

Hekmat va Falsafeh (Wisdom and Philosophy)

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In the Name of God

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Tel: (+98 21) 22081887 **Fax:** (+98 21) 22064621
Email: hekmatvafalsafeh@gmail.com

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Kant's Four Notions of Freedom

Martin Francisco Fricke *

Abstract

Four different notions of freedom can be distinguished in Kant's philosophy: logical freedom, practical freedom, transcendental freedom and freedom of choice ("Willkür"). The most important of these is transcendental freedom. Kant's arguments for its existence depend on the claim that, necessarily, the categorical imperative is the highest principle of reason. My paper examines how this claim can be made plausible.

Key Words: Freedom, Categorical Imperative; Moral Law; Practical Reason; Fact of Reason; Acting under the Idea of Freedom; Principle of Action, Motivation.

1. Logical Freedom

The first notion of freedom we can find in Kant's texts is the freedom of theoretical reason. We might call it theoretical freedom or "logical freedom" ('logische Freiheit'), a term Kant uses in *Reflexion* 5442.¹ A subject is logically free if she can make judgments according to rational principles. She is not logically free if her judgments are directed by "alien", irrational influences. A simple example is this: A subject who judges that strawberries are red because she has dreamed that they are

* Postdoctoral Research Fellow, Autonomous University of the State of Morelos (UAEM), Cuernavaca, Mexico, martin_fricke@yahoo.co.uk, mfricke@filosoficas.unam.mx

red cannot normally count as a subject capable of making judgments about the colour of strawberries. Such a subject is not logically free in her attempts at making judgments about the colour of strawberries because her judgments are determined by factors which cannot be backed up by rational principles. Logical freedom requires that the subject be capable of judging according to principles that can be recognised as rational. Logical freedom does not imply that the subject cannot go wrong. Judgments based on rational principles are not infallible. But they are free from irrationality. So logical freedom has two aspects: (1) an absence of "alien", irrational determination; and (2) a capability to judge according to rational principles.²

How does Kant argue for the claim that we are logically free? In the *Groundwork* he makes the following remark:

[...] one cannot possibly think of a reason that would consciously receive direction from any other quarter with respect to its judgments, since the subject would then attribute the determination of his judgment not to his reason but to an impulse. Reason must regard itself as the author of its principles independently of alien influences; [...] (1997, p. 54/ 1912, Vol. IV, p. 448)

Kant's argument seems to be this: If I were to find out that one of my judgments is not based on rational principles but the result of an "alien" determination, then I would retract that judgment. For example, if I were to find out that it is only because I have taken some sort of drug that I judge that strawberries are red, then I would no longer claim that strawberries are red. I might instead judge that it *seems* to me as though strawberries are red but that this is only due to the fact that I am under the influence of some drug. For me to make a judgment about what is objectively the case I must not regard myself as subject to any "alien influences". In this context, although with regard to actions rather than mere judgments, Kant uses the phrase "under the idea of freedom". We might describe the conclusion thus: for me to make a judgment about what is objectively the case I must judge "under the idea of (logical) freedom".

What exactly does this argument show? It seems that it does *not* show that we are logically free. At best, it shows that we must *regard* ourselves as logically free in our judgments. However, the fact that we must regard ourselves as logically free when judging does not show that we *are*

logically free when judging. It might be that such an idea is a necessary illusion that we must be under in order to judge anything. Kant himself notes this very clearly. He says:

[...] we could not even prove the latter [the idea of freedom] as something real in ourselves and in human nature; we saw only that we must presuppose it if we want to think of a being as rational [...]. (1997, p. 54/ 1912, Vol. IV, p. 449)

So judging "under the idea of logical freedom" just means judging with a certain presupposition. Kant's argument does not show that we must be logically free in order to judge.

Has Kant even shown that we must necessarily *believe* that we are logically free in order to judge? It seems to me that he has not. What he shows is that we must *not believe* that we are determined by "alien" influences when we judge. Such a belief would lead us to retract and suspend our judgment. But the claim that we must *not believe* that we are determined by "alien influences" is not equivalent to the claim that we must *believe* that we are not so determined. Not believing that *p* is not the same as believing that not *p*. Kant's argument probably does show that a certain belief must not be present when we judge.³ But it seems that it cannot show that the belief that we are logically free must be present when we judge. So it seems that judging "under the idea of logical freedom" amounts to no more than judging "without believing that we are determined by 'alien' influences".

