THE CONTINUITY OF THE ROLE OF FREEDOM IN KANT'S ETHICS

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The Continuity of the Role of Freedom

In Kant's Ethics

By

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Abstract

In this thesis I demonstrate that Kant's notion of freedom remains consistent throughout his practical philosophy. By examining Kant's notion of *Wille* in the *Metaphysics of Morals*, we see that finite rational agents can choose against the moral law. Some Kant scholars, when interpreting Kant's early moral philosophy, omit the possibility that finite rational agents can freely choose against the moral law. Instead, they maintain that the only options available to finite rational beings are to act in accordance with the moral law, which is a free act, or act based on empirical incentives, which is a determined act. Through introducing the practical example of suicide, I show that this interpretation logically excludes certain acts, as well as removes any notion of moral responsibility from Kant's practical philosophy. However, through an examination of *An Answer to the Question: What is Enlightenment?,* the *Groundwork of the Metaphysics of Morals,* and the *Critique of Practical Reason,* I follow such commentators as Henry Allison in showing that Kant clearly maintains that finite rational agents can freely choose to act against the moral law and thus are responsible for all of their actions including their immoral acts.

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Notes on Citation

I use the same translations of Kant's work throughout the entirety of this thesis. For information on these translations, please refer to my 'Selected Bibliography'. All quotations from and references to passages in Kant's work are located in parenthetical citations. These citations contain Kant's name, an abbreviation pertaining to the title of the work, and the Berlin Academy Edition by volume:page number, except in the case of the *Critique of Pure Reason*, which has been cited by the standard A/B page numbers. Below is a list of abbreviations used to refer to Kant's works.

AQWE	*An Answer to the Question: What is Enlightenment?*
CJ	*Critique of Judgment*
CPracR	*Critique of Practical Reason*
CPureR	*Critique of Pure Reason*
G	*Groundwork of the Metaphysics of Morals*
MM	*Metaphysics of Morals*
RWLRA	*Religion Within the Limits of Reason Alone*

Introduction

Immanuel Kant focuses on the concept of freedom throughout his philosophy. In the *Critique of Pure Reason* Kant shows how it is conceivable that freedom is compatible with the causal laws of nature, through his controversial introduction of transcendental idealism[1]. However, Kant does not demonstrate the reality of freedom[2]. In the *Critique of Practical Reason* Kant moves on to claim the reality of freedom through a practical point of view. Thus, through using practical reason, freedom is shown as a fact of reason, yet freedom remains theoretically ungrounded. Finally, in the *Critique of Judgment* Kant bridges the concept of freedom to the concept of nature through the faculty of judgment.

Kant's moral philosophy is not directed at 'what is', or 'what could be', but instead 'what ought to be'. Because moral philosophy is structured around 'what ought to be' it must be possible for moral agents to make decisions concerning their actions. Decisions are only possible if an agent has the freedom to decide. Along with the capacity to decide comes the notion of responsibility. If one can decide to do other than what one has done then this type of free decision brings with it responsibility. This notion of responsibility is explicit in Kant's question of "what ought I to do?"

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[1] Transcendental Idealism claims that we can have no empirical experience of things-in-themselves, and thus our experience of objects is through our own cognition, or the subjective concepts of the understanding.

[2] In the *Critique of Pure Reason* Kant claims that reason cannot answer the questions of freedom (i.e. Are we free? How do we know if we are free?). Therefore, in order to get insight into the answers regarding freedom Kant critiques reason itself. In the 'Third Antinomy,' which deals with freedom, Kant presents a thesis and an antithesis. "The thesis argues that aside from the causality in accordance with the laws of nature, there is a causality through freedom, while the antithesis denies the later part of the claim" (Holzhey, Historical 47). Kant thinks that the antithesis of the third antinomy is true for appearances and that appearances are subject to human cognition, while the thesis is true of the things-in-themselves and is not subject to human cognition, but can be thought. Thus, freedom is not encountered in the empirical realm, or in sensed objects, but is in the realm of the noumenal or things-in-themselves.

In the *Metaphysics of Morals* Kant distinguishes between *Wille* (will) and *Willkür* (choice) to characterize two different faculties of the will, the legislative and the executive function of volition. Through this distinction, Kant allows finite rational agents the freedom to choose maxims based on incentives. However, some Kantian scholars believe that Kant did not maintain this distinction in his earlier work. The notion of freedom these Kantian scholars refer to suggests the view that only morally good, or autonomous, acts are free. Furthermore, this interpretation argues that all immoral, or morally bad acts are determined and thus one is not responsible for one's immoral actions. Although the distinction between *Wille* and *Willkür* was first made in Kant's later moral philosophy I demonstrate that this distinction is implicit in Kant's earlier work. Thus, I argue that throughout Kant's moral philosophy, his view is that rational agents can freely choose to act for empirical incentives and be held responsible for their choices[3].

Section I: Overview of Kant's Moral Philosophy

I will begin by giving a short overview of Kant's moral philosophy, highlighting some of the themes that will be looked at in depth throughout this thesis. To start this overview I will introduce how Kant identifies the 'will' in the *Groundwork of the Metaphysics of Morals.* Kant maintains that the will is the only thing that can be considered good without limitation. Kant upholds that the will is good not because of

[3] I ask: Are finite rational agents free when choosing to act against the moral law? Throughout this thesis, I will try to answer this question. However, at times I have phrased this question as: Are finite rational agents free when acting against the moral law? Whenever I am questioning the freedom of a rational agent in this way I understand there to be a maxim on which the action is based. It is not the freedom of the act, as acts are determined in time, but the freedom of the agent to choose a maxim. As Mary Gregor states, in Laws of Freedom, "it is morally necessary that each of us, as a free agent, be able to express his freedom outwardly" (Gregor, 27). Thus acts can express freedom although they are determined in time.

what it can accomplish, "but only because of its volition, that is, it is good in itself and, regarded for itself, is to be valued incomparably higher than all that could merely be brought about by it." (Kant, *G* 4:394) Reason governs the will, but it does not steer the will towards mere empirical incentive. The faculty of reason is not needed to guide one to act from empirical incentives. Animals that lack reason react on mere incentives, or instincts; thus natural causal laws of nature determine animals to action. However, the faculty of reason provides rational agents with a higher purpose other than mere gratification or self-preservation. This higher purpose is to achieve a will that is good, and a good will is good apart from any other purpose. (Kant, *G* 4:397) The concept of duty is brought forward from this notion of a good will. Rational agents have a duty to ensure that their will is driven by reason and that their will is not impacted by mere empirical incentives.

Thus, in order for one to act in a morally good way one must do so from reason alone. If one is compelled to act by empirical inclinations or incentives, even when this act is the same outward act that reason would dictate, then this act is not done from duty and therefore the act is not morally good. In other words, morality "distinguish[es] whether an action in conformity with duty is done *from duty* or from a self-seeking purpose" (Kant, *G* 4:397) and only those acts that are done from duty are morally good. "An action from duty has its moral worth *not in the purpose* to be attained by it but in the maxim in accordance with which it is decided upon." (Kant, *G* 4:400) Therefore, a good act is done not based on the end it achieves but by the rule acted upon. The rule, or subjective principle, that the rational agent acted on is called a maxim. Kant maintains that a "*duty is the necessity of an action from respect to the law.*" (Kant, *G* 4:400) Thus,

the law must determine the will, without regard to the affective influences on the will. The good will, or the law-abiding will, is deprived of all interests that could arise other than that of following law. Therefore "nothing is left but the conformity of actions as such with a universal law, which alone is to serve the will as its principle, that is, *I ought never to act except in such a way that I could also will that my maxim should become a universal law.*" (Kant, *G* 4:402) This universal law is what maxims must be in accordance with and actions must be carried out for the sake of, in order for an action to be morally good. Thus, it is not the outward action but is the inward principle that determins whether an action is good.

Because this law, understood by finite beings as a Categorical Imperative, is given to each of us through our reason without any reference to the empirical realm, it is a universal a priori law. Humans are bound to this law through their duty. However, they are only subject to this law through their own lawgiving reason. Thus, to be morally good, one "is bound only to act in conformity with his own will, which, however, in accordance with nature's end is a will giving universal law." (Kant, *G* 4:432-3) When followed, this principle allows one to be autonomous and any other principle that one follows would result in heteronomy[4].

"The principle of autonomy is therefore: to choose only in such a way that the maxims of your choice are also included as universal law in the same volition." (Kant, *G* 4:440) This principle of autonomy is one of the key themes in this thesis, as autonomy is none other than the freedom of the will. Therefore, Kant says, "a free will and a will

[4] "According to Kant's theory of **ethics**, heteronomy occurs when some object materially determines the faculty of choice (*Willkür*), because the [choice] is dependent on a law of nature" (Holzhey, Historical 59).

under moral laws are one and the same." (Kant, *G* 4:447)[5] The argument that autonomy is 'free will' has led Kant scholars to infer that all heteronomous acts are determined by empirical conditions.[6] Some Kantian scholars argue that heteronomous acts are not determined by the will but by empirical incentives. Therefore, because immoral acts are not autonomous, people are determined by their environment to commit such acts. Thus, when people act immorally they are determined, like animals, and therefore on Kant's account they are relinquish all responsibility for their immoral actions. However, this is a misinterpretation of Kant's ethics, for, as we see in *The Metaphysics of Morals,* Kant makes it clear that when one chooses against one's reason, one is unconstrained to do so[7].

In the *Metaphysics of Morals* Kant distinguishes between *Wille* (will) and *Willkür* (choice) to characterize two different faculties of the will, the legislative and the executive functions of volition. However, Kant also at times refers to these two functions together as *Wille.* In allowing the human will freedom to choose maxims, and the freedom to choose what to incorporate in maxims, we will see that one can freely choose to act on or for incentives.

Although it might appear as though Kant has struggled somewhat with the role of freedom throughout his moral philosophy, I intend to demonstrate that he has not wavered on the idea that rational agents can freely choose, through *Willkür*, to act for empirical incentives. Between Kant's publication of the *Groundwork,* and his

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[5] Chapter two address different ways in which this quotation has been interpreted.
[6] Henry Sidgwick, Mike Horenstein, and Emil Fackenheim are examples of Kantian scholars who have interpreted Kant in this way. I will be referring to their interpretations of Kant throughout this thesis in order to contrast them with my interpretation of Kant's moral philosophy.
[7] In the text, *Religion Within the Limits of Reason Alone* Kant clearly maintains that finite rational agents are free to act on maxims that do not represent the moral law. However, Kant's notion of 'will' which explains **why or how** this is the case is made more explicit in the *Metaphysics of Morals.* As both of these texts supply evidence that rational agents can choose against the moral law, I have chosen to use the *Metaphysics of Morals* as a primary text because the concept of the 'will' is more fully developed.

publication of the *Metaphysics of Morals,* Kant's definition of which actions are performed through one's free will and which actions are performed because one is determined by one's environment or natural tendencies **appears** to have altered significantly. Philosophers from Hegel to Bernard Williams have criticized Kant's explanation of moral freedom as autonomy. This explanation has been critiqued for supposedly requiring people to set aside all of their interests and desires, thus making them capable of acting solely from their respect for the moral law. But this consequently leads to the predicament of not having anything left to motivate them to act dutifully. This interpretation of Kant also commits Kant to the view that only morally good, or autonomous, acts are free. Furthermore, this interpretation argues that for Kant all immoral, or morally bad acts are determined and thus one is not responsible for one's immoral actions.

