**Spontaneity and Contingency: Kant’s Two Models of Rational Self-Determination**

Abstract: I argue that Kant acknowledges two models of spontaneous self-determination that rational beings like us are capable of. The first model involves absolute unconditional necessity and excludes any form of contingency. The second model involves a form of contingency which entails alternative possibilities for determining oneself. Given these two models, the principle that we are exclusively determined by natural causes poses a twofold threat for human agency. In one respect (in relation to the second model), it threatens us with the obliteration of contingency, or with the universality of hypothetical necessity. But in another respect (in relation to the first model), it threatens us (and our putative “laws”) with the obliteration of absolute necessity, or with the universality of contingency.

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**Introduction**

Leibniz argued that three conditions are individually necessary and jointly sufficient for freedom: intelligence, spontaneity, and contingency. Leibniz also claimed that since human minds are mirrors of God, human freedom satisfies these three conditions just like divine freedom (although to a different degree).[[1]](#footnote-1) In this essay, I argue that for Kant intelligence and spontaneity are also necessary conditions of free agency. But in Kant, the relation between freedom and contingency differs for divine and human agency. Kant thus countenances two essentially different models of rational self-determination. The situation is further complicated by the fact that for Kant human agency does partake in the divine model, but only up to a very limited extent. If we appreciate that Kant has a twofold model of rational self-determination, we can differentiate between two very different senses in which Kant sees free agency threatened by the assumption that “all causality…[is] mere nature” (A534/B562).

My focus in this essay is on the rational self-determination that we achieve when we exercise our freedom of *will*.[[2]](#footnote-2) Thus, my argument is that in Kant’s view our freedom of will has a twofold significance (which corresponds to the two sub-capacities that Kant distinguishes as conceptually separable components of our will, namely pure practical reason and Willkür) and that such freedom is threatened by the causality of nature in a twofold manner.

**I Intelligence and Spontaneity**

At least in his ‘critical’ (1780s and 1790s) doctrine, Kant deems intelligence and spontaneity essential to freedom of will. In this section, I explain what these notions mean and why Kant requires that genuinely free agency must exemplify both these notions.

Consider first the notion of ‘intelligence,’ which is integral to the “standpoint” from which “a rational being [considers itself] as belonging to the intelligible world.”[[3]](#footnote-3) An intelligence “cannot think of the causality of its own will except under the idea of freedom.” When a rational being regards itself “as an intelligence,” it must regard itself “not from the side of its lower faculties” but from the side of its higher, empirically unconditioned faculties (4:452). Our *lower* faculties characterize us as merely passive beings; they include our capacity for receiving sense-impressions (including desires) and our empirical (reproductive) imagination. We have no active rational control over the exercise of those faculties: “The lower faculties cannot be instructed, because they are blind.” (27:244) By contrast, our higher faculties *are* capable of being instructed, because the exercise of these faculties is a free activity governed by laws that contain normative standards of correctness: an intelligence “cognize[s] laws for the employment of its powers and all of its actions.” The normative laws governing the exercise of the higher faculties are “independent of nature, are not empirical, but are founded in reason alone.” (4:452; cf. A546-547/B574-575)[[4]](#footnote-4)

 Consider next the notion of spontaneity. Kant distinguishes between a merely relative spontaneity (*spontaneitas secundum quid*) and an absolute spontaneity (*spontaneitas simpliciter talis*) (see, e.g., 5:96-101; 27:505; 28:268). The merely relative notion – which Kant associates closely with the Leibnizian position (see, e.g., 27:505) – applies when actions are based on some inner principle that is ultimately not within the agent’s control because it is implanted in (10:131; B167-168) the agent by an alien cause. Kant mockingly illustrates such relative spontaneity with artifacts such as turnspits or clocks, which, once designed and set up, operate according to inner mechanical principles. But it does not matter whether these inner principles are mechanical or psychological. We would have the mere “freedom of a turnspit” if our spontaneity was exhausted by our capacity to act on the basis of inner representational states that ultimately depend entirely on causes beyond our control (5:95-99; 27:503-504). Genuine freedom for Kant thus requires the spontaneity to act independently of the (however remote) determination by an alien cause. It requires the capacity for absolute *self-*determination: we act freely when “we are…determined by nobody, but determine ourselves and hence we possess spontaneity.” (29:902-903)

 Now, for Kant any form of agency is governed by a universal rule (9:11). Likewise, the concept of a cause and the concept of a universal law are analytically connected (B5; A539/B567; 4:446). Thus, any type of causally efficient activity that is *free* cannot be lawless either: lawless freedom is an absurdity. Since a genuinely free agent must be able to exercise her capacities without being determined by some alien cause, the law that governs the exercise of her capacities cannot be a law of nature: causal powers which are governed by laws of nature are always such that “something else determines the efficient cause to [its] causality.” (4:446) The law that governs the causality of a genuinely spontaneous agent cannot be imposed on that agent by a *super-natural* designer or ‘puppeteer’ (5:101) either. Since a genuinely free, absolutely spontaneous activity must be independent of determination by alien causes, the law that governs such activity must spring from the agent’s own rational nature: it must be a law of autonomy that the agent gives (legislates) to herself.