2. Practical Freedom

The second Kantian notion of freedom that I shall examine is the notion of "practical freedom". "Practical freedom" is a more general term in Kant's work than "transcendental freedom". Transcendentally free actions are also practically free, but the reverse does not always hold. Practical freedom consists in the ability to act according to imperatives, which might be hypothetical or categorical. A sensuous being might act in immediate response to sense stimulation. For example, it feels hunger and so it eats. However, if the sensuous being is practically free it can act independently of such immediate sense stimulation. It can instead reason about the different impulses, desires etc. that it has now and that it will have in the future and can organise their satisfaction according to its own principles. These principles are what Kant calls imperatives. Examples

are "If you do not want to starve during the winter, you have to store some food during the summer", "Treat him friendly, if you want him to cook for you", or "If you stand still, the dog might not bite you". Many animals cannot act according to such imperatives. They are subject to their reflexes and cannot modify and organise them with the help of deliberation.⁴ According to Kant, we are practically free, because we do not automatically have to eat when we are hungry, run away when we are frightened, or copulate when we see an attractive mate. We can suppress immediate impulses if deliberation convinces us that to do something else is more pleasant in the long run. Thereby we can determine our life *as a whole* and are, to a certain extent (i.e. "comparatively"), free from the impulses of nature. We can, to a certain extent, leave the order of nature behind us and create a new order of things which is the result of our practical deliberation. As Kant puts it:

A will is purely *animal* (*arbitrium brutum*), which cannot be determined save through sensuous impulses, that is, *pathologically*. A will which can be determined independently of sensuous impulses, and therefore through motives which are represented only by reason, is entitled *freewill* [freie Willkür] (*arbitrium liberum*), and everything which is bound up with this will, whether as ground or as consequence, is entitled *practical*. [...] the human will is not determined by that alone which stimulates, that is, immediately affects the senses; we have the power to overcome the impressions on our faculty of sensuous desire, by calling up representations of what, in a more indirect manner, is useful or injurious. But these considerations, as to what is desirable in respect of our whole state, that is, as to what is good and useful, are based on reason. Reason therefore provides laws which are imperatives, that is, *objective laws of freedom*, which tell us *what ought to happen* - although perhaps it never does happen - therein differing from *laws of nature*, which relate only to *that which happens*. These laws are therefore to be entitled practical laws. (Kant, 1956, A 802/ B 830)

In the *Critique of Pure Reason*, Kant asserts that "[the fact of] practical freedom can be proved through experience" (Kant, 1956, A 802/ B 830). It is seems that he has in mind that we know through experience that not all stimuli that could move us to actions necessarily do so. We know that we were hungry at a certain time, that some food was available and that, nevertheless, we did not eat the food at the time because we

reasoned that some other action was more important. Again, we see that there are two aspects in this notion of freedom: (1) an absence of compulsion through sensuous impulses; and (2) a capability to act according to rational deliberation.

Some interesting questions can be asked about Kant's conception of practical freedom. Suppose a dog is hungry but does not eat the food in front of him because some other, bigger dog is threatening him. Do we have to regard the smaller dog as practically free because he does not act on an immediate sensuous impulse? This does not seem appropriate; could not the dog's behaviour be better explained by saying that of two immediate impulses to act one was stronger than the other? It seems inappropriate to say that the dog refrains from eating (or trying to eat) the food because he performs a rational deliberation during the course of which he considers an imperative such as "If I do not eat now I will feel better in the long run because I will not be attacked by the bigger dog". The interesting question, at this point, is this: what exactly distinguishes the situation where one immediate impulse is simply *stronger* than a second one from the situation where action on one immediate impulse is rejected in favour of action on a second immediate impulse, but *as a result of rational deliberation*? Only the second situation is one where the agent enjoys practical freedom in Kant's sense.