Using Henry Allison's discussion of incorporating incentives into maxims, I intend to show that for Kant intentional acts, whether they are autonomous or not, are free acts. Therefore, for Kant, rational agents are free to incorporate incentives into their maxims, and thus they can be held accountable or responsible for all of their intentional actions including the ones not in accordance with the moral law. In other words, "whenever I act, an incentive can only determine my will to an action insofar as I have incorporated that incentive into my maxim. Put differently: a desire, or any other incentive, cannot, by itself, move me to act; I have to allow it to move me." (Baron, "Henry Allison", 777)

It would not be difficult to prove that, for Kant, all intentional acts are free if I were to restrict my analysis of Kant's work to his later moral philosophy such as *Religion*

Within the Limits of Reason Alone, and *The Metaphysics of Morals.* However, I intend to show that there is evidence in *What is Enlightenment?* the *Groundwork* and the *Critique of Practical Reason* that rational agents can freely choose to act immorally. Although this is not explicit in Kant's earlier texts, it is implicit.

Thus, to interpret Kant's early moral philosophy as stating that acts which are not done for the sake of the moral law are determined and unfree acts, is incorrect. It would be absurd for Kant to base his ethics on such a strong division of freedom and determinism - a division which results in the view that people are not responsible for immoral acts. I am going to use the practical example of suicide to demonstrate why the distinction between autonomous acts as free acts, and heteronomous acts as determined acts, is practically insufficient and that Kant in fact intended a much different interpretation of his earlier work. Throughout this thesis, I will give an interpretation of Kant's early moral philosophy that 1) makes it consistent with his later work, 2) does not contradict itself with examples such as suicide, and 3) permits holding people responsible for immoral actions.

In order to demonstrate why the distinction between autonomous acts as free acts, and heteronomous acts as determined acts is insufficient and inconsistent with Kant's view we must first understand where this interpretation comes from. An interpretation of Kant's notion of freedom in the *Groundwork of the Metaphysics of Morals* is that freedom is only possible in acting in accordance with a maxim that represents the moral law. As mentioned earlier, Kant says, "a free will and a will under moral law are one and the same."(Kant, *G* 4:447) Therefore, one interpretation is that if one is not acting in accordance with the moral law for the sake of the moral law, one is determined and thus

not free. What determines us when not acting for the sake of the moral law and thus not acting from reason alone is the phenomenal realm[8], or our interests in the phenomenal. When not acting from reason, our acts are determined or instinctive, and are thus directed towards self-preservation, promotion or conceit.

In the *Groundwork,* Kant demonstrates the maxim that the act of suicide is based on cannot be in accordance with moral law or laws of nature. Thus, we can neither be free nor be determined to commit suicide. Kant gives us different formulations of the categorical imperative; the formulation that concerns us is the one that takes the form of the natural law. Kant formulate the categorical imperative as, "act as if the maxim of your action were to become by your will a **universal law of nature**." (Kant, *G* 4:421) Kant proceeds from the maxim of suicide to the claim that it is contradictory for suicide to be viewed as in accordance with the categorical imperative. For Kant, suicide does not pass the universality test; this is because the maxim that the act of suicide is based on cannot also hold as a universal law[9]. The act of suicide, or the maxim that the act represents, cannot be universally applied because it would be contradictory to do so. Kant states the maxim that represents the act of suicide is; "from self-love I make it my principle to shorten my life when its longer duration threatens more troubles than it

[8] The phenomenal realm which consists of appearances, or is made up of the noumenon, refers to "things as far as they are related to our **sensibility**; outside this relation they would be unknowable **things-in-themselves**. . . appearances have empirical reality" (Holzhey, Historical 48).

[9] For my purposes, the universality test is sufficient in demonstrating that the act of suicide goes against Kant's categorical imperative. However, there are many valid questions to be raised concerning the validity of such a test. Onora O'Neill, in Acting on Principles: An Essay on Kantian Ethics, states; "A universality test is a test of principles, and yet is supposed to help us select acts. If principles and acts were one-one or one-many correspondence, there would be no problem. We could simply test a principle, and if it turned out that it was morally acceptable. . . then we would know that any act falling under it would have the same moral status," which is what I have done above. However, O'Neill points out that "this is not always the case. [She says] not only can a given principle be acted on repeatedly and in various ways, but any given act exemplifies numerous principles." (O'Neill, 14)

promises agreeableness." (Kant, *G* 4:422) Thus, the contradiction is that the maxim serves to *end life*, while the natural law and the categorical imperative *preserves life*.

This being said, there appears to be a problem for Kant. Suicide is not a natural, or determined, act because these acts are acts of instincts, which promote self-preservation. Nor is suicide permitted under the moral law because as we have seen it is contradictory to say it is permissible under the moral law. Thus, whether one is acting in accordance with the moral law, and therefore is free, or one is acting against the moral law, and is therefore determined, suicide is logically excluded as a possible action. If one cannot commit suicide freely under the moral law and one cannot commit suicide while being determined under the natural law, then how can Kant account for that fact that some people commit suicide? Given this understanding of freedom in the *Groundwork* Kant cannot answer this question. It appears as though for Kant, in the *Groundwork*, we are either determined to act (by nature) or free to act (from the moral law), and neither nature nor reason permits suicide. However, this supposed problem is easily resolved when we consider the practical example of suicide in light of Kant's notion of freedom in the *Metaphysics of Morals.*

In the *Metaphysics of Morals* Kant allows his notion of freedom to include choices that do not coincide with the moral law. Kant says "the faculty of desire in accordance with concepts, insofar as the ground determining it to action lies within itself and not in its object, is called a faculty *to do or to refrain from doing as one pleases*." (Kant, *MM* 6:213) When the faculty of desire is joined with one's consciousness of the ability to bring about the object of desire, a *choice* is made. Thus, by distinguishing between choice (*Willkür*) and will (*Wille*) Kant allows for options that are not done for the

moral law and are **not** solely determined by nature. In fact, Kant says that rational agents can never be fully determined. From this I infer that rational agents are responsible because they have the ability to do otherwise. Kant says "Human choice [*Willkür*] . . . is a choice that can indeed be *affected* but is not *determined* by impulses." (Kant, *MM* 6:214)

If I use the example of the act of suicide under this definition of freedom, (i.e. as choice) we see that there is indeed a way in which this act can be accounted for. Suicide remains irrational, and thus immoral, and still one cannot be determined to commit suicide. One can choose to act immorally, however to act immorally or in an evil manner is to freely violate the moral law.

I intend to demonstrate that the notions of freedom found in the *Groundwork* and in the *Metaphysics of Morals* do not vary as much as they might appear to at first glance. I will do this by examining Kant's notion of freedom in the *Metaphysics of Morals* and then refer to his earlier work to see how much of this later view is present. Thus, I will look for evidence that Kant is employing the later definition of freedom, which incorporates choice, in his earlier work: *An Answer to the Question What is Enlightenment?,* the *Groundwork of the Metaphysics of Morals*, and the *Critique of Practical Reason.*

Section II: Literature

I intend to demonstrate that throughout Kant's moral philosophy he maintains that agents can freely choose to act against the moral law. Actions that represent maxims that do not reflect the moral law are immoral, or evil, as well as free. Therefore, finite rational agents who do act against the moral law are responsible for these actions,

because they could have chosen to do otherwise. Kantian scholars rarely dispute this thesis when it is in relation to Kant's later moral philosophy. However, Mike Horenstein, in "The Question Concerning Freedom in Kantian Moral Philosophy" claims, "Kant's so-called theory of freedom is indeed, in spite of Kant, virtually a theory of determinism." (Horenstein, 146) My argument is not directed towards refuting this claim[10]. Horenstein states that Kant's philosophy leads to the conclusion that "Our acts are the expression and inevitable result of our being . . . We actually do what we must do, what we cannot help doing." (Horenstein, 146) Horenstein does not believe that Kant has found a bridge between the noumenal self and the phenoumenal self; therefore, regardless of any noumenal input all acts are pre-determined regardless of one's awareness of the moral law.

My argument is directed towards the scholars who interpret Kant as claiming that only maxims that represent the moral law are free, while immoral maxims and acts are not free. My argument is also directed towards scholars who believe Kant had changed his mind on this topic. Emil Fackenheim, in "Kant and Radical Evil", claims that Kant changed his view regarding which acts are a result of one's being free to choose. Fackenheim states,

> According to Kant, whatever is not will towards good, is not free will at all. This means that his moral failure is due to the domination of inclination, pure and simple, and will does not enter into it. It follows, therefore, that the villain is not a villain at all, but an innocent weakling. And he deserves, not our censure, but our pity . . . Kant comes to reject this view. Man, to be genuinely free and responsible, must have the choice, not between willing the good or not willing at all, but between good and evil. It must be possible for him to choose

[10] My argument presupposes that finite rational agents are at the very least free when acting for the sake of the moral law. Therefore, the question I ask is not "am I free?" but am I free to choose maxims that are not for the sake of the moral law.

> freely, i.e. responsibly, and yet choose *against* the moral law.
> (Fackenheim, 265)

Thus, Fackenheim believes that Kant had changed his notion of freedom over time. Fackenheim argues that Kant's early philosophy cannot account for holding people responsible for their immoral acts. This is because, if one commits an immoral act, one was dominated or determined by inclinations and thus one could not have chosen to do otherwise. In Chapter II I will argue that this is an unfair interpretation of Kant.

Also into this camp of Kantian critics falls Henry Sidgwick. Sidgwick makes a slightly different claim than Fackenheim. Sidgwick believes that both of the different notions of freedom, presented in the quote above, are found in Kant's *Groundwork*. In an appendix titled "The Kantian Conception of Free Will" found in Methods of Ethics, Sidgwick's aim "is to show that, in different parts of Kant's exposition of his doctrine, two essentially different conceptions are expressed by the same word freedom; while yet Kant does not appear to be conscious of any variation in the meaning of the term." (Sidgwick) The notions of freedom that Sidgwick highlights are the same ideas that Fackenheim has given above. Sidgwick maintains that for Kant, freedom sometimes means that man is free only in so far as he acts in accordance with reason, and at other times, freedom is viewed as inherent in choosing between good and evil. Sidgwick claims that these two notions of freedom are incompatible.

Not only do I think that these philosophers, have misinterpreted Kant's early moral philosophy, but I also find their conclusion involving moral responsibility unsettling[11]. Therefore, I will turn my attention towards work of Martin Van Hees,

[11] Horenstein's, Fackenheim's, and Sidgwick's views regarding **responsibility** are made explicit in the conclusion to this thesis.

Gunner Beck, and George Schrader where we will see that their interpretations of Kant's notion of freedom, remains consistent throughout the whole of Kant's moral philosophy.

Martin Van Hees, in his article titled "Acting Autonomously Versus Not Acting Heteronomously" synthesizes what Sidgwick considers to comprise two 'incompatible meanings' of freedom. Van Hees claims all adult rational agents are autonomous; however, the ability to express autonomy varies between individuals. Thus, all rational adult beings have rational freedom of choice regardless of whether they act on maxims that represent the moral law or maxims that do not represent the moral law. Although Van Hees' notion of freedom off *Willkür* can be consistently applied throughout Kant's moral philosophy, I believe Mary Gregor, in Laws of Freedom, has an explanation that is more consistent with Kant's philosophy. Gunnar Beck, in Autonomy, History and Political Freedom in Kant's Political Philosophy, summarizes Gregor's position nicely when he says, "Men can be autonomous only if they choose to be so, and this means that more than one course of action must be open to them. They, therefore, must be free in the external sense, free from constraint by others and free to choose between ends that are moral and those that are not." (Beck, G., 218) Gregor's notion of freedom is similar to the notion of freedom that I will be working with throughout this thesis.

