

Kant's Critical Thoughts on *Freedom* from a Contemporary Perspective

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To what extent are these thoughts of practical philosophical significance for us?

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Preface

I wish to thank Professor Deryck Beyleveld and Dr. Micha Werner for supervising me while I was writing this thesis. I think their comments were very instructive; and besides that they gave me a clue why I had to limit my bigger ambitions while writing this thesis. Special thanks to Professor Beyleveld for his editing of the text. As you will see, my English is not that good; but it would have been worse if he had not edited my thesis. Also I wish to thank Professor Marcus Düwell for the efforts he made in creating the intellectual conditions in which I am now. Further, I like to thank Professor Albert Visser for reading and commenting this thesis in a period where at least I wished that I could have gone out and enjoy the sun etc. Further Hanna deserves a big compliment for not getting desperate in periods where my mind was overloaded with the conceptual structures I reflect on in this thesis.

Introduction

This thesis is neither one in the history of philosophy nor one in theoretical philosophy. This implies that the conclusion of this thesis will not be presented, and therefore should not be understood, as a claim about the history of philosophy or as a philosophical thesis about essentially theoretical matters. The main purpose of this thesis is to present a conclusion which presents a basically philosophical, i.e., systematic, idea about practical phenomena. This is something that the reader should constantly bear in mind, while reading this thesis; because the thesis deals with historical philosophy (namely the philosophy of Immanuel Kant) in relation to a theoretical philosophical debate (namely a freedom vs determinism debate), in addressing a practical philosophical question.

The main aim of this thesis is to spell out how far Kant's view on 'freedom' has systematic resources that can be used to give practical philosophy a proper place in relation to the basic features of a contemporary scientific worldview. The research question that will be addressed in this thesis is basically: how far can Kant's critical thoughts on 'freedom' be used to make a practical philosophical activity in relation to an objective contemporary worldview intelligible? Of course this question should be delimited in order to make it possible to offer a plausible answer to it within the limits of a MA-thesis project. I propose *two* specifications. *Firstly* this thesis will deal with Kant's critical thoughts on 'freedom' only insofar as they are contained in what can be called (i) his 'theoretical philosophy', i.e., the *Kritik der reinen Vernunft* and the *Prolegomena zu einer jeden künftigen Metaphysik*; and (ii) his 'practical philosophy', i.e., the *Kritik der praktischen Vernunft* and the *Grundlegung zur Metaphysik der Sitten*.¹ *Secondly* an 'objective contemporary worldview' means here nothing more than a view in which one thinks about essentially everything in objective terms, i.e., in terms of characteristics of objects and (causal) relations between objects.

The research question of this thesis is then: *How far are Kant's critical thoughts on 'freedom' in his theoretical and practical philosophy relevant for the justification of a practical philosophical activity if one considers the plausibility of an objective contemporary worldview?* This question will be divided into two research topics that will be addressed in the

¹ I ignore *Die Metaphysik der Sitten* and *Die Religion innerhalb der Grenzen der blossen Vernunft*, because I cannot read these books within the time available for this thesis.

two chapters of this thesis. The *first* chapter deals with Kant's thoughts on 'freedom' in (i) his theoretical and (ii) his practical philosophy. The *second* chapter (i) explores a contemporary freedom vs determinism debate that reacts to Frankfurt's claim that freedom as the source of responsibility has nothing to do with alternate possibilities in action, *and* (ii) explicates, on the basis of what is achieved in the first chapter, what Kant's reaction *towards* this debate might have been.

In answering the research question of this thesis I will use the following strategy. As said already, I will answer the research question on the basis of research on two different topics. The goal of the *first* chapter is to arrive at a more or less systematic account of 'freedom' on the basis of Kant's work. The demand that this account is to be 'systematic' amounts to the ideal that the most basic features of Kant's account of freedom must be spelled out in an explicit way together with a formulation of the essential characteristics of the framework in which Kant develops it. The purpose of the *second* chapter is to provide an overview of specific contemporary thoughts on freedom and determinism in order to facilitate the possibility of framing a Kantian reflection on these contemporary thoughts. This purpose will be achieved by an analysis of central argumentative strategies (on the basis of *Freedom and Determinism* (J.K. Campbell, M. O'Rourke, D. Shier. 2004)), and reflection on these from an essentially Kantian perspective.

Chapter 1 - Kant on Freedom

Introduction

This chapter attempts to reconstruct several important considerations of Kant on freedom in a systematic way. The systematic relevance of this reconstruction depends (within the boundaries of this thesis) solely on the resources it offers for explaining the legitimacy of practical philosophy to those who suppose that the world is causally determined. In other words, what is relevant in this reconstruction of Kant's thoughts on 'freedom' boils down to the argumentative force this position has in relation to the freedom-determinism debate. This implies that we should ideally determine how Kant's considerations on freedom relate to the question of whether we should take 'things' to be *determined* or *free*. Of course, this is a very vague aim. Nevertheless it underlines something that is important: it asks for a clarification of Kant's thoughts on freedom *in relation to* the idea that 'things' are determined. For it is, at least in his theoretical philosophy, an essential feature of Kant's philosophy that 'freedom' is defined as a *negative* form of causal determination, which mean (roughly) that freedom is a form of causality that does not depend on previously determined causes. From this it follows that any plausible reconstruction of Kant's theoretical thoughts on freedom hinges essentially on a reconstruction of his positive doctrine of *causal determination*.

So in reconstructing Kant's thoughts on freedom in his theoretical philosophy in §1, we need (i) to start with reconstructing Kant's account of 'causal determination' and to (ii) end with a characterization of the legitimate meaning of 'non-causal determination'. In §2 we need to explore the function of the notion of 'freedom' in Kant's practical philosophy, by explaining it as a crucial term in (i) action theory and (ii) in a theory about good action. I hope to conclude with a systematic summary of the notion of freedom in Kant's practical and theoretical philosophy.

§1. Kant on 'freedom' in his theoretical philosophy

This paragraph explicates important ways in which 'freedom' is embedded in Kant's theoretical philosophy. In his theoretical philosophy, freedom is understood as non-causal determination. Therefore it is first of all important to spell out the conditions under which Kant thinks that we should claim that there is causal determination; and on the basis of that determine the kind of conditions that make us conceive the possibility of non-causal determination.

§1.1 Causal determination

Kant deals with the question as to whether there is causality in a primarily reactive fashion. He wants to avoid the sceptical conclusions of Hume concerning the conceivability of causal determination. Besides that Kant also claims that a dogmatic rejection of Hume's conclusion will not do. Therefore the central task of the *Kritik der reinen Vernunft* is to explicate the conditions under which we can justifiably claim that there is causal determination. In order to provide this explication, Kant must first explicate the conditions under which causal determination is conceivable.

§1.1.1 Causal skepticism

Kant's account of causality is one that is developed to explain the conceivability of a specific *necessary connection* between two *different events*, which seems to be involved in the idea of a causal connection. Hume questioned the very possibility of causality by explaining the 'necessary' connection that we note between 'cause' and 'effect' as the result of an unjustifiable habit of the human mind. The general reason behind Hume's claim was his skepticism towards the possibility of synthetic *a priori* judgments. For Hume, synthetic judgments are always empirical and he argued that it was inconceivable that a necessary connection between ideas could be ascertained by perception.

Kant reacted to this skepticism in his *Prolegomena zu einer jeden künftigen Metaphysik*, which can be read as a systematic summary of the *Kritik der reinen Vernunft*, and in the *Kritik der reinen Vernunft*, by analyzing the conditions under which synthetic *a priori* judgments are possible.

§1.1.2 Types of Judgments

In his approach to the question whether we can conceive causal determination and under which conditions we can justify the claim that there is causal determination, Kant started to distinguish between types of judgment. The judgment that there is causal determination seem to differ in its form from the claim that a body has some extension, or the claim that a body is heavy. Kant thought he needed this distinction to explicate the kind of conditions under which we can hold that there is causal determinism.

§1.1.2.1 Analytic vs synthetic judgments

So what is needed in order to account for the possibility of causal determination? One general feature of such an account has already been mentioned; in order to explain the

possibility of a determining cause, one must explain the possibility of synthetic *a priori* judgments. Now what characterizes this form of judgment? Kant juxtaposes analytic with synthetic judgments. Buroker gives a compelling definition of what Kant seems to take as analytic judgments: ‘a judgment and its negation are both analytic if and only if one of the pair is self-contradictory or false by virtue of the definitions of words or its logical form’ (Buroker 2006, p. 30). This definition has the virtue of explaining the possibility of negative analytic judgments, which Kant unsuccessfully tries to explain in his claim that in an analytical judgment the predicate is contained in its subject (Kant 1956, p. 45/45* [A6/B10]). Synthetic judgments are those judgments that are not-analytic, which means that a pair of a synthetic judgment and its negation neither is self-contradictory or false by virtue of the definitions of words or its logical form alone.²

§1.1.2.2 *A priori-a posteriori*

Besides this contrast between analytic and synthetic judgments, Kant claims that a judgment is either *a priori* or *a posteriori*. A judgment is *a priori* if it can be justified independent of specific experiences, *a posteriori* if it can be justified only on the basis of specific experiences (Kant 1956, p.38/38* [A2/B2]).

² It is not my task to defend here the analytic/synthetic distinction; or to give a viable interpretation of this distinction in general. The main aim of this paper is to show the relevance of Kant’s reflections on determinism and freedom for a contemporary debate. Of course, Kant expresses his thoughts in terms of synthetic *a priori* judgments (as contrasted with analytic and synthetic *a posteriori* judgments). Therefore Kant’s thoughts on freedom and determinism are only relevant for contemporary debates, to the extent that what he needs from this distinction (in formulating his thoughts) can be spelled out in satisfactory way. Given the debates about ‘meaning’ from Frege, Russel, Wittgenstein, logical positivism and Quine on, however, it would be much to pretentious to make explicit what Kant needs of ‘the’ analytic/synthetic distinction (see for a short overview of this debate: Rey 2003). Therefore I will not try to defend an interpretation of this distinction in general terms. Not even in the second part of this paper where I try to make Kant’s thoughts on freedom and determinism relevant for questions that concern us here and now. I will just proceed on the assumption that what Kant needs in spelling out his thoughts is rationally acceptable, regardless of the way he defines analytic/synthetic. The challenge would then be to explicate which *concrete* parts of Kant’s thoughts on the analytic/synthetic distinction makes his *concrete* thoughts on freedom irrelevant for the present discussion about freedom and determinism. I recognize this challenge, but will not accept it in this thesis.

§1.1.2.3 Synthetic *a priori* judgments

Obvious combinations of these kinds of judgments are analytic *a priori* (logical or linguistic remarks) and synthetic *a posteriori* (empirical claims). But we must according to Kant also accept and explain the possibility of synthetic *a priori* judgments in order to account for the possibility of much of the knowledge claims we actually make. Fully spelled out this means we accept and can be, thus, asked to explicate the conditions that enable us to tell out of certain specific pairs of a judgment and its negation (i) either of which is not-self-contradictory or false by virtue of the definitions of words or its logical form alone *and* (ii) without any dependence on actual experience, which one is true and which one is false.

§1.1.3 Synthetic *a priori* judgments in relation to causality and freedom

Although Kant stresses that metaphysical judgments and mathematical judgments (both geometrical and arithmetical) are synthetic *a priori* judgments, this is not evidently relevant for the systematic reconstruction of Kant's thoughts on 'freedom'. The reason for this is that we are only asking under what conditions freedom, as non-causal determination, is possible. Therefore one need only determine the preconditions for negating causal determination, and, as is evident, these conditions can only be formulated once the conditions of causal determination are clearly expressed. Thus the question central for this paragraph is much more specific or focused than the more general question about the preconditions of the possibility of synthetic *a priori* judgments.

This general question, of course, must be dealt with; but only to the extent that the answer to this question is relevant for the reconstruction of Kant's thoughts on freedom as non-causal determination, i.e., only insofar as this answer explicates Kant's systematic thoughts on causal determination.

§1.1.3.1 Synthetic *a priori* judgments as preconditions for human cognition

Kant claimed that we need some categorization of objects that is not vulnerable to sceptical doubts, if we are going to explain and justify claims about objects. In other words a categorization that cannot be questioned in an intelligible manner. Such a categorization is, according to Kant, only conceivable in terms of synthetic *a priori* judgments. But under what conditions is such a categorization conceivable?

§1.1.3.1.1 The need for a manifold: sensibility and its pure forms

Much of Kant's thought on the possibility of synthetic *a priori* judgments, and even more on the possibility of causality, depend on his model of the human epistemic condition. Kant stresses that the proper domain of knowledge judgments is the domain of objects as they are given to us in *sensible intuition*. Objects as apprehended by the senses, however, are not apprehended on the basis of sensibility alone. Sensible intuition provides for a sensible manifold, which, as such, has a form that is needed for the possibility of an essentially non-sensible act of unification that allows us to experience objects. I will come back later to this non-sensible act that is constitutive for experience.

But what is the 'form' of our sensibility? It is that which is common to sensible intuitions as such. This form is the sole inherent 'characteristic' of the sensory manifold, and, therefore, it is only on the basis of this form that human sensibility can contribute to a process of unification this manifold. This form is the spatio-temporal character of the manifold. This implies that humans cannot make judgments involving objects unless their judgments are based on an already recognized specific spatio-temporal character. In other words, objective claims are only possible on the basis of a prior unification of the sensory manifold, on the basis of its spatio-temporal form. These forms are pure intuitions that necessarily must precede the possibility of objective experience. Reflections on these pure forms of sensibility and the conditions under which they can provide a consciousness with objective experience are, therefore, necessarily not *a posteriori* but *a priori* reflections.

Human beings only intuit via the senses, and the only possible unity that the impressions of these senses allow for must inhere necessarily in all of these sensible intuitions. In other words, objective unity must be established in terms of the *form* of sensible intuitions, these forms being space and time. Now objective judgments are, according to Kant, essentially dependant upon the conditions under which object recognition is possible in the sensible manifold. Therefore human beings can only make objective judgments insofar as they have the capacity to unite their sense impressions on the basis of the spatio-temporal form of these impressions.

§1.1.3.1.2 The need for a united manifold – understanding and its categories

Kant stresses that human experience is only conceivable as something that is consciousness of a unity in the sensible-manifold. This unity is just what makes a manifold conceivable; a unification of a manifold results in a concept that makes the manifold an object of thought. This unity must be constituted by a unifying act in which an intuited manifold is

taken as a unitary existence, i.e., as an object. The possibility of human experience is thus partly dependant upon the preconditions of a *unifying act*, but also on the possibility of *a priori* concepts, because only subsumption of spatio-temporal intuitions under these *a priori* concepts can make the intuitive manifold conceivable. This implies that Kant needs to suppose a faculty that possesses pure categories, i.e., categories that precede *and* enable the possibility of object experience. *This, however*, implies that Kant needs to make room for a faculty that delivers pure concepts, i.e., categorical concepts that can be used to unite the sensible manifold in such a way that object recognition and predication first become possible. This faculty is what Kant calls the ‘understanding’, which delivers the pure concepts that unite the sensible manifold in objects that can be experienced.

The categories of the understanding, therefore, must have, according to Kant, an *a priori* synthetic application to all objects of experience. Or better, we must presuppose that the understanding provides the categories under which our sensible intuitions are subsumed prior to any experience. What are these categorical concepts of the understanding? They are the most general characteristics of a judgment. Kant distinguishes between *quantity, quality, relation and modality*. The categories of quantity and quality form the mathematical categories, which categorize the object; whereas the categories of relation and modality form the *dynamical* categories, which categorize the existence of the object (Kant 1956, pp. 121-2 [B110]).

§1.1.3.1.3 The need for *unifying the manifold* – an *a priori* synthesizing activity?

So we need, according to Kant, to explain the possibility of an object experience in terms of *two* essentially different things that are essential to a representation: *intuitions* and *concepts*. The intuitions originate in human sensibility, but where do the concepts come from? The concepts originate in our faculty to gather sense-impressions under general concepts. Now because, unity and manifold seem to be opposites, Kant must explain how this unification of the sensible manifold under categorical concepts is possible.

Kant claims that all our representations essentially involve a judgmental *act*, because it is only this act that can account for the subsumption of the sensible manifold under a concept of the understanding into one consciousness of thought (Kant 1956, p. 188b [B167]). We can only experience objects because we *think* the multiplicity given in sense-impressions, by means of their pure forms, as unitary wholes in space-time; i.e., we *take* the manifold as some specific spatio-temporal unity. *In other words there is a theoretical spontaneity that proceeds*

and enables experience and theoretical judgment, which determines thought on an a priori basis. We conceive this spontaneity as a pure object of thought, i.e., thinking as such. Kant calls this *a priori* characterization of theoretical spontaneity, the *transcendental unity of apperception*. So the possibility of human experience can only be explained as something that depends on a unification of the sensory manifold, by means of its form alone, by an activity that subsumes it under the pure concepts of the understanding. What results from an act of unification is what we can conceive on the basis of our sense impressions. In other words, the judgmental activity, i.e., theoretical spontaneity, must unite the sensible manifold in such a manner that this manifold is conceived by the understanding. Theoretical spontaneity determines thought on the basis of spatio-temporal forms, therewith generating objects of experience. When we start reflecting on what constitutes this objective experience, we will therefore identify theoretical spontaneity as some pure unity in thinking. This pure form of theoretical spontaneity is conceived in terms of thought-determination as such, i.e., in the thought of a transcendental unity of apperception.

Now that we have a manifold that must be subsumed under the categories of the understanding, and we have a notion of something that subsumes the manifold in this way, we should still wonder how the unification itself is possible. What explains the possibility of this unification? As an important side remark, one must bear in mind that this question also demands an *a priori* answer, because it asks for the explanation of the possibility of a unification that makes object experience intelligible.³ We can only conceive the possibility of experience (and therefore of objective judgments), if we can conceive the possibility that a unification of a sensible manifold prior to all experience, i.e., an *a priori* synthetic judgment, is rationally necessary. For if we cannot make this necessity conceivable, there is ultimately no conceivable ground for the claim that we can experience objects, and hence no

³ Professor Albert Visser commented on this as follows: ‘I do not see why the explanation of something that is necessary should be *a priori*. I can imagine that the unification is really needed for there to be object experience at all, but that we cannot have access to this necessity but by experimental means’. I think that such an explanation on the basis of experimental means is open to the skeptical attacks as Hume formulated them: is necessity in the realm of the senses really conceivable? It can not be experienced as such. And any other way of explaining necessity on the basis of specific experiences (and not on the basis of features of experience in general) seems to be open for this skeptical question, Kant wants to avoid.

understanding of what is entailed in an epistemic justification of ‘objective’ claims whatsoever.⁴

Kant explains the rational necessity of these synthetic *a priori* judgments in terms of ‘rules’ or ‘laws’. Strictly these rules are invoked as the preconditions under which a unification of the sensory manifold into unities (i.e., unities that can be thought under the categories of the understanding) becomes conceivable. Therefore these rules must be explained in terms of a relation between the necessary ingredients of the sensible manifold, namely the pure forms of intuition, and of the conceptual forms that are necessary for the understanding, namely the categories.

§1.1.3.1.4 Schemata as the results of a rule-base subsumption of the manifold under the categories

From the claim that object experience is only possible if what is essential to sensible intuition (namely its spatio-temporal form) is subsumed under the pure concepts of the understanding, it follows that the preconditions for thought-determination must be explained in terms of *rules* that subsume sensible intuitions on the basis of their spatio-temporal form under the categories of the understanding. For only the fact that the act of unification is rule based in this manner makes the rational necessity of specific syntheses of the spatiotemporal manifold under categories conceivable. Thus right from the beginning, we *must* assume that all our object-experiences are subject to the rules or laws by which a spatio-temporal manifold is synthesized under the categorical concepts of the understanding.

Thus, what Kant states is that *object-experience* is only conceivable if the sensory manifold can be conceived as subsumed under the pure categories of the understanding. This

⁴ This is a rather strong claim. To understand the claim we must remember that Kant wanted to assess the skeptical challenge posed by Hume in a non-dogmatic manner. This is: he wanted to explicate the conditions under which it is rationally justified to claim that we experience objective events. So it does not really help Kant, in this setting, just to boldly assert that we experience objects. He needs to explicate the conditions under which the legitimacy of such a claim is rationally conceivable. Hume has shown, or at least that is Kant’s position, that we cannot address skeptical worries on the sole basis of specific experiences. Kant adds to this that the worry should also not be addressed by wild speculations that transcend experience. What must be done, in order to make the legitimacy of objective judgments conceivable is, according to Kant, explicate the generic conditions for reasoning about experience. And such an explication must of necessity abstract away from contingent features of experiences, and recur only to the generic features of experience and thought. And that is just another way of saying that the explication must take place *a priori*.

a priori subsumption can only be conceived in terms of rules by which a pure representation is constituted on the basis of the forms of the sensory manifold. In other words, object experience presupposes that these objects are subject to laws. To put this claim in perspective, what we are looking for are the conditions under which we can conceive the possibility of objective experience. The possibility of this kind of experience relies essentially on the possibility of synthesizing the form of our sensible intuition per se, i.e., on the synthesis of the sensory manifold by means of its spatio-temporal character, into a thought. An explanation of the possibility of objective experience depends, thus, on an articulation of the *rules* that explain how the sensible manifold is, on the basis pure forms, subject to the categories. In other words, what must be made conceivable is that the categories apply to the manifold available to humans, i.e., the sensory manifold that is essentially subjected to the forms of our sensibility, i.e., space and time. In a nutshell: Kant needs to explain how *a priori* categorization of the sensible manifold *as such*, i.e., *schemata*, are conceivable. *However, it is important to note that in none of this does Kant suppose that objective experience is possible. He does not presuppose that there are laws. What he is investigating is under what conditions object experience is conceivable if it is possible.*

These schemata should, as said, be conceived in terms of rules by which the categories and the sensory manifold are united on an *a priori* basis. Kant claims that a rule must be seen as a connection between an *a priori* unity (which is characteristic of the categories) and *time* (which is the *a priori* form in which *all* manifolds are given). The rules that apply the categories to the sensory manifold thus must have the form of a *transcendental time determination* (Kant 1956, p.197 [A138/B177]). In other words, the subsumption of the sensory manifold under the categories can only be based on an *a priori* rule that synthesizes *against the background* of a unitary time. According to this demand an explanation of the possibility of object experience must consist in an articulation a rule for every possible form of pure synthesis. More concretely, a schema of rules must be formulated that connects the categories of quantity, quality, relation and modality with the pure form of all sensible intuition, i.e., time. Kant claims ‘[d]ie Schemata sind daher nichts als Zeitbestimmungen *a priori* nach Regeln, und diese gehen nach der Ordnung der Kategorien, auf die Zeitreihe, den Zeitinhalt, die Zeitordnung, endlich den Zeitinbegriff in Ansehung aller möglichen Gegenstände’ (Kant 1956, pp. 202-3 [A145/B184-5]).

§1.1.3.2 Causality as the relevant rule for this thesis

The focus of this thesis is not so much on explicating the conditions for the possibility of object experience *per se*, but only on these preconditions insofar as ‘freedom’, in its essentially negative characterization, is explained in terms of it. Therefore it makes, within the limits of this thesis, little sense to reconstruct and argue for *all* the schemata that Kant deals with. What is important however is the schema of ‘Zeitordnung’, which is thought as the schema that brings the sensible manifold under the category of *modality*. The reason that this schema is interesting is that it depends on the rule of causal determination. It is, for the purposes of this thesis, important to explicate this schema of ‘Zeitordnung’ further, because it is in the interconnection with the one of the other two rules of ‘Zeitordnung’, namely ‘Substanz’ that the rule of causality is articulated. Buroker explains that ‘[e]ach relational category corresponds to a particular mode of time. Kant correlates substance with duration or persistence, cause-effect with succession, and causal interaction with simultaneity’ (Buroker 2006, p. 166).