3. Transcendental Freedom

The third notion of freedom in Kant's texts is the most important one: transcendental freedom. A being is transcendently free if and only if its actions can be motivated by the categorical imperative as highest principle of action. To explain this notion it is best to contrast it with a case of mere practical freedom, which is lacking the transcendental dimension. As I mentioned above, a being might be practically free without being transcendently free. If this is the case then it can only determine its actions according to hypothetical imperatives, which specify the means for the satisfaction of a given desire. It does not have to eat when it is hungry and food is present; but it can refrain from doing so only if it recognises such an action to be helpful for the satisfaction of some other, stronger desire (such as the desire not to starve in winter). A being that is merely practically, but not transcendently free cannot distance itself from all its contingently given desires and act according to an imperative that demands something categorically, that is, independently of the existence of any specific desire. Such a being is

dependent in the motivation of its actions on the existence of contingent desires. Its reason serves only to specify means for the efficient satisfaction of these desires. It is unable to judge about the desires themselves. According to Kant, such a being could, by accident, have morally bad desires. In this case it would not be able to recognise that its desires are bad, because it is not able to evaluate its own desires according to an independent standard. As Kant says in the *Religionschrift*:

The most rational mortal being in the world might still stand in need of certain incentives, originating in objects of desire, to determine his choice [Willkür]. He might, indeed, bestow the most rational reflection on all that concerns not only the greatest sum of these incentives in him but also the means of attaining the end thereby determined, without ever suspecting the possibility of such a thing as the absolutely imperative moral law which proclaims that it is itself an incentive, and, indeed, the highest. (Kant, 1960, p. 21)

According to Kant, we are no such beings. Rather, we know that, independently of all means/end relations to our existing desires, there are things which we should do and things which we should not do, that is, we know a categorical imperative. This imperative does not specify the means for the satisfaction of any given desire. It specifies, independently of such means/end relations to given desires, what should be done and what should not. Thereby it specifies, according to Kant, what is morally good and bad. If a being can act according to the categorical imperative, its action is not dependent on being considered a means for the satisfaction of some contingent desire. Even if no such desire drives the being to perform a certain action, it can nevertheless perform it should this be required by the categorical imperative. Knowledge of this imperative is in itself an incentive or motive for actions of this being and it is not necessary that it have, in addition to its knowledge of the categorical imperative, some prior incentive to perform these actions. This is why Kant says that in such beings "pure reason is practical of itself alone" (Kant, 1967, p. 120). According to Kant, we are transcendently free because we are endowed with such pure practical reason. That is, we can realise that an action is morally good or bad even if we do not have any contingent desire that demands it for its satisfaction or forbids it because it hinders its satisfaction. And we can perform a morally good action even if it does not satisfy any given desire (or future desire) and can refrain from performing it even if it is

demanded by all our given desires. We are transcendently free because we are free to judge the validity of all our desires; we do not have to do this on the basis of some other given desires; and we can act accordingly. Thereby we free ourselves from the order of natural incentives and enter the moral order of ends, a privilege of transcendently free beings. Again, we can see two elements in this notion of freedom: (1) an absence of compulsion through contingently given desires; (2) a capability to motivate one's actions according to a categorical imperative.

How does Kant justify the claim that we are transcendently free? In the *Grundwork*, Kant seems to derive the reality of transcendental freedom from some kind of analogy with the reality of theoretical or logical freedom, as I have described it above. The relevant passage has already been partly quoted:

[...] one cannot possibly think of a reason that would consciously receive direction from any other quarter with respect to its judgments, since the subject would then attribute the determination of his judgment not to his reason but to an impulse. Reason must regard itself as the author of its principles independently of alien influences; consequently, as practical reason or as the will of a rational being it must be regarded of itself as free, that is, the will of such a being cannot be a will of his own except under the idea of freedom, and such a will must in a practical respect thus be attributed to every rational being. (Kant, 1997, p. 54/1912, p. 448)⁵