George Schrader in "Autonomy, Heteronomy, and Moral Imperatives" demonstrates another way in which this notion of freedom can be portrayed. Schrader states, "Man cannot escape the moral law because he cannot escape his own rationality. Man's reason makes an inexorable demand upon him at all times, which make him morally responsible no matter what he may do." (Schrader, 71) This is precisely the

notion of freedom and responsibility that I interpret Kant to be asserting throughout his moral philosophy.

A section of my argument will closely coincide with Henry Allison's and John Silber's work on Kant's theory of freedom. Allison[12] gives us what he refers to as the "Incorporation Thesis."[13] Kant states, "freedom of the will [*Willkür*] is of a wholly unique nature in that an incentive can determine the will to an action *only insofar as the individual has incorporated it into his maxim.*" (Kant, 1998, 39-40, Allison, 1990, 24) Thus, Allison's Incorporation Thesis claims that empirical incentives cannot determine a will without the rational agent freely choosing the incentive to insert into a maxim. Allison's discussion of the Incorporation Thesis addresses the distinction Kant makes in *The Metaphysics of Morals* between *Wille* and *Willkür* (choice), as I have alluded to earlier. This distinction is key to demonstrating that the Incorporation Thesis is what Kant has in mind during his later moral works. I will be following Allison to the *Groundwork* and the *Critique of Practical Reason*, in search of evidence that Kant maintained that finite rational agents are free to choose against the moral law. I will extend Allison's arguments by supporting and developing his ideas particularly by looking at practical examples given by Kant. I will also discuss why it is that Allison and

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[12] This thesis presupposes Kant's description of transcendental idealism. As Allison says, the "transcendental distinction is not primarily between two kinds of entity, appearances and things in themselves, but rather between two distinct ways in which the objects of human experience may be 'considered' in philosophical reflection, namely, as they appear and as they are." (Allison, 1990, 3-4) This presupposition will allow some of the problems surrounding the noumenal-phenomenal distinction to be side stepped.

[13] However, through taking this approach I will have to pay particular attention to the fact that spontaneity, which is the kind of freedom that allows for the Incorporation Theory can be thought but not experienced. As Kant's transcendental idealism tells us, spontaneity is "merely intelligible." Thus, as Allison says,"[spontaneity does not] enter into an empirical account or explanation of human action." (Allison, 1990, 5)

I disagree on the status of habitual actions and demonstrate that Allison needs to expand his Incorporation Thesis in order to include habitual acts.

Section III: Overview of the Thesis Chapters

Chapter one of this tesis focuses on *The Metaphysics of Morals*. I start with Kant's later moral philosophy so that we can get a clear picture of what it is we are looking for in Kant's earlier work. Chapter I starts with a discussion of duty to the moral law, or what one ought to do. My reason for starting this way is so that we do not lose sight of the underlying principles of Kant's moral philosophy as a whole. Some Kant scholars believe that it undermines Kant's moral theory to suggest that actions which are based on maxims, which do not in represent the moral law are free actions. However, I want to make it clear from the start that this is not my intention, nor is it my conclusion. Thus, I start with a fundamental aspect of Kant's moral philosophy, this being the question of 'ought' or duty. This concept will be shown to be consistent throughout Kant's moral theory. Next, I discuss Kant's explanation of a finite rational agent's will, and the distinction that Kant makes between *Wille* and *Willkür*. This distinction is a central theme of this thesis. However, prior to the *Metaphysics of Morals* Kant does not explicitly make this distinction. This distinction shows how it is that rational agents can freely act on maxims that do not represent the moral law. The final section of this chapter deals predominantly with Kant's notion of freedom as it is presented in *The Metaphysics of Morals.*

In the second Chapter, I examine Kant's texts *An Answer to the Question: What is Enlightenment?* and the *Groundwork for the Metaphysics of Morals.* In these earlier

works, Kant does not use the terms *Wille* and *Willkür*. However, I demonstrate that this distinction is implicit in Kant's early moral philosophy.

This chapter starts with a discussion on moral responsibility. As seen in the suicide example, if one is determined to commit a certain act then one is not responsible for this act, as it was out of one's control. Therefore, I look for evidence in Kant's earlier moral philosophy that according to Kant, individuals can be held responsible for their acts even when those acts are not in accordance with the moral law. This will show that for Kant finite rational beings can freely choose to act on a maxim which is not in accordance with the moral law. The discussion on responsibility leads into a discussion on the decision-making processes within Kant's moral philosophy. In this section, we will see that, for Kant, finite rational agents decide what incentives to include in their potential maxims and then are able to freely decide which maxim will form the determining ground of their action. In section three of this chapter, I address duties and responsibilities. I demonstrate that if one has the ability to choose to act on a maxim that is in accordance with the moral law then one also has the ability to choose not to act on a maxim that is in accordance with the moral law. In the final section, 'habit' is addressed in order to emphasize the responsibility that finite rational agents have for all their acts regardless of the acts' relationship to the moral law.

In Chapter III, I address Kant's second Critique, the *Critique of Pure Practical Reason*. Section I of this chapter examines how reason gives the moral law as the determining ground of the will independent from sensible conditions, which leads to the notion of freedom. This section looks at two examples in Kant's text often referred to as the 'gallows examples.' These examples demonstrate Kant's view that finite rational

beings are not determined to act by empirical incentives. The next section in this chapter addresses incentives. We shall see that finite rational beings can choose to incorporate empirical and moral incentives into their maxims. In both of these instances, the incentives are **freely** incorporated into the maxims on which their actions are based.

The final section of this chapter demonstrates in what sense 'rational agents acting against the moral law' are free and in what sense they are not. In a section of the second *Critique* titled the 'Elucidation of the Analytic of Pure Practical Reason,' Kant discusses rational agent's freedom with reference to the noumenal self and the phenomenal self. Every rational agent is both noumenal and phenomenal. The phenomenal self, whether it is good or evil, is always determined in time. The noumenal self is always free to formulate potential maxims and include incentives of any kind into these maxims. Thus, the noumenal self is always free to decide on which maxims to base its actions, even when these are not maxims in line with the moral law.

Chapter I

Wille and *Willkür*

Introduction

In the *Metaphysics of Morals* Kant gives an in-depth analysis of his notion of freedom. This notion of freedom includes a distinction between *Wille* and *Willkür,* which is found primarily in the Introduction to the *Metaphysics of Morals*, and in the Doctrine of Virtue[1]. Kant's earlier notion of freedom, found in the *Groundwork* and in the *Second Critique,* does not explicitly state the distinction between *Wille* and *Willkür.* The purpose of this chapter is to expound on the notion of freedom found in the *Metaphysics of Morals* highlighting the distinction between *Wille* and *Willkür.* The following chapters will demonstrate that although this distinction was not made explicit until the *Metaphysics of Morals*, it is implicit in Kant's earlier moral philosophy making it clear that finite 'rational' agents can choose to act immorally.

In Section I of this chapter, I begin by discussing *duty* and obligation. Kant claims that one is most free when acting for the sake of duty that a free rational agent has to oneself. However, this does not exclude an element of freedom when one acts against duty in other words, one is still free when acting against one's duty.

Section II gives an explanation of Kant's notion of the will. For Kant the will has two main functions: *Wille* has a legislating function while *Willkür* makes choices. I will address the distinction and relationship between *Wille* and *Willkür. Willkür* is particularly important because it gives insight into a rational agent's ability to freely

choose maxims and incentives. Thus while finite rational agents are legislated by both reason and nature they are determined by neither.

Finally, in Section III, I will demonstrate how the concepts of duty, *Wille*, and *Willkür* are reflected in Kant's notion of freedom. As we will see in Section I duty is intertwined with inner freedom, and in Section II positive and negative freedom will be related to *Wille* and *Willkür*. Section III ties all of these concepts together to discuss Kant's notion of freedom. This section addresses how it is that rational agents become aware of their freedom, and in what sense they can 'act' freely. Through this discussion, we come to see that on Kant's moral theory rational agents freely choose to act for or against the moral law. In that rational agents can chose to act immorally, they are therefore responsible for such actions.

Section I: Duty and Obligation

The *Metaphysics of Morals* is divided into two sections, the Doctrine of Right and the Doctrine of Virtue; however these two sections together could be called the Doctrine of Duty, because both sections deal with the concepts of *obligation* and *duty*. Kant states, "*Obligation* is the necessity of a free action under a categorical imperative of reason," (Kant, *MM* 6:222) and an imperative is a practical rule through which an action is made necessary[2]. As Kant further explains,

> An imperative is a rule the representation of which *makes* necessary an action that is subjectively contingent and thus represents the subject as one that must be *constrained* (necessitated) to conform a rule.- A

[1] The *Metaphysics of Morals* is divided into two sections, the Doctrine of Right and the Doctrine of Virtue. I will discuss the relationship between these two Doctrines and show how the distinction is related to the discussion on freedom in the first section of this chapter, titled Duty and Obligation.
[2] Chapter III will give an in depth discussion on imperatives which includes hypothetical imperatives.

> categorical (unconditional) imperative is one that represents an action as objectively necessary. (Kant, *MM* 6:222)

The categorical imperative represents objectively necessary actions, and thus it legislates moral duty. George Schrader deals extensively with the concept of duty in his paper titled "Autonomy, Heteronomy, and Moral Imperatives" where he demonstrates the relevance of duty to Kant's moral philosophy. Schrader maintains that the ground of the possibility of the categorical imperative is found in the subject's ability to choose freely, hence, the possibility to ground a categorical imperative is in one's freedom of choice[3] (Schrader, 66). Without being able to choose freely one would be an animal, determined by natural incentives[4]. However, through a rational agent's ability, to choose, or through the recognition of choices[5], one is able to become aware of the categorical imperative.

"*Duty* is that action to which someone is bound. It is therefore the matter of obligation, and there can be one and the same duty (as to the action) although we can be bound to it in different ways." (Kant, *MM* 6:222) For instance, the categorical imperative both commands and prohibits, hence it is a moral practical law. An action that is neither commanded nor prohibited is merely permitted, "since there is no law limiting one's

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[3] As we will see in the following chapters Kant is unclear as to whether rational agents are aware of the moral law by knowing that they are free, or whether they know they are free by first being aware of the moral law. In section three of the *Groundwork* Kant states, "All human beings think of themselves as having a free will. From this come all judgments upon actions as beings such that they *ought to have been done even though they were not done."* (Kant, *G* 4:445) whereas in the second Critique Kant states, "moral law is the condition under which we first *become aware* of freedom." (Kant, *CPracR* 5:4) However, overall Kant maintains that freedom and the moral law are reciprocal concepts. Kant says, "had not the moral law *already* been distinctly thought in our reason, we should never consider ourselves justified in *assuming* such a thing as freedom. . . But were there no freedom, the moral law would *not be encountered* at all in ourselves." (Kant, *CPracR* 5:5)

[4] In fact, for Kant, purely rational beings do not have the freedom to make moral decisions either, as they only have reason, thus leaving them with nothing to choose between. In other words, a purely rational being (Kant uses the example of an Angel) does not interact with the phenomenal realm and thus pure reason guides without interference.

[5] In Chapter two there is an extensive discussion of perfect and imperfect duties. In this discussion, it will become evident that even within morally good decisions there are choices to be made between maxims.

freedom (one's authorization) with regard to it and so too no duty. Such an action is called morally indifferent." (Kant, *MM* 6:223) An action that is done for the moral law and thus is necessitated by the moral law is a morally good action. Maxims that are prohibited by the moral law are evil actions.

Given the criteria for obligation and duty, it is impossible for duties to conflict. The concepts of duty and obligation are expressed as objectively practical and necessary, hence opposing rules cannot be both necessary at the same time. (Kant, *MM* 6:224) A practical rule, or imperative, differs from a practical law in that an action represented by the law may or may not inhere to an inner necessity. For example, if the acting subject is holy, and thus always rational and never contingent, then there is no imperative needed to act, because the law dictates without interference.

