suggests that the power is a property of the human being qua thing in itself. Since the causal chains that are produced by this supra-empirical agent are part of the phenomenal world, they must *also* follow normal natural causal laws, just as Kant himself asserts. But if the products of this power obey causal laws, then the supposition that there is such a power seems superfluous since the actions it purportedly produces are already

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explicable in terms of temporally preceding appearances. Ulrich makes this point by paraphrasing Kant: “all actions of men as appearances [*in der Erscheinung*] are with respect to their empirical character and the other co-operating causes determined in accordance with the natural order” (*EFN*, 25). Therefore, Ulrich’s first line of attack, his criticism of explanatory superfluity, follows simply the implications of Kant’s negative characterization of freedom.

Ulrich then reconsiders, arguing that the faculty of beginning a state from itself cannot be thought of as “mere independence from empirical causes,” because, if it were just that, it could not determine appearances (*EFN*, 30). But the point of introducing the “cosmological” sense of freedom is to establish the determining power of this faculty and thereby ensure that actions are free. Therefore, the freedom in question must be “positive” and describe the power to “initiate a series of happenings from itself” (*EFN*, 30). In this case, Ulrich argues, we need to know what the determining ground for this power is, the nature of its causality.<sup>11</sup> If this cannot be established, then Kant’s position is a *neutrum*, neither determinism, because while determining power is claimed no determining grounds are given, nor freedom, because without an account of its originating character, all that is left is chance.

Ulrich argues that the determining ground of freedom in the positive sense cannot be established. Contrastive explanation is key to the argument.

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<sup>11</sup> Ulrich is not after an explanation of freedom as such, because this would not address his worry about determination and explanation of actions. One can explain human freedom by claiming, for example, that God made us free. One can be committed to this, just as one can be committed to the existence of transcendental freedom, without having thereby answered Ulrich’s question about the ground of free actions in the contrastive sense of reason Ulrich demands.

Ulrich asks for a contrastive account of the causality of freedom or, as he also calls it, causality of reason. He asks why, for any action *a*, the faculty of beginning a state from itself determines appearances through its causality in one way rather than another. Kant, he states, has no answer to this question (EFN, 31). Once we leave behind the thought that the phenomenal character of the action is all there is, we also leave behind the possibility of adducing facts from the circumstances of the action to explain its occurrence contrastively. The idea of transcendental freedom is there to ensure that actions are not predetermined and that agents have the possibility of choosing which action to perform. Hence it is the ground for the exercise of practical freedom or freedom of choice. At the same time, transcendental freedom undermines the very idea of choice between alternatives and therefore the possibility of explaining agential causality contrastively because it is “the persisting [*beharrliche*] condition of all free [*willkürlich*] actions” (EFN, 29). All free actions have the same explanation, they are all products of the same causality. Therefore, for transcendently free exercises of the practical freedom of choice, there is no determining fact that can explain why an agent performed one action rather than another. Hence, Ulrich concludes:

Overall I do not see how the question can be avoided: why is this power used with respect to some actions and not others? Either something is present in one instance that contains the ground for its use and in another instance the ground for its omission, or not. In the first case, we have necessity, in the other chance [*Zufall*]. (EFN, 34)

Under pressure from the contrastive PSR, Kant's position is revealed to be reducible to indeterminism or chance.<sup>12</sup> If Ulrich's criticism is sound, then the doctrine of transcendental freedom fails on three counts: it cannot satisfy a reasonable request for contrastive explanation, it does not reconcile freedom with natural necessity, and it cannot show how the moral ought determines actions. So, on the basis of the last two points, the doctrine is damaging for both Kant's transcendental philosophy and his ethics.

Ulrich's final critical move is to consider and reject a possible solution to the problem of explanation and of the ethical determination of actions. Since on Kant's account the determining ground for practical freedom is cosmological

<sup>12</sup> A clear contemporary statement of this criticism is given by Mele as follows:

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If the question why an agent exercised his agent-causal power at  $t$  in deciding to  $A$  rather than exercising it at  $t$  in any of the alternative ways he does in other possible worlds with the same past and laws of nature is, in principle, unanswerable— unanswerable because there is no fact or truth to be reported in a correct answer, not because of any limitations in those to whom the question is asked or in their audience— and his exercising it at  $t$  in so deciding has an effect on how his life goes, I count that as luck for the agent. (Mele 2006: 70)

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freedom, if a determining ground for cosmological freedom were to be identified in order to address these problems, then it would have to be located in the noumenal realm. The moral ought is a plausible candidate for such a ground since it has a non-empirical origin. So the moral ought would be the determining power of the noumenal self who in turn determines the actions attributed to the phenomenal self. To avoid the obvious problem with this solution – namely, that it only explains morally good actions – morally flawed actions must have as their ultimate determining ground a weakness in a person’s intelligible character.<sup>13</sup>