How are we to understand this argument? Above I interpreted the first part of the passage as follows: I cannot judge "Strawberries are red" and, at the same time, think that my judgment is the result of some irrational influence, such as colour-tinted glasses or some drug that I have taken. Kant seems to be saying that, analogously, I cannot rationally decide to do X while at the same time thinking that my decision will be dependent on some "alien", i.e. irrational influence. Is such a claim defensible? Suppose an employee has some quarrel with his superiors. She is annoyed and wants to resign from her position. However, she knows that her anger tends to lead to irrational decisions. So she decides not to go through with her angry intention and to wait until the next day in the hope of making a more clear-headed, rational decision then. It seems that the more someone is convinced that her decision is under the influence of irrational factors the clearer it is that, if she makes the decision, she accepts the possibility of an irrational outcome. This

probably makes the decision itself irrational. Making a decision while accepting that its outcome might well be irrational means making an irrational decision. So a decision can only be rational if the decider does not think that it comes about under some irrational influence. A decision that comes about under some irrational influence is not a transcendently free decision. So Kant's claim that rational beings have to act "under the idea of freedom" seems correct in the sense that a decision can only be rational if the decider does not think that she is not transcendently free.

The same two problems arise as I put forward above in connection with Kant's argument for the reality of logical freedom: First, as Kant recognises, the argument does not show that we *are* transcendently free. At best, it shows that we have to *regard* ourselves as transcendently free or, as Kant puts it, that we have to "presuppose" such freedom. (Kant, 1997, p. 54, CE/1912, p. 448) Second, the argument does not show that we have to believe that we are transcendently free. It just shows that we must not believe that we are under "alien influences" in our decisions, that is, we must not believe that we are not free. But not believing that not p is not the same as believing that p.

A further problem is at first glance exegetical, but points to a deeper difficulty. As we have seen, in the later *Religionschrift* Kant claims that it is possible for a being to be "most rational" and yet not to be transcendently free. This would be the case if the being were not able to be motivated by the categorical imperative. Still, Kant says, such a being might be able to act; but its actions would require empirically given "incentives, originating in objects of desire, to determine [its] choice [Willkür]." (Kant, 1960, p. 21/1912, Vol. VI, p. 26) This "most rational mortal being in the world" (Kant, 1960, p. 21/1912, Vol. VI, p. 26) would be able to recognise and be motivated by hypothetical imperatives, but not categorical ones and so it would be practically, but not transcendently free. Now, in the *Grundwork*, Kant says that "all beings whatever that are rational and endowed with a will" (Kant, 1997, p. 53/1912, Vol. IV, p. 448) are transcendently free. It seems that in order to reconcile both statements we would have to deny that the "most rational being" of the *Religionschrift* has a will. However, this seems to create two further problems: First, can a being have practical freedom without having a will? Second, what is a will? It seems that now we have to include in our definition of the will the claim that it is transcendently free. But if this were our definition of the will, Kant's arguments to the effect that rational beings endowed with a will are transcendently free would be

superfluous.

The deeper problem that this exegetical difficulty points to is that Kant's argument, as I have reconstructed it, does not show that we have to regard ourselves as transcendently free in our actions. All the argument shows is that in order to make a rational decision we must not regard ourselves as under the influence of irrational influences. Perhaps this is the same as not regarding ourselves as not transcendently free. But this is compatible with not regarding ourselves as transcendently free. We might put the point as follows: Kant says that we can only act under the idea of (transcendental) freedom. But I have argued that this is not true if acting under the idea of (transcendental) freedom means acting with the belief that we are (transcendently) free. A rational being might simply act without having any opinion about whether or not it is (transcendently) free. What Kant's argument, as I have reconstructed it, establishes is that we cannot act under the idea of not being (transcendently) free. But this claim is compatible with the possibility of a being that acts without having any idea about whether or not it is (transcendently) free.