When Kant refers (at 4:452) to laws that an intelligence cognizes for the exercise of its higher faculties, he means precisely such laws of autonomy: self-legislated normative standards of good and bad agency. Every absolutely spontaneous agent is governed by autonomous laws that govern the proper exercise of the higher faculties which the agent possesses qua intelligence. Understood in a positive sense that designates not only the absence of determination by alien causes (this is the “negative” concept of freedom), spontaneity is the capacity to determine oneself through (laws of) reason (27:494). Having this capacity is necessary and sufficient for existing as an intelligence. Thus, for Kant the notions of an absolutely spontaneous agent and of an intelligence are co-extensive. An absolutely spontaneous agent that is a *practical* intelligence possesses the higher faculty of a free *will* whose exercise is governed by an autonomous *moral* law that determines normative standards of morally good and bad agency.

**2 Freedom and Contingency**

Thus far, I have expounded Kant’s view that intelligence and spontaneity are interconnected and necessary for free agency. But what about contingency, the third item in the Leibnizian trifecta? Here Kant’s view raises important complications. To see why, consider the following two passages. The first is from the 1783 *Prolegomena to Any Future Metaphysics*:

The idea of freedom has its place solely in the relation of the intellectual, as cause, to the appearance, as effect. We [cannot] find any concept of freedom to fit a purely intelligible being, e.g., God, insofar as his action is immanent. For his action, although independent of causes determining it from outside, nevertheless is determined in his eternal reason, hence in the divine nature. Only if something should begin through an action, hence the effect be found in the time series, and so in the sensible world…does the question arise of whether…the concept of this causality is a concept of natural necessity… [or] of freedom. (4:344)

The second passage is from the 1793 *Religion Within the Bounds of Reason Alone*:

There is no difficulty at all in uniting the concept of freedom with the idea of God, as a necessary being: because freedom does not consist in the contingency of the action (that it is not determined through reasons), i.e., not in the indeterminism (that it be equally possible for God to do good or evil, if his action is to be named free), but in the absolute spontaneity, which faces a risk only with regard to predeterminism, where the determining ground of the action is in the preceding time, indeed in such a way that now the action is no longer within my power but in the hand of nature [which] irresistibly determines me; this difficulty now vanishes since in God no time series is to be thought. (6:50)

The first passage claims that we have no concept of freedom that fits a divine being because the actions of such a being would be entirely determined from within, “in his eternal reason.” The second passage claims that it is entirely unproblematic to think of God as free because we can (indeed, must) think of divine agency as spontaneous rational self-determination. Thus, the first passage suggests while the second passage denies that contingency is essential to freedom.

 It is not plausible to suggest that Kant changed his mind between 1783 and 1793. In Collins’ notes on Kant’s lectures on moral philosophy, which are usually dated to 1784-1785, Kant already affirms that divine actions can be both absolutely necessary and free (27:267). In a series of handwritten notes that belong to roughly the same period, Kant first defines freedom (in the vein of the *Religion* passage) as the capacity to be only determined by reason (18:181) and then explains (more in the spirit of the *Prolegomena* passage) transcendental freedom as the “complete contingency of the actions” (18:183). I want to suggest that Kant is ambivalent here because he is trying to do justice to two different models of rational self-determination.

 In section I, we saw that for Kant free agency essentially involves the capacity to act in accordance with autonomous laws of rational self-governance. Given this presupposition, the absence of contingency cannot count against free or spontaneous agency *per se*. A divine being would be inevitably determined by its eternal reason to do only what is right and good, and thus it would satisfy the conditions of spontaneous, intelligent self-determination *par excellence*. Divine freedom is the highest kind of freedom because it involves a ‘moral necessity’ which arises from absolute spontaneity (28:806; 28:1068; 28:1280-1281). This is the point of the *Religion* passage.[[5]](#footnote-5)

 But now consider a type of being that, like a divine being, has the capacity to act in accordance with self-legislated objective standards of right reason but that, unlike a divine being, is also (and necessarily so) under the influence of subjective, non-rational sensible conditions. Here radical contingency is a constitutive feature of free agency:

But if reason of itself does not sufficiently determine the will, and if the will is subjugated to subjective conditions (certain incentives) which do not always agree with the objective conditions – in a word, if the will is not of itself in accord with reason (which is really the case with human beings), then the actions which are recognized as objectively necessary are subjectively contingent […]. That is, the relation of objective laws to a will which is not completely good is conceived as the determination of a rational being by principles of reason to which this will is not by its nature necessarily obedient. (4:412-413)

There is a complication here: Kant denies that contingency can enter into the definition of free agency. For Kant, a real definition must demonstrate the “objective reality” of a thing (A241-242). This requires that only positive determinations rather than mere negations be included in the definition, since “negation signifies a mere want, and, so far as it alone is thought, represents the abrogation of all thinghood.” (A575/B603) Freedom positively consists in the power to act in accordance with self-legislated rational laws. Hence, the possibility to deviate from rational laws is not a positive capacity of its own but a mere want of a capacity, a negation or “privation” that as such cannot figure in a definition of free agency (6:226-227). But nonetheless, the possibility of deviation can be a necessary component of free agency, if the agent in question is *necessarily* under the influence of conditions that entail this possibility. This is true for human agents. As rational creatures, we always have the power to determine ourselves in accordance with the normative standards of our own reason, but we are also always subject to non-rational influences that account for a pervasive tendency to violate these standards. While the possibility to deviate from standards of the (morally) right and good qua privation cannot figure in a definition of human freedom, it nevertheless attaches necessarily to our free agency as the perennial ontological ‘shadow’ of our rational power and thereby afflicts our free agency with a radical form of rational contingency.[[6]](#footnote-6)