This position is noumenal determinism: it states that what determines the exercise of an agent’s causal powers is the unalterable nature of their intelligible character. Because the ground of the actions is beyond the agent’s control, the position cannot accommodate the normative aspects of ethics, which include advice, correction, direction and so on. In addition, the position has revisionist implications for the use of terms such as “wicked” or “virtuous”:<sup>14</sup> while such terms retain their evaluative meaning, such evaluations serve to identify the moral lot of different agents as their conduct manifests the moral valence of the noumenal necessities they fall under. From the perspective of ethics then, noumenal determinism is hardly preferable to chance.

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<sup>13</sup> Ulrich believes that his account, premised on the continuity between ethical and natural necessity, helps explain both why an agent acts the way she does and how some actions show law-likeness while others do not (*EFN*, 39–40). Generally, he is hostile to the idea of attributing moral relevance to a supra-empirical power – which is how he reads spontaneity – not just because of the problem of determination discussed here, but also because it is unclear how such a power can be cultivated and perfected through “practice and effort” (*EFN*, 37). On how Ulrich anticipates the problem of noumenal determinism or fatalism see Gardner 2017.

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## 2.1.2 Necessity

Under “Necessity,” Ulrich sets out his views about the relation between ethics and determinism. Central to this discussion, and for Ulrich’s ethics more generally, is the concept of “ethical necessity.” Ethical necessity stands for the idea that what is morally commanded “ought to happen [*geschehen sollte*]” (*EFN*, 16). Ulrich elaborates on what he means by ethical necessity in a discussion of Kant’s “absolute or so-called categorical imperative,” which he treats as a predecessor concept, presenting Kant’s ethics very favorably and sympathetically (*EFN*, 17). Ulrich’s claiming common ground with Kant is intriguing, because ethical necessity is part of a deterministic ethics, whereas the categorical imperative is the presentation of the moral law for human agents, the distinct thought of which is the *ratio cognoscendi* of freedom (*CPrR*, 5:5). As we shall see, Ulrich’s aim is to show that Kant’s ethics can be recast in a deterministic framework without loss.

The argument hinges on the sense Ulrich gives to “ethical necessity.” As he first introduces it, the term is used to explain the importance of moral considerations in human life by reference to a distinctive ethical necessity, which Ulrich also calls, following Kant, an “absolute ought” (*EFN*, 18; see *GW*, 4:421). In support of this claim, he cites Kant’s distinction between categorical and hypothetical imperatives, arguing that categorical imperatives are not reducible to hypothetical ones (*EFN*, 17). On one interpretation of these passages, which fits with Ulrich’s appeal to Kant, what Ulrich presents here is a claim about the normative authority of moral commands. The idea, which has become dominant in the contemporary discussion of Kant’s notion of a “categorical” imperative, is

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that moral considerations – [for example](#), that something is right, or obligatory – override other kinds of considerations.<sup>14</sup> On this interpretation then, Ulrich’s claim about ethical necessity translates into a claim about the authoritative nature of ethical commands, such that an agent who is aware of them cannot fail to take them into account and accords them priority over other considerations when deliberating about what to do.

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However, this interpretation stands to mislead. Ulrich’s aim is to show that the necessity Kant claims on behalf of the moral law, as the ground of authoritative commands (e.g., in *GW*, 4:389), must be thought of as a species of natural necessity, indeed, as the “true natural necessity” (*EFN*, 17, 94–5). So Ulrich’s argument does not aim to establish the claim that essentially different types of necessity exist, but rather to provide a unified account of necessity that fits our understanding of nature. The advantage Ulrich claims for his view is that it can better serve substantive theses of Kant’s ethics, especially regarding the practical efficacy of the moral ought and the discipline demanded for moral conduct (*EFN*, 38, 48). The reason he gives is that on his account the exercise of moral agency does not depend on free will, but is rather the product of the different determining forces influencing the will (*EFN*, 51–2). Ulrich goes as far as to say that notions such as “ought” and “duty” and “legislation” mislead us insofar as they tend to obscure the unified character of moral and natural forces (*EFN*, 65).

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<sup>14</sup> The claim that moral considerations are overriding is used widely, though with slight variations in usage and emphasis, to explain the sense in which the moral imperative is “categorical” for Kant; see [Hanna 2006: 302](#); [Hill 2000: 289](#); [Wilson 2008: 373](#).