In the third section of the *Grundwork*, where he presents the examined arguments for the reality of the idea of (transcendental) freedom, Kant's overall aim is to explain, "on what grounds the moral law is binding" (Kant, 1997, p. 55). The first steps in his argument are to show that all rational beings endowed with a will have to act under the idea of (transcendental) freedom and then to argue that this presupposition is at the same time "consciousness of a law for acting;" (Kant, 1997, p. 54) namely of the categorical imperative or moral law. Now, if what I have argued is correct, we can reconcile these arguments of the *Grundwork* with Kant's claim in the *Religionschrift* to the effect that a rational being with practical freedom might nevertheless not be transcendently free. Perhaps acting under the idea of (transcendental) freedom implies, as Kant says, consciousness of the moral law. But as we have seen, Kant does not succeed in showing that all rational beings endowed with a will must act under the idea of (transcendental) freedom. Rather, they must *not* act under the idea of *not* being (transcendently) free. But, as we have seen, this is compatible with acting without having any idea about whether or not one is (transcendently) free. If we take the "most rational moral being" of the *Religionschrift* as such a being, that is, as a being that does not act under the idea of (transcendental) freedom nor under the idea of *not* being (transcendently) free, then we can understand that this being might not be conscious of the moral law and

yet have a will. It is not conscious of the moral law because it does not act under the idea of (transcendental) freedom. Yet it can be rational and have a will because it does not act under the idea of not being (transcendently) free either.

It is probably because Kant recognised some of the problems in the arguments of the *Grundwork* that, in the *Critique of Practical Reason*, he adopted a different strategy of arguing for the reality of the idea of transcendental freedom. In the *Second Critique*, he claims that we should begin with the fact that, in our deliberations, we are conscious of the categorical imperative as a self-sufficient motive for action. This basic fact in itself requires that we be transcendently free, because only a transcendently free being can be motivated by the moral law, independently of any other desires that it might have:

[...] freedom and an unconditional practical law reciprocally imply each other. Now [...] I only ask, whence *begins* our *knowledge* of the unconditionally practical, whether it is from freedom or from the practical law? Now it cannot begin from freedom, for of this we cannot be immediately conscious, since the first concept of it is negative; nor can we infer it from experience, for experience gives us the knowledge only of the law of phenomena, and hence of the mechanism of nature, the direct opposite of freedom. It is therefore the moral law, of which we become directly [unmittelbar] conscious (as soon as we trace for ourselves maxims of the will), that *first* presents itself to us, and leads directly to the concept of freedom, inasmuch as reason presents it as a principle of determination not to be outweighed by any sensible conditions, nay, wholly independent of them. (Kant, 1967, pp. 117f/ 1912, Vol. V, pp. 29f)

Kant famously called the consciousness of the moral law a "fact of reason". It is a *fact* in so far as it is, according to Kant, a fact that we are conscious of it in deliberation. And it is a fact of *reason*, because we cannot perceive it, but nevertheless are considering it when deliberating:

We may call the consciousness of this fundamental law [the moral law] a fact of reason, because we cannot reason it out from antecedent data of reason, *eg.* the consciousness of freedom (for this is not antecedently given), but it forces itself on us as a synthetic *a priori* proposition, which is not based on any intuition, either pure or empirical. (Kant, 1976, p. 120/ 1912, Vol. V, p. 31)

Before considering the fourth notion of freedom that occurs in Kant, let me make a remark about why it is plausible to think that the categorical imperative is the supreme principle of reason and why it is plausible to think that we frequently and routinely employ it. In its basic form, the categorical imperative says that we should not adopt any principle that could not also be adopted by all others. Put this way, it seems almost obvious that the categorical imperative is a principle that guides all reasoning. Someone who adopts a principle that cannot (at least in principle, if not in practice) be adopted by all others cannot obtain universally valid conclusions through his reasoning. But, of course, universally valid conclusions, that is, conclusions that can be accepted by all others who follow the course of reasoning, are precisely what all reasoning aims at.

Onora O'Neill has pointed out that "Kant claims both of the following: 1. The practical use of reason is more fundamental than its theoretical or speculative use."⁶ 2. The Categorical Imperative is the supreme principle of practical reason" (O'Neill, 1989, p. 3). From this it follows that "3. The Categorical Imperative is the supreme principle of reason" (p. 3). She interprets Kant as proposing a constructivist account of reason according to which all claims of reason have to be vindicated and "constructed" by a plurality of reasoners who have no access to transcendent metaphysical truths or to an intrinsic or transcendent vindication of reason. In such a constructivist account of reason, the most basic principle needed for the task is a negative one: that no-one of the "constructors" may use thought, action or communication that is guided by principles that others cannot adopt; hence that no-one may adopt principles that do not conform to the categorical imperative. I do not wish to examine O'Neill's proposal in great detail here. However, it seems to me that there is an obvious truth in the claim that the categorical imperative understood in this way is a basic principle of all reasoning. No biologist, physicist, philologist or historian can do serious research if she works with principles that could not in principle be adopted by every reasoner. It seems that the categorical imperative, interpreted this way, has perhaps even more obvious validity in theoretical reason than in the practical realm. It is, in a sense, by trying to extend the rigorous standard of reason from the theoretical to the practical realm that we can see the categorical imperative as the supreme principle of practical reason.