"A principle that makes certain actions duties is a practical law. A rule that the agent himself makes his principle on subjective grounds is called his *maxim*; hence different agents can have very different maxims with regard to the same law." (Kant, *MM* 6:225) An example of a practical law which represents the categorical imperative is, 'do not lie.' Maxims that follow this practical law are 'tell the truth' or the maxim 'to abstain from answering when one does not wish to tell the truth'. Therefore, if a threatening person comes to the door asking for someone, who you know to be upstairs, you may tell him or her that you refuse to tell where the person he or she is seeking is. However, if a different person were to answer the door he or she may tell the threatening person that the person he or she is seeking is upstairs. Regardless of the reply given to the threatening

person, both replies follow the practical rule 'not to lie'. An alternative reply would be to lie; however, this reply does not follow the practical rule 'not to lie'. [6]

There are two different types of duties, which follow from different types of laws. "All duties are either *duties of right (official iuris)*, that is, duties for which external lawgiving is possible, or *duties of virtue (official virtutis s. ethica)*, for which external lawgiving is not possible." (Kant, *MM* 6:239) External law giving is not possible for duties of virtue because the end for which duties of virtue must be pursued is the end one sets for oneself internally. External law prescribes external action that would lead to an end; however such prescription could not lead subjects to set an end as their own end.

The Doctrine of Virtue identifies inner duties of freedom, rather than outer duties, under law. (Kant, *MM* 6:380) Kant refers to this inner law as the moral law and only inner duties are ethical[7]. Inner duties are legislated through the moral law, and must be carried out for the sake of the moral law in order to be fulfilled. Examples of inner duties are 'do not lie' and 'do not cheat.' It is not possible to discern if another has fulfilled an inner duty because the action cannot relay whether the duty was carried out for the sake of the moral law or for some other reason. External laws, or duties, may include 'do not cheat by taking performance enhancing drugs at the Olympics' and 'do not lie while

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[6] Onora O'Neill, in Acting On Principle: An Essay on Kantian Ethics, tells us what a maxim is but she also highlights that rational agents are free when their acts are based on maxims that they choose. O'Neill states, "A maxim is a principle which, in Kant's terminology, expresses a determination of the power of choice. To say that an agent's power of choice is determined is simply to say that he intends to do a specific sort of act or purse a specific end in some situation. If an agent has a maxim "To do A if B," then he intends to do A if B." (O'Neill, 40)

[7] Kant states, "In ancient times "ethics" signified the *doctrine of morals (philosophia moralis)* in general, which was also called the *doctrine of duties*. Later on it seemed better to reserve the name "ethics" for one part of moral philosophy, namely for the doctrine of those duties that do not come under external laws (it was thought appropriate to call this, in German, the *doctrine of virtue*). Accordingly, the system of the doctrine of duties in general is now divided into the system of the *doctrine of right (ius)*, which deals with duties that can be given by external laws, and the system of the *doctrine of virtue* (*Ethica*), which treats of duties that cannot be so given; and this division may stand." (Kant, *MM* 6:379)

testifying in court'. One can verify whether an individual has followed an external law or fulfilled one's external duty[8].

Our duty to the inner law, or the moral law, will always only be imperfect because the moral law does not give laws for action, but only for maxims. Thus, the moral law leaves room for free choice. Kant says, imperfect laws "cannot specify precisely in what way one is to act and how much one is to do by the action for an end that is also a duty." (Kant, *MM* 6:390) Imperfect laws are in contrast to perfect laws, or judicial laws, which are found in *The Doctrine of Right;* these laws are explicit in the actions one must perform or may not perform.

Through the moral law we create ends which are also duties, thus to act morally we "act in accordance with duty from duty." In the *Doctrine of Virtue* Kant defines inner duty, or duties of virtue as wide duties. These duties are wide because there is no action that is prescribed by the moral law, only a law to which the maxim of an action must be in accordance. Thus, there is a *wide* range of actions that are in accordance with the moral law. Kant divides these wide duties of virtue into two categories, *One's own perfection as an end that is also a duty* and *the happiness of others as an end that is also a duty.* These are duties of virtue because, Kant says, "*Virtue* is the strength of a human being's maxims in fulfilling his duty. - Strength of any kind can be recognized only by the obstacles it can overcome". (Kant, *MM* 6:394) For virtue, these obstacles are natural inclinations.

This 'strength' is an inner strength, because it comes from within oneself by resisting empirical incentives in order to act for the sake of the moral law. Furthermore, the moral law is formulated and legislated by each rational agent to him or herself,

[8] External duty is seen again in Chapter II, Section II titled 'Duty', with regards to a soldier example.

whereas, the type of law discussed in the Doctrine of Right is externally legislated to rational agents. As stated in the Introduction, the supreme (moral) principle is to "act in accordance with a maxim of *ends* that it can be a universal law for everyone to have." (Kant, *MM* 6:395) This law cannot be verified, but is instead deduced from pure practical reason. To be virtuous, and thus strong, one must exercise self-constraint, which is initiated through pure practical reason.

> *Human beings*, [are] rational *natural* beings, who are unholy enough that pleasure can induce them to break the moral law, even though they recognize its authority . . . But since the human being is still a *free* (moral) being, when the concept of duty concerns the internal determination of his will (the incentive) the constraint that the concept of duty contains can be only self constraint . . . for only so can that *necessitation* . . . be united with the freedom of his choice. (Kant, *MM* 6:380)

Virtue is its own end, its own reward. Therefore, "Virtue is, the moral strength of a *human being's* will in fulfilling his *duty*, a moral *constraint* through his own lawgiving reason, insofar as this constitutes itself an authority *executing* the law." (Kant, *MM* 6:405) And only when one possesses courage[9] or practical wisdom can one be free from empirical incentives.

> In the moral imperative and the presupposition of freedom that is necessary for it, are found the *law*, the *capacity* (to fulfill the law), and the *will* determining the maxim . . . [for duty of right] But in the imperative that prescribes a *duty of virtue* there is added not only the concept of self-constraint but that of an *end*, not an end that we have but one that we ought to have, one that pure practical reason therefore has within us. (Kant, *MM* 6:396)

[9] This reference to courage will tie into to a later discussion regarding *An Answer to the Question; What is Enlightenment.*

To be virtuous one cannot be passive; virtue requires action for the sake of the moral law[10]. "Virtue cannot be *defined* as an aptitude for free actions in conformity with law unless there is added "to determine oneself to act through the thought of law," and then this aptitude is not a property of choice but of the *will*, which is a faculty of desire that, in adopting a rule, also gives it as a universal law." (Kant, *MM* 6:407)

Inner freedom is obtained as a result of acting for the sake of the moral law, or fulfilling one's duties of virtue. Inner freedom is indistinguishable from the type of freedom obtained through acting autonomously. Kant says there are two things required in order to maintain inner freedom[11]. First, one must be one's own master, and second one must rule oneself. In other words, "Subduing one's affects and *governing* one's passions. [And only] in these two states is one's character noble; in the opposite case it is mean." (Kant, *MM* 6:407) Virtue is based in one's inner freedom to bring all of one's 'capacities and inclinations' (such as feelings, passions, and affections) under the faculty of reason so that reason is in total control. Kant states, "For unless reason holds the reins of government in its own hands, feelings and inclination play the master over him." (Kant, *MM* 6:408) For Kant, true evil are the visas that get in the way of reason and our ability to control these vices. An example of true evil is to steal even when one recognizes that one ought not to.

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[10] In other words, if virtuous acts are performed out of habit they are no longer virtuous. Habitual acts become a (thoughtless) necessity and thus one is not free when engaging in a habit. There is an in-depth discussion concerning habit in Chapter II of this thesis.

[11] See the thesis Introduction for further discussion on autonomy. Kant also has a notion of outer or external freedom in the Doctrine of Duty. However, external freedom is outside the scope of this thesis as I would argue that the distinction between *Wille* and *Willkür* is what allows for external freedom. Therefore external freedom need not be discussed in order to understand *Wille* and *Willkür* or how it is one can be held responsible for their immoral actions.

Above, we have seen that finite rational agents have a duty to the moral law, which they ought to abide by. Furthermore, we have seen **what** one must do in order to maximize one's inner freedom. Through this discussion it has become apparent that, for Kant finite rational beings can act in such a way that their actions are not done for the sake of moral duty or that their maxims may not lead to the full potential of their inner freedom. The following section examines the type of will that finite rational agents must have in order both to be subject to a law which they give to themselves through their reason and still choose to act against such law. Therefore, I will address what one must **have** in order to be able to gain inner freedom. We will see that inner freedom is possible through possessing a particular type of will.

Section II: *Wille* and *Willkür*

The duty one has to the moral law dictates that one's maxims for action ought to be done for the sake of the moral law and in accordance with the moral law. However, as mentioned above, the moral law does not dictate what specific actions ought to be taken. The duty one has to the moral law is a wide duty; hence, there is room for free choice in internal law giving. As Schrader states in "Autonomy, Heteronomy, and Moral Imperatives," the possibility for an internal law, such as the categorical imperative, is grounded in one's freedom of choice and without this "categorical imperative there would be, on Kant's view, no such thing as morality." (Schrader, 66) A finite rational agent's will allow him or her to give oneself the moral law as well as to formulate and choose maxims on which to base one's actions. The will is made up of two components, *Wille* and *Willkür*. Prior to the *Metaphysics of Morals* Kant had not defined *Wille* and

Willkür; although Kant uses these terms in the *Critique of Practical Reason* as well as in the *Religion Within the Limits of Reason Alone*. Henry Allison in Kant's Theory of Freedom, explains Kant's reason for this distinction: "Kant is attempting to move from a general account of the faculty of desire to an analysis of human volition." (Allison, Kant's Theory, 130)

Kant gives the distinction between *Wille* and *Willkür* in the introduction to the *Metaphysics of Morals*. Kant states,

> Laws proceed from the will [*Wille*], *maxims* from choice [*Willkür*]. In man the latter is free choice; the will [*Wille*], which is directed to nothing beyond the law itself, cannot be called either free or unfree, since it is not directed to actions but immediately to giving laws for the maxims of actions (and is, therefore, practical reason itself). Hence the will directs with absolute necessity and is itself *subject to* no necessitation. Only *choice* [*Willkür*] can therefore be called *free*. (Kant, *MM* 6:226)

I will draw upon both John Silber's and Allison's explanation of *Wille* and *Willkür* to explain Kant's concept of the will. Silber notes that *Willkür* is the 'radical capacity for free choice', while *Wille* refers purely to the rational concept of the will. Silber states, "*Wille* is as much a part of the will as *Willkür*, for without it there could be no rational structure for freedom, no experience of obligation, and hence no awareness of the power of volition." (Silber, "The Copernican Revolution" civ) However, Silber does maintain that "*Wille* does not make decisions, or adopt maxims; it does not act. Rather it is the source of a strong and ever present incentive in *Willkür*, and, if strong enough to be adopted by *Willkür* into the maxim of its choice, *Wille* "can determine the *Willkür* [and then] it is practical reason itself." (Silber, "The Copernican Revolution" civ) Thus, practical reason is executed and followed when *Wille* determines *Willkür*. Allison calls

this situation, or practical reason itself, *Wille* in the broad sense, whereas Silber calls this the 'will'.