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Ethical necessity then signals the assimilation of moral imperatives to naturally determining forces in the context of a defense of deterministic causation. The position does not lead to moral determinism, because, Ulrich argues, ethical necessity is but one of the many forces that are exerted on individuals and shape their lives and therefore it is manifested in different ways and to different degrees in people's actions (*EFN*, 18, 37, 66–7). By putting ethical necessity on an equal footing with other forces, Ulrich avoids moral determinism, but makes it very hard to maintain that it is also a “true natural necessity” (*EFN*, 17, 94–5). If “true” is meant as an honorific, then the justification for awarding this honorific is unclear. Relatedly, if contextual and gradual qualifications are admitted to the notion of ethical necessity, then it is not as easy to maintain the early claim that ethical necessity is an “absolute ought.”

To better understand Ulrich's position, we need to consider his rejection of pure reason as “necessary for cognizing the categorical imperative” (*EFN*, 17). The main argument in support of this, besides his criticism of the causality of pure reason, concerns the objectivity and efficacy of ethical principles. Ulrich introduces the topic by citing Kant's distinction between subjective and objective principles of willing, adding that the moral “ought” is, strictly speaking, a “will” that holds for “every rational being” (*GW*, 4:449, cited in *EFN*, 38). He then interprets this to mean the rational pursuit of goals human beings share, such as gaining approval, attaining well-being, and pursuing various interests (*EFN*, 39, 57–9). On Ulrich's interpretation, then, moral laws express the rationally discernible principles for the perfection of human abilities displayed in the

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pursuit of these general goals. In effect, then, categorical demands are reduced to or absorbed by demands of prudence. What differentiates natural from ethical necessity is that the former is “blind or brutish” while the latter is internally accessible to rational agents as a moral “insight” (*EFN*, 16, 66). In light of this distinction, it is possible to understand the idea that ethical necessity is a “true” natural necessity, on the grounds that it is rationally perspicuous and this feature warrants the honorific “true.”

The accessibility of rational principles is not convincing as a justification for the qualitative distinction Ulrich seems to want to draw between general natural necessity and ethical necessity. This is because his defense of determinism has at its basis the idea that expectations of intelligibility regarding natural processes are justified and secured through universal determinism. So natural necessity is not blind and brutish after all; it is simply accessible through observation, rather than insight. Equally, the objectivity and efficacy of ethical principles – the rules concerning the perfection of one’s natural talents, faculties, and dispositions, which Ulrich defends in the end – do not support the claim to absoluteness he uses to introduce the notion of ethical necessity – we cultivate this talent or that faculty provided we have good reasons for doing so, not because we are under an unconditional obligation so to do.<sup>15</sup>

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<sup>15</sup> In the Schulz review Kant expressly criticizes a perfectionist position very close to Ulrich’s and more generally in the *Groundwork* (*PP*, 8:12; *GW*, 4:410). Kant’s own views contain perfection of one’s talents as a moral aim (*GW*, 4:430, 443), but the moral sense of perfection mainly refers to efforts of the will (*CPtR*, 5:127; *MM*, 6:387) rather than to what Ulrich describes, which, on Kant’s account, is still a natural perfection (*MM*, 6:382).

## 2.2 A Kantian Response: Grounds Revisited

Ulrich's key critical claim is that, despite being presented as a power of determination, transcendental freedom is no such thing and therefore reduces to chance or indeterminism. The argument supporting this conclusion relies heavily on the contrastive version of PSR, which asks for an explanation why an agent chooses *a* rather than *b*. Under conditions of transcendental freedom, such an explanation is not available. This is because the very idea of transcendental freedom precludes reference to explanatory facts (or states of affairs), or what Ulrich calls "grounds." The advantage of determinism is that facts of that sort are readily available and discoverable within the deterministic chains of causation that antecede the action. Were Kant's theory adjusted to include reference to a noumenal ground that determines actions, it would be in a position to respond to the explanatory demand, but it would no longer be a theory of freedom.

Ulrich's use of PSR supports a relation of ground to grounded that is characterized by ontological dependence — specifically, the grounded exists and is the way that it is because of the ground. The relation can be illustrated again with Leibniz's account of divine creation. That God is the ground for the actual world means the world exists because God created it and, in addition, that it is this world, rather than some other possible world, because this particular world-configuration is the best among the alternatives available to God and His creative choice is guided by what is best. This ontological picture underpins Ulrich's conception of what it takes to explain actions, in particular, that successful explanations track grounds that are not just necessary but also sufficient for the action's occurrence and specific character. I want to show that Ulrich's

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assumptions concerning ground and its function in explanation need not be accepted and, indeed, that there are good reasons for rejecting them.