Now, if it is true that only a transcendently free being can be consciously motivated by the categorical imperative, independently of all

other incentives, then it seems that our theoretical as much as our practical reasoning suggests that we are transcendently free.⁷ In theoretical as well as in practical deliberation, it is impossible to obtain universally valid conclusions unless one reasons on the basis of principles that every reasoner can adopt. It seems plausible that most reasoners are at some level aware of the general requirement of reasoning that its principles be acceptable to all other reasoners. The "most rational mortal being" of Kant's *Religionslehre* seems odd in not being aware of this requirement. Has it acquired all its knowledge in solitude? Has it no idea of how arguments can come to be accepted by other reasoners? If we ask what it means to say that the categorical imperative is the highest principle of practical as well as of theoretical reason, then there might be some plausibility in the claim that the reality of transcendental freedom, as Kant understands it, could be demonstrated not only by reference to practical deliberation, but also by reference to theoretical (and speculative) reasoning.

4. Freedom of Choice

The fourth notion of freedom in Kant's texts is the freedom of choice [Vermögen der Wahl]. Freedom of choice consists in the ability to choose an action from a position of indifference towards all possible ways of acting. (Kant also calls it "*libertas indifferentiae*" [Kant, 1967, p. 282/1912, Vol. VI, p. 226]). Someone who has freedom of choice can do one thing as well as another. Until she has decided, she is indifferent towards these possibilities. Her freedom of choice depends on the fact that, before the decision, there is no cause that predetermines what will happen. All options have the same likelihood of being chosen. In this situation of indifference, her freedom of choice is manifested in the ability to choose one of the different actions, which are at her indifferent disposal.⁸ Once she has chosen her action, one can say that she could as well have chosen otherwise. As in the other notions of freedom, we can distinguish two aspects in the freedom of choice: (1) an absence of any factors that could predetermine the choice; (2) a capability to choose one of the available options.

In the *Metaphysic of Morals*, Kant says that the "power of choosing to act for or against the law (*libertas indifferentiae*)" is a "*phenomenon*" which is known through experience: (1967, p. 282/1912, Vol. VI, p. 226)

[...] experience tells us that man as an *object in the sensible world* shows a power of choosing not only *according to the law* but also *in opposition to it*, [...] (Kant, 1967, p. 282/ 1912, Vol. VI, p. 226)

Kant probably discusses this phenomenon in response to a specific objection against his notion of transcendental freedom. According to this objection, Kant's theory, as expounded in the *Groundwork*, implies that transcendental freedom is incompatible with immoral action, that an immoral action could not be a transcendently free action. If this were correct, then, according to Kant's theory, no agent could be held morally responsible for her apparently immoral actions. This objection arises because, on the one hand, Kant identifies transcendental freedom with the capacity to be motivated by the categorical imperative, while implying, on the other hand, that moral failure is always the result of inclinations and impulses. We are transcendently free when we are motivated by the categorical imperative as highest principle of our actions; we are not transcendently free when our actions are determined by contingent desires and inclinations. Only actions motivated by the categorical imperative as highest principle of action are morally good actions. Now, it seems that all actions that are not motivated by the categorical imperative as highest principle – and this should include all apparently morally *bad* actions – must be actions determined by contingent desires, inclinations and impulses. If this were correct, then all actions that are not motivated by the categorical imperative as highest principle of action would be unfree actions, hence actions that we cannot be held morally responsible for.⁹