 Now the *Prolegomena* passage does not explicitly invoke our rational imperfection as the reason why the concept of freedom that we deem suitable for ourselves does not apply to divine agency. But it does mention a closely related feature: it cites the “immanence” of God’s actions as the reason why we cannot apply our concept of freedom to such actions, and it contrasts the immanence of divine actions qua “determined by His eternal reason” with the fact that our free agency is supposed to have effects in the sensible world. That is, our free agency (insofar as it involves the will) is always directed towards some external *telos* that lies outside the free exercise of our rational capacities properly speaking: even when we have done everything that is fully within our rational control, i.e., when we have chosen the right course of actions for the right reasons, there is still a question as to whether we will succeed in performing the chosen action or in producing the intended effects (cf. 4:394). Whether we act in the way that we intend and whether we effect the changes that we intend depends upon vagaries of the empirical world such as our physical state. These vagaries are always to some extent unforeseeable and beyond our immediate rational control. (For example: I might be firmly committed, for the right reasons, to execute my promise to meet a student on campus, but when I get going, I faint and collapse.) This circumstance affects our free agency with an additional layer of contingency: beyond the fact that it is contingent (because it is up to us) whether or not we choose for the right reasons, it is also contingent (because it is not completely up to us) whether or not we succeed in realizing our chosen ends.[[7]](#footnote-7)

The fact that our rational (volitional) self-determination always refers to a *telos* outside itself is yet another consequence of the fact that we are essentially rational *creatures*: as such we lack the absolute self-sufficiency that is the privilege of a divine being, and our agency must always be directed towards some concrete end which we strive to realize in the sensible world. For Kant, the lack of immanence in our moral agency is systematically connected to our rational imperfection: both features derive from our sensible nature. The fundamental moral prescriptions that Kant classifies as narrow duties regulate our pursuit of non-moral ends, i.e., they prescribe the conditions under which we can legitimately attempt to realize certain empirical states of affairs that appeal to us given our non-moral, sensible needs and desires. Narrow duties set limits to our tendency to prioritize our non-moral ends (chiefly, our wish to be happy) over the moral value of dignity or personality (including our own personality). But even when morality positively commands us to pursue certain ends, these ends depend on our constitution as imperfectly rational creatures. The moral directive to promote the highest good takes into account our need to combine our moral vocation with our sensible desire for happiness. Regarding the more mundane external moral ends that we pursue under the heading of our wide or imperfect duties (e.g. the end to promote the happiness of others or to cultivate our talents), Kant holds that if we were not subject to sensible incentives that attract us to the pursuit of immoral ends, we would not need the countervailing influence of the external (“material”) moral ends that are prescribed by our imperfect moral duties:

For, since the sensuous incentives incite towards ends (as the matter of the faculty of choice) which may be contrary to duty, the law-giving reason can fend off their influence in no other way than, again, through an opposing moral end […]. (6:380-381)

Conversely, the immanent actions of a self-sufficient being need not be directed towards ends or effects that lie outside the internal sphere of its rational self-constitution.[[8]](#footnote-8)

 For Kant, we only have a highly abstract, indeterminate notion of absolutely self-sufficient, perfectly rational agency. Concepts that are essential to the structure of human (or more generally finitely rational) agency, such as “imperative”, “incentive,” “interest,” or “maxim,” are all inapplicable to a divine being (5:79). We can ascribe a will to God only symbolically, by means of analogy, because our literal conception of a will is tied to our awareness of limitations, such as the dependency of our contentment on external objects that (partly) explains why we strive to realize these objects; if we abstract away from those limitations, the very concept of will is also eliminated (28:780-782; 798). Kant also faces difficult questions about whether our concepts of causality or action are really suitable for the representation of a divine being – questions that may ultimately push Kant to the admission that we have only a non-literal, analogical or symbolic way of representing a divine being as an agent or as a cause (see 5:464-465; 482-485).[[9]](#footnote-9) Hence, we might take the *Prolegomena* passage to mean that we cannot find a *determinate* concept of freedom that is suitable for a divine being. We do have a very abstract, even minimally positive way of representing a perfectly rational being as free, namely, through a notion that designates only God’s absolutely necessary conformity with self-legislated standards of right reason. But the kind of free causality that we recognize in ourselves, from our lived deliberative perspective, is of a vastly different kind. Our free agency is governed by autonomous norms of right reason, and it is always a matter of absolutely spontaneous self-determination, which accounts for some continuity with divine freedom. But as creatures who are affected with sensible needs and desires, we are constantly attracted to choosing on behalf of our sensible as opposed to our rational nature (on behalf of happiness as opposed to morality); moreover, our free agency always involves a relation to external ends that we can realize only if empirical conditions beyond our immediate control happen to cooperate. Thus, our free agency unlike divine freedom involves two (connected) layers of contingency.

**III Two Types of Human Freedom**

However, there is a further complication, which again can be uncovered by considering two conflicting sets of passages. In the *Critique of Pure Reason*, Kant refers to “the actions through which [reason] prescribes laws,” which must be considered free in a practical sense (A803/B831). Through these actions, reason “yield[s] us laws that are pure and determined completely a priori […] which are prescribed to us not in an empirically conditioned but in an absolute manner” – moral laws as “products of pure reason.” (A800/B828) In its prescriptive activity, reason “frames for itself with absolute spontaneity an order of its own according to ideas […] according to which it declares actions to be necessary....” (A548/B576)

By contrast, consider this famous passage from the 1797 *Metaphysics of Morals*:

From the will spring laws, from the Willkür spring maxims. The latter is in human beings a free Willkür; the will, which concerns nothing other than merely the law cannot be called either free or unfree, because it is concerned not with actions but immediately with the legislation for the maxims of actions […] and which is therefore absolutely necessary and capable of no necessitation. Hence only the Willkür can be called free. (6:226)

Thus, in the first *Critique* Kant says that moral laws are products of the free, absolutely spontaneous prescriptive activity of reason, whereas in the *Metaphysics of Morals* he denies that the concept of free action can be applied to the will or practical reason as a law-giving faculty.