§1.1.3.2.1 Substance as a rule that is supposed in the rule of causality

In order to clarify Kant’s notion of ‘causality’ it is necessary to explore his notion of ‘substance’. Kant stresses that time is the underlying, but unperceivable form of all appearances, (unperceivable because (i) it is homogeneous and (ii) the sensible manifold does not tell us on its own anything about its position in time). But, insofar as we hold that we experience objective events, we hold that we perceive successive and simultaneous existing states in time. To explain that is to explain how something in the appearances enables a representation of successive and simultaneous states; i.e., facilitates a representation of states in time. This is what Kant calls ‘substance’. In other words: everything, insofar as it is given in time, must be thought as a determination of substance (Buroker 2006, p. 169). So substance is in general simply the identity given in appearances that enables the recognition of successive *and* simultaneous states. What this amounts to is unclear, but Kant implies that only the acceptance of this *rule*, that there is something that persists in all appearances, renders it possible to perceive successively and simultaneously existing states of affairs.

§1.1.3.2.2 Causality as the rule for experiencing necessarily related different states

But what is it that enables the experience of succession? In other words, what makes the experience of *events* possible? An ‘event’ is understood by Kant as a change in state of a substance. The experience of an *event* presupposes conceiving changing states of substance,

and differs fundamentally from ‘a merely subjective succession of apprehensions’. In other words, the human mind distinguishes correctly between successive apprehensions which are successive only on the basis of subjective determinations, and between successive apprehensions which do not have a solely subjective origin. If I look down and see my garden, then look up and see the sky, I recognize that the succession of these apprehensions originates within me. (I could have looked up first, and that alone would have changed the succession of apprehensions). On the other hand, the falling of raindrops out of the sky is an event that I recognize as a change of state that has an objective origin. The experience of a change of state depends on the representation of two different states *in* objective time. Their position in time is not given in the apprehension of the successive states one by one, for again: (i) time cannot be perceived; (ii) the sensory manifold comes to the human mind in the absence of objective time determination, and as was already claimed above (iii) the order in which the different states are apprehended *per se* reveals nothing about the way in which they are located objectively in time. Thus, in order to explain the possibility of objective event-experience, one must accept not only a substance underlying the change of state that constitutes an event, but *also a rule that guarantees the irreversibility of a connection between the changed states of substances*. Events can only be experienced if they are regarded as *effects* that have their specific cause in time. Thus, if one is to explain the experience of objective events, one must make use of the concepts of cause and effect (Buroker 2006, 175-8).

§1.1.3.3 Causality as a rule of *a priori* synthesis of a sensible manifold – room for the thought of non-causality

This latter account of causality is interwoven in a relatively fundamental exploration of the preconditions for objective experience. We have seen that Kant identifies causality as the rule by which alone a synthesis of the sensory manifold results in the experience of an irreversible ordering of states of a substance in objective time can be explained. More generally, causality is the rule by which a specific ordering of different states of a substance is necessitated, i.e., constituted by a necessary synthesis in time. This necessary synthesis provides the thinking subject with a conception of an event, i.e., an objective change of state.

In order to determine the status of causality in Kant’s theoretical philosophy, one must of course remember why Kant needed the schemata in the first place. And one needs to ascertain this status because one is looking for the possible role of ‘freedom’, negatively defined, as non-causal determination, in Kant’s theoretical philosophy. Now the role of these

schemata is to make *a priori* subsumption of the sensible manifold under the categorical concepts of the understanding conceivable. For this subsumption must be presupposed if one is going to explain the possibility of experience, as Kant does, as a unity of concept and sensible intuition. An object representation, i.e., thought-determination results from our judgmental activity, i.e., our theoretical spontaneity.

A theoretical judgment is already a synthesis of the sensory manifold, i.e., a thought-determination. The judgmental activity applies the rule of causality in order to unite the manifold in a specific manner, namely one that is a conception of an event. Therefore we must assume that events, insofar as they are known in experience, are subjected to the rule of causality. This however does not imply that all events are subjected to the rule of causality.

§1.2 Non-causal determination

So causality is *a rule* that can legitimately be appealed to because it is the only rule that makes experience of objective events conceivable.⁵ This makes one wonder under what conditions this rule does not apply. What is essential to Kant's rule of causality is its *function to regulate a specific synthesis of the manifold*. Therefore it is at least clear that causality cannot legitimately be ascribed to some event that is *not* a complete synthesis of the sensible manifold. For one can only understand some event *x* as causally determined if the possibility of the experience of that *x* strictly depends on *x*'s subjection to the rule of causality. And it is exactly this thought that facilitates the legitimacy of what Kant calls *the idea of transcendental freedom*.

§1.2.1 Reason as a 'regulative' faculty vs understanding and sensibility as epistemic faculties

What must be clear is that Kant cannot in the setting of his *Kritik der reinen Vernunft* argue that there actually *is* freedom. He cannot do so because he is examining the

⁵ One could wonder if this is all there is to causality. Normally we tend to take causal laws as rules that really hold between events. In a sense Kant would not contradict that. But it is relevant to note that Kant is only able to make causal laws conceivable as rules that underlie specific types of *a priori* subsumption (i.e., subsumption of the sensory manifold under the categories of the understanding). It is only by presupposing the application of this rule that we can conceive the possibility of legitimate judgments about objective events. Kant is, in his theoretical philosophy, not willing to make any metaphysical claim that can not ultimately be derived from the generic features of theoretical reasoning. This implies that the rule of causality is for Kant primarily a rule guiding an *a priori* subsumption that results in the experience of objective events; and by virtue of that *really* holds between objective events. This is, I think, as real as causal laws can get in a Kantian theoretical framework.

preconditions for conceiving the possibility of object experience. A specific kind of object-experience is objective event experience, and such a change of state, can only be conceived as one that has objective necessity, and hence must fall under the law of causality. In other words, the caused event must be regarded as the necessary result of some distinct event in time. Therefore, it would be absurd to state in this explication of the preconditions of the possibility of object experience that we can experience free objective events. Now, because the sensible intuitions are only accessible to the human mind under the categorical concepts, the idea of a non-causally determined free event cannot be given in experience, i.e., does not have its origin in experience.

However Kant admits that we can legitimately *think* freedom, i.e., a non-causal determination of spatio-temporal events. This claim is established by Kant in his dealings with a systematic illusion of our human minds. An illusion like this arises if the categories are used to make objective claims about things that are not given in a synthesis of spatio-temporal intuitions, but are ideal unities. According to Kant, reason strives for these ideal unities. Specifically, reason tries to ground our objective judgments in three basic unities: the unity of the subject of experience, i.e., the self (the subject of transcendental psychology); the unity of things as they are given in thought, i.e., the world (the subject of transcendental cosmology); and the unity of things as they are in themselves, i.e., God (the subject of transcendental theology). There is nothing wrong with these strivings of reason, as long as the objects of these strivings are conceived as mere ideals of reason.

§1.2.2 Antinomies

The idea of freedom is one that originates on the basis of the application of the categories to the ideal unities of reason, more specifically, to reasons striving for *cosmological unity*. A wrong application of these categories results in a collection of *antinomies* of pure reason. An antinomy is always a couple of assertions which contradict each other once the ideal unity that they judge about is taken to be a proper object of theoretical judgment. The conjunction of the thesis and the anti-thesis of an antinomy is only a proper contradiction *if* an ‘ideal unity’ *is a proper object of theoretical judgment*, and this is not a claim Kant is prepared to make. Such a unity is only an ideal of reason; i.e., must steer our reasoning about objective experience. Because this ideal is only properly conceived in its regulative function with respect to reasoning about objective judgments, and cannot be regarded as an object known in experience. This implies that these ideal unities are not the proper object of theoretical judgment.

§1.2.2.1 Third antinomy

For the purposes of this thesis the third antinomy is relevant. The antinomy is formulated as a pair of claims about the unity that reason tries to establish between the objects of thought, as if this unity is an object that falls under the category of relation, and more specifically, the rule of causality. The *thesis* of the claim is presented as ‘Die Kausalität nach Gesetzen der Natur ist nicht die einzige, aus welcher die Erscheinungen der Welt insgesamt abgeleitet werden können. Es ist noch eine Kausalität durch Freiheit zu Erklärung derselben anzunehmen notwendig.’ (Kant 1956, p. 462 [A444/B472]); the *antithesis* states ‘Es ist keine Freiheit, sondern alles in der Welt geschieht lediglich nach Gesetzen der Natur.’ (Kant 1956, p.462* [A445/B473]).

§1.2.2.2 Solving the third antinomy

It is not necessary to explore the argumentation that underlies these claims, because, in principle, neither of these claims can be preferred on a theoretical level to the other. There are two reasons for this. The *first* is that both thesis as well as antithesis makes a claim that transcends the domain of objective synthesis. The thesis tries to make us conceive the world as something that contains events that cause other events in our world but that are themselves not given in objective experience. From the perspective of theoretical reasoning the truth of this thesis cannot be established: events are only known on the basis of experience, which implies their subjection to the rule of causality. The antithesis wants us to conceive that every event in the world is causally determined by other events. Theoretical reason is incapable of determining whether this antithesis is correct; for being able to do so requires that the world as an ideal object of reason can be given as a complete synthesis of the sensible manifold, which is of course not conceivable.

The *second* reason is that both the thesis as well as the antithesis can be thought at the same time once events in the world as an ideal unity of objects of thought, are distinguished from events in the world as it is known in experience. There is no contradiction in the conjunction of the thoughts ‘events in the world, insofar as they are known in experience, are of necessity causally determined’ and ‘events in the world, insofar as they are known, but not in experience, are not causally determined’. These thoughts can be united in one and the same thought. In fact reason's striving for unity consists partly in the reconciliation of these two thoughts into one thought. According to Kant the unification of these two thoughts is possible, because the object of experience has an *intelligible* character and an *empirical* character. Kant claims that one can only conceive the synthesis of objective events, if one already conceives

of non-spatio-temporal unity, but intelligible unity (namely: substance) that underlies this synthesis. Therefore it makes perfectly good sense that this unity freely determines an objective event (Kant 1956, pp. 527-9 [A538-40/B566-8]).

§1.2.3 Allison on freedom

Henry E. Allison (1990) deals with the notions of freedom in Kant's *Kritik der reinen Vernunft* in terms of two distinctions. The first is one that is already mentioned, namely the one between *empirical* and *intelligible* character; the second between *transcendental* and *practical* freedom. I will deal with the first distinction here and only in the second paragraph of this chapter with the latter.

§1.2.3.1 Empirical character

Something has already been said about the empirical character of objects. These remarks were general, and Allison sees the need to explore the empirical and the intelligible character of actual human beings. Human beings have an empirical character, or at least that is what Kant says. According to Allison this empirical character is an attribute of the will, and its causality is one of reason. (Allison 1990, pp.30-1). More specifically, the causality of this empirical character is one that operates at the psychological level, i.e., the action of the human is fully determined by the empirical character of reason, i.e., by the '[...] causality of reason together with other "cooperating causes."' (ibid., p. 31). Allison identifies two problems with this account of 'empirical character', of which the following one is the most pressing: How can something that is not sensible, like reason seems to be, possess an empirical character?

With regard to this question Allison argues that an empirical character can be attributed to reason only as something that is '[...] an expression or manifestation (and not simply a result) of an intelligible activity, without requiring us to assume that it yields any insight into the true nature of that activity' (ibid., p.32). Allison interprets regularities in this 'expression' of the intelligible activity in terms of a character that is ascribed to someone on the basis of his behaviour. This character can be used to predict the maxims or dispositions by which this person tends to act. These dispositions express the tendency of a human to act on specific maxims; his will is, so to say, disposed to '[...] certain maxims, to pursue certain ends, and to select certain means for the realization of these ends' (ibid., p.33).

§1.2.3.2 Intelligible character

What is remarkable, and from the purposes of his book, understandable, is that Allison focuses on the notion of intelligible character insofar as it is a necessary characteristic of beings who take themselves to be rational agents. I will come back to this later. First I will show how Allison does so; and how he sees the connection between empirical and intelligible character in Kant.

Allison draws an analogy between intelligible character and the spontaneity of the understanding (and reason) that is conceived in apperception *but cannot be experienced at all* (Allison, p. 37). The transcendental unity of apperception equals the consciousness of oneself *as* a thinking subject. This thinking subject, i.e., theoretical spontaneity, is a rationally necessary thought on the basis of which alone theoretical understanding is conceivable, because objective experience can only be conceived as the result of an undetermined activity that unites the manifold of sensible intuition under the categories of the understanding. Theoretical spontaneity consists in the act of *taking* the sensible manifold *as* some *thing* (ibid., p. 37). Reason, however, possesses an even higher form of spontaneity because it unites the thoughts that originate in the transcendental unity of apperception under the regulative ideas; ideas that originate on the basis of reason's striving for unity. Also in drawing logical inferences, reason must be conceived as a faculty that spontaneously but consciously *takes* certain premises *as* the basis from which a conclusion necessarily follows (Allison, pp. 37-8). So spontaneity must be attributed to the understanding and reason because they are conceived in thought, yet in principle cannot be intuited via the senses. More specifically, the possibility of Kant's explanation of the possibility of objective experience hinges essentially on the notion of the intelligible character of the understanding and reason, because we conceive the acts of the understanding and of reason as things that are not given in spatio-temporal intuitions; but are given as bare thoughts only (ibid., p.38).

Insofar as the human practical dimension is interpreted in terms of a capacity of rational agency, Allison claims that we must presuppose that humans are able to direct their actions on the basis of *rules*, be it pragmatic or moral rules (ibid., p.38-9). This implies that humans are taken as agents that are able to *take* a certain rule *as* the principle that should underlie their actions. In other words, human beings can recognize a normative principle as an 'ought' that should determine their action.⁶ This *ought* need not be understood as a moral one,

⁶ I want to mention that Allison refers here to our ability to act rationally; or at least to our ability to act on the basis of rational principles. This does not exclude that in acting we actually do not act on the basis of a rational

but may also be understood as pragmatic; but both 'oughts' are rational demands. The possibility of a capacity of an agent to recognize an 'ought' as a putative normative principle for action, strictly depends on the agent's ability to conceive himself as something that is not fully determined by sensible causes. This implies that the human agent must conceive himself as someone who can freely determine spatio-temporal events. For the rule which the agent recognizes as one that should determine his action can only be conceived as a pure rational prescription and not be sensed (ibid., p.39). The possibility of a capacity to recognize an imperative can only be conceived if the agent is regarded as a practical spontaneity that has the ability to determine his will on the basis of rational imperatives. And this is only possible *if one attributes an intelligible character with causal force to an agent that is able to act rationally.* (p.40-1)

But it is more important that in acting, this intelligible character of the agent provides for ought-statements that should and can have, but do not necessarily have, a determining impact on the will. The fact that rational agents must be conceived as beings who are able to regulate their own actions on the basis of rules they recognize as the principles by which a fully rational agent should act, does not, however, imply at all that human agents, who are only supposed to have *the capacity to act rationally*, are determined to act on the basis of these principles. What it implies is that human beings must conceive themselves as beings that determine their actions on the basis of rational imperatives or on some subjective principle for action.

§1.2.3.3 Connecting empirical and intelligible character

Allison now turns to the supposed difficulties that arise from ascribing two opposed character types, character types that involve different forms of causality. Both are attributed to one and the same thing, namely the human actor. Given Kant's solution of the third antinomy this will only yield a contradiction if the intelligible cause of action, i.e., the human actor, is claimed to be experienced. As Allison is happy to remark, Kant cannot and does not subscribe to this. The empirical character of an event is conceived and *experienced* on the basis of a specific causal determination in time. Therefore the ascription of a specific causal determination to a human character can only proceed on the basis of the synthesis that is

principle, i.e., does not exclude that we can act on the basis of a non-rational principle or that our action is not based on a principle at all. As I will say later on (in ch. 2 §2.) responsible agents determine their will by selecting ends on the basis of their *free choice* to determine the will on the basis of a *rational* or a *sensuous* principle.

established on the basis of the understanding and sensible intuitions, and is therefore of necessity presented as an objective judgment. This, however, implies that an empirical character is not and cannot be correctly ascribed to a human as a thing in itself, but only to a human insofar as he can be known as an empirical object. Allison is therefore right to point out that causality of an empirical character is only correctly ascribed to a human being insofar as this human being is approached as the proper object of knowledge claims (ibid., p.44). But there is at least no need for reason to approach human beings only as the proper objects of theoretical cognition. More specifically, reason provides for the thought, namely the idea of transcendental freedom, that enables us to conceive certain events, insofar as they are conceived as intelligible, as free in themselves, i.e., as spontaneous causes (ibid., p. 44).

This is not to say that reason enables us to *know* that human beings have an intelligible character that causes events by spontaneous acts. The thought is rather that reason may perfectly legitimately, i.e., without contradiction, attribute both an intelligible character which determines through freedom and an empirical character with causal determination to human beings. From a practical perspective, reason allows and demands the first attribution; but from a theoretical perspective, insofar as humans and their actions are objects of cognition, reason demands the second attribution (ibid., p. 45).

§1.3 Concluding remarks

It is worth noting that Allison deals with the issue of intelligible and empirical character in terms of practical reason. But one should not forget that the idea of transcendental freedom has in the *Kritik der reinen Vernunft* no positive characterization; only a negative one, i.e., as non-causal determination. This negative determination on its own is enough for Kant to attack every attempt to claim that there is no transcendental freedom. For all that Kant basically seems to need for formulating a solution to the third antinomy is the possibility of a distinction between representing objects of senses, and what makes this representation conceivable. More generally, the possibility of a distinction between conceiving objects that are subject to the laws of causality (i.e., are objects of the senses), and conceiving objects that are conceived in order to account for experience (i.e., are ideal objects of thought). This distinction is conceivable only if we can conceive in theoretical reasoning of objects as they are independent of the senses, and also conceive of sensible objects that are given as the result of an act of representation that constitute the objects of sense (i.e., if reason can conceive of the possibility of ideal things, which are things not subject to empirical laws, but are

nevertheless constitutive for explaining the possibility of object experience). And this is a possibility that is established in Kant's transcendental idealism.

§2. Kant on 'freedom' in his practical philosophy

In this paragraph I will explicate two important roles that 'freedom' plays in Kant's practical philosophy. I will point at the fact that Kant identified freedom as the source for imputation of moral responsibility and also as a defining characteristic of the moral law. But before I do this, I will show that there is or should have been a clear analogy between Kant's theoretical and practical philosophy: they both are built around one transcendental argumentative structure.

§2.1 Expectations based on the idea of transcendental reasoning – from theoretical to practical transcendental argumentation

It seems natural to interpret Kant's critical theoretical and practical thoughts as two different forms of one and the same transcendental argumentative structure. Benton argues that the point of transcendental argumentation in general is to establish a cognitive framework (Benton 1978, p. 225). He interprets transcendental argumentation primarily as an attempt to establish a cognitive framework, which implies that he takes it that transcendental arguments are not intended to justify, but are primarily intended to reveal the preconditions on which reasoning about certain topics, e.g., facts and will-determinations, is possible.

This is not the only way in which we can understand the function of transcendental argumentation. Illies makes a distinction between *explorational* and *retorsive* transcendental argumentation (Illies 2003, pp. 32-3, 44-9). He emphasizes that the point of the former type of argumentation is to explicate the judgments that are rationally necessary given one's commitment to a plausible but rationally contingent claim; whereas the purpose of the latter form of transcendental argumentation is to explicate the judgments that are rationally necessary given one's commitment to a rationally necessary claim.⁷

⁷ The challenge, of course, is to identify commitments that are rationally necessary. An example would be that *we must accept the validity of specific logical rules*. For any attempt to question this claim is only proper questioning if it invokes at least the principle of non-contradiction, i.e., the very *act* of questioning makes only rational sense on the presupposition of the validity of what is questioned. You can only question something by holding that the proposition that you question is not consistent with the denial of this principle. Therefore it is constitutive of your act of questioning that you not only invoke the principle of non-contradiction. Besides that you also rely on the claim, and expect the addressee of your question to draw the inference that it is rationally

Benton seems to claim that Kant's transcendental arguments must be understood essentially as explorational argumentation. If Benton is correct then the central task of transcendental argumentation would not be to justify claims about certain topics, but to reveal the preconditions of the intelligibility of these topics. For the purposes of this thesis I will not deal with the question of what Kant tries to achieve with his transcendental argumentation: for a reconstruction of Kant's critical thoughts of freedom in his theoretical and practical philosophy the most important question is how Kant invokes notions of freedom to make reasoning about practical and theoretical judgments intelligible.⁸ Therefore it makes heuristic sense to understand Kant's transcendental arguments in the way Benton proposes: what is presupposed (whether it is rationally necessary or not) is that we reason about specific topics; what must be established is under what conditions this reasoning is intelligible. Benton tries to support his reading of transcendental arguments by an analysis of the argumentation in the *Grundlegung zur Metaphysik der Sitten*: '[...] we must take the aim of the argument as being to establish a practical cognitive framework distinct from the theoretical viewpoint but referring to the same world as the theoretical viewpoint. The categorical imperative can then be justified, but only within the framework of practical cognition.' (Benton 1978, p. 226). I take Benton's thesis to be that transcendental arguments are intended to establish under what conditions reason can judge about specific conscious activities.

It is important to remember that reason's judgments are of necessity motivated by its strivings for unity. This striving for unity in the practical dimension is explicated to the agent by the norms that solely derive from the ideal unity of practical spontaneity, i.e., the pure will.

required to make logical inferences: for how could your question else be *taken* as a question. Thus it makes no rational sense to question the validity of certain logical principles. Or at least that is a way in which one can try to explicate what a rationally necessary commitment is.

⁸ This is not to say that I think that Kant does not try to justify the laws that make practical and theoretical reasoning intelligible. In fact he seems to do so in the third chapter of the *Groundwork of the Metaphysics of Morals* and the Faktum der Vernunft in *Kritik der praktischen Vernunft* seems to play this role: in reasoning we have to conceive ourselves as beings that spontaneously do things. To the extent that we regard ourselves as practical spontaneous agents, reason makes us conceive ourselves as beings that can determine or fail to determine their will rationally. Therefore an agent conceives himself as subject to statements that tell which actions are demanded given specific will-determinations (hypothetical imperatives) and given will-determination as such (categorical imperatives). That is the reason why we, as spontaneous agents, cannot rationally deny our subjection to these imperatives in acting. Imperatives are, so to say, 'facts of reason' for anyone who is spontaneously engaged in reasoning. Or at least this sounds Kantian to me.

I take it that these norms are what Kant later will call a ‘Faktum der Vernunft’. It is this norm that agents, who are capable of rationality, will conceive as the only principle that reason accepts as a valid principle on which to ground will-determinations. How reason can judge about practical spontaneity needs to be explained; that it judges about practical spontaneity is given once we start reasoning.⁹

Transcendental arguments in *theoretical* matters basically derive the preconditions under which reason can set demands for theoretical spontaneity that provides for objective representations. By analogy with this one can conceive of a derivation of the preconditions under which reason can set demands for the practical spontaneity that provides for will-determinations. On this basis the only disanalogy between these types of argumentation that can occur must originate from the differences between theoretical and practical spontaneity. At least that is the methodological assumption I will make in reconstructing Kant’s practical thoughts on freedom. Kant himself, in both his *Kritik der praktischen Vernunft* and his *Grundlegung*, did not try to make the analogy as clear as possible. However, I think that if he had done so, he would have provided us with a much more explicitly coherent practical philosophy as well as with a more compelling picture of reason per se.