However, it seems to me that this conclusion is too quick. The definition of transcendental freedom says that a transcendently free agent is *capable* of being motivated by the categorical imperative as highest principle of action. The definition does *not* say that a transcendently free agent must *be* motivated by the categorical imperative as highest principle of action. So this definition leaves open the possibility that an agent be *capable* of being motivated by the categorical imperative as highest principle of action but nevertheless *rejects* the categorical imperative as highest principle of her actions and instead *chooses* to be motivated by some inclination or desire. In this case her action would not be determined by the inclination. It would rather be determined by her transcendently free choice. It would be immoral because this choice rejects the categorical imperative as highest principle of action. The objection, as I have put it above, claims that all action

must fall under one of the following two categories:

- (1) Actions that are motivated by the categorical imperative as highest principle of action.
- (2) Actions that are determined by contingent desires, inclinations or impulses.

My response to this claim is that it does not exhaust all categories of action that are possible in Kant's theory. Actions might *neither* be motivated by the categorical imperative as highest principle of action, *nor* be determined by contingent desire, inclination or impulse. The third possibility is that an agent freely chooses to take the satisfaction of some contingent desire as his highest principle of action. This choice might count as transcendently free if the agent was *capable* of being motivated by the categorical imperative as highest principle of action, but consciously rejected this option. So the third possible category of action in Kant's theory is this:

- (1) Actions that, as the result of a free choice, are motivated by contingent desires, inclinations or impulses as highest principle of action.

Actions that fall into category (1) are morally good, actions in category (2) morally bad, while actions in category (3) are neither morally good nor morally bad because they are not (transcendently) free actions.

It seems to me that a theory following these lines is Kant's response in the *Metaphysic of Morals* to the problem of how to account for the possibility of transcendently free, but immoral actions. It is his reason for introducing the new notion of freedom of choice [Willkür]. One difficulty with this response is the following: Why would anyone choose to reject the categorical imperative as highest principle of action if she was capable of recognising it as *the* categorical imperative and thus capable of being motivated by it? Even though such a choice may be possible, it is hard to understand why anyone would take it. Transcendently free immoral action has an unintelligible motivation in Kant's theory. Although we might recognise it as a possibility, we do not understand how it can come to exist. This is why Kant says that we only know about the existence of transcendently free immoral actions as a phenomenon in experience. We cannot make sense of its motivation, but we can observe that it exists:

[...] although experience tells us that man as an *object in the sensible world* shows a power of choosing not only *according to the law* but also *in opposition to it*, nevertheless his freedom as a *being in the intelligible world* cannot be thus *defined*, since phenomena can never enable us to comprehend any supersensible object (such as free elective will [Willkür] is). We can see also that freedom can never be placed in this, that the rational subject is able to choose in opposition to his (legislative) reason, even though experience proves often enough that this does happen (a thing, however, the possibility of which we cannot comprehend). For it is one thing to admit a fact (of experience); it is another to make it the *principle of a definition* (in the present case, of the concept of free elective will) and the universal criterion between this and *arbitrium brutum seu sensum*, since in the former case we do not assert that the mark *necessarily* belongs to the concept, which we must do in the latter case. (Kant, 1967, p. 282f)

Several interesting questions can be put forward at this point the most important of which is perhaps this: how do we distinguish in practice between immoral and unfree actions? Both are actions that satisfy certain desires, inclinations or impulses. But immoral actions are actions that were done as the result of a choice in which the categorical imperative figured as an alternative motivation for actions, while unfree actions are actions that are not based on any choice, but the “direct” outcome of desires, inclinations or impulses. However, is there any way that we can, in practice, decide which of these two is realised in a given case? If there is not, then there is also no way that we can decide whether we actually have freedom of choice and moral responsibility for bad actions as conceived of by Kant.