 There is room to doubt that the second passage expresses Kant’s considered view. In his notes leading towards the *Metaphysics of Morals* (*Vorarbeiten*), we find Kant wavering, at one point (23:248) denying and at another point (23:383) affirming that the legislative will is free in the negative sense that denotes the absence of determination by foreign causes. Moreover, if he did unequivocally deny the possibility that we can speak of a free act of practical legislation, this might have dire consequences for his overall account.[[10]](#footnote-10) One casualty would (arguably) be the ‘fact of reason’ doctrine of the second *Critique*. For in this doctrine, Kant argues that the moral law is given by a legislative deed of reason, a *Tathandlung* that is independent of determination by foreign causes such as empirical conditions or divine imposition; this seems to imply that the act of prescriptive judgment that provides the relevant law must be a free action. Accordingly, in the *Groundwork* Kant says that the freedom of reason consists in not “receiving a bias from any other quarter with respect to its judgments,” and consequently in the fact that reason can “regard itself as the author of its principles independent of foreign influences.” (4:448)

 Therefore, I hesitate to accept the *Metaphysics of Morals* passage as expressing Kant’s considered view. But I think there is a way of making good sense of the spirit, if not the letter, of what Kant says in this passage. I believe that Kant’s ambivalence concerning the idea that the legislative act of practical reason may be called a ‘free action’ is quite closely related to his ambivalence concerning the idea that a divine being may be called a ‘free cause’. In both cases, his denial is driven by the recognition that our ordinary notion of free agency indeed does not fully *suit* these cases: neither divine agency nor practical legislation instantiate quite the same type of freedom that we attribute to ourselves in the deliberative acts of choice that serve as the paradigm for our ‘experience’ of freedom. Practical legislation, like divine agency, is an entirely “immanent” action: it is not directed towards some further course of action or the pursuit of some external end. Rather, practical legislation is complete in itself, driven solely by its own inner logic, to the representation of what is the practically necessary or objectively good course of action: it “concerns nothing other than merely the law” (6:226) itself. Moreover, this inner logic is as irresistible and inevitably determining for our practical thought as the force of rationality is without exception for *all* divine agency. We cannot struggle against the rational activity that imposes practical laws upon our will, i.e. we cannot choose not to be governed by such laws: even immoral choices are informed by a however dim or twisted awareness of the supreme rational authority that the moral law has over our will. The moral law is recognized as an apodictically certain, indubitable factof reason (5:29-31, 47; 6:225), and hence we cannot refuse to recognize that morality has a rational claim on us even when we are inclined to transgress its commands: the moral law “forces itself upon us” (5:31) “whatever inclination may say to the contrary” (5:32); the voice of reason here is “irrepressible.” (5:35) In acts of practical self-legislation, we are inevitably determined by reason.

 Of course, the inevitable determination by reason ends for finite agents like us with the mere consciousness of what would be the (morally) right and good thing to do; for us the determination by reason does not automatically lead towards acting in accordance with this consciousness. We need to be rationally *necessitated* to actually choose what is right and good. The concept of rational ‘necessitation’ tracks the determining force of reason in relation to internal constraints or hindrances that inveigh against reason. The presence of such hindrances crucially affects our acts of free choice, but it does *not* affect the act of legislation itself. Hence the notion of necessitation is inapplicable here: “the legislation for the maxims of actions […] is […] absolutely necessary and capable of no necessitation” (6:226). And this is precisely why it may seem odd to speak of ‘free action’ with regard to the legislative deed of practical reason. This immanent, rationally inevitable deed does not fit the model of freedom that we are most intimately familiar with when we deliberate about which external ends we ought to pursue.

Thus, Kant’s claim (at 6:226) that the concept of freedom applies only to our *Willkür* should be understood as pointing out that the legislative activity of our will or practical reason cannot be regarded as free in that precise sense which is most familiar to us from our ordinary deliberative standpoint, and which is also central to Kant when he defines “preliminary concepts for the Metaphysics of Morals.” Here Kant seeks to delineate a concept of free action or “deed” that suits our notion of moral and legal accountability. The acts or deeds for which we consider ourselves (and others) responsible are those that are subject to our Willkür (6:223). The act of legislative reason that provides us with a consciousness of the moral law is a necessary *precondition* for our moral and legal accountability, but it is our choices and our intentional observable (physical) actions, rather than the act of practical legislation itself, that call for praise, blame or punishment.