§2.1.1 The function of a *critique of reason* – explicating reason’s needs

It is clear that in both the *Kritik der reinen Vernunft* and the *Kritik der praktischen Vernunft* it is *reason* that offers a *critique*. Therefore the whole transcendental project must be regarded essentially as an explication of demands of *reason*, and not primarily as some metaphysical exercise.¹⁰ The different topics of argumentation that focus the transcendental project should be seen as the different *conscious activities* on which reason reflects. For the purposes of this thesis the relevant activities are the activities that determine our *thought* and our *will*, i.e., theoretical spontaneity and practical spontaneity. In his critiques of reason Kant is spelling out the grounds that alone enable reason to evaluate thought- and will-determination. It is, therefore, important to note that reason is not equivalent to the activity that it evaluates and, more specifically, to which it sets demands. Reason reflects on these

⁹ Kant makes this claim in the setting of his practical philosophy: ‘Denn wenn sie, als reine Vernunft, wirklich praktisch ist, so beweiset sie ihre und ihrer Begriffe Realität durch die Tat, und alles Vernünfteln wider die Möglichkeit, es zu sein, ist vergeblich.’ (Kant 2003, p. 3 [3]). I will come back to this later

¹⁰ This is *not* to say that these books do not deal with metaphysical issues; neither that they do not put forward metaphysical standpoints of their own. What it means is that metaphysical claims are checked as to their *contingency, falsity* or *necessity* from the perspective of theoretical and practical reasoning.

activities, i.e., tries to unify thought and will-determinations. This unification, however, is not entirely under reason's control, because it is not primarily reason that determines thought or will, but theoretical and practical spontaneity that do so. Reason can only contribute to the unification of thought and will by subjecting practical and theoretical spontaneity to (rational) demands for unification. Reason's demands are conceived as the rules that thought and volition *can* and *must* be determined by. More simply, reason provides the criteria for *justification* in thinking and willing, i.e., it provides for epistemology and morality. The central task of transcendental argumentation is thus to explicate under what conditions a thought or a volition can be conceived as something that is rationally acceptable.

A very important corollary of this model of reason's functioning is that reason, as a reflexive activity, as such can give no standards for justification. It can provide for these standards only by reflecting on what would count as *rationally* justified, i.e., unified thought or will-determination. This means that reason provides for epistemic and moral norms by expounding what is needed in order to achieve a unity in thought and volition. The idea of reason providing for norms makes sense only to the extent that the relevant forms of spontaneity are subjected to reason's ideal, i.e., *can* be addressed by rational norms to generate unity in thought and volition. Reason can, thus, only regard a thought or will-determination as justified if its determination is based on a spontaneous choice to think or will what is rationally required, and, more explicitly, if this will or thought is determined because the relevant form or spontaneity decided to will or think on the basis of a principle that underlies pure will or thought determination. It is only by actively respecting these principles that thought and volition are subject to reason's ideals. Therefore, spontaneity that respects rational principles provides for thoughts and volitions that are rationally justified. Reason can only judge about will or thought determinations to the extent that what determined them was *capable* of determining thought on the basis of rational demands. In theoretical and practical reasoning, i.e., in reflecting on theoretical and practical spontaneity, we presuppose this capability. Consequently, we must regard thoughts and volitions to be subject to rational norms that derive from the unity reason wants to exist in thought and volition.

The capacity to determine thought and volition on the basis of rational norms does not warrant that practical and theoretical spontaneity always deliver justified thought or will-determinations. Rather we must presuppose that these forms of spontaneity by themselves do

deliver unjustified thoughts and volitions.¹¹ Therefore, what must be established, in order to account for the possibility of correct thought- and will-determination, is under what conditions these activities *can* and therefore *should* live up to reason's demands.

§2.1.2 Reason's need for unity – the role of *theoretical* and *practical* transcendental unity

According to Kant reason strives for *unity*. Unity is the basic ideal of reason. It is reason's striving for this ideal that gives rise to reason's demand-setting for theoretical and practical spontaneity. The idea of 'demand-setting' presupposes the *addressee* of demands. So reason can only evaluate thoughts and volitions if reason's demands are addressing *someone* that *can* decide (but not necessarily decides) to use these norms that derive from reason's striving for unity in the determination of thought or will. So, if reason is going to place demands on activities at all, it can only do so because these activities *can* be, but not necessarily are, directed on the basis of a specific ideal unity. Kant identifies the ideal unity that reason sets to theoretical spontaneity as the *transcendental unity of apperception* (TUA), i.e., a unified thought; and to practical spontaneity of what I like to call a *transcendental unity of volition* (TUV), i.e., the unified will.¹² The TUA is characterized as 'I think...' and its role is to provide for the characterization of a thinking activity *as such*; the TUV is characterized as 'I will...' and its role is to provide for the characterization of a willing activity *as such*. Reason can subject theoretical and practical spontaneity to norms by reflecting on their pure form. *It is important to keep in mind that both the TUA and the TUV are ideal constructs that reason needs to deliver to conscious activities, in order to make unification of these activities, be it in a specified form, possible and (on the basis of this possibility) rationally required.*

¹¹ For it is only this thought that can have motivated Kant to formulate criteria for *correct* description and prescription.

¹² George Schrader (1975) also used the expression 'transcendental unity of volition' as a designation for some form of unity that is needed in order to make a unification of will-determinations conceivable. He claimed that this *transcendental unity of volition* must play a role in Kant's practical philosophy very similar to the the role of a *transcendental unity of apperception* in Kant's theoretical philosophy. More specifically, Schrader sees this need, because he claims that only this unity can account for an inherent relation between rational and empirical incentives conceivable. He thinks this is necessary, because only such a relation can make a theory of moral motivation in an Kantian ethics plausible and coherent with anthropology. Schrader, however, does not deal with the transcendental unity of volition in the way that I will do. I am interested in its function with regard to the possibility of a rational evaluation of will-determinations; and not so much with theories of motivation or coherence with anthropology.

The role of a transcendental unity in Kant's transcendental argumentation is, so to say, to provide for the sole entrance via which reason can make its needs conceivable for a conscious activity. The TUA and the TUV are, consequently, the sole grounds on which reason can prescribe norms for theoretical and practical spontaneity. In other words, reason can judge about practical and theoretical spontaneity only if these forms of spontaneity can conceive the ideal that reason sets before them as one that provides *criteria for* justified thinking and willing. Conceiving these ideals of and the corresponding demands upon thought and will-determination is only possible if what determines thought and volition has the ability to determine thought and will while respecting the ideals that reason poses to them. The ability to respect these ideals and the corresponding demands presupposes the ability to structure all the elements of these activities, on the sole basis of the demands that reason poses by making its ideal conceivable.

§2.1.3 Reason's need for the possibility of unification of conscious activities – manifold and form

Of course, as mentioned before, reason can only place demands upon theoretical and practical spontaneity insofar as they can provide for unified thought volition. Therefore Kant must show in his *critiques* how the relevant activities are able to unify will and thought; i.e., are able to direct will and thought towards reason's ideal. Thought and volition can be determined in a way that violates reason's demands. In order to understand that determinations of thought and volitions can be right or wrong, we must presuppose that spontaneous activities are consciously determining something that is not unified. Kant identifies the origin of this something with our *sensible nature* which provides for the *manifold* that is unified in the relevant forms of spontaneity. But, of course, in subjecting this manifold to an ideal of unity it should also be presupposed, that this manifold allows for unification. Therefore what Kant needs to show, in order to give the ideal of reason some currency as an ideal for theoretical and practical spontaneity is *how* unification of a manifold is possible. Kant's answer is familiar: the manifold has a *form* on the basis of which it can be taken as a thought or will-determination. This determination on basis of the *form* of a manifold is possible on the basis of principles.

In the specific activities we are dealing with in this thesis, sensibility is held to provide for a manifold necessary for thinking via *intuitions*, for willing via *incentives*. The manifold given in intuition has the form of *time* (and *space*), which is also the form of thought (of TUA); whereas the manifold given in incentives has the form of *purposivity*, which is also the

form of volition (TUV). On the basis of the TUA reason demands theoretical spontaneity to determine thoughts in a way that is compatible with a unity in terms of spatio-temporal representation; whereas the TUV forms the basis on which reason demands practical spontaneity to determine the will in a way that is compatible with a unity in terms of purposivity.

What is spelled out thus far is the way in which we must conceive of reason's *ability* to subject conscious activities to its ideals. Reason is able to set its ideal for conscious activities if it is able to make what regulates these activities conceive of a transcendental unification of these activities by means of an ideal that it sets to these activities. Reason can only do this if it is conceived in practical and theoretical spontaneity that there is someone who is able to direct these activities on the basis of the norms that derive from a transcendental unity that it conceives as an *ideal*. And this 'directing' is only possible if a manifold originating from the senses can, on grounds of its *form*, be directed towards some *ideal transcendental unity*.

§2.1.4 Reason's need for *categories*, *subsumption* and rules for subsumption

This directing is only possible if the sensible manifold is, on the basis of its form, subsumed under the most basic categories under which thought and will get determined. Kant calls the collection of these most basic terms a table of *categories*. The relevant categories for the present study are those categories that we need in making a thought-determination *as such*, and those we need in conceiving will-determinations *as such*. Kant explicates both these tables of *categories*, and tries to explain what is needed for the subsumption of the manifold under these categories.

This subsumption can only proceed on the basis of *rules for subsumption*. The general characteristic of these laws is that they must be invoked as enabling conditions for a unification of the manifold on the basis of their form in a justified will or thought-determination. In other words: these laws must be conceived as rules that apply to any justified synthesis of a manifold *a priori*.

Note that a subsumption can be wrong. Reason is only satisfied with the subsumption that actively respects the rules that determine thought and will on the basis of the ideal TUV and TUA. For it is only that use that respects reason's need to unify conscious activities. If the person that steers practical and theoretical spontaneity decides to respect these rules, thought

and will get determined on the basis of rational principles; if not, the will gets determined on a sensible principle.

§2.1.5 Reason's need for specific *rules* guiding *a priori* subsumption – schemata, natural laws and imperatives

What are asked for are rules (see Kant, 2003. pp. 119-26) that alone make justified thinking and willing possible. Practical and theoretical rules are different, because rules for justified thought subsume spatio-temporal intuitions under the most basic categories of theoretical judgment; whereas rules for justified volitions are subsuming purposive incentives under the most basic categories of practical judgment.¹³ In unifying intuitions correctly one uses rules that are given in the very idea of *representing spatio-temporality* on the basis of the TUA, i.e., one needs to provide rules that *account for thought-determination as such*. The focus in the activity of thinking is that of spatio-temporal representation *as such* by means of categories. In unifying incentives correctly one only uses rules which are given in the very idea of *determining purposivity* on the basis of the TUV, i.e., reason needs to account for the rules that are used in *will-determination as such*. The focus in the activity of prescribing is to accommodate purposes on the basis of willing as such.

The rules or laws that are used in thought- or will-determination as such are derived *a priori*, and not from sensibility. These laws are the only principles by which theoretical and practical spontaneity can be directed towards the ideal of a transcendental unity. Reason *normatively* addresses sensuously conditioned conscious activities by means of these laws, because transcendental unities are, within these conscious activities, conceived as *ideal*. It is, therefore important, as well as analytic, to note that a rule applies *a priori* to any possible

¹³ There is a difference between these rules, although it may be good to recognize the analogy between 'Das: Ich denke, muß alle meine Vorstellungen begleiten können' (Kant 1956, p. 140b [B132]) and the categorical imperative formulated as '[...] handle nur nach derjenigen Maxime, durch die du zugleich wollen kannst, daß sie ein allgemeines Gesetz werde' (Kant 1999, p. 45 [421]). A general form that these expressions share is that they both seem to make an evaluative ('muß', 'handle') comparison by reflecting (i.e., by an activity of reason) on whether the results of specific conscious activities ('Vorstellungen'/'Maximen') are consistent with their pure form ('denke können'/'kannst wollen'). Of course the 'Ich denke' is not an imperative, but it already explicates that reason subjects the concrete 'Vorstellungen' to the ideal of pure thinking. On the basis of this explication Kant will derive the categories and ultimately the rules that *should* underlie thoughts. This seems to be, at least in its structural aspects, highly analogous to the categorical imperative. I have not thought this through yet, and I will not do this now.

justified synthesis of a manifold; because it is only if this rule is applied that reason can and will judge this unification to be correct.

The number of rules or the type of rules to which some activity is subjected depends solely on the way reason ideally unites the determinations of thought and volitions. Here it is relevant that Kant calls the rules for the activity of correct representation ‘natural laws’ and for the activity of prescribing ‘moral laws’; only a judgment based on these laws can make a justified thought or will-determination conceivable. The statement that *there are rules that should be respected by theoretical judgmental activity, namely those rules that are (partly) constitutive for a schematic representation of the sensory manifold*, can be regarded as an epistemic *imperative* that should be respected in order to achievement unified thought, i.e., knowledge. The rules that should be respected in will determination, namely the hypothetical and categorical imperative, make reason’s interest for the achievement of practical unity, i.e., the good, attainable and therewith obligatory for practical spontaneity.¹⁴

§2.1.6 Reason’s need for addressing someone with *normative* rules for subsumption – responsible persons

What must be clear is that practical and theoretical spontaneity for which reason sets rules, are subjected to these norms on the basis of *ideals*. These norms thus, of necessity, only *normatively* address the relevant forms of spontaneity. In order to understand that spontaneity is addressed by norms we must presuppose someone who is able to regulate these activities on the basis of these norms; and who is held responsible by reason to direct the activities on the basis of the rules that normatively address on the basis of the ideal of will- or thought-determination as such. And this, in turn, presupposes that rational norms can only determine thought and will-determinations insofar as this is allowed for by the *choice* of someone who has the *ability* to live up to, but does not necessarily live up to reason’s demands. This

¹⁴ In the *Kritik der reinen Vernunft* it is not immediately clear that natural laws give expression to rational norms. However it is clear that Kant presents these rules as necessary guiding principles in determining rationally justified claims about experience. This is not to say that any judgment of theoretical spontaneity is already based on these rules. Only that object experience and object representation is rationally justified if they fit the schemata, that are partly constituted by a correct application of rules for subsumption. The activity that underlies our thought-determination does not necessarily provide for objective representations, but can also provide for illusions. However, this activity must, insofar as it pretends to provide for objective thought-determinations respects the schemata.

someone, hence, need only have the capacity to determine thought or will on the basis of rules for thought- and will-determination as such.

§2.1.7 A preliminary derivation of the practical law – choice and will.

Let us focus on Kant's derivation of the practical imperatives. Kant needs to show how practical activity is *a priori* subject to laws of reason. This implies that Kant needs to show how reason subjects practical spontaneity to a law, *for the sole reason that incentives can, by virtue of their form* (i.e., their purposivity), *be synthesized and because of that be organized on the basis of the norms that derive from the conception of an ideal transcendental unity of volition*. By making an agent conceive of a pure ideal for will-determination, reason is already making that agent responsible for selecting his ends in a way consistent with this ideal. But this implies that reason makes the agent responsible to choose *reasonably*, i.e., by choosing specific ends *only because* these ends are compatible with the ideal of a transcendental unity of volition.

In making the agent responsible, reason demands that the agent choose *a rational principle* which sets purposes for the agent's will. Reason is only satisfied if this 'setting-of-ends' is done on the basis of the principle that states that taking incentives as ends must not be inconsistent with (i) ends the agent already takes as ends (hypothetical imperative) *and* (ii) with the ends that are consistent with the ideal of a transcendental unity of volition (i.e., with the categorical imperative). Reason requires agents, by means of a *hypothetical imperative*, to take *that* incentive as the purpose of their activities (means), that is necessary to reach another purpose that they already will (end). By means of a *categorical imperative* reason requires agents to take as a purpose of their will only what is compatible with willing as such (Kant 1999, pp. 36-7 [414]).

§2.2 Some preliminary remarks

The central task of this paragraph is not so much to reconstruct Kant's practical philosophy. And therefore this relaxes the need for a stable argumentation for interpreting his practical philosophy along the lines sketched above. The main task of this paragraph is to show the function of *freedom* in Kant's practical philosophy. Freedom functions in Kant's philosophy in two important ways, namely (i) as a ground on which a person is responsible for his actions and (ii) as the defining characteristic of the moral law (namely the 'law of freedom').

In the remainder of this paragraph both of these uses of freedom are explicated in relation to Kant's broader practical philosophy. More specifically, the central task will be to explicate the ways in which Kant interrelates these forms of 'freedom'.

§2.2.1 Action theory - 'freedom' as a ground for action ascription

It is a central feature of Kant's practical reflections that actions are ascribed to agents, on the basis of their practical spontaneity. Of course it is a central task of any action theory to *account* for the possibility of such an ascription. Kant locates the grounds for imputation in a sensuously conditioned practical spontaneity that generates subjective principles for action, i.e., maxims. It should come as no surprise that several commentators on Kant have pointed at this feature of Kant's action theory: the central thought is that an incentive is in an act of practical spontaneity *taken* as a reason that determines the will (Allison 1991, p. 45; Korsgaard 1996, p. 93). The will is not passively determined by an incentive but can, so to say, only be determined by a spontaneous subscription to it. So the essential reason why someone is responsible for specific actions seems to lie in the fact that *he* has *taken* some incentive as something that determines his will. It is clear that holding someone responsible on the ground that *he* picked some incentive as a reason for action implies that this action was determined on the basis of a will-determination that was generated by *his* practical spontaneity.

§2.2.1.1 Under what conditions are agents conceivable?

But is it rationally acceptable to conceive of entities that are free to determine spatio-temporal events, on the basis of practical spontaneity? As we have seen in the previous paragraph this is only acceptable if these entities are not completely identified as spatio-temporal objects, but are regarded as intelligible entities. In theoretical reasoning it was possible to conceive of events that are not causally determined, to the extent that they can be conceived as determined by intelligible causes. The addressee of practical reasoning is not regarded as a spatio-temporal event, but as a practical activity that we must presuppose in order to evaluate will-determinations. To the extent that we are evaluating will-determinations we must therefore presuppose the existence of practical spontaneity, i.e., agents; while we are incapable of knowing them on the basis of experience. In other words: what was only possible from a theoretical perspective, namely non-causal determination, is necessary from a practical perspective. Practical reasoning provides for norms that can and must be used in determining a will. These norms are derived on an *a priori* reflection upon the idea of practical spontaneous will-determination. In this perspective, it is a necessary presupposition that an

agent *sets* incentives as ends to a will on the basis of a principle. The available types of principles that the agent can use for will-determination are *sensible* or *reasonable* principles. Reason directs its norms for will-determination to an agent who is capable of directing practical spontaneous will-determination on the basis of its choice between a sensible and a reasonable principle. But that agents are free to choose between a sensible and a reasonable principle *cannot be a known in experience*. For this would require objective experience of this choice; but experience of objective events is only possible by applying the rule of causality in synthesizing intuitions. And someone, insofar he is capable of choosing a principle for spontaneous will-determination, cannot be regarded as causally determined, and therefore cannot be experienced. This is not to say that this agent cannot be conceived. What results is not a metaphysical absurdity. This is a practical rational necessity that is, in principle, consistent with reason as such.

§2.2.1.2 The form of incentives

But what does it mean to say that an *incentive* is taken as something that determines the will? To answer that question is to render it conceivable how an incentive, originating from a sensible nature, *can* become a reason for action. What must be shown is that incentives can be taken as reasons. But by virtue of what can something, that is a sensible manifold, be taken as something that determines the will, i.e., become a practical reason?

At this stage it is worth reminding ourselves that Kant needed us to read some very difficult material in order to show the way in which sensible intuitions can become theoretical reasons. And, it is important to note that Kant claimed that we could never experience objects if intuitions did not possess something by virtue of which they allow for *a priori* unification, i.e., have a *form*. It is therefore unsettling to note that Kant gives no explicit treatment of the characteristic by which incentives *can* be proper subjects of practical judgments. He rather takes it as trivial that any incentive may or may not be taken as a ground for action. *But this is not trivial*. In fact one needs an argument to show how reason is able to judge about incentives, in order to show that reason can evaluate will-determinations. *It is not evident that something originating from sensible nature can be evaluated by practical reason at all*. Reason strives for unity, and will evaluate what *allows* for unification. But that does not imply that incentives are of this kind

Therefore let me sketch an argument that is analogous to the way in which Kant argues that intuitions allow for unification. Incentives need to have a *form*, i.e., something that is common to incentives as such. Because incentives can be taken as something that determines

the will, one must admit that all incentives can be translated by the agent in terms of *purposivity*. Incentives are, so to say, of necessity characterized by their existence as possible *purposes*. Practical spontaneity determines the will by taking some incentive as the purpose of that will. That is why reason can evaluate will-determinations: incentives allow for unification on the basis of their form. It is the form of *purposivity* that makes incentives properly accessible for practical reason (see also: Gewirth 1981, pp. 37-42; Schrader 1975).

§2.2.1.3 Principles of will-determination – principle of reason vs principle of sensibility

More commentators agree about the general form of what constitutes practical spontaneity. In practical spontaneity incentives are taken as will-determinations *on the basis of a principle* (Allison, 1991. p.88; Korsgaard 1996, p. 93). On the supposition that the will can be determined *a priori* and *a posteriori*, one of the two following types of principles must underlie practical spontaneity. Principles of the first type must be deduced ultimately on an *a priori* basis and are therefore properly labelled ‘principles of *reason*’, while principles of the second type must derive from *a posteriori* sources, and are therefore ‘principles of *sensibility*’. The agent who is responsible for a will-determination has the ability to determine his will on the basis of rational principles, but can also do this on the basis of sensible principles. To the extent that he can choose to determine his will on rational principles, he is *free* to act on sensible or rational principles. This is his *liberum arbitrium*. It is important to note that the principle of sensibility cannot be invoked to *ground* will-determinations while respecting reason’s ideals. The *principle* of sensibility is one that of necessity underlies a non-fully rational will-determination, and therefore must be characterized (negatively) as a principle that initially steers every non-purely rational practical spontaneity (Kant 2003, pp.100-1 [131]). To say that the principle of sensibility underlies a concrete will determination is to say that the will is *not* determined on grounds of a fully self-reflective act. The principle of sensibility is thus *not* a regulative principle that can justifiably be invoked in practical reasoning: it is rather the principle that reason conceives as ‘the regulative principle’ of practical spontaneity in the absence of pure rational will-determination. This is of course not to say that practical spontaneity *can* and *should* not proceed on the basis of a principle that originates from reason. However, it is also clear that reason can subject practical spontaneity to an *a priori* principle only if this principle *can* be invoked by practical spontaneity to

determine the will.¹⁵ It is only a capacity for practical reflection, i.e., reason, which enables an agent to distinguish the principle of sensibility (by which unreflected practical spontaneity is of necessity determined) from a pure principle. This pure principle is one an agent can use to direct practical spontaneity to provide for will-determinations that respect the practical ideal unity that reason makes conceivable, i.e., the ideal of a transcendental unity of volition (Kant 1999, pp. 84-5 [454]).

§2.2.1.4 practical spontaneity – pure and non-pure practical spontaneous will-determination

It must be clear by now that ‘practical spontaneity’ is conceptually distinct from or at least a more general characterization of ‘sensuous practical spontaneity’ and ‘*pure* practical spontaneity’. Practical spontaneity determines the will by generating subjective principles for action, in a *principle* based selection of *incentives*. An incentive has the form of *purposivity*, and therefore is a proper object of a will-determination. The principle, by which *sensuous* (i.e., non-pure) practical spontaneity determines the will, is the principle of sensibility. In the absence of practical self-reflection, i.e., practical reasoning, this is all that can be said about what constitutes practical spontaneity.

But reason makes practical spontaneity reflect upon itself. And there is simply no *a priori* reason to expect that practical spontaneity *can* and *ought* not to be directed by this reflection. So, to the extent that we allow for practical reasoning, we do not exclude *a priori* that the will *can* and *should* be determined on the basis of reason (as Hume did, see Hume, pp. 457-8). If the will *can* and *should* be (but not necessarily is) determined on the basis of pure principles, i.e., on the basis of practical reason alone, then the will can and should be determined on a normative principle that is rationally necessary *and* delivers an incentive for will-determination. In other words, in such a case reason must spell out *pure* laws that can and *should* be taken as the principles of practical spontaneous will-determination., which is to say that practical reason should provide a principle that can and should be used by practical spontaneity to determine the will. Because this principle must be pure, i.e., non-empirical, it must be derived from the idea of a *will-determination as such*; and must be established as a norm for practical spontaneity that is capable of pure will-determination. The *first* derivation must show the reciprocity between the idea of pure (non-sensuously conditioned, i.e., free) willing and the idea of determination by rational (unconditional, i.e., moral) rules; and

¹⁵ This implies that an *a priori* principle can not normatively address someone who is incapable of self-determination based on practical self-reflection.

therefore is analytic.¹⁶ The *second* must show the idea of determination by rational rules as one to which practical spontaneity, that is capable of rational will determination, is subjected; and is therefore synthetic *a priori* (see also: Benton, pp. 229-35).