5. Conclusion

Two notions seem central in Kant’s theory of freedom: that of acting (or thinking, in the case of logical freedom) under the idea of freedom and that of being motivated by the categorical imperative as highest principle of action. While Kant’s theory initially, in the *Groundwork*, started with the first notion and argued from here for the reality of the second, he later, in the *Second Critique*, seems to be taking the reality of the second notion as basic and argues from it for the reality of freedom. In this paper, I have argued that if it is said that we have to act (and think) “under the idea of freedom”, this cannot be a very substantial claim. It

would be more correct to say that we cannot act under the idea of not being free. But this is not the same as saying that action requires a substantial belief to the effect that we are free. Kant’s second notion, that of being motivated by the categorical imperative as highest principle of action, seems more promising as basis of an argument for the claim that we are free. There is some plausibility in regarding the categorical imperative as the “supreme principle” of all reasoning. All reasoning seems to aim at universal validity. But this cannot be had unless it is based on principles that everyone can adopt – which is precisely what the categorical imperative demands. It does seem plausible to assume that, as rational reasoners, we have at least an implicit grasp of this demand of reason. It would seem to follow that we must be transcendently free in Kant’s sense. As we have seen, the claim that we are responsible for actions that fail to conform to this demand (morally bad actions and, in a wider sense, irrational thoughts), requires the notion of freedom of choice. We have also seen that it is a difficult task.

Endnotes

1 Dieter Henrich has introduced this term into the discussion of Kant’s theory of freedom. (Cf. Henrich, D.: Die Deduktion des Sittengesetzes. Über die Gründe der Dunkelheit des letzten Abschnittes von Kants *Grundlegung zur Metaphysik der Sitten*, in: Schwan, A. (ed.): *Danken im Schatten des Nihilismus* (Festschrift for W. Weischedel), Darmstadt 1975, pp.64ff.) My thoughts on Kant’s account of freedom are strongly influenced by an interpretation which Henrich presented in a seminar at Munich University in summer 1992. However, I do not wish to claim that my views coincide with those of Henrich.

2 John McDowell is a contemporary writer who develops a notion of theoretical or logical freedom, which has some similarity with Kant’s: “Minimally, it must be possible to decide whether or not to judge that things are as one’s experience represents them to be. How one’s experience represents things to be is not under one’s control, but it is up to one whether one accepts the appearance or rejects it” (J. McDowell: *Mind and World*, Cambridge (Mass.) and London 1994, p.11).

3 It might be necessary to qualify further: perhaps the belief that we are determined could be present (we can have incoherent sets of beliefs); but it must not, at the time, be a “conscious belief”, that is, it must not, at the time, be the case that we register in thought “I am determined in my judgment by this or that alien influence”.

- ⁴ Kant calls this "arbitrium brutum", or "pathological", as opposed to the "arbitrium liberum" which is attributed to beings with practical freedom (cf. *Critique of Pure Reason*, A 802/B 830).
- ⁵ *Groundwork*, p.54 [Academy Edition, Vol. IV, p.448]. A similar inference occurs in the last paragraph of Kant's review of Schulz's "Versuch einer Anleitung zur Sittenlehre" 1783: "But he [Schulz] has in the ground of his soul, although he did not want to admit it to himself, presupposed: that the understanding [der Verstand] has the faculty to determine its judgment according to objective reasons, which are valid at any time, and that it is not subject to the mechanism of merely subjectively determining causes. Hence, he assumed the freedom to think, without which there can be no reason. Likewise, he must presuppose freedom of the will in acting, without which there are no morals, [...]" (Academy Edition, VIII, p.14; my translation).
- ⁶ O'Neill refers to *Critique of Practical Reason*, Academy Edition, Vol. V, pp.120-122. Kant also makes this claim in *Groundwork*, p.5 [Academy Edition, Vol. IV, p.391].
- ⁷ There is a proviso: Kant suggests that we can never be absolutely sure whether our motivation is the categorical imperative or per haps some other not acknowledged antecedent desire.
- ⁸ We can see here that the freedom of choice is actually the ability to perform something like a *creatio ex nihilo*, the ability to create a difference (between the options) out of complete indifference.
- ⁹ Among others, Carl Leonhard Reinhold developed this objection against Kant's theory of freedom. He suggested that what Kant calls transcendental freedom (i.e. the ability to act according to the moral law) should rather be described as *practical reason*, which follows strict principles and is not free. According to Reinhold, real freedom should be ascribed to the *will's* ability to act according to or against what practical reason prescribes. (Cf. Reinhold, Carl L.: *Briefe über die Kantische Philosophie*, Vol. 2, Leipzig, 1792, arlen, 1703, 8th letter).

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