Nonetheless, Allison has a similar interpretation to Silber's of Kant's notion of *Wille* and *Willkür*. Allison points out that Kant has two uses for the term *Wille*. One use of the term *Wille* is narrow and the other is broad. The narrow way in which Kant uses *Wille* is defined in the passage above. *Wille* has a legislative function, which is equated to practical reason. "*Wille* is the source of the laws that confront the human *Willkür* as imperatives . . . [*Willkür* has the executive power] to act, that is to decide, choose, and even wish under the governance of *Wille*." (Allison, "Kant's Theory" 130) Thus, laws come from the narrow *Wille*, while maxims from *Willkür*. *Wille* provides the norm by which *Willkür* chooses. *Wille* is determining and not determined; however, Kant is clear when he tells us *Wille* is not free. *Wille* is not free because it "relates to nothing but the law. . . [Therefore, it] can be termed neither free nor unfree. The reason for this is simply that it is not concerned with actions but with the legislation for the maxims of actions." (Allison, "Kant's Theory" 131) *Wille* in the narrow sense is not autonomous, although it is law giving. *Wille* gives law to the *Willkür*, not to itself. However, in the broad sense of *Wille*, it is autonomous. The broad sense in which Kant uses *Wille* is to represent the will as one faculty containing both the narrow sense of *Wille* and *Willkür*. Thus, the broad *Wille* is law giving to itself.

When looking back at the previous section on duty and obligation, we can see how both aspects of the (broad) *Wille* are present in decision-making. The (narrow) *Wille* gives rational finite beings the practical law, which they ought to follow, while *Willkür* freely allows people to choose their maxims on which to act. Finite rational beings can

freely choose their maxims, which may or may not be in accordance with the moral law. Thus, rational finite beings can freely choose a maxim to act on which does not represent the moral law. However, Kant maintains that rational finite beings are most free when they act on maxims for the moral law because the moral law is a law that rational beings give themselves. Thus acting virtuously, or fully autonomously, gives rational agents the maximal amount of inner freedom they can have.

Ronald Perrin, in "Freedom and the World: The Unresolved Dilemma of Kant's Ethics", addresses why it is that, for Kant, the will cannot be merely legislative, and instead Kant must describe the will as free. Perrin says, "The moral law signals a movement whereby the will transcends the phenomenal realm towards the noumenal. [Kant] can justify this movement only if he maintains that despite the influences exerted upon it by virtue of its phenomenal character the will is in some sense free." (Perrin, "Freedom and the World" D-3) Perrin describes this problem in terms of a paradox: 'the will, or a person as a willful being, must be free in order to become free.'

Perrin disapproves of the description of *Wille* and *Willkür* given by Silber, and, by implication, that given by Allison. Perrin disagrees with these interpretations for two key reasons. Perrin states,

> Through ascribing the activity of freedom only to *Willkür* Silber jeopardizes his earlier contention that *Wille* and *Willkür* are two elements of the same faculty . . . [and] what is more Silber's claim contradicts Kant's contention that *Wille* is autonomous and that this autonomy expresses the capacity of pure reason to determine the activity of the heteronomous will in accordance with the moral law." (Perrin, "Freedom and he World" D-4)

Perrin's first criticism of Silber's account of *Wille* and *Willkür* is that it makes the will or practical reason (or for Allison, the broad *Wille)* both free and not free. This

criticism can be avoided by not identifying *Wille* and *Willkür* as two elements of the same faculty (like mind and body) but through recognizing them as two complementary effects of one faculty that can only theoretically be discussed as separate and never practically used independent of the other. Instead of using an analogy like two sides of a coin, think of *Wille* and *Willkür* as colours like red and blue that together make purple. It is not possible, given a bucket of purple paint, to paint one wall red and the other blue; however, it may be useful to discuss the paint in terms of these separate colours[12]. Silber, as Kant does, employs a technique of making a distinction within the will for theoretical reasons or explanation. Through recognizing that Kant uses the term 'will' in both a broad and a narrow sense Silber and Allison's accounts of *Wille* are completely defended from this criticism.

Perrin, on the other hand, has a very dualistic concept of the will. He claims that this arises from Kant's definition of autonomy. Kant maintains that, the pure will is negatively free from material determination, and that it is positively free to determine itself formally. I call Perrin's account dualistic because he maintains that there are "two moments of freedom and two corresponding aspects of the will. The negative moment of freedom expresses the capacity of *Willkür* to transcend the determinations of the phenomenal world and the potential of its maxims to assume a universal and legislative form." (Perrin, "Freedom and the World" D-5) However, using Allison's technique of 'looking' at things, as they are and as they appear, we can see that although Perrin is

[12] Allison says, with respect to transcendental idealism that the "transcendental distinction is not primarily between two kinds of entities, appearances and things in themselves, but rather between two distinct ways in which the objects of human experience may be 'considered' in philosophical reflection, namely, as they appear and as they are." (Allison, Kant's Theory 3-4) This same technique, of making distinctions for theoretical purposes is how Kant is discussing the will.

correct about the aspects of the will, he must reconsider his discussion on the *moments* of freedom. To clear up this discrepancy we can turn to Kant's text to find the determining ground of *Willkür*, or choice.

Kant says, "the faculty of desire in accordance with concepts, insofar as the ground determining it to action lies within itself and not in its object, is called a faculty to *do or to refrain from doing as one pleases."* (Kant, *MM* 6:213) When the faculty of desire is joined with one's consciousness of the ability to bring about the object of desire, this action is called *choice* or *Willkür*. If this consciousness is not present then this action is called *wish*. The inner determining ground for the faculty of desire lies within the subject's reason, and is called the *will* or *Wille*. Thus, *Wille* is not in relation to action except through *Willkür* (choice). *Wille* is practical reason itself and therefore has no determining ground; hence *Wille* is what grounds both *Willkür* and wish. (Kant, *MM* 6:213) A choice that is determined by *pure reason* is a free choice, while that which is determined by *inclination* is an animal choice and thus heteronomous. However, as Kant says, "Human choice . . . is a choice that can indeed be *affected* but is not *determined* by impulses, and is therefore of itself . . . not pure but can still be determined to action by pure will. *Freedom* of choice is this independence from being *determined* by sensible impulses." (Kant, *MM* 6:214) Silber explains this by stating, "The determination of *Willkür* by *Wille* can occur in varying degrees, with the general provision that nothing determines *Willkür* unless *Willkür chooses* to be so determined." (Silber, "The Copernican Revolution" cv) As Allison explains, "freedom of *Willkür* is practical spontaneity; even in acting on impulse, it is not causally determined by that impulse." (Allison, Kant's Theory 132) Thus, the negative concept of freedom of the *Willkür* is

freedom from being determined by sensuous things, while the positive notion of freedom of the *Willkür* is that pure reason itself can be practical. What distinguishes the moral law from natural laws is that the moral law is a law of freedom, and thus the moral law is the determining ground for ethical action.

The moral law provides an end, to which free choice can and must orientate itself, if the free choice is to be a duty of virtue. (Kant, *MM* 6:383) The moral law is given to the self by the self; hence the end that is provided by the moral law is also given to the self by the self. Therefore, as Kant says "I can have no end without making it an end for myself. To have an end that I have not myself made an end is self-contradictory, an act of freedom which is yet not free." (Kant, *MM* 6:382) Thus, even if the end for which an act is performed is an empirical incentive it is still an end one gives oneself, and thus the act is free. Therefore, whether or not the act is done for the moral law, it is done from free choice. Thus, ethics provides matter, or an end (of pure reason), which is the object of free choice. Kant remarks, "The less a human being can be constrained by natural means and the more he can be constrained morally (through the mere representation of duty), so much the more he is free." (Kant, *MM* 6:385)

Thus according to Kant one is most free when one is acting for the moral law which one gives to oneself and one has a lesser degree of freedom when one is acting against the moral law. This may appear to be problematic for Kant as it is difficult to consider the notion of freedom in terms of degrees, or as a continuum, and not as an absolute. It may be thought that the only possibilities surrounding freedom is either that one is free or that one is not free, or determined.

However, one can show that Kant's moral philosophy involves rational agents having degrees of freedom. For example, in *What is Enlightenment*, Kant's distinction between the public and private use of reason gives us a model for understanding how a rational agent can have a lesser degree of freedom when acting immorally rather than morally. Kant says "the *public* use of one's reason must always be free, and it alone can bring about enlightenment among human beings. . . [and] by the public use of one's own reason I understand that use which someone makes of it *as a scholar* before the entire public of the *world of readers*." (Kant, *AQWE* 8:37) When one exercises their public use of reason they are acting in a morally good way and thus from and for the sake of the moral law. Kant says, "the *private use* of one's reason may, however, often be very narrowly restricted without this particularly hindering the progress of enlightenment . . . What I call the private use of reason is that which one may make of it in a *civil* post or office with which he is entrusted." (Kant, *AQWE* 8:37) I will illustrate this point by using one of the same examples as Kant does which is an officer of the state. Kant maintains that an officer must act passively and obey orders while on duty, as it is impermissible to argue or question a superior. However, when the officer is off duty he must exercise his public use of reason and cannot be restricted from criticizing the military and put these criticisms forward to the public.

From this example, we can see that the officer has a greater degree of freedom when not on duty. The increase in the amount of freedom is in a sense granted by society or the government it is as if a restriction on him is lifted. However, the officer's degree of freedom only actuallly increases if he exercises his reason to act from and for the sake

of the moral law when given the opportunity. In this case, the soldier can choose not to exercise a greater degree of freedom although the opportunity presents itself.

This example shows how it is that a rational agent acting against the moral law is less free then a rational agent acting from the moral law. In a sense the immoral agent is like the on duty officer who has the ability to lift restrictions off himself. All rational agents are self-governing, in that they all possess the moral law and either choose to act for the sake of the law or not. When a rational agent chooses to act for the sake of the moral law they increase their amount of freedom in the way of the off-duty officer could.

Thus, *What is Enlightenment* shows us that enlightenment is a process that one undergoes. Finite rational agents are in a state of self-incurred minority, which has a lesser degree of freedom, until they decide to exercise their freedom more robustly and begin the process of entering a state of majority, thus becoming enlightened and more free.

Section III: Freedom

In Section I of this chapter, Duty and Obligation, I discussed inner freedom. Inner freedom is most fully realized in acting for the sake of the moral law. Inner freedom is recognized through one's ability to follow the moral law, which is given to oneself through reason. Finite rational agents can only know inner freedom because they can choose to act for reason or for empirical incentives. Pure rational agents are exclusively in the realm of the noumenal and thus only have pure reason to act from. Animals do not possess reason and thus have no moral law. Therefore, animals can only act in accordance with the laws of nature. Finite rational agents find freedom through possessing the ability to choose the moral law or empirical incentives to guide their

actions. Finite rational agents cannot escape being subject to moral law or the natural law although they are free to choose between them in forming maxims. However, Kant maintains that when one chooses to act from one's own reason one is the most free because one act's for a law which one gives to oneself. However, one is not determined if one acts against the moral law, for an immoral act is a result of a free choice and one remains free to choose to act for the moral law at any time.

In Section II of this chapter, I discussed positive and negative freedom and their relation to the will. As mentioned above, Kant maintains that the pure will is negatively free from material determination, and that pure will is positively free to determine itself formally by its own laws. *Wille,* in the broad sense, is free in both the negative and the positive sense. It is negatively free from being determined by empirical incentives, although it can be affected by such incentives. The broad *Wille* is positively free because the narrow *Wille* legislates to *Willkür*, thus making the broad *Wille* self-legislating.