These pure principles have to be laws that address practical spontaneity independent of the way it is sensuously conditioned, because they solely derive from the ideal of a pure will. Rational principles can therefore only be what would be used by practical spontaneity as such in determining the will, i.e., determines the will independent of the sensuous nature of incentives (Kant 1999, p.77 [448]). Now because transcendental freedom is defined as determination in the absence of sensible determination, such a practical law both needs and positively instantiates a notion of transcendental freedom, i.e., determines transcendental freedom (Kant 2003, p.77 [98-99]).

I will come back to the conceivability of will-determination on the basis of a principle of reason in §2.2.2. But let me first deal with the question how reason can allow for the claim that agents are free; and that certain spatio-temporal events are actions that are freely caused by them. Reason must allow for this, if reason is evaluating what is determined by sensuously conditioned practical spontaneity.

§2.2.1.5 Is attributing pure or non-pure practical spontaneous will determination rational?

Up until now we have claimed that practical spontaneity must be conceived as a will-determining activity. This is taken as the starting point of practical deliberation. The will is determined by an agent that takes an incentive as a purpose of the will on the basis of a principle. It is only by reflecting on this process, i.e., in practical reasoning, that reason *might* influence a will-determining activity. Reason strives for unity in what results from conscious activities. Reason can only strive for a unification of will-determinations if it is able to subject practical spontaneity to its ideal, namely by making it conceive of an ideal practical *unity*. Reason can therefore only interfere with practical matters to the extent that it provides practical spontaneity with the notion of a *transcendental unity of volition*. This transcendental unity of volition can only be the starting point of reason's engagement with practical spontaneity. Therefore one can only conceive of reason actively operating in practical matters under the presupposition that practical spontaneity can determine a will on the grounds of a practical ideal unity. The possibility of subjecting practical spontaneity on the basis of this

¹⁶ This is essentially Allison's reciprocity thesis: 'freedom and unconditional practical law reciprocally imply each other' (Allison. 1990, p. 204).

practical ideal set by reason, i.e., the transcendental unity of volition, is a condition without which practical reasoning cannot unite will-determinations.

It is thus very important to note that the transcendental unity of volition is a *construct* of practical reason. It is therefore a *transcendental ideal*, and not a *real entity*. It is also clear that reason can subject practical spontaneity to this ideal only if practical spontaneity *can* determine the will on basis of this ideal of a transcendental unity of volition, which is to say, *only if practical activities can be understood in terms of setting ends to the will on the basis of norms that regulate the will towards a transcendental unity of volition*. This ability of practical spontaneity does not exclude its ability *to* determine the will by incentives that instrumentalize this will. What is evident is that these instrumentalizing ends are not and cannot be selected on the basis of *all* the norms that derive from reason's practical ideal. Therefore these will-determinations are not rationally justified.¹⁷ Practical spontaneity that has the *ability* to determine the will on sensuous *or* non-sensuous (i.e., pure/rational), principles is *free* to choose what it wants. This freedom is the source of *moral* responsibility: reason can only hold the *agent* responsible for determining the will in accord with the ideal of a transcendental unity of volition on grounds of this agent's ability to determine his will on a rational principle. So this presupposes that reason is able to locate practical spontaneity in *entities* that can be held responsible for choosing either a principle of reason or sticking with a sensible principle as the ground for will-determination. In other words, practical reason takes specific agents to be free, i.e., as able to choose between sensible or reasonable principles for action.

This is the *first* important role which *freedom* plays in Kant's account of practical reason: an agent's freedom to *choose* principles for will-determination is a fundamental presupposition for reasons evaluation of practical spontaneous will-determinations.

§2.2.2 Moral theory - 'freedom' as the ground of good action

There is another important role that freedom plays in Kant's account of practical reasoning, and more specifically in Kant's moral philosophy. I have already alluded to moral

¹⁷ It is of course possible that the will is instrumentalized by some agential decision to determine the will solely on the basis of an hypothetical imperative, while actively or passively ignoring reason's categorical demand. In this case one might argue that the agent's will determination is in a sense rationally justified. But ultimately this argumentation will fail, because it is evident that there is a rational norm, namely the categorical imperative, that is not respected by agent who is responsible for this kind of will-determination.

freedom. Kant characterizes the will that is determined on an *a priori* basis as a *pure will*, i.e., a non-empirically determined or a *free will*. This is not to say that the pure will is lawless. The free will is essentially *determined* by an agent's *choice* of a principle of reason that regulates end-setting on the basis of the idea of unified volition. This principle that is invoked in the determination of the pure will is a *law of freedom*, which is, according to Kant, the moral law. But what is a law of freedom? And how is will-determination on the basis of a moral law possible? These questions are posed by Kant as ones that must be answered in order to conceive the conditions under which practical reasoning, i.e., a striving for unification of will-determination, is possible. I take the explication of these conditions, as you must remember, as the purpose of my reconstruction of Kant's thoughts on freedom. So we should not only determine how a law of freedom is possible and under what conditions a law of freedom is a principle that *can* direct practical spontaneity. Once we have explicated these conditions, we should also spell out how far reason is able to subject practical spontaneity to its laws. In other words, we must consider how far practical reasoning is possible.

Once we have done that we have explicated the conditions under which practical spontaneity is addressed by reasoning.

§2.2.2.1 How is a law of freedom possible

A law of freedom is characterized negatively as the law that underlies non-sensuous i.e., pure will-determination (Kant 1999, pp.75-6 [446-7]). A law of freedom thus equals the principle that is invoked in pure will-determination; i.e., a principle that determines the will, while it respects reason's striving for the unification of the will. This 'unification of the will' must be understood as 'unification of will-determinations'. A law that underlies the unification of a will can be the only principle that is invoked to regulate practical spontaneity to determine the will in a way that does not instrumentalize practical spontaneity. Practical spontaneity is not instrumentalized if its pure characteristics, i.e., the characteristics it possesses *as such*, are respected by the principle that is invoked to determine the will.

We should distinguish between two types of practical spontaneity that determined the will on the basis of the moral law. The *first* type is that of a being that cannot but determine its will on the basis of this law. This being has a pure will by its nature. The *a priori* law is thus the law by which a being with a pure will necessarily acts. The second type is not determined by its nature to determine its will on the basis of the moral law; but has the *ability* to do so. The moral law can only be conceived by this latter type as a norm that derives from a practical rational ideal; i.e., a rational norm on which to determine the will. Insofar as reason

presents the pure will as an ideal to practical spontaneity, it subjects this agent to this moral law via *imperatives* on which to determine the will.

§2.2.2.2 Norms of reason- hypothetical and categorical imperatives

These norms on which to determine the will are posed by reason on the basis of how it makes will-determination as such conceivable, namely via the transcendental unity of volition. These norms are needed in order to take the rationally justified, i.e., good, incentives as purposes in action. Kant distinguishes between two types of norms, namely *hypothetical* and *categorical* imperatives (these are both objective norms, see also: Reath 1989, p. 394). A hypothetical imperative demands a specific determination of the will, if this determination is necessary in order to achieve a goal that is also willed. A categorical imperative demands that a will-determination is consistent with willing as such, independent of specific will-determinations. These principles of reason, although they must be derived on an *a priori* basis, determine which *incentives* must be taken as will-determinations. All that reason demands from practical spontaneity is that the principle that is invoked in determining the will, is not invoked solely because of contingent features of incentives, but derives from the idea of will-determination as such. The categorical and the hypothetical imperative are the only laws that do not address agents on the basis of contingent features of incentives.¹⁸ Reason tells you via a hypothetical imperative only: ‘Hey! If you already want something, then I demand you to do what is necessary to achieve that thing’; and via a categorical imperative: ‘Hey! I demand you to do only that what is consistent with will-determination as such’.¹⁹ These imperatives derive solely from the ideal of practical unity, and therefore reason

¹⁸ What this means is that the agent, who conceives the transcendental unity of volition, will on further reflection accept that he is subjected to a hypothetical and a categorical imperative; *while this reflection is only based on the a priori characteristics of will-determination. So the agent will learn to recognize his subjection to these imperatives, by abstracting from the contingent nature of the incentives to which he is exposed.* Of course what is rationally demanded in a concrete situation can be determined only if this agent investigates the contingent nature of incentives. This, however, does not exclude that the agent knows that he is subjected to rational norms, before he starts this investigation.

¹⁹ I want to mention here that invoking a hypothetical imperative as a principle for a will-determination as such, is not making the will-determination rationally justified. This is to say: reason may have problems with a will-determination, even if it was established on the basis of a hypothetical, i.e., rational, imperative. The reason is that a hypothetical imperative is only addressing a will-determining activity relative to some specific will-determination. And of course, it might be so that this latter will-determination is not rationally justified. If a

can address these laws to anyone who is able to use these laws as principles for will-determination. In this case reason becomes practical via norms. And being able to live up to these norms, presupposes an ability to set these norms as principles for will determination.

So the moral law is possible as a law that determines the will of a being with practical spontaneity because of the nature of this being (in case of God), or because of a choice of this being (in case of Human beings). In the first case the law of freedom is a law of nature, in the latter case the law is an imperative.

§2.2.2.3 Under what conditions is will-determination on the basis of a law of freedom possible

That the law of freedom is the principle by which a pure will is determined is an analytical statement. It is not very exciting to spell out the conditions under which this determination is possible for a being that cannot but determine his will on the basis of a principle. What is exciting, however, is how a being that has the ability to determine, but not necessarily determines, his will on the basis of this law, can do so. The law of freedom is an imperative to this agent; and therefore it must be shown how this agent can determine his will on the basis of an imperative; but not only that. A will that is determined by a hypothetical imperative does not make the will free; for the will can still get determined by non-rational incentives. Only a will that is also determined by a categorical imperative is a free will. But *can* a law of reason, expressed as a categorical norm, i.e., as a categorical imperative *as such*, be a ground for will-determination? The question is whether reason itself *can* be invoked as *the* determining ground for action. In other words, can reason provide for a normative principle that can be taken as *the* only ground for will-determination? This question is pressing, since if reason cannot provide for such a norm, then the will can basically only be determined and evaluated on the basis of empirical/contingent features of the incentives that the agent is confronted with.²⁰ In this setting the possibility of a rational evaluation of will-

categorical imperative judges this latter will-determination to be wrong, then the categorical demand (by virtue of its non-hypothetical character) overrules a hypothetical demand.

²⁰ Especially the agent who is able to determine, but not necessarily determines, his will on the basis of rational norms can only determine his will by reference to the empirical nature of incentives. It is evident that will-determination on the basis of a hypothetical imperative depends on conceptualizing the contingent nature of incentives. But even will-determination based on the categorical imperative depends on checking the consistency of the contingent nature of incentives with the concept of a pure will, i.e., depends on conceptualizing the

determinations of this agent would be severely diminished: the only kind of reasoning that would be possible is instrumental reasoning.

So the central question is: Can an imperative, in the form of a categorical imperative as such be a ground for will-determination? In other words, can pure reason be practical?²¹.

§2.2.2.3.1 Reason's motivational resources

But how can a law of freedom, expressed as a categorical norm, *be taken as a ground for will determination*? What we must establish is that this principle can be *chosen* by an agent, as a principle for will-determination. Kant says that this principle can only be chosen out of 'respect' ('Achtung') for the categorical character of the imperative (Kant 1999, pp.18-20 [400-1]; 2003, pp.99-100 [129-130]). There cannot be another reason (than respect) for explaining how the moral law can be chosen as a principle for will-determination. For it must be explained that the will can be determined on the basis of a principle of categorical obligation as such. It, therefore, makes no sense to say that the will is determined by the moral

contingent nature of incentives. However, a will-determination wd_1 on the basis of a hypothetical imperative, is ontologically and conceptually dependent on some other will-determination wd_2 of the agent. Either wd_2 is determined on the basis of rational norms or is arbitrary. If this wd_2 is based on rational norms, then it is based on hypothetical or categorical norms. If it is based on a hypothetical norm, then wd_2 is ontologically and conceptually dependent on still another will-determination wd_3 . In order to avoid an infinite regress in trying to conceptualize this will determination, we must opt for the possibility of will-determination on the basis of a categorical norm, or we must hold that will-determination is ultimately arbitrary. The criteria for will-determination expressed in a categorical norm, do not refer to contingent features of will-determinations that some agent already has, but refer to the consistency of an incentive with the very idea of will-determination. Therefore if will-determination on the basis of a categorical norm is possible, then will-determination can ultimately be understood in terms of will determination on the basis of the agents choice to determine his will on rational norms or for empirical, i.e., basically arbitrary, reasons. This is ultimately what is meant to be *liberum arbitrium*. And it is this freedom that generates the grounds for the possibility of rational evaluation of will-determinations that is not ultimately arbitrary (namely referring to arbitrarily selected incentives *or better: empirical will-determinations*), i.e., a *moral* evaluation.

²¹ As professor Deryck Beyleveld pointed out, this question is ambiguous as to whether pure reason can impose normative demands on the will vs whether pure reason alone can be motivating for the will. I will defend the position that Kant thought that reason can only be practical if it can do both, i.e., impose normative laws *and* motivate the will. However the latter question, whether pure reason can motivate, is the more exciting one. And because I already dealt with the question as to the conditions under which reason can impose normative laws, I will now deal with the question to the conditions under which pure reason can motivate.

law, expressed as a categorical norm, solely because such a determination was desired by the agent on non rational grounds.²² For in this case it is not the choice for a categorical norm as such that provides for a principle that determines the will; rather it is the principle of sensibility that directs the activity of will-determination. Of course in this latter case the resulting will-determination is in a sense the same as one based on a categorical imperative, *but that is irrelevant here.*

The relevant question is how an agent's choice for a categorical norm as a principle for will-determination, can be conceived as a sufficient ground for will-determination. The agent who chooses to determine his will on the basis of a categorical norm must do so simply out of respect for the ideal that reason sets to practical spontaneity, i.e., the law inherent to a transcendental unity of volition; a law expressed to him as a *categorical norm* (Kant 2003, pp. 102-3 [133-5]). This does not imply that respect (causally) determines the choice of the agent: it is rather that the agent chooses the proper object of *respect* as a ground for will-determination. Of course it is perfectly conceivable that an agent does not show respect for something that is the proper object of respect, namely the moral law, expressed as a categorical imperative, but that is *his* problem: he will never be able to justify that, and sufficient practical reasoning will make him regret his lack of respect. Or at least that is Kant's view.

Now we that have conceived how the will can be determined by a moral law, expressed as a categorical norm: an agent chooses the categorical norm as a principle for will-determination for the simple reason that he respects it. If the will is determined on the basis of respect, then his respect must be so strong to block an incentive that would be set as end to the will on grounds of the principle of sensibility. Kant gives an account of moral motivation in *Kritik der praktischen Vernunft*, where he argues that respect reduces ones empirical desires as reasons for will-determination (Kant 2003, p.98-9 [128-30]). However note that a principle for will-determination is not *forced* upon an agent by respect or desire, but is *chosen* by this agent out of respect or desire. This seems to imply that the agents will is ultimately determined by some desire or by respect. But this implication is wrong. At least in a practical reflection it is always the agent, not some his desire or his respect, who is ultimately

²² Note that this does not exclude that respect is a form of desire. It only states that respect is not a form of empirical desire. This might mean that respect is some basically rational desire (i.e., non-empirical desire), or not a desire at all. Above that, respect might be accompanied by desires of several kinds, under which empirical desires.

responsible for his choice to determine his will on the basis of desire or respect. The choice determines, not desire or respect.

§2.2.2.4 Why is a law of freedom categorically normative

The question as to how the moral law becomes a categorical law for embodied agents is the most exciting one in Kant's practical philosophy. Surely it would be contrary to Kant's whole critical approach to philosophical issues to make him say that this law, expressed as a categorical imperative, is just there. When Kant claims that the moral law is a fact of reason, he is not claiming that the law, expressed as a *categorical imperative*, is just a self-evident a synthetic *a priori* statement. What I take him to be saying is that this law will present itself immediately as a categorical norm when we engage in practical reasoning. For when an agent engages in practical reasoning, he therewith necessitates himself to understand himself as someone with the ability to determine his will on the basis of rational principles. And it is only this ability that reason needs in order to subject practical spontaneity to the ideal of practical unity. So in practical reasoning, reason will automatically strive for a unification of what determines our will. If reason can pose practical laws then it does pose these laws. Therefore, when we reason practically we are subjected to these practical laws.²³

§2.2.3 From the preconditions of a 'law of freedom' to the preconditions of a 'categorical imperative'

Therefore, it makes sense to try to reconstruct Kant's answer to the question: under what conditions does a moral law, expressed as a categorical norm, address sensuously conditioned practical spontaneity? This answer must be established within the field of practical reasoning. As I mentioned before, there is a conceptual distinction between

²³ I am perfectly aware that the issue of the 'Faktum der Vernunft' is hotly debated. In her paper "Moral Consciousness and the 'Fact of Reason' " (draft version, June 2008) Pauline Kleingeld distinguishes and evaluates *three* ways in which 'fact' in 'fact of reason' is interpreted (i) as 'something that has actual existence', (ii) as 'deed of reason' (from *factum*, from *facere*), (iii) as a 'technical term that designates a particular moment in Kant's proof structure'; a legal metaphor (ibid., pp. 2-5). At this moment, however, I do not wish to go into this issue, first of all because it would add little to what I am trying to achieve in this thesis; second because I think that Kant explicates the moral law primarily on the basis of a practical rational ideal that we cannot help but conceive in practical reasoning, namely the transcendental unity of volition. In this sense we can not but accept that the moral law is valid. It is tempting to use the term 'fact of reason' in this setting, because the moral law is explicated on the basis of something that cannot be denied from the perspective of practical reasoning.

‘sensuously conditioned practical spontaneity’ and ‘pure practical spontaneity’.²⁴ There is no way to derive a categorical norm from the very idea of sensuously conditioned practical spontaneity, without using reason. The categorical imperative should be established in a *reflection* upon sensuously conditioned practical spontaneity. *In other words: it should be established how reason poses the moral law as a categorical norm to sensuously conditioned practical spontaneity.*

Two things are necessary for this. The first thing is to explicate under what conditions reason *can* be taken as the sole determining ground of a sensuously conditioned practical spontaneity. This was explicated in the previous part: (i) in reasoning as such we may in principle conceive of a freely-determined spatio-temporal event; and (ii) reason can address the agent (as an ideal unity) with a categorical imperative, if it is conceivable that this agent has the ability to choose this categorical imperative as the principle for will-determination out of respect alone. The second thing is simply to note that because reason strives for unity (which is a basic thought of Kant) it *already* imposes its ideal of practical unity (transcendental unity of volition) that gives rise to a moral law to anyone who *can* (but not necessarily chooses to) reason practically. From these two claims it simply follows that anyone who is capable of practical reasoning, i.e., capable of living up to reason’s practical *ideals* is already subjected to reason’s practical *demands*. But this is just the same as saying

²⁴ Dr. Micha Werner pointed out, if I understood him well, that Kant made at least three claims namely (i) that every agent is already a practical reasoner, (ii) that in taking something as the ground for action on the basis of a principle, the agent is already reasoning; (iii) that an agent can not choose to determine his will on the basis of a non-rational principle;. I am willing to accept (i)_{min} that an agent is per definition always reasoning about what what is a good incentive and what is not. That the agent does so, however, does not imply that the agent will (always) determine his will on the basis of these considerations. I think, however, that Werner takes (i.) to mean something more than I do: namely (i)_{more} that all actions are based on reasons that derive from practical reasoning. Once we grant this interpretation (ii) easily follows: taking something as a reason for action is an *activity* and therefore *based* on reasons that derive from practical reason. From this (iii) seems to follow directly: will-determination proceeds on *rational* principles, therefore we can not choose to determine the will on non-rational principles. On (i)_{min} the validity of (ii) and (iii) does not follow that easily. First of all I think that (ii.) is not correct in cases in which I refuse to determine *my* will on the basis of rational considerations: I simply like something specific in an incentive so much that I choose not to care how much I like about it on reflection: I do not see how such a will-determination must be regarded as based on reasons. As for (iii) I think I can perfectly well choose to determine my will on a non-rational principle, this is something I do by simply ignoring rational demands: there is nothing mysterious about that, once we accept that we have the *ability* to act on the basis of rational norms. For ‘having an ability’ seems to be constituted negatively by ‘having an ability not to’, for else it would not make any sense to attribute something to someone as an ability.

that anyone capable of practical reasoning, is subject to the moral law expressed as a categorical imperative. At least that much is granted when we are engaged in practical reasoning.

Something, insofar as it is conceived as being capable of practical reasoning, is conceived as being able to choose between the two principles for will-determination. To deny that there is a choice between a principle of reason *and* a principle of sensibility as a principle for will-determination, is therefore, according to Kant, to try to fire reason as the judge of action. This is to deny that we reason practically.

§2.3 Concluding remarks

‘Freedom’ is an important notion in the way in which Kant frames the conditions under which reason can criticize sensuously conditioned practical spontaneity. Reason cannot but conceive practical spontaneity as an activity in which some incentive is taken as an end for action on the basis of a principle. The activity of taking an incentive as an end for action on the basis of a principle is attributed by reason to something non-empirical, namely an agent. This agent only can be the one that is held responsible by reason for the determination of his will, because reason cannot but conceive the *activity* of that agent as something that determines the will. Reason understands the practical spontaneity of this agent as an activity that turns incentives into will-determinations on the basis of a principle. This activity is thus not something that is ultimately determined by incentives or by the principle. This agent has, insofar as he is capable of practical reasoning, the ability to determine his will on the basis of rational norms; but he may also fail to do so. This implies that the principle on which incentives are determining the will is either rational or non-rational. The agent has the ability to choose between these two principles in determining his will. This ability to choose is *freedom*. Freedom in this first sense is important for a *Kritik der praktischen Vernunft*: because only because of this freedom can reason make someone responsible for will-determinations. And this is necessary in order to evaluate some will-determination.

The second moment where ‘freedom’ plays an important role in Kant’s critical practical philosophy is in defining the law that reason wants to impose on any form of practical spontaneity. This law determines freedom insofar as it can be taken as a principle determining the will as such, i.e., determination of the will regardless of a commitment to other ends. This law determines a will, independent of empirical conditions. This law is thus a (positive) *determination of transcendental freedom*. So reason is able to provide for a positive determination of transcendental freedom, i.e., a law of freedom, under the condition that the

will can be determined on the basis of a pure law. The only law to which *reason* can subject a will independent of empirical conditions is a law that is applied to willing as such. The idea is simply that reason can only impose an *a priori* law on any practical spontaneous activity whatsoever if reason can impose one on practical spontaneity as such. And this is something that reason can do, to the extent that the principle on the basis of which incentives are taken as ends, can be that one by which only those incentives that are consistent with willing as such are taken to determine the will. A *pure* will would be a will that is of necessity (by its nature) determined on the basis of such a principle. But it is clear that a sensuously conditioned practical spontaneity does not of necessity determine the will on a pure basis. So in order to conceive of the way in which reason can address a sensuously conditioned practical spontaneity, reason must be able to impose the law of freedom in terms of an imperative for will-determination. In other words, reason must impose the law of freedom on the activity of will-determination, as a categorical imperative. Of course this makes only sense under those conditions under which sensuously conditioned practical spontaneity *can* be directed on the basis of this imperative, i.e., a way in which an agent can take a categorical imperative as the principle by which the will be determined. This is possible if an agent can act out of respect for a categorical imperative.

These are the conditions under which reason can evaluate sensuously conditioned practical spontaneity. Therefore it is also clear that reason will subject such a practical spontaneity to ideals of reason, under these conditions. So freedom in the sense of determination of a pure will is enforced as an ideal on sensuously conditioned practical spontaneity if it is able to determine the will out of respect, i.e., *on the basis of an ideal alone*. This is the second sense in which ‘freedom’ plays a crucial role in Kant’s practical philosophy.