 Kant’s conception of practical legislation entails that we partake in the divine model of free agency, albeit only to a strictly limited extent. A divine being has no separate faculty of *Willkür* for the choice of maxims. It is determined by reason with absolutely necessity all the way through, and capable of no necessitation whatsoever. In our case, the legislative will as practical reason does determine us, or better: we rationally *determine ourselves* to the absolutely necessary legislative deed that yields the moral law, but this is where the inevitably determining influence of reason ends and the need for a necessitating influence by reason begins. Our execution of the normative standards which we represent in the idea of the moral law hinges on our exercise of a separate volitional capacity, the capacity for choice or Willkür, which is subject to conditions that inveigh against the moral law.[[11]](#footnote-11)

 Kant has another piece of terminology for capturing this difference. In our acts of practical legislation, our will or practical reason functions as “pure reason,” as a “capacity of principles (and, here, of practical principles, indeed as a law-giving capacity)” (6:214); by contrast, in our acts of practical choice our *Willkür* is “affected, but not determined through [sensuous] incentives, and is thus in itself […] not pure but can be determined through actions from a pure will” (6:213) – namely, when we choose to determine ourselves in accordance with the pure self-legislated practical (moral) law. The legislation of practical reason is “pure” because it is *not even affected* by a countervailing influence of sensibility, whereas the choices of our Willkür are free from determination but not from affection by sensuous incentives (cf. A534/B562). This affection makes us apprehend the pure practical laws as a command, imperative or ought. [[12]](#footnote-12) Kant characterizes a divine will as entirely “pure” because a divine will is never affected by any other things. Accordingly, a divine being does not apprehend the pure rational law as an ought, it does not have a faculty of *Willkür*, and it does not have the kind of freedom that is characteristic of this faculty: a freedom that, while not *definable* as a liberty of indifference, nevertheless essentially involves an element of arbitrariness (‘willkürlich’ just means ‘arbitrary’) that it inherits from the imperfectly rational character of the sensibly affected faculty of choice to which it attaches.

**IV Two threats that nature poses to human freedom**

I have argued that Kant canvasses two distinct models of free, rational self-determination. In each model, absolute spontaneity and intelligence are necessary conditions of free agency. In the first model, the absolutely spontaneous intelligence is inevitably determined by reason to a certain act. In the second model, the absolutely spontaneous intelligence is affected by sensible conditions whose influence inveighs against reason, which makes it contingent whether or not the agent acts in accordance with right reason. A divine being would instantiate the first model in all of its actions. We partake in this divine model in our pure, sensibly unaffected act of rational legislation. We instantiate the second model in our sensibly affected free acts of choice.

 I suggest that we use the terms ‘legislative freedom’ and ‘executive freedom’ for the two kinds of freedom that we exhibit.[[13]](#footnote-13) In the case of a divine being, this distinction is superfluous as there is no conceptual space for a gap between absolutely necessary legislation of practical laws and absolutely necessary execution of the rational standards that are cognized through these laws. Since both terms designate absolutely spontaneous acts that are not determined by alien causes, both executive and legislative freedom can be regarded as species of *transcendental freedom* in the *negative sense* of that term. In my view, we can also regard both executive and legislative freedom as falling under Kant’s *positive* concept of transcendental freedom, though there is some debate about the proper extension of that concept.[[14]](#footnote-14)

 The main reason why the distinction between executive and legislative freedom strikes me as important is that it allows us to distinguish between two different threats that arise, in Kant’s view, from the supposition that “all causality…[is] mere nature.” (A534/B562) To adopt this supposition is “to make principles of possible experience conditions of the possibility of things in general.” (A781/B809) One such condition is the principle that everything is *hypothetically necessary*, i.e., that everything is the necessary result of a preceding causally efficient state which in turn results from some further preceding cause and so on and so forth, without a first or final, causally unconditioned member of the chain that would be *absolutely* rather than hypothetically necessary. Hence, the upshot of turning the principles of possible experience into absolute metaphysical conditions is this: hypothetical necessity is the only non-trivial (non-logical) form of necessity that exists; *everything* (every state and event) is the result of hypothetical necessity; *all* efficient causes operate according to the principle of hypothetical necessity (natural causality), which means that their causality is dependent upon some further cause (cf. A542/B570). Call these *naturalistic* suppositions.[[15]](#footnote-15) Under these naturalistic suppositions, both our legislative freedom and our executive freedom would be impossible, but for very different reasons.

 Naturalistic suppositions (if they were true) would rule out the possibility of our executive freedom because they would remove the absolute contingency that is characteristic of imperfectly rational agency under laws of reason. If all our causal capacities operate in accordance with the principle of natural, material or hypothetical necessity (for this terminology, see A226/B279-A230/B283), then we are always inevitably determined by some temporally preceding natural condition (or set of conditions) to exercise these capacities in one particular way, namely to perform a particular act of choice at a given temporal moment (cf. A534/B562). In this scenario, we could not be governed by laws of practical reason in the only way that is possible for imperfectly rational agents like us, namely, via categorical imperatives (*oughts*). In order to be governed by such imperatives, agents must have the option to go either way with regard to laws of reason, because they must have the power to act in accordance with right reason as well as the option to deviate from right reasons (an option that derives from our perennial shadow of rational imperfection).[[16]](#footnote-16)

 To be sure, if all our actions were exclusively governed by causes that operate according to the principle of natural causality, then our actions (as natural changes) would be contingent in a relative or empirical sense that denotes their dependency on some temporally prior causal condition (cf. A460/B488; B290-291). But this sort of contingency cannot save our self-image as free, accountable agents, for it means that the causal condition (or the set of such conditions) that renders a particular action hypothetically necessary is itself hypothetically necessary under some further causal condition, and so on and so forth until we reach a point in time where the relevant condition is no longer under our rational control. This situation is what Kant refers to as ‘predeterminism’ in the *Religion* passage cited above (6:50).