In the introduction to the *Metaphysics of Morals* Kant remarks that, "The concept of *freedom* is a pure rational concept . . . no instance corresponding to it can be given any possible experience . . . the concept of freedom cannot hold as a constitutive but solely as a regulative and, indeed, merely a negative principle of speculative reason." (Kant, *MM* 6:221) As Kant says, moral actions must not only be done in conformity with duty but also from duty. Free acts are grounded in one's reason (or will); however, one can be impacted or affected by impulses without being fully determined. In the *Metaphysics of Morals* Kant says that a human choice cannot be determined by impulses, just merely affected. These impulses may diminish one's ability to self-govern, thus decrease one's degree of freedom. Freedom, for Kant, is found in both the "external and internal use of

choice, insofar as it is determined by laws of reason." (Kant, *MM* 6:214) All human actions rely on decisions; thus an action's first cause is noumenal and not phenomenal. Although the phenomenal realm can affect the decisions or actions of an agent, it cannot determine them.

Rational agents come to know freedom through the moral law, and their obligation to it. Therefore, this discussion of freedom focuses largely on the nature and grounds of obligation. Rational agents recognize that their actions need not be necessitated through the sensible or phenomenal realm. Thus, freedom is only known as a negative property. Therefore, freedom is not "the ability to make a choice for or against the law." (Kant, *MM* 6:226) This being said it is because we cannot both

> present *theoretically* freedom as a *noumenon*, that is, freedom regarded as the ability of the human being merely as intelligence, **and** show how it can exercise constraint upon . . . sensible choice. . . But we can indeed see that, although experience shows that the **human being as a *sensible being* is able to choose *in opposition to* as well as *in conformity with* the law**, his freedom as an *intelligible being* cannot be *defined* by this since appearances cannot make any supersensible object (such as free choice) understandable. We can also see that freedom can never be located in a rational subject's being able to choose in opposition to his (lawgiving) reason, even though experience proves often enough that this happens. (Kant, *MM* 6:226; bold emphasis added)

On this conception of *Willkür* we cannot give examples (as in phenomenal examples) of a free choice (as this posits something as free, and freedom is a negation), but we can give examples of choosing for or against the moral law. Some Kantian scholars would like to say that when one chooses to act against the moral law, for example when one tells a lie, one is not acting freely but instead are being determined by sensuous things, such as

inclinations and passions. [13] However, we have seen Kant to say that human beings are able to **choose** in opposition to as well as in conformity with the moral law. It is the cause of a choice, or a decision, that determines an action and we cannot know the cause of one's actions by looking at the action from a phenomenal standpoint.

The difficulty that this criticism faces is similar to a category mistake. Human beings are both noumenal and phenomenal and precisely in this duality comes our capacity to be free. As mentioned above, all animals (or beasts) are purely phenomenal, and thus are necessarily determined by the sensible, and holy entities are purely noumenal and thus are necessarily determined by reason; for these entities there is no room for freedom of choice. However, a human's freedom is not "located in a rational subject's being able to choose [the sensible] in opposition to his (lawgiving) reason" (Kant, *MM* 6:226) or vice-versa. Instead, a human being's free choice is in relation to forming maxims and then acting. A rational being chooses between different potential maxims, which are not sensible things. Choice involves both maxims and actions. "Rational agents do not simply have maxims in the sense in which they have inclinations; rather they "make something" their maxim, and this always involves the spontaneity of *Willkür*." (Allison, Kant's Theory, 130) The cause of a free choice is precisely not anything we can empirically sense. Free choice is not a phenomenal entity, for if it were then this would be how an animal 'chooses'. What distinguishes human choice from animal 'choice' is that the latter is determined solely by inclination. In human choice, or free choice, there is a lack of determinedness; this lack or negation is what freedom means for human beings. Therefore, theoretical freedom cannot be defined in terms of

[13] A couple of these have already been mentioned in the introduction to this thesis; Fackenheim and Sidgwick.

constraints that humans put on their sensible actions. This would be a positive notion of freedom. The problem of defining freedom as one's ability to constrain oneself, or act in conformity with a law, is that this requires an appearance to make a supersensible object such as free choice understandable. Although experience tells us that one can choose against the moral law or for the moral law, this does not explain human freedom.

> *Human beings*, [are] rational *natural* beings, who are unholy enough that pleasure can induce them to break the moral law, even though they recognize its authority. . . But since the human being is still a *free* (moral) being, when the concept of duty concerns the internal determination of his will (the incentive) the constraint that the concept of duty contains can only be self-constraint. . . for only so can the *necessitation*. . . be united with the freedom of his choice. (Kant, *MM* 6:380)

Conclusion

This chapter has focused on duty and obligation, the distinction Kant makes in the *Metaphysics of Morals* between *Wille* and *Willkür*, and how these topics relate to freedom. Section I shows what a finite rational agent's duty is. Rational agents have a duty to the moral law. The moral law or categorical imperative is self-prescribed prior to empirical incentive. The same moral law is prescribed to each rational agent through one's own reason. Thus, for Kant the moral law is universal and a priori. When one follows the moral law one is acting from a self-legislating law. Therefore, one is most free when one's actions are done for the sake of the moral law. However, when one does not follow the moral law, one does lose some inner freedom, but one is not determined by empirical incentives. Rational moral agents remain aware of their moral duty, or the moral law, even when faced with empirical incentives. If one decides to act for empirical incentives, instead of the moral law, one is free to do so, and remains free, as one is still

aware of what one ought to be acting for. Thus, finite rational agents are free when they are acting against the moral law as they remain subject to the moral law, which gives them their freedom.

In Section II, I have outlined the type of will that Kant describes finite rational beings to possess. Kant maintains that the will is free and self-legislating. In order for Kant to show how it is possible that the will can possess both of these traits, Kant divides his explanation of the will into *Wille* and *Willkür*. *Willkür* explains how finite rational agents can act against the moral law while remaining free. *Wilkür* is the capacity to choose a maxim either in accordance with the moral law, which is given by the *Wille*, or to for empirical incentives. Thus, although finite rational agents are legislated by reason and influenced by nature neither determines them. As Kant says, "Human choice . . . is a choice that can indeed be *affected* but is not *determined* by impulses, and is therefore of itself . . . not pure but can still be determined to action by pure will. *Freedom* of choice is this independence from being *determined* by sensible impulses." (Kant, *MM* 6:214)

In Section III of this chapter, I have addressed Kant's notion of freedom in the *Metaphysics of Morals*. Kant says; freedom is in the noumenal realm, and that one cannot see, or sense, an act that is free. All acts take place in the phenomenal realm and thus in accordance with the laws of nature. However, the initial causes of free acts are noumenal realm. Kant says a human's freedom is not "located in a rational subject's being able to choose [the sensible] in opposition to his (lawgiving) reason" (Kant, *MM* 6:226) or vice-versa. Instead, a human being's free choice is possible only in relation to forming maxims and then acting. A rational subject formulates potential maxims, some of which are in accordance with the moral law, others of which are not. Therefore,

rational agents can freely choose which maxim they wish to base their actions on. As Allison says, choice involves both maxims and actions. "Rational agents do not simply have maxims in the sense in which they have inclinations; rather they "make something" their maxim, and this always involves the spontaneity of *Willkür*." (Allison, Kant's Theory 130) Therefore, regardless of whether an action is based on a maxim for the moral law or on empirical incentives, one is free to make a choice. Hence, rational finite beings can freely choose a maxim to act on, even those which are not in accordance with the moral law.

Whether one's choice coincides with the moral law or violates the moral law, one is free to choose a maxim on which to base one's action. With this freedom comes responsibility.

In this chapter we have seen that Kant defines the will in such away that finite rational agents can freely choose to act on maxims that are not done for the sake of the moral law. Although rational agents have a duty or obligation to the moral law, it does not determine them. Rational agents are not determined when not acting for this law. The distinction between *Wille* and *Willkür* has given us a framework through which we can understand why it is that rational agents are freer when acting morally, yet not determined when they are acting against the moral law. Rational agents are most free when they are acting in accordance with the moral law they give to themselves.

The *Metaphysics of Morals* is the first text in which Kant explained the distinction between *Wille* and *Willkür*. However, if Kant's earlier philosophy held agents accountable for their immoral acts because they are based on freely formed maxims, then the distinction between *Will* and *Willkür* must be implicit in his earlier moral philosophy.

The following chapters address Kant's earlier moral philosophy. Chapter II, discusses *An Answer to a Question; What is Enlightenment?* and the *Groundwork.* Chapter III, discusses the second *Critique.* In each of these chapters my main focus is to determine whether Kant has claimed that rational agents are free when their maxims are not in accordance with the moral law. In Kant's earlier texts he is not as explicit as he is in the *Metaphysics of Morals* regarding one's freedom when acting against the moral law. However, along the general lines of Allison's Incorporation Thesis[14], I believe there is ample evidence, whether be it implicit or explicit, that Kant has always maintained a rational agent's freedom while choosing to act immorally.

[14] See Section II, titled Literature, of the Introduction to this thesis for a discussion on Allison's Incorporation thesis.

Chapter II

Decision, Responsibility and Habit

In the previous Chapter I outlined the distinction between *Wille* and *Willkür,* as Kant presents it in the *Metaphysics of Morals.* This distinction demonstrates how for Kant it is possible for rational agents to freely choose to act against the moral law. I will now turn to Kant's earlier work, *An Answer to the Question: What is Enlightenment?* and *The Groundwork of the Metaphysics of Morals*[1]. In Kant's earlier work, he does not explicitly introduce the distinction between *Wille* and *Willkür.* This might be because he does not hold this distinction until later in his philosophical work or because he does not see it as necessary to make this distinction in these particular works. However, I interpret Kant as maintaining the distinction between *Wille* and *Willkür* implicitly in his earlier work. Without this distinction rational agents cannot be held morally responsible for their immoral acts and certain immoral acts would be logically excluded from the framework of possible acts[2]. Moreover, Kant's textual examples strongly indicate at least the *implicit* presence of the *Wille/Willkür* distinction. Therefore, I will argue that interpreting *What is Enlightenment?* and the *Groundwork* without this distinction between *Wille* and *Willkür* gives an incomplete account of the fundamentals of Kant's moral framework.

This chapter looks for evidence in *What is Enlightenment?* and the *Groundwork* which will indicate that rational beings are responsible for their decisions to act against the moral law. This chapter is divided into three main themes, Decision, Responsibility, and

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[1] I will refer to *An Answer to the Question: What is Enlightenment?,* simply as *What is Enlightenment?* and the *Groundwork of the Metaphysics of Morals,* simply as the *Groundwork.*

[2] An example of an act which is logically excluded from the framework of possibilities is suicide. I have thoroughly explained this example in the introduction to this thesis and I will not repeat it in this chapter.

Habit. Through showing a moral agent's capacity to freely choose, Kant's notion of *Willkür* is implicitly present in these works. If one has the ability to freely choose maxims on which to base one's actions, then one is responsible for those actions. And finally, habit is addressed in order to reinforce the notion of being responsible for all acts regardless of their relationship to the moral law. In these texts, Kant does not *explain*, and believes one cannot explain, how it is that one can freely choose to act on a maxim that is not in accordance with the moral law. However, I intend to argue that Kant nonetheless maintains that finite rational beings can freely choose to act against the moral law

Section I: Moral Responsibility

In this first section I will illustrate why moral responsibility is at stake if the distinction between *Wille* and *Willkür* is not present or at least understood in Kant's ethics. To do this I will examine two opposing views on Kant's notion of freedom within the *Groundwork of the Metaphysics of Morals*[3].