Conclusion

The crucial point of the whole of Kant’s critical theoretical and practical philosophy is that it explicates the preconditions for a rational evaluation of conscious activities. In theoretical philosophy reason presents these judgments as *epistemological* demands; in practical philosophy as *moral* demands. Kant’s concern is with explicating the conditions under which thought and volitions can be evaluated as right or wrong. The ultimate judge in these matters is reason. Reason can only judge on the basis of its ideal, namely unity. It is therefore important to establish what reason can demand from thinking and willing on the basis of this ideal. Reason wants unified thoughts and unified volitions. In *thinking*, one

should represent intuitions on the basis of their pure form, i.e., space-time. In *willing*, one should will incentives on the basis of their pure form, i.e., purposivity.

Of course it makes only sense for reason to judge those things that can live up to judgmental norms. Therefore Kant should also explain how *thought* and *will* can be subject to reason's critique. What is clear is that a critique only makes sense if it is presupposed that *thought* and *will* can be wrong, i.e., should have been different. And this implies that such a critique can only proceed if someone is *responsible* for these thoughts and volitions. Reason's critique addresses a thinker and an agent, because they are responsible for thinking or willing this rather than that. Again, note that thinkers and agents are called for, in order to find something that is the proper addressee of reason's judgments. But this is not enough.

Reason can approve of thought- and will-determinations if and only if these are compatible with the ideals reason imposes on willing and thinking as such. It condemns those thoughts or will-determinations if and only if these are incompatible with the ideals it poses to willing and thinking as such. Reason's approval or condemnation addresses a thinker or an agent who was responsible for making these thoughts and will-determinations. Reason can only condemn the thinker or the agent, if they *can* conceive reason's demands and are able to take them as the sole proper grounds for thinking and acting. Reason judges only those people that have the capacity to conceive of reasons demand's to thinking and acting, and recognize these demands as the only *justified* principles on which they can think and act.

It is only from this perspective of reason's demands to thinking and willing that one can understand Kant's thoughts on 'freedom'. We simply cannot correctly represent events as free, because a representation of events must be constituted as a rule-based synthesis of distinct spatio-temporal unities. This implies that any justified event representation is related to other events, in a necessary manner. This however does not imply that freedom cannot legitimately be conceived and attributed by reason altogether. It cannot legitimately be attributed to things insofar as they are legitimate thought-determinations, i.e., represent intuitions on the basis of schemata. But it might be the case that events, insofar as they are conceived as non-empirical unities, are free. The existence of transcendental freedom cannot legitimately be derived from pure or empirical intuitions, so: theoretical reason cannot legitimately tell whether this form of freedom exists or not. But it might be the case that reason applied in a non-theoretical manner, can decide what freedom is and whether freedom exists.

Now Kant explores how reason can be practical, i.e., non-theoretical. Reason can only be practical if it is possible to determine the will on the basis of an *a priori* law, which derives from the practical ideal that reason poses to practical spontaneity, alone. Reason can only influence this activity of will-determination by addressing it with ideals, in terms of norms. These rational norms can only be addressed to someone that is able to direct, but not necessarily directs, this activity on the ground of these norms alone. This implies that reason can only make this agent responsible for the *choice* of the principle on which the will gets determined. And this is why reason will judge this agent's volitions on the basis of rational norms. It is on grounds of the ability to direct practical spontaneity on the basis of rational demand to practical spontaneity as such, that an agent is held morally responsible for his actions. The conceivability of holding someone morally responsible rests on the conceivability of such a *choice making* agent. Moral norms only make sense under the presupposition that someone is capable of determining his will independently of specific sensuous conditions, i.e., determines in by *freedom*.

Chapter 2 - Reformulating Kant's critical thoughts on freedom in a contemporary Freedom Determinism debate

Introduction

In this chapter two things will be done. The first paragraph contains a reconstruction of themes central to a contemporary discussion about freedom and determinism; the second explores how these themes relate to Kant's critical thoughts on freedom. The ambition is twofold. *First* this chapter will provide for a structured overview of this freedom determinism debate along two axes: (i) the nature of freedom that is the source of responsibility, and (ii) whether this kind of freedom is compatible with causal determinism. *Second* this chapter will, on the basis of the results of the previous chapter, explore how Kant might have responded to this debate.

§1. An overview of a contemporary Freedom determinism debate: freedom as the source of responsibility and its compatibility with determinism

The debate that is reconstructed in this paragraph can be found in Campbell, J.K. (ed.) O'Rourke, M. (ed.), Shier, D. *Freedom and Determinism* (2004). Participants in this debate about freedom and determinism are especially reactive to Frankfurtian critiques of attempts to understand freedom in terms of alternate possibilities for action. Therefore, I will refer to this debate as a 'Frankfurt oriented freedom-determinism debate' (FOD). This is why the present reconstruction will focus on the kind of reactions that one can frame towards Frankfurt's thoughts on freedom (i.e., subscribe or reject them); while examining the question whether freedom and determinism are compatible or not.

First of all we need to know how Frankfurt understands 'freedom'. I will come to that in §1.1. It is noteworthy that Frankfurt is primarily interested in freedom as the source of responsibility. He assumes there is responsibility and we need to account for its source in a scientific setting.²⁵ Or at least that is how the editors of this book understand the debate. According to them the most important questions in this debate are (i) 'what constitutes freedom and how is that related to moral responsibility?' and (ii) 'is attributing moral freedom consistent with determinism?' (Campbell, O'Rourke, Shier, p. 7). It is above all noteworthy

²⁵ This approach certainly has its merits. To name only one: one can develop a good argument that the merits of this approach are proportional to (i) the significance of being able to hold a person responsible i.e., free, in combination with (ii) the difficulty of locating this freedom in our otherwise determined world.

that a book entitled ‘freedom and determinism’ regards a reflection on freedom and determination as one on the source moral responsibility. Not that this is wrong, but doing so presupposes a specific interpretation of the ‘reflection on freedom and determination’, namely: ‘a reflection on that by which a person is responsible’. It is at least not *prima facie* clear that a freedom determinism debate must be instantiated in this manner: one might also discuss the more evident metaphysical question whether the determinism-thesis or the freedom-thesis is correct. Or the more epistemic question: the conditions under which we can know that determinism is true or that there is freedom.

Discussing the nature of freedom as the source of responsibility has some biasing consequences on the issue whether freedom and determinism are compatible. An obvious one is that the discussion becomes primarily a sophisticated explanation of a phenomenon, namely a systematic representation of the conditions under which we *in fact* hold people responsible. This gives the freedom-determinism debate a pragmatic twist. Pragmatism in such a debate easily goes with a metaphysical scepticism. As we saw, Kant’s discussion of the issues of freedom and determinism, does not eschew the philosophical difficulties one encounters while dealing with the metaphysics of responsibility. In other words, Kant emphasizes that a notion of the source of responsibility is a metaphysical one *and* that metaphysics is philosophically possible and acceptable, but only under rather tight conditions.

It is therefore, I think, an interesting question what Kant would want to modify in the debate I am about to sketch. First I will sketch the debate.

§1.1 Frankfurt on responsibility

Frankfurt’s paper ‘Alternate Possibilities and Moral Responsibility’ (1969) is a natural starting point from which to frame and characterize the FOD. In his paper Frankfurt argues that it is wrong to hold a person responsible on the basis of what he calls ‘the principle of alternate possibilities’. ‘This principle states that a person is morally responsible for what he has done only if he could have done otherwise’ (Frankfurt, 1969. p. 829). Frankfurt wants to replace this principle for what I will call ‘a principle of non-agential determination’: ‘[...] a person is not morally responsible for what he has done if he did it only because he could not have done otherwise’ (ibid., p. 839).²⁶

²⁶ It is relevant to note that a principle of non-agential determination expresses essentially a *negative* statement. Therefore one needs a further argument to implement this principle in the positive statement that *a person is responsible if the determining grounds of certain events were genuinely his own reasons*, i.e., it may be wrong to translate the principle of non-agential determination into what can be called a ‘principle of guidance control’.

Frankfurt thus tries to reject the principle of alternate possibilities as one that correctly identifies and characterizes the grounds for moral imputation, and tries to replace this principle by one that formulates the condition under which a person is not responsible for certain events. His argumentation for this claim is well known, and consists in posing what are called ‘Frankfurt-style examples’. Let me cite a paradigmatic one:

‘Suppose a person – Black, let us say – wants Jones₄ to perform a certain action. Black is prepared to go to considerable lengths to get his way, but he prefers to avoid showing his hand unnecessarily. So, he waits until Jones₄ is about to make up his mind what to do, and he does nothing unless it is clear to him (Black is an excellent judge of such things) that Jones₄ is going to decide to do something *other* than what he wants him to do. If it does become clear that Jones₄ is going to decide to do something else, Black takes effective steps to ensure that Jones₄ decides to do, and that he does do, what he wants him to do. Whatever Jones₄’s initial preferences and inclinations, then, Black will have his way.’ (ibid., p. 835)

The central thought is that Jones₄ can perform certain actions without being redirected by ‘Black’s hand’. Frankfurt claims that in these cases (i.e., in cases of the ‘actual sequence’) we intuitively hold Jones₄ morally responsible for these actions, even though we should not hold that Jones₄ could have acted otherwise.²⁷ So Frankfurt states that Jones₄ is responsible but that

²⁷ Frankfurt claims that in these cases (i.e., in cases of the ‘actual sequence’) we intuitively hold Jones₄ morally responsible for these actions, even though we should not hold that Jones₄ could have acted otherwise. In fact this is a dubious claim. One could argue that we can only understand the example if we understand that Jones₄ has alternate possibilities in the sense of an ability to decide to do what Black wants him to do, or to refrain from doing so. Of course Jones₄ will never be able to do what Black does not want him to do. Nevertheless it is something like an ability of Jones₄ to do what Black wants him to do or not that plays a (partly) constitutive role in the actualization of some event be it by his own action or by Black’s actions. I want to mention that arguments to that extent have been addressed by Eleonore Stump (1999). Stump argues against what she calls a ‘flicker of freedom-strategy’. Using this strategy in arguing for indeterminism consists in arguing that (i.) a principle of alternative possibilities is needed to establish that responsibility implies indeterminism; *and* that (ii.) there are always alternative possibilities in Frankfurt cases. The ‘flicker of freedom’ strategy fails, according to Stump, *either* (a.) because it relies on the presupposition that an agent’s ‘doing-something-on-his-own’ is something that the agent himself could have avoided, *or* (b.) because one can make up Frankfurt cases in which there is no alternative to this act of ‘doing-something-on-his-own’. I will not elaborate on her argument, but I would like to stress that the very role that a concept of responsibility plays in our evaluative discourses is completely ignored in this article. It seems a platitude to state that someone is (morally) responsible for his actions in case his reasons were determining these actions. But it also seems clearly wrong to state that the possibility of evaluating an action, which *by the way seems to be one of the main motives behind any elaboration on the nature of responsibility (and therewith freedom)* is not excluded once we understand the agent as someone incapable of

we cannot explain or justify why we hold Jones₄ responsible by means of the principle of alternate possibilities. Therefore we need to recur to another principle.²⁸ That we intuitively do not hold Jones responsible for what happens if Black is ‘showing his hand’ (i.e., in case of an ‘alternate sequence’) must be explained by the fact that it is ‘Black’s hand’ and not Jones₄’s reasons for action that cause these events. But that does not imply that Jones₄ (i) who had no real alternate possibilities for action, and (ii) who was not responsible for certain happenings in this alternate sequence case; was not responsible because he had no real alternate possibilities for action. In other words: (i) and (ii) are logically independent. This logical independency is shown because there are cases, namely the actual sequence case, in which Jones has no alternate options for action whereas he is responsible for his actions (ibid., p. 837).

§1.1.1 the principle of non-agential determination and incompatibilism vs compatibilism

Frankfurt correctly notes that a principle of non-agential determination still allows for an *incompatibilistic* and a *compatibilistic* interpretation. The incompatibilist can accommodate this principle by stating that

‘[...] if it was causally determined that a person perform a certain action, then it will be true that the person performed it because of those causal determinants. And if the fact that it was causally determined that a person perform a certain actions will mean that the person performed it because he could not have done otherwise [...] then the fact that it was causally determined that a person perform a certain action will mean that the person performed it because he could not have done otherwise’ (ibid., p. 838).

doing something else than what he actually did. An evaluation explicates what we expect some agent to do and not to do. Can we really understand the addressee of such an evaluative judgment, to be someone who has no alternate possibilities in action? This seems to be a non-‘flicker-of-freedom’ strategy that intends to establish that we can only understand imputation of (moral) responsibility in cases we understand freedom as alternative possibilities.

²⁸ Relevantly, no such principle is mentioned by Frankfurt in this paper. Although the examples clearly suggest that agential control is what constitutes responsibility, Frankfurt rejects in this paper only the principle of alternative possibilities. Although his argumentation hinges on certain intuitions about responsibility in cases where the agent’s reasons are the causes of certain events (irrespective of whether or not these events will happen), it is not evident from this paper that an agent is responsible just in case and because his reasons are the grounds for certain events.

This will of course, given the principle of non-agential determination, imply that an action determined in this sense is not free.

Also a compatibilist interpretation of this principle is possible as one might say that a causally determined event may nevertheless be (over-)determined by causes that an agent controls, i.e., reasons. So even though an agent cannot change what is causally determined, he is responsible for his actions if and because his reasons determined certain events (ibid., pp. 838-9).

What follows is that the principle of non-agential determination does not distinguish between the compatibilistic or incompatibilist position. One needs a further argument to establish that. The standard procedure used in checking whether one is a compatibilist or incompatibilist (while reacting on Frankfurt's thoughts on the source of responsibility, i.e., freedom) is one that works on the presupposition of causal determination. The purpose of a compatibilistic argument (CA) is to establish that on the presupposition of causal determination, responsibility and therewith freedom is still possible. Whereas the incompatibilistic argument (IA) is intended to establish that on the presupposition of causal determination imputation (of responsibility) is impossible, and therewith that causal determination is incompatible with freedom.

§1.1.2 The underlying structure of the present representation of the FOD

Having started with Frankfurt's account of responsibility, we have identified and characterized freedom in two ways: (i) freedom as the ability to act in one way or the other *and* (ii) freedom as determination of events by specific reasons.²⁹ So for now we can conceive of at least *four* possible positions to defend in a FOD:

- (IA.i) defending an interpretation of freedom in terms of 'a possibility to act in one way or the other' while claiming that this is incompatible with causal determinism
- (IA.ii) defending an interpretation of freedom in terms of 'providing for reasons as determining grounds for action' while claiming that this is incompatible with causal determinism
- (CA.i) defending an interpretation of freedom in terms of a possibility to act in one way or the other while claiming that this is compatible with causal determinism

²⁹ These two may entail one another. In fact we will see that Kane argues for that; further that Perry's argument can be read as an argument to that purpose.

(CA.ii)defending an interpretation of freedom in terms of ‘providing for reasons as determining grounds for action’ while claiming that this is compatible with causal determinism

Interlude - A preliminary evaluation: alternative possibilities and ‘ought implies can’

Before I start reconstructing this FOD, I will make some preliminary remarks that are intended to make the reader sensitive of a possible bias in Frankfurt’s reflections on responsibility. I think that Frankfurt takes the concept of responsibility to be essentially the one by which we identify some event as some agent’s action. This is, of course, part of the function of this concept. But it is not all there is to this concept. In fact an attribution of action is not very interesting as such, but only because it forms the ground for an evaluation of action. In other words, responsibility seems only interesting as a concept by which evaluative/prescriptive statements become intelligible. So not only a notion of responsibility as such, but also a notion of evaluation/prescription is relevant for an understanding of moral freedom.

Given the fact that responsible agents are taken to be the properly addressed by prescriptive statements, it seems necessary to claim that these agents are understood as ones that can act in one way or the other. *Ought implies can*. A notion of moral responsibility implies a notion *morality*; a notion of morality implies a notion of evaluation; a notion of evaluation implies a notion of prescription; a notion of prescription implies a notion of alternative possibilities. Or so one could argue. In fact this line of argumentation seems to be ignored in the FOD. Frankfurt claims that there are cases (i.e., in cases of the ‘actual sequence’) in which we intuitively hold Jones₄ morally responsible for these actions, even though we should not hold that Jones₄ could have acted otherwise. In fact this is a dubious claim. One could argue that we can only understand the example if we understand that Jones₄ has alternate possibilities in the sense of an ability to decide to do what Black wants him to do, or to refrain from doing so. This is a *direct* way of identifying alternative possibilities in Frankfurt cases. Of course Jones₄ will never be able to do what Black does not want him to do. Nevertheless it is something like an ability of Jones₄ to do what Black wants him to do or not that plays a (partly) constitutive role in the actualization of some event be it by his own action or by Black’s actions. I want to mention that arguments to that extent have been addressed by Eleonore Stump (1999). Stump argues against what she calls a ‘flicker of freedom-strategy’. Using this strategy in arguing for indeterminism consists in arguing that (i) a principle of alternative possibilities is needed to establish that responsibility implies

indeterminism; *and* that (ii) there are always alternative possibilities in Frankfurt cases. The ‘flicker of freedom’ strategy fails, according to Stump, *either* (a.) because it relies on the presupposition that an agent’s ‘doing-something-on-his-own’ is something that the agent himself could have avoided, *or* (b.) because one can make up Frankfurt cases in which there is no alternative to this act of ‘doing-something-on-his-own’.

I will not elaborate on her argument, but I would like to stress that the very role that a concept of responsibility plays in our evaluative discourses is completely ignored in this line of argumentation. It seems a platitude to state that someone is (morally) responsible for his actions in case his reasons were determining these actions. But it also seems clearly wrong to state that the possibility of evaluating an action (which *by the way* seems to be one of the main motives behind any elaboration on the nature of responsibility) is not denied once we understand the agent as someone incapable of doing something else than the thing he actually did. An evaluation explicates what we expect some agent to do and not to do. Can we really understand the addressee of such an evaluative/prescriptive judgment to be someone who has no alternative possibilities in action? This seems to be a non-‘flicker-of-freedom’ strategy that intends to establish that we can only understand imputation of (moral) responsibility in cases we understand freedom as alternative possibilities.

§1.2 Incompatibilism

Having started with a reconstruction of Frankfurt’s thoughts on freedom as the source of responsibility, I think the best dialectical thing to do is to identify the position that Frankfurt vehemently rejects. This latter position must conflict with Frankfurt’s position because of the way in which it links freedom and responsibility. So a person taking this position maintains that a person’s freedom as alternate possibilities is a prerequisite for holding a person responsible. This, of course, can be interpreted again in a compatibilist manner (which will be done in §1.3.1) and in an incompatibilist manner (which will be done in §1.2.1 and §1.2.2.).

The latter incompatibilist manner, however, seems to be the more extreme way to reject Frankfurt’s position on the source of responsibility. The reason is its claim that there is no responsibility just in case there are no alternate possibilities of action if the actualization of an alternate sequence of events is excluded on grounds of causal determinism (which is the case in Frankfurt-style examples). On the other hand, the former compatibilist manner is less extreme in that it claims that there can be responsibility and alternate possibilities of action in case the actualization of an alternate sequence of events is excluded on grounds of causal

determinism. The incompatibilist manner is more hostile to Frankfurt because it denies that Jones₄ can be responsible for his actions in a Frankfurt case; and therewith denies the intuitions about the existence of responsibility that Frankfurt builds his argument on. The compatibilist manner is less hostile in that it holds that Frankfurt may have correct intuitions about the responsibility of Jones₄; but that these intuitions cannot legitimately be used to refute the principle of alternate possibilities.

Therefore I propose to start modelling the FOD by first exploring the position that contrast with Frankfurt's position in the most extreme way. I think Peter van Inwagen takes this position. This will, I hope, result in a one dimensional contrast between Frankfurt and van Inwagen. After I have done that I will explore another, libertarian, incompatibilist reaction to Frankfurt's thoughts. I take Kane to defend this position because he claims that we cannot make the freedom needed for imputation compatible with determinism by invoking the idea that the agent's reasons/intentions are the cause of his action. These incompatibilist rejections of Frankfurt's thoughts on freedom will later on be contrasted with compatibilist rejections and affirmations. This will be the topic of §1.3.

§1.2.1 defending an interpretation of freedom in terms of 'a possibility to act in one way or the other' while claiming that this is incompatible with causal determinism

So first we explore two types of incompatibilism. The first type is the one that states that a notion of 'alternate possibilities' is the essential element of a notion of freedom. A person is not responsible if this person had no alternate possibilities for action. However, there are no alternate possibilities of action under the presupposition of determinism. This is basically van Inwagen's position; one that directly contrasts with Frankfurt's thoughts on the logical independency of alternate possibilities and responsibility.

§1.2.1.1 Peter van Inwagen

Van Inwagen defends in 'Van Inwagen on Free Will' (2004) an incompatibilist position in the FOD. This means that he thinks that we need some idea of 'indetermination' to account for action. Of course he does not state that the idea of indetermination provides for a notion of action: he is not at all sure how to conceive of actions in indeterministic terms,

because he considers that conceiving of free actions seems to amount to conceiving actions as non-rule based, i.e., unintelligible, events.³⁰

Van Inwagen starts his argument for incompatibilism by arguing that one can, on the presupposition of causal determination, make no sense of a notion of responsibility. He poses this claim as a reaction to Frankfurt's views on the principle of alternate possibilities (Inwagen 2004, p. 221). Van Inwagen notes that this principle of alternate possibilities, if it is meaningful, is concluded to be *false* on the basis of Frankfurt-style examples. But he emphasizes that Frankfurt never showed us that a person is morally responsible for what he established if his will was causally determined (ibid., p.220). However van Inwagen does not think that this principle is false, but that it is *non-sense* because it holds person's responsible for their actions and not for the consequences thereof, these consequences being either 'concrete events' or 'facts' (ibid., p.220). Van Inwagen's claims that (i) the principle of alternate possibilities is false or non-sense and (ii) it is not established that a causally-determined will can be a source for responsibility, are his reasons to reformulate Frankfurt's principle of alternate possibilities. His formulation is intended to re-establish the logical relation between responsibility and a causally undetermined, i.e., free will: 'A person is morally responsible for a certain state of affairs only if that state of affairs obtains and there was a time at which he could so have acted that that state of affairs not obtain.' (ibid., p. 221). This last condition brings back in alternate possibilities of actions. Van Inwagen claims that this principle is not refuted by Frankfurt-style examples, whereas it nicely characterizes what one expects from free will. It is not shown to be false by Frankfurt-style examples because this principle can, given Frankfurt cases, be defended in a sensible manner. In other papers van Inwagen (1997 and 1999) defends this principle. One argument he uses is that (at least some times) we hold agents responsible for *facts*. Van Inwagen argues that it makes no sense to hold agents responsible for facts, if the proposition that describes these facts will, given causal determinism, of necessity be true. One of his arguments is expressed as an example:

'I am supposed to take the serum upriver to the plague-stricken village. But I get drunk and miss the boat. Taking the boat is the only possible way to get to the village. Soon after de boat leaves the dock, it strikes a rock and sinks. Hundreds of villagers who would have been saved by the serum die. [...] Here is a fact: hundreds of villagers do not get the serum and consequently die.' (Van Inwagen 1997, p. 378).

³⁰ This is where he differs from Kane: Kane argues that intentionality can be invoked to account for the intelligibility of actions in an indeterministic setting.