An easy way to answer Ulrich's demand for contrastive explanations of free actions is by focusing on Kant's psychological account of human choice (*arbitrium*), and specifically his characterization of choice as free, yet also "affected" (*CPR*, A 534/B 562; *MM*, 6:213). "Affected" describes how agents exercise their choice – they choose on the basis of facts about what they believe, hope, fear and so on (*CPrR*, 5:100).<sup>16</sup> None of these facts, however, suffices to determine the object of choice, the end the agent is to pursue; therefore, choice is free (*MM*, 6:381, 384–5). Still, once an end is chosen, it is possible to provide contextual contrastive explanations *that* identify those facts that became determining for the choice. Explanations of that sort are what reflective agents are ordinarily able to offer in answer to the question why they chose as they did, or why they chose one course of action rather than another one that was available to them.

One reason to remain dissatisfied with this solution is that the explanation given is not complete, that is, it does not tell us why at this juncture, this set of reasons prevailed and became determining for the agent. To say that one set of reasons is granted determining power over another *by* the agent simply *re*describes the situation, leaving indeterminate the agent's exercise of their choice. Therefore, while it satisfies the contrastive explanatory demand, the account of the free and affected exercise of human choice leaves an explanatory gap.

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<sup>16</sup> The interpretation presented here relies on a more detailed discussion given in Deligiorgi 2017.

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The Kantian question is whether the demand for closing the gap is a reasonable one. The gap results from the absence of some determining factors. A complete explanation could be provided, if such determining factors are identified. Such identification could be possible only if a comprehensive account were available that tied every circumstance in which the agent acts to specific deliberative steps that link given intentional contents to determinate ends. Such an account would be possible, however, only if thoroughgoing metaphysical determinism is the case. Consequently, the demand for a complete explanation depends on a presupposition with considerable substantive metaphysical commitments, which the defender of the account of free choice may justifiably resist.

On the other hand, the psychological account of free choice simply assumes that the agent has the ability to pursue or not some option. The possession by the agent of such freedom, traditionally described as a “two-way power,” is not argued for. Such argument is needed, however, since ordinary instances of the exercise of such power, empirically ascertained through introspection, may well be illusory. In addition, from Ulrich’s perspective, appealing to freedom as a two-way power amounts to evasion, since it does not touch his argument about transcendental freedom.

The Kantian response to the points just raised is to grant them fully. A key step in Kant’s theoretical defense of transcendental freedom is his argument that the only way to block skeptical doubts about whether human beings possess freedom as a two-way power is by asserting transcendental freedom. Transcendental freedom does not designate some extra power agents possess; it

serves simply to spell out the condition that is needed to secure the possession of the two-way power of freedom, whether the power is exercised or not. The condition for the possession of the two-way power of freedom, which defines free choice, the freedom to do or to refrain from doing, is absence of necessitation by antecedent causes. The claim that absence from necessitation by antecedent causes is a condition for the possession of free choice can be viewed and assessed in a number of ways. As a statement of a conceptual dependence relation, it is obvious and therefore uninterestingly true: if antecedent causes determine what the agent does, then the agent does not possess a two-way power of freedom and so cannot be said to possess free choice. Taken now as a statement relating to empirically accessible facts, it is again true though again relatively uninteresting, because it is vague about what matters most in judging particular cases, namely what counts as “antecedent necessitation,” [for example](#), whether social pressure is to be treated on a par with manipulation or brainwashing and so on. The claim gains significance only when asserted as a transcendental thesis of what is *metaphysically* necessary, but not sufficient, for free choice.

One missing element from the interpretation of transcendental freedom just given is spontaneity, which is also the feature that Ulrich considers most problematic. The assumption underpinning Ulrich’s criticism is that Kant uses spontaneity to designate the grounds of free action. Spontaneity would then do service as generic *explanans* for transcendently free actions, that is, actions that are not caused by antecedently necessitating causes. This assumption is

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erroneous. At the very least, paying attention to Kant's argumentative strategy allows us to discard it without loss.