Henry Sidgwick is noted for identifying the 'problem' with Kant's notion of freedom[4]. Sidgwick states that his aim "is to show that, in different parts of Kant's exposition of his doctrine, two essentially different conceptions are expressed by the same word freedom; while yet Kant does not appear to be conscious of any variation in the meaning of the term." (Sidgwick, "The Kantian") The notions of freedom that Sidgwick highlights are rational freedom and moral freedom. Rational freedom means that man is free in so far as he acts in accordance with reason.[5] Freedom in the sense of moral

[3] I briefly addressed this in the Introduction, I will now cover the two opposing views in more detail.
[4] Henry Sidgwick states this in an appendix titled "The Kantian Conception of Free Will" found in Methods of Ethics.
[5] Sidgwick's notion of freedom as rationality is the type of freedom one possesses through autonomy.

freedom is the type of freedom that is inherent in choosing between good and evil. Sidgwick claims that these two notions of freedom are incompatible. Sidgwick says,

> I think that I have now established the verbal ambiguity that I undertook to bring home to Kant's account of Free Will; I have shown that in his exposition this fundamental term oscillates between incompatible meanings. . . But I think that a good deal more will have to go from a corrected edition of Kantism than merely the "word" Freedom in certain passages, if the confusion introduced by the ambiguity of this word is to be eliminated. (Sidgwick, "The Kantian Conception" Appendix)

Martin Van Hees represents the other camp, which disagrees with Sidgwick's claim that Kant has incompatible notions of freedom within the *Groundwork.* Van Hees in his article titled "Acting Autonomously Versus Not Acting Heteronymously" synthesizes what Sidgwick considers two 'incompatible meanings' of freedom. Van Hees states,

> Autonomy is not a characteristic or a property of certain acts, but is something that virtually all sane and adult human beings possess. In this view, autonomy implies a commitment to certain rational constraints. The person who lives up to these commitments could not be said to be more autonomous than the person who does not live up to those standards. Instead one should say that everyone is autonomous but that some are more successful than others in *expressing* their autonomy. (Van Hees, 338)[6]

Autonomy is the ability to self govern through exercising one's reason. This corresponds to Sidgwick's notion of rational freedom. For Van Hees there is no distinction between

[6] Van Hees' notion that 'virtually all sane and adult human beings possess autonomy' is not very common. However, it is one way to attribute freedom to acts that are not done solely for the sake of the moral law. Van Hess can therefore argue that all acts are an expression of autonomy and thus an expression of internal freedom. Gunnar Beck, in Autonomy, History and Political Freedom in Kant's Political Philosophy , states on behalf of himself and Mary Gregor that, "men can be autonomous only if they choose to be so, and this means that more than one course of action must be open to them. They, therefore, must be free in the external sense, free from constraint by others and free to choose between ends that are moral and those that are not." (Beck, G., 218)

rational freedom and moral freedom in adult human beings. Sidgwick's notion of moral freedom is incorporated into Van Hees' notion of autonomy through one's ability to make decisions.

Sidgwick interprets Kant's notion of freedom as disallowing the possibility of moral responsibility. He says that when an agent is not autonomous one is not acting under the moral law, thus they are determined when choosing immorally. Sidgwick states that when choosing "'Neutral' or 'Moral' Freedom, the whole Kantian view of the relation of the noumenal to the empirical character will have to be dropped, and with it must go the whole Kantian method of maintaining moral responsibility." (Sidgwick, "The Kantian Conception" Appendix) This point of view has been coined the "Sidgwick Problem," and Paul Guyer explains this problem in "The Value of Reason and the Value of Freedom." Guyer states that the Sidgwick problem is "the possibility that freedom and adherence to the moral law may on Kant's account be so tightly linked that an immoral agent must be considered an unfree agent, and therefore not an agent responsible for his misdeeds." (Guyer, "The Value of Reason" 34) However, Van Hees' interpretation of Kant's notion of freedom allows agents to be morally responsible, even when acting against the moral law because they are still subject to the moral law.

Kant says, "a free will and a will under moral law are one and the same"(Kant, *G* 4:447); however there is no consensus as to what Kant means by this statement. Sidgwick notes that "a will subject to its own moral laws may mean a will that, so far as free, conforms to these laws; but it also may be conceived as capable of freely disobeying these laws." (Sidgwick, "The Kantian Conception" Appendix) First, I will formulate an argument to demonstrate that this passage can lead one to believe that one is only free

while acting in accordance with the moral law and thus one is not morally responsible for one's immoral actions.

Kant says, "a free will and a will under moral law are one and the same" (Kant, *G* 4:447). It can follow that if one is not acting for the moral law then one is not free. If one is not free then one is determined. What determines us when not acting for the sake of the moral law and thus not acting from reason alone is the phenomenal realm, or our interests in the phenomenal realm. When not acting from reason, acts are determined or instinctive, and thus directed towards self-preservation, self-promotion, or self-conceit. Hence, like an animal, rational agents lack moral responsibility for their actions when the action is not done for the moral law, Kant calls these actions heteronomous. When one is not responsible for one's actions, particularly those actions that go against the moral law, then there is a problem with the ethical system.

The alternative interpretation is that an agent possessing free will is always under the moral law, even when acting heteronomously[7] or against the moral law. Kant says, "a free will and a will under moral law are one and the same." (Kant, *G* 4:447) On this interpretation there is a difference between acting in accordance with the moral law and acting under the moral law. Rational agents whether they are acting for or against the moral law always possess the ability to reason and thus cannot avoid being under the moral law. George Schrader makes this argument in "Autonomy, Heteronomy, and Moral Imperatives." Schrader states, "man cannot escape the moral law because he cannot escape his own rationality. Man's reason makes an inexorable demand upon him at all times, which makes him morally responsible no matter what he may do." (Schrader, 71)

Section II: Decision

In *What is Enlightenment?* Kant writes that moral agents have a responsibility to make decisions and not act out of mere habit or passive agreement. Kant states at the beginning of this text,

> *Enlightenment is the human being's emergence from self-incurred minority. Minority* is inability to make use of one's own understanding without direction from another. This minority is *self-incurred* when its cause lies not in a lack of understanding but in a lack of resolution and courage to use it without direction from another, *Sapere aude!* [Dare to be wise!] Have courage to make use of your *own* understanding. (Kant, *AQWE* 8:35)

In *What is Enlightenment?*, Kant is not concerned whether a person's autonomous decision coincides with the dominant or the majority's opinion, but all that matters is that it is one's *own* decision. Taking ownership of a decision can only be achieved through exercising resolution and courage to make use of the understanding. Kant says it is easy to have one's pastor, a book, physicians, or elders think for them, however it is necessary to free oneself from other's opinions because this allows one to become enlightened. Kant is concerned that one's decisions are done from reason or moral law because what is done from the moral law is necessarily in accordance with the moral law.

In *What is Enlightenment?* Kant distinguishes between the public and private use of one's reason and through doing so places moral limits on decisions. Kant says enlightenment "is the freedom to make *public use* of one's reason at every point . . .[However,] . . .the *private use* of one's own reason may . . . often be very narrowly restricted without this particularly hindering the progress of enlightenment." (Kant, *AQWE* 8:37) By "public use of reason" Kant is referring to the liberty that a scholar has in front of the public world. By private use of reason Kant is referring to the use of

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[7] This is the way in which Martin Van Hees and others in his camp would interpret this Kant quote.

reason with respect to a certain *civil* post, or office which the subject has been entrusted with. Therefore, when individuals are acting as militants, priests, or as any other civil servants, they must fulfill their specific duties. However, when these individuals are not participating in their civil rule, such as off-duty military personnel, they can exercise their public use of reason without constraint. While people are acting in the private sphere they cannot be absolutely free as they are acting under another's commission. For example, when a person is in the role of a soldier he or she takes orders from an officer and thus the soldier's private use of his or her reason is restricted by one's duty to the officer. (Kant, *AQWE* 8:38)

Kant's enlightenment project is initiated through a decision. According to Katerina Deligiorgi in Kant and the Culture of Enlightenment, "Kant's statement that we do not live in an enlighten*ed age* but rather in an 'age of enlightenment' (VII:40, WE58) suggests that he is concerned with defining a process." (Deligiorgi, 57) The process of enlightenment is not one that involves conforming to a majority, but instead focuses on having the courage to decide, or exercise one's own reason. Deligiorgi states, "the universal reason in which "each and everyone has a voice" is not a yea-saying chorus, but made up of distinct voices that can be individuated through disagreement."(Deligiorgi, 90) The enlightenment process is aimed at creating autonomous subjects. Autonomous subjects are those people who legislate for themselves through their own reason.

Although Kant does not use the term "enlightenment" in the *Groundwork,* the capacity that a rational agent has to decide continues to play a necessary role in attributing moral worth to rational agents. In the *Groundwork* Kant distinguishes humans from other

animals. Rational beings, such as human beings, have the ability to decide. Kant recognizes this ability as the precursor for moral worth in human action. It is her/his ability to reason that distinguishes a finite rational agent from other animals, and thus grants the ability to be a moral agent. Animals do not possess the ability to reason and make decisions and are therefore determined by their instincts. An animal's instinct always directs an animal to a path of self-preservation. The faculty of reason must have an end other than self-preservation because reason does not merely allow rational agents to preserve themselves, but allows them to fulfill a higher moral end. In the *Groundwork* Kant says,

> . . . a being that has reason and a will, if the proper end of nature were its *preservation*, its *welfare,* in a word its *happiness,* then nature would have hit upon a very bad argument in selecting the reason of the creature to carry out this purpose. For all of the actions that the creature has to perform for this purpose . . . would be marked out for it far more accurately by instinct . . . we must admit, instead, that these judgements have as their covert basis the idea of another far worthier purpose of one's existence, to which therefore . . . reason is properly destined. (Kant, *G* 4:395-6)

The 'far worthier' purpose that Kant is referring to is found in the relation between reason and the will. Kant says, "The true vocation of reason must be to produce a will that is good, not perhaps *as a means* to other purposes, but *good in itself,* for which reason is absolutely necessary." (Kant, *G* 4:396) Thus, the 'far worthier' purpose is to produce a will that is good in itself, which is only possible through exercising one's reason. Exercising reason is necessary in order for one's actions to have moral worth. Thus, the ability to decide is a necessary condition of the moral worth of action and disposition.

The decision one must make when deciding whether to act morally is to either act from incentive or from reason alone. A decision that is free from empirical incentive has

moral worth, however one that is based on the outcome, or empirical incentive has no moral worth. One can be morally good only if one decides to act for the sake of the moral law. However, if one's actions merely coincide with the moral law but were not done for the moral law, then these acts are not morally good. Likewise, if actions are not based on maxims that represent the moral law then these actions are not morally good, and in order to demonstrate this Kant uses the example of a shopkeeper. (Kant, *G* 4:398) Kant states a shopkeeper has decided to treat all of his customers without bias, thus he charges an adult customer the same amount he charges a child customer. It is possible that the shopkeeper could have raised his price for the child because the child is inexperienced and would have paid the higher price. However, the shopkeeper does not do this, instead he charges all customers the same price. If the shopkeeper does change his price depending on the customer, then this decision is not in accordance with reason and we would be able to know this through his actions of not maintaining a consistent price regardless of the customers. However, if the shopkeeper has made a decision to act in conformity with reason, then we must ask what was the shopkeeper's motive in this decision. It is the motive to act that is morally relevant. However, the shopkeeper could make this decision based on an outward empirical incentive. The empirical incentive that the shopkeeper could base his decision on is the threat or consequence of getting caught charging a child a higher price than an adult. Although the empirical incentive would lead the shopkeeper to a decision to charge children the same price as adults, it is not a morally good decision. The decision to charge children and adults the same price, if decided upon to avoid being caught doing the wrong thing, conforms to duty although it was not made from duty. The decision to charge children the same price as adults can be brought about through

incentives or by reason; however the decision only has moral worth if it was made from duty to the moral law, or reason. (Kant, *G* 4:397) The shopkeeper in this example made his decision, not for material incentives but because it was the rational thing to do. If the shopkeeper made his decision based on self-interest that is not from an immediate inclination yet not from reason, then this decision still lacks moral worth, as self-interest is irrational.