Van Inwagen claims that he is not morally responsible for *that* fact, even though there are other things he is responsible for.³¹

What is clear is that this latter principle implies an incompatibilist position, and on basically the same grounds as expressed in one of the most central suppositions of van Inwagen's argument for indeterminism.³² This supposition, which is called the 'beta-rule' states: $Np, N(p \rightarrow q),$ therefore Nq . This means: if no one is even partly responsible for p , and if no one is even partly responsible that if p then q , then no one is even partly responsible for q . (Although van Inwagen sees his reasons to reformulate this beta-rule in a principle that is less self-evident (Van Inwagen 2004, pp. 223-4): *p and no one can, or ever could, do anything such that if she did it, P might be false.*³³)

The viability of this beta-rule does not prevent van Inwagen from taking freedom as a fact, be it as a mysterious fact (ibid. p.224). There simply is free will, and this implies that compatibilism is wrong. Therefore van Inwagen expects that there is a flaw in the argument that free will is incompatible with indeterminism (ibid., p. 227), for free will is not compatible with determinism, *but free will is possible*; so we must explain free action in an indeterministic setting.³⁴

Van Inwagen closes by evaluating a specific type of incompatibilistic explanation of action, namely one that invokes a notion of 'agent-causation' in explaining how a person can be responsible for certain events.³⁵ The idea behind *agent-causation* contrasts with the idea behind *event-causation*, in that it claims that an agent, who is no spatio-temporal event, causes

³¹ Whether this argument is very compelling? I do not think it is. In the 'serum'-example the agent is not (fully) responsible for the death of the villagers, just because a Frankfurtian can claim that there is little plausibility in stating that van Inwagen's reasons for action were the actual cause of their death. The essential point of Frankfurt-cases seems to be that agents are responsible for certain facts if their reasons for action were causing these facts to obtain. I think that this is the main point of Frankfurt's reply (1999) to van Inwagen's general claim that an agent can only be responsible for facts, if the agent could have prevented it from obtaining.

³² See the modal argument in van Inwagen, *An Essay on Free Will* (1983).

³³ <http://www.science.uva.nl/~seop/archives/spr2004/entries/incompatibilism-arguments/> (10 June 2008)

³⁴ I think that Kant made a good guess about the nature of this flaw: the incompatibilist conception van Inwagen wants for explaining action is a theoretical conception. Van Inwagen makes no distinction between the way in which reason reflects on action and objective experience.

³⁵ See for example: Chisholm, R. 1976a 'The Agent as Cause', in M. Brand and D. Walton (eds.), *Action Theory*, Dordrecht: Reidel, 199-211.

events. Van Inwagen states that even if this notion of agent-causation is coherent, it is not consistent with free will. For free will presupposes that it is in one's control to bring it about that either A or B. But the idea behind agent-causation can merely 'explain' a person's action as something that is determined by essential features of this person or as matter of chance. The former is incompatible with free will, because the agent could not have acted otherwise. Whereas the latter explains action by a notion of chance, i.e., explains the action as something that is caused by something that is a fundamental way contingent on the agents personality; therewith making it essentially arbitrary what is going to happen (ibid., p.228). Such an explanation is not convincing because anyone holding on to it *explains the event as something that might as well not have occurred*. And that is not an explanation.

§1.2.2 defending an interpretation of freedom in terms of 'providing for reasons as determining grounds for action' while claiming that this is incompatible with causal determinism

We have seen that van Inwagen defends a rather fundamental rejection of Frankfurt's thought that an agent can be responsible for his actions in case there are no possible alternatives of action. Van Inwagen commits himself to the thesis of indeterminism and wonders how actions can be explained in such an indeterministic setting. Furthermore, he rejects the agent-causal attempt to explain free action. But the resulting position is clearly not satisfactory as a characterization of freedom that rivals Frankfurt's ideas on it. In particular, van Inwagen's rejection of the idea of agent causation, or at least the idea that the agent is able to determine which of the alternative event-sequences is going to happen, must be explored a bit more. If possible we should make the mystery of free will more intelligible by trying to explain how an action is possible in an indeterministic setting. At this point, Kane may be invoked to give positive content to the more extreme grounds on which Frankfurt's account of responsibility can be rejected.

§1.2.2.1 Robert Kane

Kane argues in 'Agency, Responsibility, and Indeterminism: Reflections on Libertarian Theories of Free Will' (2004) for a specific indeterministic position. He seems initially to subscribe to Frankfurt's thoughts on responsibility by claiming that a person is only responsible for his actions to the extent that these actions are *ultimately* caused by reasons of this person. In other words: Kane recognizes that the source of responsibility is not the existence of alternate possibilities of action *as such*. It is important to understand that an

agent is basically responsible *because his* reasons determined certain events. This, however, does not make Kane claim that freedom is not ultimately a choice between alternate possibilities, as Frankfurt wanted it. Quite the contrary: Kane claims that such a decision can only be a *person's* decision if this person really *could have made it otherwise* (Kane 2004, p. 73).³⁶ In short, to hold an agent responsible for his actions is to hold him ultimately responsible for this action because of *his own* reasons; and that only makes sense under the presupposition that the agent could have decided otherwise.

So Kane concedes that the principle of alternate possibilities does not identify and characterize all there is to responsibility, and he holds further that we must hold a person responsible because these person's decisions were the actual cause of some event. This is something that seems to be Frankfurt's position. But Kane goes further in his claim that we cannot make sense of ascribing decisions to a person without presupposing the principle of alternate possibilities.

So we must presuppose that a world, in which we hold persons responsible, is not completely causally determined. This is a standard libertarian position: Kane must claim that (i) holding a person responsible for his actions is only legitimate if that person had alternate possibilities for action; and (ii) the existence of these alternatives requires that these actions are not-causally determined events. Kane thus takes a *libertarian* perspective on this issue, but in what he claims to be a non-standard way.

A standard libertarian strategy is to understand non-causal determination of events that indeterminism presupposes in order to account for responsibility, as something that stands outside the order of normal causation (*ibid.*, p. 76). Kane provides for a non-standard approach by filling these indeterministic gaps with *intentional* structures, i.e., by agents that determine by their intentions what is going to happen in an indeterministic setting. These intentional structures are invoked as things that can make free actions in an indeterministic setting positively conceivable. The central idea behind this non-standard interpretation is that there is a person who tries to achieve his goals in an indeterministic setting, *but that in doing so he is subjected to the restraints set by what is already causally determined* (*ibid.*, p. 77). The actions, i.e., undetermined events that occur in our natural world need not be understood in terms of pure 'luck' or 'chance', but rather in terms of a person's intentionality as it is

³⁶ A case in which we hold a person responsible for certain of his actions that he could not have done otherwise at the moment of performing, can only be justified by explaining these actions as determined by actions of that person that he could have done otherwise.

embedded in a structure of causes (ibid., p. 82). Whatever can pop out of this undetermined intentionality already is therefore of necessity compatible with and (in a sense) based on existing states in the order of causation. This however does not imply that what ‘pops out’ is *determined* by previous states. According to Kane only the efforts that a person actually makes in deciding between the things he want and does not want can make us conceive his will as *free* (ibid., p.83). It is the fact that a person is intentionally engaged in an indeterministic mental process, that is *needed* to make one’s will free; and thus needed to make a person responsible (ibid., p. 86).

§1.2.3 Evaluating incompatibilism – critique of Kane and van Inwagen

It is clear that Kane rejects Frankfurt’s analyses of responsibility. This was, as we already saw, also done by van Inwagen. But Kane tries to go one explanatory step further than van Inwagen did, because he tries to provide for a positive account of action in an indeterministic setting. In doing so he comes ‘dangerously close’ to the idea of agent-causation that was rejected by van Inwagen, because he explains actions in terms of *intentions* as things (‘mysteriously’) created and sustained by the agent. According to Kane and van Inwagen we really need the world to be undetermined with respect to our actions and the consequences thereof, in order to account of responsibility. So Kane and van Inwagen claim that some principle of alternate possibilities must be invoked to identify and characterize the source of responsibility. Both Kane and van Inwagen stress that understanding the availability of alternate possibilities is not enough to explain free will; i.e., on the basis of an understanding of alternate possibilities even a libertarian should wonder if free willed action is possible. Van Inwagen sees no explanation for this possibility, and rejects any explanation that centres on the idea of agent-causation. Kane tries to make indeterministic action conceivable by invoking a notion of *intentionality* plus normal causation. Undetermined gaps are so to say ‘determined’ by the causally undetermined intentions of an agent. So Kane’s position is not only a standard libertarian rejection of Frankfurt’s thoughts on the logical relation between freedom and responsibility, but also an original *positive* incompatibilist position on its own. By invoking a notion of intention Kane tries to explain that freedom is incompatible with determinism, but can nevertheless be ‘rule-based’ in the sense of ‘guided by intentions as embedded in causal structures’.

§1.3 Compatibilism

Van Inwagen is right to point at the difficulties of invoking indeterminism in explaining freedom as the source of responsibility. How can indeterminism be of any explanatory use?³⁷ What is relevant here are the difficulties that are inherent in any indeterministic defence of free will. These difficulties form at least a *prima facie* justification for trying to identify and characterize a person's responsibility for his actions in a deterministic setting. In other words, there is some justification for exploring the thought that freedom insofar it is needed to justify imputation is compatible with determinism. To this we will now turn.

§1.3.1 Defending an interpretation of freedom in terms of a possibility to act in one way or the other while claiming that this is compatible with causal determinism

We have explored the incompatibilist manner of rejecting Frankfurt on freedom as the source of responsibility. But is it possible to be a non-Frankfurtian while being a compatibilist? One can only defend such a position by claiming that what matters to freedom is basically the existence of alternate possibilities, *while claiming that the existence of alternate possibilities is compatible with causal determination*. With the help of John Perry this position can be defended.³⁸

§1.3.1.1 John Perry

In his paper 'Compatibilist Options' (2004) Perry characterizes the two types of argumentative routes that are open for a compatibilist to defend his claim that freedom is the source of responsibility. The central notions in any compatibilistic argument are 'ability' on the side of freedom and 'law' on the side of determinism. On a very strong reading of both of these notions compatibilism becomes a rather contradictory doctrine. The leading thought of Perry is therefore to make one or both of these notions as weak as possible and plausible, in a search for their compatibility. If this search is successful, it will provide the compatibilist with

³⁷ This of course is not a very new thought. Kant was aware of it: the theoretical idea of non-causal determination does not make us conceive of actions; however practical reasoning is only possible if there is an intelligible, i.e., rule-based, activity underlying actions. Thus Kant clearly saw that he can only invoke his indeterminism, by understanding it as something that exceeds the concepts as we must apply them on the basis of object experience. We will come back to this idea later.

³⁸ This is not to say that Perry rejects Frankfurt's thoughts on freedom as the source of responsibility. It only says that one can try to use Perry to reject these thoughts.

a position that is not easily refuted. For a refutation of this position must at least contain an argument for a stronger notion of 'can' or 'law' (Perry 2004, p. 233).

Perry characterizes the thesis of determinism as one that states that propositions about current facts and events *plus* the laws of nature determine which propositions about future events are true. This determinism thesis entails that a proposition about future events *has* a pre-determined truth-value. This entailment seems to make the determinism thesis incompatible with the idea that the agents have free will, because free will presupposes that a person has an ability to *render* a proposition about future events true or false. Perry points at the two different verbs that are used in this sentence to relate propositions about future events with their truth-value, namely 'have' and 'render'. It is correct that any proposition *has* only one truth-value, and therefore a proposition cannot be true at one moment and false at another moment. On the basis of the determinism thesis, an action cannot establish that. However it is certainly correct to state that some event can *render* a proposition true or false. This is correct whether this event was determined by laws or not: the actual occurrence of this event was necessary to render the proposition true or false (ibid., p. 234).³⁹ So a compatibilist should, according to Perry, not claim that freedom only exists in case propositions about future events have, given the propositions about current facts and events *plus* the laws of nature, no fixed truth-value. Therefore Perry explores the possibility of reconciling the fixed truth-value of some statement about a future event, with the notions of 'can' and 'law', in a compatibilistic manner.

He argues that if one claims that the truth of a law is *established* by events, then one has a *weak* conception of 'law' and one can defend a compatibilistic position, while using a *strong* notion of 'ability', namely alternate possibilities of action in a straightforward sense. The central idea is that determination by a causal law of this sort is completely compatible with alternate possibilities of action, just because '[...] laws are merely those descriptions of what we do that will end up being true once human actions are complete. Laws determine, but do not settle.' (ibid., p. 239). Perry abandons the weak-law and strong-ability strategy because he is not comfortable with a Humean notion of 'law' that is explained only in terms of coexisting events *plus* some psychological explanation of the necessity that we attribute to this coexistence. (ibid., p. 241).

³⁹ Of course it also makes sense to talk about theorems that are timelessly true, and whose truth is not established but only reflected by some event. But that is more or less irrelevant for propositions about concrete actions.

As an alternative he argues that one can attribute an ability to render a proposition about a future event true or false while using a *strong* notion of 'law' and a *weak* notion of 'ability'. This one can do even if one holds that every event is causally determined by laws that are true independent of actions (ibid., p. 237). He, as a compatibilist who rejects a weak notion of law, therefore needs to interpret 'ability' as something that a person has independent of the truth-value a proposition about future events has. 'A person has the ability to *bring it about that R in circumstance K* if (i) the person's repertoire of basic actions includes some movement *M* such that (ii) executing *M* in *K* will have the result that *R*.' (ibid., p. 245). A person's repertoire of basic actions is just a set of bodily movements, let us say: the bodily *skills* a person has.

This implementation of the idea of 'ability' does not presuppose that kind of compatibilism that is addressed by standard incompatibilist arguments like van Inwagen's consequence argument. Perry reconstructs this argument as follows in order to show that:

- (1.) if determinism is true, then the conjunction of *PF* [present facts] and *L* [laws of nature] entails that *Q* [proposition about some event].
- (2.) If *J* [agent] had raised his hand at *t*, then *Q* would be false.
- (3.) If (2) is true, then if *J* could have raised his hand at *t*, *J* could have rendered *Q* false
- (4.) If *J* could have rendered *Q* false, and if the conjunction of *PF* and *L* entails *Q*, then *J* could have rendered the conjunction of *PF* and *L* false.' (ibid., p. 248)

Perry argues that every derivation is okay up till (3.) but that (4.) simply does not follow. On the weak reading of 'ability' the ability to do something that makes *Q* false is consistent with an inability to render the conjunction of *PF* and *L* false (ibid., p. 249). This is so because ability is characterized independent of what actually determines what is going to be the case. The idea of 'having a skill' and the idea of the counterfactual situation that is explicitly not the case in the setting in which the ability is attributed 'that were this skill used in the environment of action it would have established this and this' is all that is needed in order to define ability.

Interlude - Demystifying Frankfurt style examples while using Perry's vocabulary

I think that it makes sense to state that Perry really provides for an interpretation of the idea of alternate possibilities that is consistent with determinism; moreover he does so in a

vocabulary that can be used to question the intelligibility of Frankfurt-style examples at a fundamental level.⁴⁰

Both of the alternative argumentative routes Perry proposes are genuine ones; and they both might be used to try to reject Frankfurt's thoughts on what grounds responsibility. The *first* idea, that a law should be understood in terms of 'a mere generalization', and not as some possible metaphysical rule, entails a rather straightforward rejection of Frankfurt's thoughts. It makes good rational sense to hold on to such a weak notion as long as one reasonably could, i.e., as long as there is no compelling *a priori* alternative to this idea of a law. It is, therefore, relevant to note that Frankfurt-style examples seem to presuppose a strong notion of law. Frankfurt can only show the logical independence of the principle of alternate possibilities and responsibility by making it conceivable that a person's decision process can be determined by taking 'effective steps' that 'ensure' that a person acts one way rather than the other. 'Steps' can only 'effectively ensure' something on the presupposition of a strong notion of 'law'. In other words: Frankfurt-style examples presuppose a strong notion of law. Such a metaphysical story is not evidently the one to which any reasonable person must subscribe; at the very least such a story needs some argumentative back-up.⁴¹ Therefore these kinds of examples are not neutral positions in the freedom-determinism setting. Conclusions based on these examples are therefore not compelling if the legitimacy of this strong notion of law cannot be established in a rational way. So to that extent it makes sense to state that one *cannot* conceive of instances of correct imputation in the absence of alternate possibilities, just because there is *no* thought that *fully spells out* how alternate possibilities are excluded on the basis of Black's steps. Therefore taking Perry's weak-law route is compatible with questioning the adequacy of conclusions about the sources of responsibility drawn by Frankfurt.

⁴⁰ Surely the interpretation of this idea of alternate possibilities differs substantially from the idea of alternate possibilities as implemented in Frankfurt's principle of alternate possibilities. *And it might be the case that Frankfurt is willing to concede that a person can only be responsible if he is in a weak sense able to do something what he will and can under no circumstance do in a Frankfurt-style case.* The main difference between Frankfurt and Perry being that the latter sees some room for the idea of alternate possibilities even in case one's actions are determined, whereas the former sees no such possibility

⁴¹ And this argumentative back-up might also put forward conditions under which we can hold the determinism thesis, and the conditions under which we can or should not. We saw such a thing in Kant.

The weak understanding of ‘ability’ can also be used to reject Frankfurt’s conclusions about freedom and responsibility. We might say that this weak idea of alternate possibilities of action is still of adequate use to explain why we (are inclined to) hold people responsible for their actions even in an actual sequence Frankfurt-cases. We can say that a person, whose skills are bypassed in a Frankfurt case, *has first of all skills that are bypassed*. In fact Black can only ‘show his arm’ in case Jones₄ already wants the alternate sequence, wants to pick skills Black does not like him to use. He fails to use these skills because he cannot pick them, because they are in some sense bypassed. So there is a sense in which an understanding of Frankfurt cases depends on the very idea of alternate possibilities, albeit it a weak idea. *In the actual sequence case we intuitively, but on reflection wrongly, hold someone responsible because there are no evident grounds for claiming that a person does not have the skills Black does not want him to use. The recognition of such grounds is rather constitutive for the understanding of the alternate sequence case, and therewith explains our intuition that Jones₄ is not responsible if Black shows his arm. We do not hold Jones₄ responsible because it is evident that it is wrong in this case to ascribe specific skills to Jones₄.*

So one can seriously wonder to what extent Frankfurt’s idea concerning responsibility derives its intuitive evidence from the relatively ambiguous status that Frankfurt assigns to these skills in Frankfurt-cases. I mentioned before that in these cases the skills are best seen as bypassed. And that this implies that the person’s skills are still there; but also that they are not available to the person. For there is simply no way in which these bypassed skills *can* be triggered by volition of this person: *whether the person wants it or not*. This ambiguity plays an essential role in Frankfurt’s argumentation; because his argumentation presupposes that there is a sense in which Jones₄ is able to do something Black does not want him to do: *this is the only reason why Black can show his hand*. But there is also a sense in which Jones₄ cannot use the skills that Black does not want him to use, because these skills are bypassed. One could argue that it is this ambiguity in Frankfurt-style examples that gives him the intuitions needed to ground his rejection of the principle of alternate possibilities.⁴²

⁴² This is also a possibility that Stump (1999) does not consider in her defense of Frankfurt cases as the ultimate rejection of the principle of alternative possibilities.

§1.3.2 Defending an interpretation of freedom in terms of ‘providing for reasons as determining grounds for action’ while claiming that this is compatible with causal determinism

As said before, one might argue that Frankfurt was not rejecting alternate possibilities in this weak sense. And therefore that Perry’s position is compatible with Frankfurt’s rejection of the principle of alternate possibilities. The main thrust of Frankfurt’s argument was to show that, even in the absence of alternative event sequence in a causally determined world; one can be responsible for one’s action, just because one’s reasons for action were determining some event; *even if this event would have happened anyway*. If this is Frankfurt’s position then it can be specified as a position that states only that there is no need for alternate causal sequences in order to talk about responsibility. In fact this seems to be Perry’s position, and to an extent Perry is a Frankfurtian. So, while Perry’s vocabulary can be used to question the very coherence of Frankfurt style examples, it can apparently also be used to support Frankfurt. I think that a position like Perry’s forms the transition point between attacking and defending Frankfurt’s central thoughts in a compatibilist-incompatibilist setting.

A clear defence of Frankfurt’s central thoughts on responsibility is posed by John Martin Fischer, and is elaborated by Todd R. Long. Both Fischer and Long take a compatibilist stance. They both argue that there is no need for alternate possibilities of action, in order to account for the form of freedom that is the source of responsibility; and that this source of responsibility can be identified in a causally determined setting.

§1.3.2.1 John M. Fischer

Fischer argues in ‘The Transfer of Nonresponsibility’ (2004) that an argument based on the *principle of transfer of non-responsibility*, as advanced by van Inwagen, is set into question by Frankfurt-type examples (Fischer 2004, p. 190). This principle of transfer of non-responsibility (PTN), after certain reformulations, states

- ‘If
- (1) *p* obtains and no one is or ever has been even partly morally responsible for *p*; and
 - (2) (i) *p* is part of the actual sequence of events *e* that gives rise to *q* at *T3*;
(ii) *p* is causally sufficient for the obtaining of *q* at *T3*; and any other part of *e* that is causally sufficient for *q* either causes or is caused by *p*; and
(iii) no one is or ever has been even partly responsible for (2i and ii); then
 - (3) *q* obtains, and not one is or ever has been even partly morally responsible for the fact that *q* obtains at *T3*’ (ibid., pp. 193-4)

Fischer attributes the formulation of this principle to McKenna who, together with Stump, claims that this principle only allows for responsibility under the condition that q is determined by more than one cause alone.⁴³ For either a proposition about an event p in combination with a proposition that describes a natural necessity $p \rightarrow q$ alone determine q ; in which case there is no responsibility, or q can also be determined by something besides p , say what is described by a and deemed to occur given the description of a natural necessity $a \rightarrow q$, in which case only one of the causes p or a can be held responsible (ibid., p.195). Fischer notes that understanding the possibility of responsibility in this manner is remarkable: '[...] if one causally deterministic sequence rules out moral responsibility, it would seem that two or more would be even worse' (ibid., p.195).

So van Inwagen's principle is on its own not sufficient to grant incompatibilism, because responsibility, and therewith freedom, is conceivable in terms of over-determination in the sense alluded to in Frankfurt-style case. This is not to say that Fischer claims that van Inwagen's principle might not be used as a first step in arguing for incompatibilism. Although Fischer does not intend to deny the validity of the principle, he is not prepared to take this first step either (ibid., p.195). The essential reason for this is that the principle can only be right on the presupposition that the 'one' causal path that leads to some event cannot be explained as a conglomerate of two paths that together over-determine q , *one of which derives from the decision of an agent* (ibid., p. 200). This presupposition is rejected by defenders of incompatibilism, but seems to be the essential presupposition underlying compatibilism. Holding on to van Inwagen's principle in order to establish incompatibilism, by rejecting this presupposition about two paths, will result in what Fischer calls a *dialectical stalemate* (ibid., pp.198-9). For one is simply not necessitated to reject this presupposition. Because one is not necessitated to embrace van Inwagen's principle, *as long as there is no convincing argument not to give in to one's inclination for compatibilism* (ibid., p. 203).

The argument that Fischer offers for this claim is that the principle of transfer of non-responsibility competes with a principle that (a.) allows for compatibilism (b.) and nevertheless coherently explains the examples invoked to justify Principle of Transfer of Non-responsibility. The adjusted principle of transfer of non-responsibility is:

⁴³ Something very much like this causal over-determination is what occurs in Frankfurt-type examples. Of course the agent's reasons are not evidently causes in the sense of spatio-temporal events. But one could argue that an agent is responsible for an event if his reasons for action were determining the event to occur.

‘If

- (1) p obtains and no one is even partly morally responsible for p ; and
- (2) if p obtains, then q obtains, and no one is even partly morally responsible for the fact that if p obtains then q obtains; and
- (3) on the actual path that leads from p ’s obtaining to q ’s obtaining, either there is no factor that at least prima facie could be thought to ground moral responsibility, or there is some factor that uncontroversially undermines moral responsibility (e.g., a factor that distorts or impairs the distinctive process of human practical reasoning); then
- (4) q obtains, and no one is even partly morally responsible for q .’ (ibid., pp. 201-2)

All of this does not imply that for Fischer the agent’s responsibility must not be sought and cannot be found in a causally determined structure. To the contrary, he thinks that moderate reasons responsiveness is the property of decision-*mechanisms* on grounds of which one can attribute responsibility (ibid., p. 205). But note this thought is completely consistent with the above mentioned principle.

§1.3.2.2 Todd R. Long

In ‘Moderate Reasons-responsiveness, Moral Responsibility, and Manipulation’ (2004) Long examines Fischer’s and Ravizza’s (F&R) theory of moral responsibility. Moral responsibility (which should not be understood as praise- or blameworthiness) is, according to F&R, a feature of a person whose decision-making mechanism is *moderately reason responsive* (MRR) (Long 2004, p. 152). A person S’s decision-making mechanism is MRR if (i) S is regularly receptive to reasons; (ii) weakly reactive to reasons; and (iii) S takes this decision mechanism as its own. Only to the extent that this MRR mechanism of S is guiding the action, is S responsible for this action (ibid., p. 153).