Kant's strategy is shaped by his perception of the failure of traditional metaphysical arguments aiming to prove (or disprove) freedom and by his meta-ethical commitments. On the interpretation of transcendental freedom given here, Kant asserts, as a transcendental thesis, what is a metaphysically necessary condition for the possession of psychological freedom, or freedom as a two-way power. The assertion of the transcendental thesis about freedom marks the conclusion of Kant's carefully hedged metaphysical investigations into the topic. In light of this methodological consideration, "spontaneity" cannot attach to a metaphysically substantive thesis. In any case, as Ulrich observes, "the idea of a spontaneity, which could start to act from itself," is obscure (*CPR*, A 533/B 561). If we consider it in a practical rather than a theoretical context, however, we can get a better sense of this claim. To act is to pursue some end. End-setting, as we saw, is the task of choice. The theoretical condition for free choice is given with the idea of transcendental freedom. Spontaneity is the same idea presented in a way that serves a forward-looking perspective, the practical perspective of an agent choosing ends. The shift in directionality allows the argument to focus on the ends that are the object of free choice. This change of focus is essential for the Kantian response to Ulrich's question about determination of free actions. To clarify, once the demand for complete explanations is shown to be resistible, all that is needed is to show that and how free end-setting is compatible with determination. This can be shown for actions that aim to realize rationally demanded ends, that is, ends that are in accordance with the moral law. The

determining ground of such actions is a law of pure reason, or an “ought” that expresses a “connection with grounds which does not occur anywhere else in the whole of nature” (*CPR*, A 547/B 575). Because the moral “ought” expresses a kind of determination that is only possible for beings who are not fully bound by natural causality, moral agency is also a transcendently free agency. Therefore, moral actions represent a class of actions that are free transcendently by virtue of being free morally, that is, by virtue of their determination and so they are both free and have an identifiable ground for their determination.<sup>17</sup>

### 2.3 Conclusion: Ethical Necessity?

As we saw, one motivation for Ulrich’s naturalization of ethical necessity is to establish its objectivity and efficacy. As a result, Ulrich is forced to revise the claims to absoluteness he originally attaches to the moral “ought.” Kant’s position is exactly the reverse: “[a] principle of duty,” Kant claims, “is a principle that reason prescribes to him absolutely and so objectively (how he *ought* to act)” (*MM*, 6:225). The objectivity that reason guarantees is of a different order to the objectivity of the laws of nature. The question now is whether Ulrich’s suspicion of the pure rational provenance of moral commands is justified, that is, whether the objectivity of reason is plausible and plausibly efficacious within the world of appearances that is explicable by reference to natural laws.

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<sup>17</sup> It is important for Kant that we are not mere passive recipients of the ought, mere copyists of the moral law. Kant writes that the agent *knows* the constraint of her free choice “through the categorical nature of its pronouncement (the unconditional ought),” adding that human beings are “rational natural beings, who are unholy enough that pleasure can induce them to break the moral law even though they recognize its authority” (*MM*, 6:379).

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Quite simply stated, the objectivity Kant defends for moral principles is unconditional validity. To solve the efficacy problem, a way must be found for that sort of objectivity to apply to practical attitudes of rational agents. Kant and Ulrich agree that rational agents can apply rules to their conduct and direct their practical attitudes in accordance with such rules. Where they differ is in their accounts of how an objective principle can be adopted as a subjective rule of conduct. Ulrich uses the notion of ethical necessity for that purpose. Ethical necessity is objective and efficacious because it is natural: it describes a connection between rational agents and ethical rules that parallels the connection between massive bodies and the law of gravity. Kant, by contrast, uses the notion of ethical necessitation. Ethical necessitation stands for the fact that the objective principle makes an action necessary for agents whose will is contingently determined by that principle. The conceptual point about necessitation can be easily conveyed by reference to the phenomenology of duty and of obligation. To do one's duty, or to see something as obligation, carries the sense of having to constrain one's practical attitudes in accordance with what is presented as dutiful or obligatory.

My aim here is not to offer a comparative assessment of Ulrich's and Kant's arguments, but rather to identify an important difference in their respective approaches to the issue of objectivity and of efficacy.

Ulrich treats both as topics in metaphysics. What the notion of necessitation shows is that they can be fruitfully treated as topics in moral epistemology and moral psychology, that is, by showing how agents have access to objective principles and how they can act on principle. The proximity of

metaphysics to moral psychology and epistemology illustrates how theoretical and practical philosophy can play a mutually supportive role in Kant's system. This is advantageous when it opens up new ways of looking at a problem, such as the problems of efficacy and objectivity. It can also be a disadvantage. The argument about freedom examined previously shows the limitations of a purely theoretical treatment of the topic, which at best shows transcendental freedom to be a condition for other types of freedom, freedom of choice and moral freedom. The reality of transcendental freedom can be known practically, that is, in the exercise of one's moral agency. But, as Ulrich rightly saw, making sense of such exercises of moral agency depends on showing how unconditional commands can feature in rational deliberation and inform choice of context-bound natural beings. Though flawed, Ulrich's account of ethical necessity is valuable for drawing attention to these important aspects of Kant's theory of freedom.