 The above suppositions would also rule out our *legislative* freedom and thereby the existence of laws of autonomy that derive from pure acts of legislation. This is because for Kant such laws purport to prescribe with unconditional rational necessity how we must act; so the legislative acts that yield such laws, i.e. the “actions through which [reason] prescribes laws” (A803/B831), must also be considered “absolutely necessary.” (6:226) Morals laws “as products of pure reason” “are prescribed to us not in an empirically conditioned but in an absolute manner” (A800/B828). This would be impossible if all our actions were exclusively subject to hypothetical necessity. In the natural order of things, there is only the empirically conditioned(hypothetical, material) necessity of actions or states relative to some temporally preceding condition (cf. A228/B280); everything in nature is empirically conditioned and therefore contingent (cf. A560/B588). Hence, if there were only the natural order of things, or (alternatively) if everything were subject to the conditions that govern the natural order of things, then *no action and no product of any action* would be absolutely or unconditionally necessary: our (purported) acts of legislation and their products, i.e. the laws that spring from these acts, would always be contingent upon empirical conditions outside of our intellectual self-control, such as our social conditioning, our gene pool, our empirical psychology, etc. Since judgments that purport to represent rational laws lay claim to a strict a priori necessity, such judgments would be invalid, mere “figments of the brain,” if they were the upshot of contingent empirical conditions. This line of reasoning is absolutely central to Kant’s thinking:

If the determining grounds were empirical and were given in an a posteriori subjective fashion, then the judgment of reason could not be regarded as a priori and thus could not be regarded as absolutely necessary. In order to judge in objectively universal, and indeed in an apodictic fashion, reason must be free from subjectively determining grounds; for if those grounds did determine [reason], then the judgment would be merely as it is contingent, i.e., according to its subjective causes. Hence, reason is conscious of its freedom in objectively necessary judgments a priori […]. (18:176)

…the understanding alone (and the will, insofar as it can be determined through the understanding) is free and pure self-activity which is determined through nothing other than itself. Without this original and immutable spontaneity, we would cognize nothing a priori; because we would be determined to everything, and our thoughts themselves would stand under empirical laws […]. (18:182-183)

The title to freedom of the will claimed by ordinary reason is based on the consciousness and the conceded presupposition of the independence of reason from merely subjectively determining causes which together constitute what belongs only to sensation and is included under the general name of sensibility. (4:457)

[Even the fatalist always presupposes that] the understanding has the capacity to determine its judgment according to objective reasons that are valid at any time, and does not stand under the mechanism of merely subjectively determining causes that may change in the meantime (8:14)

If […] a judgment […] asserts a claim to necessity, then […] it would be absurd to justify it by explaining the origin of the judgment psychologically. For […] if the attempted explanation were completely successful it would prove that the judgment could make absolutely no claim to necessity, precisely because its empirical origin can be demonstrated. (20:238)

Kant’s point here can be summarized as follows. Suppose we had to concede that our representation and acceptance of what we regard as our fundamental practical principles is the upshot of contingent, non-rational empirical conditions, such as our empirically given desires or our gene pool in conjunction with our natural environment. For Kant, the concession that we are determined in our practical thinking by contingent, non-rational, and mutable causal circumstances is incompatible with what he regards as an essential presupposition of our stance as moral agents: namely, the presupposition that our fundamental practical principles have a timeless validity which allows them to make an unconditional rational claim on all rational agents regardless of what their empirical conditions happen to be and however these conditions might change in the future. Since these principles can only exist as laws of autonomy that derive from our own rationality, the timeless validity of these principles presupposes that these principles derive from the timeless, “original and immutable spontaneity” of our practical reason, which is free from “the mechanism of subjectively determining causes”: causes that, qua empirical, are as contingent and mutable as their products or effects. In short, if all our acts of judgment were determined by contingent empirical conditions, then our rational faculties would lack the authority to prescribe with strict necessity how we must act regardless of what our empirical conditions happen to be.

 If my interpretation here is correct, then for Kant the assumption that all our actions are exclusively subject to natural causality raises two conceptually different worries for human freedom. Only the first of these worries hinges on the fact that our executive freedom involves metaphysical contingency or alternative possibilities. Our actions can be governed by categorical imperatives, and we can be morally praise- and blameworthy for our actions, only if we can go either way with regard to such imperatives; for Kant this would be impossible if all our actions were the inevitable result of (i.e. were exclusively determined by) an indefinitely extending chain of natural causes. But with respect to our legislative freedom, Kant insists that we are inevitably determined by our own rationality to perform the legislative act that provides our fundamental practical consciousness of the a priori moral law. Here the problem is not that the mechanism of nature does not allow for absolute contingency, but, rather, that this mechanism *qua* constituted by merely contingent empirical conditions and hypothetical necessities does not allow for the absolute necessity and for the timeless, immutable validity that we represent in our idea of a moral law of autonomy. Thus, “if all causality [were] mere nature,” then neither the absolute contingency nor the absolute necessity that we require, respectively, for our executive human freedom and for our legislative human freedom could exist. (If *everything* were subject to natural causality, then God as a being that acts freely outside of nature and time would of course also be impossible.)