According to Long, F&R’s theory of responsibility is correct for the typical Frankfurt-cases in which a person’s decision to do something, can only provide guidance but no regulative control, because either the person decides to A (‘actual-sequence case’), or if he intends not to A, then the decision-process is influenced in a manner that the person will decide A (‘alternative-sequence case’). Long then tests this account of moral responsibility in what he distinguishes as *two* types of Frankfurt-type examples. Namely the ‘process of influencing’ can be implemented in two ways: (i) manipulating the decision-mechanism *or* (ii) manipulating that which the decision-mechanism works on (ibid., p.163).

It is clear that F&R's account of moral responsibility explains why in the first type of manipulation, the person is not responsible for an alternative-sequence case, and has no guidance-control. But in the second case the person seems to have MRR, and thus seems to be morally responsible. Long argues that holding the person responsible in this latter case runs counter to our intuition that the person is manipulated and therefore not morally responsible. But he rejects that intuition on reflection. For the person is morally responsible, even though we do not cash this moral responsibility in terms of the worth of this action from a third person's perspective (ibid., p.167).

§1.4 A schematic analysis - 'the ability to do otherwise' and 'causal determinism'

Van Inwagen, Kane, Perry, Long and Fischer seem to partake in the same discussion. Or at least I represented them as participating in the same discussion, namely the FOD. This discussion was characterized as a debate (i) about the compatibility of the source of responsibility, i.e., freedom with determinism; in a way that (ii) was very reactive to Frankfurt's rejection of an identification and characterization of this source in terms of alternative possibilities. Therefore it makes sense to determine how far the mentioned philosophers mean the same when they talk about the source of responsibility in its relation to a notion of an *ability to do otherwise*, and what they understand *causal determinism* to be.'

§1.4.1 'The ability to do otherwise' in the FOD

I sketched an overview of the FOD in terms of (i) *conceptions of freedom* (namely freedom as 'alternative possibilities' and as 'providing for reasons as determining grounds for action') and (ii) *compatibilism/incompatibilism*. I suppose that the meaning of these latter terms is shared by the defenders of these positions. The meanings of the terms central to different conceptions of 'freedom' are not shared between these defenders. More specifically, the expression an 'ability to act in one way or the other' has no uncontroversial meaning. The term 'ability' is an ambiguous term. Van Inwagen and Kane obviously want 'ability' to be interpreted as 'there are statements about future events that have a truth-value that is uniquely determined by the agents non-causally determined will'; or to put it negatively, not determined by the past *plus* the laws of nature. In other words, Van Inwagen and Kane need to characterize 'ability' in terms of *physical options*.

Perry, to the contrary, endorses a notion of ability that is essentially characterized by reference to the events that would result (i) from the agents bodily movements; (ii) in a concrete context of action; (iii.) caused by volitions the agent would have in logically possibly

counterfactual situations. Besides that Perry rejects an interpretation of ability in terms of ‘physical options’ explicitly. Perry is understanding ‘ability’ in terms of specific *counterfactual options*.

Fischer and Long should interpret ‘ability’ in terms of physical options. This is so, because they defend a Frankfurtian and compatibilist, position.

§1.4.2 ‘Causal determinism’ in the FOD

A remarkable feature of the FOD is that, while the notion of freedom is subject of extreme scrutiny, the notion of causal determination goes by as if it is a relatively clear term. The editors of *Freedom and Determinism* state that the standard thesis of causal determinism ‘[...] claims that the past facts together with the laws of nature entail all future facts.’ Further that every determinism thesis is [...] a global thesis, making a claim about all propositions (Campbell, J.K., O'Rourke, M., Shier, D. 2004, p. 2). In other words, once we know the laws of nature, and we know what the case was in the past, we can in principle determine what will be the case in the future. Because no author (who played a role in my representation of the FOD) did provide a critical reflection on the determinism-thesis, it seems reasonable to suppose that they subscribe to this standard interpretation of the thesis of causal determinism.⁴⁴

§1.4.3 Levelling positions

I think that it is safe to conclude that all mentioned authors either reject or defend an interpretation of ‘the ability to do otherwise’ in terms of physical options. Van Inwagen and Kane defend this ability as the source of responsibility, whereas Perry, Fischer and Long reject this. Perry tries to interpret ‘the ability to do otherwise’ in a way that is consistent with causal determinism. Fischer and Long seem to abandon the notion of ability to do otherwise altogether. Given the way they handle the question whether freedom and determinism are compatibility there is no reason to suppose that their mutual interpretations of the determinism thesis are radically different.

⁴⁴ Perry seems to be an exception here. Perry claims that the compatibilist should either defend his position on the basis of a weak notion of law *or* on the basis of a weak notion of ability. Perry argues for this claim on the basis of a standard interpretation of the determinism-thesis, although admittedly he uses a weak notion of law. Perry himself, however, thinks that the weak-law strategy is unpromising. And because of that we can safely conclude that Perry subscribes to the standard version of the determinism thesis.

§1.5 Concluding remarks

The purpose of this paragraph was to generate an overview of the contemporary FOD. Let me recapitulate the whole dialectics of this paragraph. This paragraph started by distinguishing between two principles that are thought to identify and characterize the sources of responsibility, i.e., freedom. These two types of freedom were then confronted with the idea of determination. The question motivating this confrontation was whether freedom is or is not compatible with determinism. In order to generate an overview, I tried to generate a spectrum between two extremes.

The spectrum was set between a defender of Frankfurt's ideas of responsibility, and one that rejected these ideas as radically as possible, namely van Inwagen. Frankfurt's claim was that we do not need the idea of alternate possibilities for action to characterize the kind of freedom that is the source of responsibility. Van Inwagen claimed that we do need alternate possibilities of action, because we hold a person responsible for what he *establishes* by his action. And holding a person responsible for the consequences of his action only makes sense if that person could have made it happen that these consequences did not obtain, which is to say if that the person could have acted otherwise. Van Inwagen forms the most extreme rejection of Frankfurt's thought on responsibility, by presupposing that we need alternate possibilities of action consequences, because in holding a person responsible we already must presuppose that what is going to happen is not causally determined. And this of course, is an *incompatibilistic* position.

It is clear that van Inwagen does not provide for a positive account of the grounds of imputation, i.e., does not explain how action is conceivable in an indeterministic setting. Frankfurt suggests that a person is responsible for some event if *his* decisions did cause this event. But of course, Frankfurt's main claim is that this is possible in the absence of alternate possibilities of action. Van Inwagen's rejection of Frankfurt's position needs some positive account that explains how responsibility is possible in an indeterministic setting. Therefore we need to specify the incompatibilist position in such a manner that it accounts for imputation and claims that the grounds for imputation must presuppose indeterminism.

Kane provides such a perspective. He argues that agential efforts can establish certain events in indeterministic settings by means of intentions. This presupposes that the world is to some extent non-causally determined, and therefore is an incompatibilist position. The causal gaps are filled by Kane's intending agents. This implies that the agent cannot do everything; he is severely limited because he can only decide between events that his environment allows for.

A *prima facie* problem with both Kane and van Inwagen's rejection of Frankfurt is the explanatory impotency of the thesis of indeterminism. In general I think that Kane provides for a good indeterministic account of action; but of course one that is susceptible to van Inwagen's criticism of agent-causation. Besides that: this thesis is not evidently compatible with the scientific presupposition/intuition of determinism. Therefore one might also try to reject Frankfurt in a compatibilistic manner.

I used Perry in that manner. Perry argues that any plausible form of compatibilism must presuppose a weak notion of law or a weak notion of ability. A weak notion of law is something like the Humean notion of it: generalized coexistence *plus* psychological explanation of the necessity attributed to this coexistence. A weak notion of ability is compatible with the claim that one's actions are causally determined: it essentially entails that one possesses bodily skills, which, if used, would generate certain effects in the context in which the action happens. In a sense this explains responsibility in terms of freedom in the sense of real alternate possibilities, be it counterfactual and not (f)actual causal sequences. I argued that this all can be used in opposing to Frankfurt's thoughts on responsibility and freedom. However, I concede that Perry seems to defend the main thrust of Frankfurt's thoughts. I therefore claim that Perry is a genuine transition point between attacking and defending Frankfurt's thoughts on responsibility and freedom.

The most evident implementation of Frankfurt's position is the one of Fischer and Long. Fischer and Long take a compatibilist stance, and argue that specific features of a decision *mechanism* make for the proper grounds for imputation. This mechanism, as any mechanism, is embedded in a causal order. But only if this mechanism is *moderately reasons responsive* is one justified in holding that the agent, to which it is attributed, is responsible for his decisions and the actions caused by them. This is a Frankfurtian position because it explains that in case of Black's impairment with Jones₄'s decision mechanism, Jones' decision mechanism ceases to be moderately reasons responsive in the case of the alternate action sequence. Long notes that another form of manipulation available to Black is one that does not interact with the mechanism itself, but with the reasons that the mechanism reacts on. In this case, Long argues, Jones₄ is still morally responsible, albeit not praise- or blameworthy.

§1.6 'Ontological' and 'Epistemic' compatibilism

I am not going to decide between these positions. I sketched these positions to show that there is a debate that identifies freedom as the source of responsibility. A central presupposition in this debate is that there is responsibility. The thesis that there is

responsibility faces a conflict with the thesis of determinism. There are two theses: the responsibility-thesis and the determinism-thesis. The responsibility-thesis presupposes the freedom-thesis, and by virtue of that seems to be in a direct conflict with the thesis of determinism. The incompatibilist in this debate believes that an event cannot be both at the same time causally determined and free-willed, whereas the compatibilist in this debate claims that an event can be both at the same time causally determined and free-willed.

I think a crucial difference between such reflections on the source of responsibility and its relation to the determinism and Kant's reflections can be spelled out in terms of a distinction between 'ontological' and 'epistemic' compatibilism.⁴⁵ Freedom and determination are *ontologically* compatible *if and only if* what is free can at the same time be causally determined; *epistemically* compatible *if and only if* what is known to be free can at the same time be known to be causally determined. These forms of compatibilism are not equivalent, because the proposition that the same event is at the same time under specific conditions known to be free, and under other conditions known to be causally determined, does not imply that this event is at the same time both determined and free. It only implies that there are two ways in which to know the same event. Granted specific conditions, we regard these events as determined; granted other conditions, we regard these events as free. Kant defended incompatibilism at the *ontological* level: he characterized freedom as non-causal determination. But he defended a *compatibilist* position at the epistemic level when he solved the third antinomy by pointing out that we cannot decide on a theoretical level whether events are causally determined, although he stressed that we know that they are determined if we regard them solely as spatio-temporal events. In case we legitimately regard the same events as something more than spatio-temporal events, i.e., as intelligible events, e.g., as events with a purpose, which can (only) and must be done within the limits of practical reason we know that these events are free.

In the next paragraph I will first explicate Kant's thoughts on the relation between responsibility as the source of freedom and determinism by focussing on the distinction between ontological and epistemological compatibilism. Later on I will try to show how this distinction must influence the FOD as sketched above.

⁴⁵ I wish to thank Professor Deryck Beyleveld for suggesting these terms for expressing this distinction.

§2. *Kantian perspectives on this FOD*

In my reconstruction of Kant's critical ideas on 'freedom', I focussed on how Kant related freedom to responsibility, namely freedom as a ground for *imputation* and as a characteristic of a will that is determined on the basis of a law of freedom. This is a *practical* focus on a notion of freedom. But I did more, because Kant did more. Kant did also focus on the question whether determinism is compatible with freedom, because of specific theoretical considerations.

A Kantian position towards the kind of FOD as sketched above must be established by answering the two questions that are central to this FOD in a Kantian manner, namely (i) 'how to identify and characterize freedom as the source of responsibility?'; and (ii) 'is this form of freedom compatible with determinism?'. This I will do in §2.1. In §2.2. I will try to formulate four short Kantian critiques towards the four positions explored in §§1.2-3.

§2.1 *Kant on responsibility, freedom and determinism*

So what are Kant's thoughts on determinism, freedom; and the compatibility of these two? And how do these relate to the central questions in de FOD?

§2.1.1. Kant on causal determinism

There is one thing that I would like to mention about Kant's understanding of causal determinism in relation to the FOD. We have seen that in the FOD the thesis of causal determinism is understood as the claim that the past facts together with the laws of nature entail all future facts. I think that Kant would express this thesis using the same terms. But note that Kant will mean something very specific with the expression 'laws of nature'. Kant understands a law to be a rule for subsumption. A *natural* law is a rule by which sensations are subsumed under the categories of our theoretical understanding. In other words, only the world insofar as we have objective experience of it is, according to Kant, subjected to natural laws. Thus far Kant is not speaking of *empirical*, but only of *natural* laws. In fact Kant shows, at least in his *Kritik der reinen Vernunft*, no special interest in the empirical nature of laws. This implies that Kant understands natural laws to hold primarily between *individual* spatio-temporal unities, and not between types of spatio-temporal unities. This is not to say that there are no regularities between *types* of spatio-temporal unities. But the claim that there are such regularities can not be established a priori.

This implies that the classic induction problem is not solved by Kant, and all the doubts that derive from this problem are not invalidated by Kant's thoughts. *All that Kant*

established is that, insofar as we conceive of objects, we must hold that these objects are subjected to laws, namely natural laws. This is a very abstract and fundamental claim. And this is the claim that Hume said could not be established.

This all has special implications for the version of causal determinism which Kant will defend. Causality is for Kant a rule by which an objective event becomes conceivable. According to Kant the causal-determinism thesis can be justified to the extent that it states that all the spatio-temporal events we conceive are subjected to causal laws, i.e., are given the laws of nature determined by preceding events.

I think this is relevant; both for understanding Kant and the FOD, because it is not at all clear what is meant with ‘natural laws’ in this debate. I will not dig too deep into this issue, because the aim of this paper is to establish how far Kant’s thoughts on freedom (and not primarily his thoughts on causal determinism) are relevant for the FOD. But it is important to recognize that Kant does not seem to refute the kind of scepticism that questions the possibility of a justified empirical characterization of natural laws; whereas he does refute the kind of scepticism that questions the very possibility of natural laws. Therefore, at least from Kant’s perspective, predictions based on natural laws, characterized in empirical terms, can be questioned in a rational manner. Such kind of predictions about, e.g., actions, can be questioned in a rational manner, and because of that the agent can be conceived as someone responsible for his actions, even if his actions are predicted by empirically characterized laws.⁴⁶ The reason that the agent can be conceived in this manner is because it is simply not established undoubtedly what he is going to do.

The question about the compatibility of freedom and determinism therefore plays for Kant at a very general level; and I am not so sure whether this is also the level at which the FOD takes place. One could argue that natural laws in the FOD are basically empirical generalizations. Because of that one could argue that participants in this debate try to determine whether freedom is compatible with what will be the case given past facts and the empirical generalizations as laws of nature. And this latter objective is not Kant’s.

⁴⁶ I think this is essentially the difference between empirical and intelligible character, that I deal with in the first chapter.

§2.1.2 Kant on 'how to identify and characterize freedom as the source of responsibility?'

According to Kant only an agent can be responsible for his actions, and he can only be so on the basis of his will. An agent's will is *determined* in a subjective principle of action. Because will-determination is (just as thought-determination) not of a causal sort, the will is spontaneously determined. That the will is spontaneously determined is conceived as the result of a principle based selection of an incentive as the purpose for action. This is according to Kant the most general sense of freedom which makes an agent responsible for his actions. However this sense of responsibility is at least not evidently equivalent to moral responsibility. An agent is only *morally* responsible for his actions to the extent that he can determine his will by using moral, i.e., categorical principles, in an act of will-determination. What kind of freedom is needed to account for moral responsibility? I will soon deal with these questions. Before I will deal with these questions it is important to understand the place of a notion of freedom in Kant's broader philosophy.

In his philosophy Kant wanted to steer between theoretical and practical scepticism on the one hand and theoretical and practical dogmatism on the other hand. Therefore Kant needed to explicate the conditions under which we can make theoretical and practical judgments. Besides that he had to formulate the conditions under which these judgments are rationally justified. The type of argumentation Kant needed and used for this was transcendental argumentation. It is in this setting that Kant dealt with the question of causal determination. Kant dealt with this question in his *Kritik der reinen Vernunft* as a purely theoretical one. He defined freedom as non-causal determination. This implies that the conditions under which some event is determined cannot be the conditions under which this event is free. *So at the ontological level there is an absolute incompatibilism between causal determination and free determination.* We cannot intelligibly hold the ontological thesis that the world as such is both causally determined and freely determined.

This does not prevent Kant from claiming that we *must* regard worldly events, insofar as we *know* them through our senses, as events that are causally determined. The rational necessity of holding the determinism thesis, however, is severely conditional on what is involved in reflecting on events known on the basis of the senses. In other words, it is not necessary to hold that the events, insofar as they might exist independently of our knowing them via sense-experience, are causally determined. That this is not necessary is established by Kant's solution to the third antinomy, in which Kant stresses that we cannot determine by theoretical reasoning whether worldly events as such are causally determined.

These theoretical reflections are followed up by Kant's practical reflections on determinism and freedom. In practical reasoning specific worldly events are at least regarded as non-causally determined events, more specific, as freely determined events. Such events are basically determined on the basis of a principle based selection of incentives as purposes in action. In other words, practical reasoning proceeds on the ontological presupposition that the world is not completely causally determined. And therewith needs to presuppose that the determinism-thesis is false.

To summarize: we know that the world insofar as we can know it through our senses, i.e., insofar as it is the object of theoretical reflection is completely causally determined. We also know that the world, insofar as it is the object of practical reflections is not causally determined. And we know these things about the world at the same time. These forms of knowledge are compatible: as long as we recognize the constraints to which theoretical reasoning and practical reasoning are subjected, there will be no rational conflict between practical and theoretical reflections and what comes with these forms of reasoning as such. In theoretical reasoning we must presuppose what must be rejected in practical reasoning, namely the determinism thesis.

Kant's strategy in identifying and characterizing freedom is radically different from the practical one used in the FOD. The specific character of Kant's thoughts on *imputation* and the kind of *freedom* needed to account for imputation, i.e., practical freedom, depend in a structural way on his theoretical thoughts in which freedom is negatively characterized as non-causal determination.

§2.1.2.1 Responsibility and freedom

In his practical philosophy, which reflects on responsibility for action, Kant took the proper logical subject of the freedom-predicate to be the agent. It is therefore correct, or even analytical, to state that agents are not subject to the rule of causal determination. This, however, is not to say that the will of agents cannot be determined by anything whatsoever. In fact, according to Kant, they must be determined *either* on the basis of a rational *or* on the basis of a sensuous principle. What is true of agents in their relation to determination is essentially that their will is *not-determined by a previous state in time*, i.e., *that they are not causally determined*. The Kantian reason for this is that an action can only be attributed to an agent to the extent that this action did occur on the basis of spontaneous decision made by this agent. And insofar as this decision was spontaneous, it was not pre-determined in time, i.e.,

both his decision and his *action* cannot be regarded as causally determined. There is little doubt that Kant would affirm that an action is in some sense consciously accessible on the basis of (note that I am not saying on the *sole* basis of) spatio-temporal events, which implies that there is a sense in which the action is consciously accessible on the basis of causally determined events. But an action is primarily a voluntary attempt to achieve a purpose, i.e., something that is subject to the norms posed by practical reason; and not a causally determined event, i.e., something that is subject to the requirements of theoretical reason. That actions can be conceived as events that are to some extent intuited as causally determined events does not imply that actions themselves can be seen as causally determined events.

It is only from the perspective of theoretical reason that this implication is easily, but wrongly, drawn. Kant established that theoretical reasoning about causal determination can only be justified under the presupposition that we can conceive of *intelligible* objects underlying what is causally determined. Theoretical reason therefore must remain largely agnostic about the question whether there is a sense in which events can be conceived as free; even though it justifies the claim that events, insofar as they are judged on the basis of their spatio-temporality, are subject to the rule of causality. But there is no contradiction in the idea that an event can be known as something that is free, i.e., as an action, because of a specific feature that is attributed to this event on the basis of the intelligible character of this event, namely a purpose.

The ground for imputation of actions as such is thus freedom in the sense of practical spontaneity. This form of freedom is primarily a negative form of causal determination, more specifically, determination by practical spontaneity. This is enough freedom to account for responsibility.

§2.1.2.2 Moral Responsibility and freedom

Freedom is also identified as source of a more specific form of responsibility, namely moral responsibility. What makes an agent *morally* responsible is that this agent has the capacity to determine his will spontaneously on the basis of a pure rational principle. Kant claims that beings that are *rational in a practical sense* are free, in a more explicit sense than freedom as needed for imputation as such. Kant claims that the central point of practical deliberation is to determine what a justified will-determination is. This is, in Kantian terms, to try to justify the subjective principle underlying one's action, i.e., to justify one's maxim by trying to justify the agent's choice for the principle by which this maxim is determined. This maxim, whether it is justified or not, is generated by practical spontaneity. We have seen how

this practical reasoning works: it gives you a freedom to determine your will in a rational manner, i.e., on the basis of practical norms that apply to every person that is capable of practical reasoning. And this is the sense in which you are subject to universal norms.

For Kant a universal norm is just a moral standard. This moral standard applies to an agent, qua agent. So a moral standard applies to any agent whatsoever. The will of some specific agent is either completely determined by its specific nature on the basis of the moral law (God, Angels), or it is not (Human). In the latter case the agent must conceive the moral law as a categorical imperative. This latter agent can only determine his will in a justified way on the *basis* of this categorical imperative. In doing so he is *showing* that he is free in a morally relevant sense. This however is not to say that we can only hold the agent as free (in the sense needed for moral imputation) if the agent did determine his will on the basis of the moral law. The practical fact, i.e., the fact of reason, that is given in any practical reflection on the subjective principles of our action, makes us conceive the categorical imperative because this imperative is the only principle of action that can rationally justify an action. An agent is in practical reasoning subjected to this categorical imperative only because this agent is *able* to determine his will on the basis of this categorical imperative, the practical validity of which he cannot deny.

Therefore, any agent capable of practical reasoning is morally responsible, i.e., free in a morally relevant sense. Moral freedom is thus the ability to determine one's will on the basis of the ideal of willing as such set by reason, i.e., on the basis of a moral law. What is relevant for now is that the ability to determine your will *on the basis of reasonable principles* is an ability to decide to act on the basis of reasonable principles or not. This is evidently conceptualizing the source of responsibility in terms of alternate possibilities.

§2.1.3 Kant on '*is this form of freedom compatible with determinism?*'

Thus far I have constantly written about freedom in *two* senses, namely (i) freedom as spontaneity and (ii) freedom as the ability to act on the basis of reason. It should be clear that freedom in the latter sense, presupposes freedom in the former sense. Every form of spontaneity, and therewith the ability to act on the basis of reason, is a form of non-causal determination. Note, however, that the existence of alternate possibilities is at the very least not explicitly invoked in Kant's reflections on the compatibility of freedom and determinism. The explicit ground-form of freedom is just non-causal determination of the will, and on the basis of this will non-causal determination of events. The primary question on which to focus

when dealing with the question whether freedom and determinism are compatible is therefore, according to Kant, not whether alternate event-sequences are possible in a causally determined world. *The primary question to focus on is whether non-causal determination of an event is compatible with the causal determination of this event.* This question may indeed demand an answer to the question whether alternate possibilities are compatible with causal determination or not. And in fact I think that this latter question is a crucial one in the freedom-determinism debate *but not the one that must lead this debate.*

Kant's answer to the leading question of the compatibility of freedom as the source of imputation of responsibility and causal determination is that this form of freedom is not compatible with a form of causal determinism. *Freedom in this sense is partly, namely negatively, characterized as non-causal determination.* This, at the very least, demands that we should not try to claim that what is causally determined, namely spatio-temporal events *as such*, are events that are free, or that what is free, namely will-determinations or the events determined by them, are causally determined. *In other words, freedom and determinism really are incompatible at the ontological level.* More specific, in practical reasoning transcendental freedom is specified as practical freedom, i.e., the kind of freedom that makes imputation of responsibility conceivable. Kant's theory of rational evaluation of actions and will-determinations makes only sense on the presupposition that the addressee of these evaluations is a responsible agent. So from the viewpoint of practical reasoning, morally responsible agents must understand themselves as able to make a non-causally determined choice between principles (either sensible or rational). The chosen principle is then the one on which their practical spontaneous will-determinations are made.