 I want to end with two clarifications. First, although I have presented these worries as pertaining to the supposition that ‘all causality is mere nature’, we have already seen (in section I) that nothing hinges on the supposition that all our actions are determined by an alien *natural* causality. Of course, if we assume that our actions are determined by the super-natural causality of a divine being, then there is no problem concerning the freedom of *that being*. The divine being in this scenario has the absolute freedom to act in accordance with the unconditionally necessary laws of its immutable, eternal rational essence. But since the laws that determine *our* actions in this scenario are imposed on us by an alien supernatural cause, *we* lack the legislative freedom to give rational laws of autonomy to ourselves. We also lack the executive freedom to act in accordance with or against these laws: our executive choices are hypothetically necessary upon the divinity’s creative imposition of the inner principle governing our causality, and hence our choices lack absolute contingency. In this scenario, the chain of hypothetically necessary causal conditions terminates in an absolutely necessary first divine action that is not determined by some prior cause, so transcendental freedom does exist – but it does not exist in us.

 Second, the two worries that I have considered are intimately connected: the worry concerning legislative freedom is logically prior to the worry concerning executive freedom. The latter worry can arise only under the supposition that there *are* rationally necessary laws that govern our choices, laws in relation to which we have both the power of compliance and the option of deviation. Hence, the second worry about whether we possess executive freedom presupposes that the first worry, about whether we possess the legislative freedom required for practical legislation, can be resolved. Now, if the first worry about legislative freedom can be resolved, this entails that the second worry about executive freedom can be resolved as well. If we really do possess (pace the first worry) the legislative freedom to prescribe *valid* laws of reason, this entails (pace the second worry) that we also possess the executive power to satisfy these laws: a will cannot (on pain of compromising its legislative authority) legislate normative laws to itself if it lacks the power to comply with these laws.[[17]](#footnote-17) If we do possess the executive freedom to comply with laws of reason, then our option to deviate from these laws simply follows along as an ontological limitation that is parasitic on our power of rational choice. Legislative freedom thus entails executive freedom.

But as long as we keep in mind that there are these deep interconnections between the two types of human freedom and (accordingly) between the naturalistic worries that one can raise for each type, it is profitable to discuss these worries separately so as to avoid confusion about what is at stake in each case. Kant shares the contemporary sense that the issue of (pre-)determinism versus alternative possibilities is central to human executive freedom, the kind of freedom that characterizes our faculty of Willkür and that we exercise in acts of choice. This is the first of his concerns about the implications that an exclusively naturalistic world has for human freedom of will, a concern which depends on the assumption that the natural order of things is a deterministic order. But Kant also has a conceptually separate second concern about the implications of an exclusively naturalistic worldview, which pertains to the contingency of all human thought and judgment: a concern which does not hinge on the (from a modern standpoint controversial) issue of whether the contingent natural order of things is conceived as deterministic or indeterministic. This second concern arises for the kind of freedom that characterizes our faculty of will (in the narrow sense, qua pure practical reason) which we exercise in acts of legislation, when we arrive at (purportedly) a priori necessary practical judgments about what our moral duties or obligations are.

My suggestion that Kant raises two interconnected yet conceptually separate worries about the implications that a naturalistic worldview has for our freedom of will neatly corresponds to Kant’s view that the human will (in the broad sense) is constituted by two sub-capacities that are ontologically intertwined but conceptually (or functionally) separable. The free will (in the broad, inclusive sense) of imperfectly rational agents comprises both a pure legislative faculty of practical reason (which Kant calls the will in a narrow sense) and a faculty of choice. For such a free will to exist, two metaphysical conditions must be satisfied. First, there must be absolute rational necessities, namely, prescriptive ideas of pure practical reason that derive from pure acts of moral legislation which are not contingent upon rationally arbitrary empirical conditions. Second, there must be absolute contingencies, namely, causally unconditioned acts of Willkür through which we can either choose morality over happiness or choose happiness over morality. Neither absolute rational necessities nor absolute contingencies can exist in the natural order of things, in the world as it is understood by contemporary naturalists. Hence, there can be no free will (or moral agency) on a naturalistic worldview.[[18]](#footnote-18)