This does not (directly) imply that we face a dilemma: *either* determinism and descriptive science *or* freedom and prescriptive morality. The reason that this dilemma does not follow is that both the thesis of determinism and the thesis of freedom are expressing thoughts that are only justified on the basis of two specific and distinct uses of rationality. According to Kant the determinism-thesis is one that is not justified as a judgment about the world as such; neither is the freedom-thesis justified about the world as such. The determinism-thesis can only be justified (theoretically) to the extent that it is needed to account for the possibility of correct thought-determinations about objective events, i.e., the validity of the determinism-thesis is a precondition for this type of judgment. The freedom-thesis can only be justified (practically) to the extent that this thesis is needed to account for the possibility of correct will-determinations, i.e., the validity of the freedom-thesis is a

precondition for this type of judgment. But reason permits both kinds of judgment. *In other words: freedom and determinism are, at the epistemic level, compatible.*

This, however, does not imply that Kant is agnostic to whether the determinism-thesis or the freedom-thesis is true. In other words, this does not imply that Kant does not argue that we are rationally necessitated to defend one of these metaphysical theses. Although there seems to be no inherent conflict between a theoretical and a practical use of reason. And so, insofar as the determinism-thesis is established *a priori*, it does not contradict the freedom-thesis insofar as it this latter thesis is established *a priori*. This, however, does not guarantee that we will, in the application of theoretical and practical reason, not be confronted with metaphysical conflicts. The conflicts, however, need to be solved by determining the primacy of one form of reasoning above the other. Or at least that is the way in which we, rational beings, can only try to solve metaphysical conflicts in a justifiable manner.

§2.2 Kantian critiques of the positions identified in §§1.2-3

I will only draw some quick implications that address the positions identified in the FOD, on the basis of Kant's stance towards it. These implications are thus not intended to be full criticisms of the positions identified; but rather as lines along which one can develop a Kantian perspective on this FOD.

§2.2.1 Kant and Frankfurt

What would or should be Kant's position towards Frankfurt? Kant defines freedom as the absence of causal determination. In doing so Kant explicitly states that what is free is not necessitated in time. And Kant claims that it is this freedom that is one of the most basic characteristic of any source of responsibility. Another is that the agent himself takes incentives as grounds for action on the basis of a principle. Knowing whether this demands the existence of alternate possibilities is from a Kantian perspective not necessary for knowing the answer to the question whether freedom and determinism are compatible or not. This is the most that Kant can concede to Frankfurt. Kant would never go so far as to state that freedom as the source of responsibility is not intrinsically related to alternate possibilities.

Kant's notion of moral freedom, i.e., the source of moral responsibility, is much more specific than the notion of spontaneity alone. And at least this more specific notion relies heavily on the idea of alternate possibilities. According to Kant, moral freedom clearly consists in the fact that the agent can *decide*, but does not necessarily decide, to determine his will on the basis of rational principles. This ability is something that the agent possesses

simply by virtue of his practical rationality: in practical reasoning, as such, the agent examines which principle is a justified principle for will-determination.

In practical reasoning, a spontaneously determined will is thus regarded as something that is the product of an agent's decision to act on an imperative or not. In other words, from the perspective of practical reason, we must presuppose that the agent, who is responsible, could have acted otherwise. So Kant holds that from the perspective of practical reason agents are only responsible for their actions if they did determine their will while they were capable of doing so on the basis of imperatives. In practical reasoning, we can only make sense of moral responsibility under the presupposition that the agent can act on the basis of the moral law. We should not presuppose that the agent will or will not by its (non-sensuous) nature act on the basis of this law. For even if the agent will not by its nature alone act on the basis of this law, there can still be a sense in which he is morally responsible. For example, holding a human responsible for his action in a morally relevant way only makes sense if one presupposes that the person *should* and *can* take, but not necessarily takes, the moral law, by means of the categorical imperative, as the principle guiding his will-determination and his action. A categorical imperative only addresses human beings to the extent that they have a capacity to determine their will, in one way or the other. Kantian freedom presupposes alternate possibilities. This freedom to act in one way or the other, hinges of necessity on the idea of freedom as non-determination. And therefore to that extent Kant seems on a par with van Inwagen, the most extreme rejection of Frankfurt's account of responsibility.

§2.2.2 Kant and van Inwagen

Kant's thoughts require some modifications of van Inwagen incompatibilism. Even though Kant and van Inwagen both claim that action can only take place in an indeterministic setting, and they share the conviction that moral responsibility is ultimately based on alternate possibilities, their positions are radically different. They both share the thought that something cannot at the same time under the same conditions be both free and causally determined; they are both defenders of *ontological* incompatibilism. Where they differ is in their assessment of the determinism thesis, once it is granted that people are responsible for their actions. Van Inwagen seems to claim that we can only conceive of ontological incompatibilism as something that implies that we cannot hold someone responsible if we know that determinism is true. Van Inwagen makes no clear distinction between a theoretical and a practical use of reason. In other words, van Inwagen makes no distinction between beliefs that are justified or even necessary from the perspective of theoretical reason and beliefs that are justified or even

necessary from the perspective of practical reason. This explains why he fails to consider the issue of the compatibility of the theoretically justified beliefs we have in terms of causal determination with the practically justified beliefs we have in terms of free determination.

This becomes especially clear in his expectations of an explanation of action. We get from his rejection of explaining free action in terms of agent-causation that any explanation is either unintelligible or must be rule-based, in which case van Inwagen claims that it cannot be free. At first sight there is some plausibility in this claim. But on reflection this statement has plausibility only from the perspective of theoretical reasoning. That rule based action is always non-free action is rejected by Kant. A rule-based action is free and a free action is rule-based. This becomes clear from the perspective of practical reasoning: each action is made intelligible on the basis of a maxim; and this maxim is understood as the product of an agential activity by which some incentive is, on the basis of a principle, selected as the purpose of the agent's will.

There is no practical mystery about actions. We understand our actions, and the freedom it presupposes. Because of the simple practical fact that we can be very good practical reasoners. Of course there is a theoretical mystery about free events: we cannot experience them. But this theoretical mystery does not make actions unintelligible. That one is morally responsible for one's actions is basically a practical claim, i.e., a claim made on the basis of practical considerations. The source of this moral responsibility, i.e., moral freedom, should therefore primarily be identified and characterized within the limits of practical reason. In practical reasoning we presuppose that the relevant aspects of the world are not determined by causal factors, but by agents. What will be chosen is not predetermined by causes, but still the action is rule based. Of course, the question remains as to what the agent is going to do, but this question is not a problematic one within the perspective of practical reasoning but instead constitutive of it. In fact it is an agent, capable of practical reasoning, who is operating as an *activity* (and not as a determined mechanism) to answer this question by *action*, i.e., some rule based activity. That van Inwagen finds this mysterious can be explained, because he seems to try to identify and characterize free action in a theoretical setting; or at least he fails to distinguish between a reflection on practical activity and theoretical activity. But from this theoretical perspective a commitment to the freedom-thesis must be utterly mysterious or even unintelligible.

§2.2.3 Kant and Kane

Kant is very close to Kane because they both try to make actions conceivable by invoking the spontaneity of the agent as that which provides for subjective rules underlying action, be it maxims or intentions. They both emphasize that spontaneity is a form of non-causal determination. They are both defenders of ontological incompatibilism. The main difference between the two is that Kant is not identifying maxims as principles that determine which of the non-causally determined spatio-temporal events is going to happen, whereas Kane claims that agents determine which of the non-causally determined spatio-temporal events is going to happen by means of their intentions. Kant would never claim that there are certain spatio-temporal events that are not subject to the rule of causality, at least we cannot *experience* them. Kane has fewer problems with that, because he seems ready to claim that there really are indeterministic events in our spatio-temporal world; namely those events in which the agent's intentions determine what is going to be the case in the world and what not. If this claim were a practical claim, then Kane would be very Kantian, but it does not appear to be so, and indeterminism as any other sort of theoretical claim is virtually inconceivable for Kant, because it seems to mess up the division between practical and theoretical reasoning. Kane presents the determinism-thesis and the freedom-thesis as claims about the world that have their truth-value regardless the way in which we are reflecting on it, i.e., practically or theoretically.

§2.2.4 Kant and Perry

Kant's main criticism of Perry should be that both of the compatibilist strategies he proposes, namely use a weak notion of law or weak notion of ability, are wrong. The grounds for rejecting the weak notion of law are basically spelled out in the *Kritik der reinen Vernunft* and dealt with in the first chapter of this thesis. The weak notion of ability strategy is more interesting. But a Kantian should wonder if it really can be invoked in a convincing manner to ground responsibility. Remember that Kant needs to characterize freedom by making us conceive of an agent that is the spontaneous origin of the will-determination underlying his action, and that on the basis of his (non-causally determined) rational reflection on his will determinations takes himself as someone with the strong ability to act otherwise.

In any case, this implies that Kant claims that we can hold someone responsible only if we presuppose that his actions are not predetermined in time, i.e., free. Kant would claim that Perry's position fails as an ontological compatibilism. According to Kant an agent is only responsible for his actions to the extent that he decides to determine his will in one way or the

other *independent of causal determination*. We can only understand that someone is responsible on the basis of practical considerations. This is evidently not Perry's view on free will and responsibility. According to Perry we can still make sense of the idea that someone has a free will even if we presuppose that this person's actions are caused by volitions that he does not regulate.

Perry interprets the strategies available to defend any form of compatibilism in terms of the strategies that are available to defend ontological compatibilism: Perry stresses that a compatibilist should focus exclusively on the will of the agent that is determined, and should wonder what kind of freedom this agent still has; therewith ignoring the possibility of epistemic compatibilism. Perry does not consider a strategy to defend the kind of compatibilism that Kant seems to defend. This is again explained by a failure to distinguish between theoretical and practical reasoning.

§2.2.5 Kant and Fischer & Long

Following Kant, freedom is not a feature of legitimate objects of theoretical judgments. Therefore it is wrong to think of freedom as something that can be identified and characterized solely by referring to a specific kind of mechanism, as both Fischer and Long do. They both fail to identify and characterize the agent in an understandable way: both claim that there is an agent who is responsible because of the fact that something called 'his decision making mechanism' is moderately reasons responsive. I think a Kantian has to dismiss the possibility of such a mechanism on grounds of inconsistency: a Kantian has to claim that one cannot conceive of something in a causally determined structure, e.g., a decision making mechanism, that is as such (i.e., as a mechanism) influenced on the basis of a reason (which is a representation of intuitions or incentives). But even if this objection fails, the notion of responsibility and moral responsibility that Kant employs cannot be explained in terms of a moderately reasons responsive decision mechanism. It is only the possibility of a spontaneous decision, i.e., non-causally determined will-determination that makes responsibility in general conceivable. Further, an agent can only be morally responsible if he has the ability to decide to act or to refrain from acting on the basis of a moral *imperative*. This is the anti-Frankfurtian point Kant seems to imply. No matter what Fischer and Long take to be the proper source of responsibility, an agent can only be responsible to the extent that *he* provides the reasons underlying this action. And this action can only be taken as an agent's action because they are thought to have originated in a spontaneous manner, i.e., in a non-determined setting. Further, a person can only be morally responsible if he has the ability

to act on the basis of a moral imperative, which presupposes that the agent can decide to act in one way or the other, which implies *alternate possibilities*, i.e., another form of non-determination. This again is Kant's rejection of the kind of ontological compatibilism that Fischer and Long seem to subscribe.

Fischer and Long also fail to distinguish between ontological and epistemic compatibilism. From the perspective of practical reasoning, it is of necessity the agent's spontaneous decision that makes him responsible. And *not* the obscure factual claim that the agent has some mechanism that is moderately reasons responsive. This factual claim is a rather hybrid or maybe even unintelligible constellation of practical and theoretical statements: a mechanism (theoretical fact) that is reasons responsive (practical fact). Claiming that the source of responsibility is some mechanism that the agent possesses clearly is an attempt to identify and characterize the source of responsibility in theoretical terms, i.e., in a theoretical rational representation of freedom. It again blurs the distinction between practical and theoretical reasoning. This explains why Fischer and Long fail to see that the compatibility of the essentially theoretical thesis of causal determinism and the practical thesis of freedom is not only an issue at the ontological level. But is also one on the epistemic level.

§2.3 a sense of freedom?

It would be wrong to state that the contemporary FOD does not consider what was central to Kant's reflections on freedom and determination, namely the compatibility of freedom and determinism on the level of epistemology; although it seems right that this is not its main concern. The central issue at stake in the FOD as represented above is not an exploration of the tie between the notion of the compatibility of freedom and determinism and the perspective of the rational deliberators. In other words, the leading question in the represented FOD is not the Kantian question under which conditions we can and must hold the determinism thesis or the freedom thesis, insofar as we are rational beings.

This latter question is not completely ignored however. Dana Nelkin argues that rational deliberators have of necessity a 'sense of freedom'. This position seems to be a Kantian one but, I think, it is radically different from it. I will deal with Nelkin's thoughts about the sense of freedom for at least two reasons: (i) to show how crucial Kant's distinction between practical and theoretical reason is for making sense of the statement that rationality brings with it freedom, and (ii) to show that what seems Kantian might simply be radically

non-Kantian. Let me summarize what Nelkin has to say, and then argue why this position fails to be Kantian.

§2.3.1 Dana Nelkin – Sense of freedom

In ‘The Sense of Freedom’ (2004) Nelkin remains agnostic about the existence of freedom. The main purpose of her paper is to give two interpretations of what she calls ‘(R)’: ‘rational deliberators, in virtue of their nature as rational deliberators, necessarily have a sense that they are free.’ (Nelkin 2004, p. 105). The *first* interpretation tries to explain the freedom sensed in rational deliberation as such, in terms of *indetermination*: rational deliberation is only possible for a person who holds that only what is established in indeterministic reasoning *together* with other conditions can account for the occurrence or non-occurrence of an action (ibid., p.107). Nelkin rejects this interpretation by pointing at the possibility of deliberation in cases where it is wrong to hold that it is not pre-established that one can only act in one way; in so called Frankfurt-cases. In more positive terms: Nelkin claims that deliberation is still conceivable for a person who holds that (i) the decision made in rational deliberation is not ‘closing of previously open possibilities’ (ibid., p.111) *or* that (ii) the point of deliberation is not ‘closing all but one of several previously open possibilities’ (ibid., p.112).

Nelkin starts the *second* non-indeterministic interpretation of (R) by recalling Rawls’ distinction between a ‘concept’ and a ‘conception’. A *concept* of freedom is that about which anyone who discusses freedom talks; a *conception* is an analysis of the concept discussed (ibid., p.113). Nelkin wants to characterize the concept of freedom in a way that is neutral towards different conceptions of freedom (ibid., p.114). She characterizes free agency as ‘[...] the notion of one’s actions being up to one in such a way that one is, in a basic sense, responsible or accountable for them.’ (ibid., p.114). It is this form of freedom that all rational deliberators have a sense of. The central argumentation that supports this interpretation of (R) is that in rational deliberation one (i) takes reasons ‘as one’s reasons for performing an action’; and this is done by (ii) taking one’s reasons as *good* reasons for action; and (iii) by virtue of that a rational agent takes himself as the addressee of ‘ought’ claims (i.e., claims that tell him to do what is good); (iv) in reasoning about action the agents takes himself to be subjected to criteria of justified end-setting; and (v) therewith as a person that is responsible for his actions.

This is the way in which Nelkin claims that rational agents must conceive themselves as free (ibid., pp. 116-8): one can only deliberate rationally under the presupposition that one is free with regard to one’s actions; even though this does not mean that in deliberating one is

closing an undetermined gap. What it means is that one holds oneself responsible for an action, because one generally takes these actions as under one's control (this is consistent with Frankfurt cases).

§2.3.2 Kant on Nelkin

Nelkin makes the mistake of implicitly identifying indeterminism with alternate possibilities. That the reverse holds is more or less non-controversial, i.e., presupposing alternate possibilities seems to make someone an indeterminist (of course Perry could object to that in a way). But it is, without further argument, simply not correct to state that if freedom (as the source of responsibility) can be characterized without recurring to a notion of alternate possibilities, one has a concept of freedom that is not-indeterministic. I do not think that Nelkin makes this claim explicit, but it is the only claim that can make the argumentation valid.

What is more important and more or less ironic is that Nelkin states that the rational agent thinks himself responsible because he takes himself as a person who adopts certain incentives as reasons for action. In Kantian terms this is pretty much the same as understanding the agent in terms of practical spontaneity. And as we know spontaneity is per definition a form of non-causal determination, whether it explicitly demands the existence of alternate possibilities or not. I think that this consideration is essentially van Inwagen's, Kane's and Kant's reason for adopting an indeterministic position. So even if practical deliberation is not a closing of indeterministic gaps, it is nevertheless a form of determination that has no causal origin. In other words: the source of responsibility can only be conceived as something that is not subject to causal determination.

But a Kantian must go further and stress that we can only understand imperatives, or as Nelkin calls them 'ought-claims', to the extent that we conceive ourselves as being able to decide to act on the basis of imperatives. But we can only think that we are able to act in that manner if we also think that we are able to refrain from doing so. This is an implication not drawn by Nelkin, but one that derives from the fact that we, as agents capable of practical reasoning, are addressed by *imperatives*. The understanding of 'ought' implies an understanding of 'can and cannot'. Nelkin is not a Kantian. She does not deal explicit with the distinction between theoretical and practical rationality. In theoretical reasoning, i.e., reasoning about objective events, we have a sense of determination. It is only from the perspective of practical reasoning that we have a sense of freedom. Only to the extent that we understand our conscious activities in terms of purposes that *we* want to achieve, do we have a

sense of freedom. Nelkin seems to want to show that the sense of freedom that we have in practical reasoning is compatible with the idea that every event is causally determined. In a sense she wants to show that the freedom thesis and the determinism thesis are compatible at the *epistemic* level: as rational deliberators we must hold that we are free, but we can also hold that every event is determined.

I have tried to show that Nelkin has an underdeveloped or even incoherent notion of freedom. According to her freedom is the source of responsibility. She thinks that if a notion of freedom in this sense does not hinge on an idea of alternate possibilities, then it is compatible with determinism. Given Kant's ideas of freedom, this is wrong: a spontaneous will-determination must be regarded as some non-causal determination, i.e., must take place as some none spatio-temporal event. Besides that Nelkin seems to be wrong in claiming that someone who must understand himself as the addressee of ought-statements, can understand himself as someone who does not have the possibility to act in one way rather than the other.

Conclusion

An obvious difference between the Kantian thoughts and the above mentioned thoughts on the compatibility freedom and determinism is that the former are in a crucial and highly explicit way embedded in practical and theoretical rational epistemology, whereas the latter seem to ignore such a perspective. Kant explains his commitment to both the thesis of determinism and the thesis of freedom in terms of practical and theoretical rational necessity. The above sketched debaters are not explicitly interested in the relation between epistemology and metaphysics. That there is *causal determination* is essentially a metaphysical claim; as is the claim that there is *freedom*. Of course a discussion between defenders of compatibilism and incompatibilism need not be a substantial metaphysical one: one can discuss the compatibility of the freedom-thesis and determinism-thesis, without any commitment to one of these metaphysical claims. But it is something very much like a tautology that such a discussion can only be claimed to have rational significance if the rational status of a commitment to the determinism-thesis and freedom-thesis is recognized. At least to try to recognize their status is a very sensible starting point for rational debaters. A conceptual discussion on the compatibility of the concepts of freedom and determinism, as the contemporary FOD seems to be, misses an explicit reference to standards and conceptions of rational deliberation

One could argue that an examination of the determinism-thesis or a freedom-thesis is therefore rationally indecisive and speculative until it is explicitly established that our

reflected consciousness provides for the explication of the conditions under which we must hold that there is determinism or that there is freedom. Now one should expect that the conditions under which one must hold that there is determinism differ radically from the conditions under which one must hold that there is freedom. In other words: that reason relates to two radically different forms of conscious spontaneity. Therefore one should expect that a comparison between these two sets of, possibly radically different, conditions is of fundamental import to any judgment about the compatibility of the freedom and determinism thesis.

To establish and to compare these sets of conditions was an essential point of Kant's critical philosophy. Kant's thoughts on determinism and freedom constituted, so to say, a sophisticated attempt to *avoid* any rationally superfluous reflections on freedom and determinism. Whether he was successful is another question. He first of all tried to establish the preconditions for holding the theses of determinism and freedom. Then what followed was that the set of conditions that make a commitment to the determinism-thesis legitimate or even necessary and the set of conditions that make a commitment to the freedom-thesis legitimate and necessary are completely compatible, i.e., there is no rational conflict between holding the determinism-thesis and holding the freedom-thesis. This implies that Kant argued on the basis of these two sets of preconditions that there is no theoretical or practical rational need and no sufficient ground for lingering a moment longer in a FOD that discusses freedom and determinism in terms of compatibility and incompatibility. He argued that a commitment to the determinism-thesis or the freedom-thesis is only rational if it is recognized that (i) the scope of the determinism-thesis is restricted to those events insofar as they are represented on the basis of spatio-temporal *intuitions*, namely representations of objective events; (ii) spatio-temporal events are only regarded as the only proper objects of thought-determination; (iii) the scope of the freedom-thesis is restricted to those events insofar as they can be regarded as determined by will-determining practical spontaneity; and (iv) spatio-temporal events are regarded as determined by their intelligible character, more specific by these will-determinations. None of these conditions is violated in theoretical reasoning or in practical reasoning. Therefore there is no conflict between someone who holds the freedom-thesis and someone who holds the determinism-thesis in this manner. This grounds Kant's epistemic compatibilism: it is perfectly legitimate to subscribe to both the freedom-thesis and the determinism-thesis: but only because the proper logical subjects of the determination-thesis and the law of freedom can and should only be conceived in a radically different way.

However one should note that something, insofar it is subjected to causal determination/free determination, cannot be free/causally determined. This should not surprise us, because freedom is in Kant's philosophy, essentially characterized *negatively* by means of the *transcendental idea* of freedom, i.e., as the absence of causal determination. And freedom in this sense is only positively specified and implemented by *practical* reason, namely as a ground for imputation in general and more specific moral imputation. So there is a sense in which freedom and determinism are *incompatible*: freedom is the negative form of causal determination. This is Kant's *ontological* incompatibilism.

Conclusion

Kant's critical thoughts on freedom are relevant from a contemporary practical philosophical perspective. I hope that I have shown that Kant emphasizes the role of rational justification when we are dealing with the metaphysical issues of freedom and determination; and their compatibility. This notion of rational justification is a rather strong one, and based on Kant's idea of what reasoning is; namely striving for a unification of conscious activities such as thinking and acting. This unification is only possible if thought and volition proceeds on the basis of principles of thinking or willing *as such*. Kant's ideas of justification are therefore rather strong: an *a priori* justification of thought and volition. I think we should take this notion of justification seriously in a philosophical environment that tends to ignore questions of rational justification.

Another relevant thought that derives from Kant is the distinction between practical and theoretical reasoning. Given Kant's thoughts on the point of reasoning, we can conceive of two different kinds of justification, namely practical vs theoretical justification. On the basis of this distinction one can try to determine to what extent a commitment to the determinism or freedom thesis is rationally obligatory. The result may be that a commitment to the determinism thesis is, given certain conditions, required by theoretical reason; but condemned by practical reason. This would give an interesting twist to the freedom determinism debate; at least to an FOD. The new question would then be: are freedom and determinism compatible at an epistemic level. I think this latter question is highly relevant; and more relevant for rational deliberators than the question whether freedom and determinism are compatible as ontological theses.

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