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1. See Adams 1994, p. 11 and Jolley 2005, p. 5. [↑](#footnote-ref-1)
2. Rational self-determination (or free, spontaneous agency) is not simply the same as the exercise of free will, because in Kant’s view we also rationally determine ourselves when we exercise our freedom of (theoretical) thought. See Kohl 2015a for a detailed analysis of Kant’s notion of doxastic freedom of thought. [↑](#footnote-ref-2)
3. For the analytic link between ‘intelligence’ and ‘intelligible’ or ‘noumenal being’, see e.g. 6:226; 28:583. For a helpful survey of how Kant uses these cognate terms, see Puls 2015, pp. 184-185. [↑](#footnote-ref-3)
4. For a detailed argument that the non-empirical laws of reason are normative laws, and that Kant’s standpoint distinction is a contrast between the empirical and the normative point of view, see Kohl 2018. [↑](#footnote-ref-4)
5. There is a complication. In the *Prolegomena* Kant says that we cannot find a concept of freedom for divine action “insofar as that action is immanent.” One might suggest that the *Prolegomena* thus allows us to regard as free the non-immanent divine act of creating the world. Indeed, in student notes on Kant’s lectures one can find the idea that God creates the world according to His freedom, in contrast to His inner actions that follow from the necessity of His inner nature (28:1298-1299; 1092-1097). However, God’s creation of the world cannot satisfy the *Prolegomena* definition according to which a free action must have a sensible effect that begins in the time series: for we cannot regard the sensible world as coming into existence at a certain temporal moment, a first beginning of the time series (cf. A427/B455ff.). Moreover, we are still left with the conflict between the claim (1) that divine freedom requires the absence of rational determination from within, and the claim (2) that divine freedom allows for such determination. The *Religion* passage provides a (to my mind) strong philosophical reason in favor of (2). If *any* divine action, including His creation of the world, were contingent, this would entail that in this action God is *not* absolutely determined by standards of right reason: in that case, the action (and its result) seems rationally arbitrary, which is incompatible with the idea of divine perfection. [↑](#footnote-ref-5)
6. I thus cannot agree with those (like Pereboom 2005) who deny that for Kant free agency requires alternative possibilities. While this is true for divine freedom, the freedom of imperfectly rational agents is essentially free agency under categorical *oughts* that represent the rational necessity (and therefore the possibility) of acting according to a rule, whose transgression always remains a possibility as well (29:1017). The very concept of an objective imperative of reason presupposes the possibility of satisfying the command as well as the opposite possibility; this is incompatible with predeterminism (29:1019). (See Kohl 2015b for a more detailed discussion of this issue.) [↑](#footnote-ref-6)
7. I discuss the significance of this point for Kant’s verdict that *ought implies can* in Kohl 2015c. [↑](#footnote-ref-7)
8. Here we must again (see footnote 5) note the complications arising from the non-immanent divine act of creation, which does seem to be directed towards an external end. Student lecture notes show Kant wrestling with this problem. The main question here is: why does God, as an absolutely self-sufficient being, create something outside of Himself (28:1060)? It seems that in order to comprehend this, we must attribute to God some kind of interest or incentive, but Kant rejects this implication as inconsistent with God’s absolute perfection and infinitude (28:780-782; 1060; 1065; 1201-1204; 1279). Kant sometimes suggests that we must attribute to God something analogous to an interest (28:1279), but it is unclear what this amounts to. Another suggestion he considers is that God’s motive for creating things outside of himself *is* his self-sufficiency, namely, the non-dependent pleasure deriving from his self-consciousness (1) as a self-sufficient ground of all possibility and (2) as possessing the power to produce the best of all possibility (28:1061-1062; 1100-1102; 1204; 1257-1277). I confess that I do not fully understand this proposal, but at least it has the virtue of nominally tying God’s external causality to His immanent, self-sufficient rational nature. [↑](#footnote-ref-8)
9. Part of the problem here is that our conceptual resources seem generally unsuited for thinking *any* intelligible being in more than an analogical fashion (cf. A566/B594). I discuss this issue in Kohl 2015d. But the problem is, I believe, especially acute with regard to God as an intelligible entity, as I argue in Kohl (forthcoming). [↑](#footnote-ref-9)
10. These consequences are overlooked by those (like Beck 1960, pp. 172, 185 and Bojanowski 2006, pp. 242-244, p. 261) who insist that practical reason has no effects apart from its power to determine Willkür (in morally good choices). [↑](#footnote-ref-10)
11. I do not wish to posit will and Willkür as *ontologically* separate faculties. Kant indicates that there is a *conceptual and a functional* difference between the two when he says: “Laws arise from the will, viewed generally as practical reason; maxims spring from Willkür.” (6:226). But this does not imply that we could have a will in isolation from a Willkür or vice versa. Here I agree with Allison (1990, pp. 130-131) and Beck (1960, p. 190), who both emphasize that will (in the narrow, legislative sense) and Willkür are two interconnected aspects of one faculty (‘will’ in a wide sense). I briefly return to this point in the conclusion. [↑](#footnote-ref-11)
12. Compare 4:457-458, where Kant also distinguishes pure (sensibly unaffected) reason that “gives” (i.e. is the source of the representation of) the moral law from the faculty that is responsible for choice, whose spontaneity is affected (but not determined or necessitated) by sensible inclination. [↑](#footnote-ref-12)
13. This distinction is not, to my knowledge, already drawn explicitly in the literature on Kant’s doctrine of freedom, though I believe that it is compatible with seminal interpretations such as Allison 1990 or Beck1960. [↑](#footnote-ref-13)
14. It is beyond dispute (accepted by e.g. Allison 1990; Beck 1960; Bojanowski 2006; Willaschek 1992) that *Willkür’s* choice of a morally *bad* maxim or action is not an act of autonomy or positive freedom. Such an act is free in the negative sense (not determined by alien causes), and it is still g*overned by* (“stands under”) the positive law of autonomy; these two points secure that the agent is accountable for the immoral choice (see Bojanowski 2006, p. 257). The dispute arises over the following issue: does the positive concept of freedom as autonomy apply (1) to the will qua legislator of laws (Beck 1960, pp. 199-200; cf. 5:33); or (2) to the will in the wide sense (as including both legislative will and Willkür; Allison 1990, p. 132); or (3) to the actual determination of Willkür by the legislative will (Bojanowski 2006, pp. 256-257)? Since (1)-(3) are so intimately connected, it seems to me reasonable to conclude that (1)-(3) can *all* be regarded as positively free. I do not see that any substantive philosophical or interpretive issue hinges on picking one of these options at the exclusion of the other two. [↑](#footnote-ref-14)
15. A label that better accords with Kant’s own usage might be ‘suppositions of dogmatic empiricism’ (cf. A466/B494; A471/B499). [↑](#footnote-ref-15)
16. In Kohl 2015b I provide for a systematic argument for this claim. [↑](#footnote-ref-16)
17. I expound this point at greater length in Kohl 2015c. [↑](#footnote-ref-17)
18. For helpful comments, I am grateful to audiences at the 2017 APA Central Division Symposium on Spontaneity and Rationality, and at the 2017 conference on the Concept of Will in Classical German Philosophy (LMU Munich). [↑](#footnote-ref-18)