In both *What is Enlightenment?* and the *Groundwork* decisions play a key role in Kant's ethical system. In *What is Enlightenment?* one's decision is what allows one to embark on the enlightenment process. It is necessary that one be courageous in one's decision-making. One must decide for oneself, making oneself the sole cause of one's decision and thus, responsible for one's own actions. In the *Groundwork* Kant is very clear that the morally worthy decision must be made for the right reason. If acts merely coincide with maxims that represent the moral law but the acts were not done for the moral law itself, then the act is not morally good. One's ability to decide on an action entails responsibility for that action. Therefore, we do not hold animals responsible for their actions because they do not have the ability to reason options and make decisions; likewise, our expectations of children reflect their ability, or lack of ability, to formulate alternative options before making decisions.

Section III: Duties and Responsibility

In George Schrader's article, "Autonomy, Heteronomy, and Moral Imperatives," he outlines the relationship that Kant implies between duties, responsibility, and the moral law. Although Kant does not use the term "responsibility" it seems clear that any ethical system that revolves around what 'ought to be', or the notion of duty, must

include the notion of responsibility. Schrader states, "Man can have duties to himself only because he is responsible for himself." (Schrader, 71) Kant bases his moral philosophy around 'what ought to be' and thus the duties one has in order to fulfill 'what ought to be'. In Kantian ethics, one has a duty or responsibility to bring about what 'ought to be' under the moral law. Schrader argues, as do I, that "[t]he validity of the moral law depends upon the fact that it specifies the fundamental conditions of responsible existence." (Schrader, 70) This responsibility is possible because rational beings have the ability to choose what they ought to do. Through the ability to choose, decide, or act and not merely react, rational beings (even when acting irrationally) are held accountable for their maxims and their actions.

Some Kantian scholars, such as Mike Horenstein, interpret Kant as saying that if one's actions are not done for the sake of the moral law then the agent was determined and thus not free, as rational agents are only free under the moral law. Horenstein, in "The Question Concerning Freedom in Kantian Moral Philosophy," asks, "How can an intelligent man regard himself in any way 'responsible' (in the Kantian sense) for an act which, on its empirical side, is a necessary link in a causal chain in which he himself is entangled[8] and, on its noumenal side is the expression of his intelligible character, which is the inevitable manifestation of eternal reason?" (Horenstein, 143) Although Kant does say that rational agents are free under the moral law he does not say whether or not rational agents can escape the moral law. If one has reason, one has the moral law. The moral law and freedom are reciprocal concepts; thus, **not through exercising reason but**

[8] The first part of Horenstein's question will be answered more directly in Chapter III section III, 'Critical Elucidation of the Analytic of Pure Practical Reason.'

in possessing the ability to reason[9], the moral law and freedom are both present. Just because one has the ability to reason does not mean that one always uses it. *What is Enlightenment?* teaches us how one ought to go about exercising one's reason, not how to gain reason in the first place. In other words, being a rational being is not the same as exercising reason, but nonetheless only a rational being can exercise reason. Thus, an animal cannot embark on the enlightenment process; only 'rational beings' have a way in which they ought to act.

The claim I make, that rational agents are always under the moral law even when acting against the moral law, is supported by Schrader in "Autonomy, Heteronomy, and Moral Imperatives." Schrader argues,

> We have no more option whether to be subject to the moral law than whether we are to be human subjects. As rational and responsible beings we are liable before the moral law as the inexorable demand of our own rationally informed wills. . . On Kant's view man is a creature under law. The moral imperative is not that which *should* obtain but which *does* obtain; it is the *de facto* 'ought' governing all human actions. . . If this were not so, the moral imperative would be hypothetical rather than categorical. (Schrader, 69)

Another way of formulating this argument would be to say that the will of rational beings is never amoral; there is always a moral imperative that is given and that choice ought to follow.

In writing *An Answer to the Question: What is Enlightenment?* Kant demonstrates that finite rational agents have the ability to decide to exercise reason and not to simply act in accordance with the majority. Thus, Kant states that rational agents have a responsibility to themselves to decide to act from their own reason. Responsibility to oneself and others plays a key role in the enlightenment process. In order to become

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[9] Kant makes this point clearly in the *Metaphysics of Morals* as we saw in the previous chapter.

enlightened one must decide to act, or '*emerge from his self-incurred minority*'. Enlightenment is a responsibility that one has to him or herself, which can only be achieved through a certain amount of independence from others. However, Kant also indicates that individuals and the human race have a responsibility to others to engage in the enlightenment process. Therefore, in Kant's account we are responsible before we are enlightened and we know this because Kant indicates to us that we have a responsibility to become enlightened.

Kant does not explicitly discuss the term "responsibility" in *What is Enlightenment?* However, Kant does claim that it is because of laziness and cowardice that many humans remain unenlightened. Paul Guyer in "Kant on the Theory and Practice of Autonomy" outlines the enlightenment process as a self-engaging life-long endeavour. Guyer states,

> The freedom to be autonomous is something that human beings develop only over the course of an extended process of maturation and education, and only to a degree that might well vary over a lifetime and might vary for different people. Perhaps we are even likely to conclude that some human beings cannot and do not get very far in this process at all. (Guyer, "Kant on the Theory" 80)

Through Kant's language, we can certainly infer that the path of enlightenment is one which free agents should or ought to engage in. Kant says, "To renounce enlightenment, whether for his own person or even more so for posterity, is to violate the sacred right of humanity and trample it underfoot." (Kant, *AQWE* 8:39) Each of us has the responsibility to be courageous, to free ourselves from dependence upon others' opinions, to think and to decide for ourselves, and to exercise our reason and understanding. Each of us has the responsibility to choose to act in accordance with our own rational understanding.

This being said there is also a responsibility that each of us has to others, which is to become enlightened. Deligiorgi claims, "One reasons for oneself, but one does not reason alone. . . there is a corresponding social side to maturity . . .Enlightenment must be considered both as a process in which men participate collectively and as an act of courage to be accomplished personally . . . On Kant's account, enlightenment cannot be just a personal project that each individual undertakes in isolation from others." (Deligiorgi 57-8) We get a clear sense of this from Kant's discussion on the responsibilities of the clergyman. Kant says,

> As a scholar he [the clergyman] has complete freedom and is even called upon to communicate to the public all his carefully examined and well-intentioned thoughts about what is erroneous in that creed and his suggestions for a better arrangement of the religious and ecclesiastical body . . . For that the guardians of the people (in spiritual matters) should themselves be minors is an absurdity that amounts to the perpetuation of absurdities. (*AQWE* 8:38)

Therefore, because the clergyman has the responsibility to guide others, the clergymen must lead and not simply be led by the majority's opinion. The clergyman has a responsibility to the people for whom he is a guardian, to engage the path of enlightenment. Only when the clergyman has the courage to exercise his reason can he set an example and be a competent spiritual coach.

Thus, in *What is Enlightenment?* Kant clearly sees people as having a duty or responsibility to act from their own reason. This responsibility precedes one actually acting from reason. When one is still in a state of minority Kant says that one has a duty or responsibility to act as a rational being, or to act from one's reason alone. This point is demonstrated in the first line of *What is Enlightenment?* when Kant refers to the state of minority as a *self-incurred* minority.

The ideals that Kant holds in *What is Enlightenment?* do not change in the *Groundwork of the Metaphysics of Morals*. Responsibility and duty play key roles in making an agent morally good. I will discuss responsibility in relation to the *Groundwork* in terms of a rational being's responsibility to act from reason and thus with moral worth. As I established in the section on 'decision' what distinguishes humans from animals is that humans have reason whereas animals merely have instinct. An animal's instinct for Kant is always directed towards self-preservation. However, human beings have the faculty of reason and therefore they have a responsibility to strive for a 'far worthier' purpose than mere self-preservation. Kant claims that the highest good is recognized through reason alone; thus the highest good is distinct from all empirical incentives. Every rational being has the faculty of reason and thus a will. The will (*Wille* as a singularity that includes a duality, or the pure *Wille*) is good in itself; its good is distinct from any further purpose. In judging the worth of one's action, we cannot look at the results, or outcome, of one's actions, because the result of one's actions can never tell whether the act was carried out for the sake of reason or if the act was carried out for an empirical incentive[10]. The worth of an action is dependent on whether or not the action was carried out from reason and thus is in harmony with the highest good. Because the will (or pure reason) is the highest good, each of us has a duty or a responsibility to act from reason and not for mere incentives. A slightly different way to interpret Kant regarding what an act must be based on in order for it to be a morally good act is stated by Guyer in an article titled "The Value of Agency." Guyer states, "It might seem as if Kant's insistence that moral appraisal is based on intentions rather than consequences,

[10]A previous example of this was the shopkeeper who did not take advantage of children by charging them a higher price than his adult customers.

most famously stated in section 1 of the *Groundwork of the Metaphysics of Morals*, could be saved simply by interpreting it as an insistence on the moral appraisal of intended outcomes rather than actual outcomes." (Guyer, 419)

However, it is not always obvious whether an action was performed for an incentive or for the sake of the moral law. Sometimes the morally right thing to do is also the thing that will bring about the most highly sought after reward or incentive. This arises when an action is in conformity with duty and there is an *immediate* inclination to perform this action. The difficulty is to know whether this action was performed from duty or from a self-seeking purpose. For example, if the teacher asks the student "did you cheat on the test?" and the student replies "No, I did not cheat on the test," then it is difficult to know whether the student acted from the moral law or from empirical incentives.

To demonstrate the finer points about duty I will use one of Kant's examples. Kant says that to preserve one's life is a duty. If one preserves one's own life but only so he or she can go on carelessly to enjoy life's pleasures, then this act is in conformity with duty. However, it is not done from duty, and thus it lacks moral worth. On the other hand if one wishes to end one's life so one no longer has to suffer, but still preserves it, not because of fear or incentives, then this act has moral worth, because one preserved his or her life from duty. Thus,

> An action from duty has its moral worth *not in the purpose* to be attained by it but in the maxim in accordance with which it is decided upon, and therefore does not depend upon the realization of the object of the action but merely upon the *principle of volition* in accordance with which the action is done without regard for any object of the faculty of desire. (Kant, *G* 4:400)

When looking at actions, it is impossible to know if they are performed from duty. "In fact, it is absolutely impossible by means of experience to make out with complete certainty a single case in which the maxim of an action otherwise in conformity with duty rested simply on moral grounds and on the representation of one's duty . . . What counts is not actions, which one sees, but those inner principles of actions that one does not see." (Kant, *G* 4:407) It is a person's intention, or what one's decision is based on, and not solely one's actions that make him or her a morally responsible or dutiful agent. If the person's intentions are based in reason, and not simply on empirical incentives or feelings, then his or her actions are in accordance with the moral law and his or her decision has moral worth. Because moral concepts are formed from reason alone they originate completely a priori. Therefore, moral concepts "cannot be abstracted from any empirical and therefore merely contingent cognitions; that just in this purity of their origin lies their dignity, so . . . they can serve us as supreme practical principles." (Kant, *G* 4:412) Reason gives us laws and "*duty is the necessity of an action from respect for law.*" (Kant, *G* 4:400) These laws and thus action from duty to these laws are free of determination by empirical influence. "Hence there is left for the will nothing that could determine it except objectively the *law* and subjectively *pure respect* for this practical law, and so the maxim of complying with such a law even if it infringes upon all my inclinations." (Kant, *G* 4:400-1)

This being said I must soften this position a little, as humans always exist in both the phenomenal and the noumenal world[11]; therefore humans can never be completely in

[11] Eric Sandberg in "Causa Noumenon and Homo Phaenomenon" states that, "The distinction between the empirical and the intelligible character is not a distinction between the machine-like and the rational parts of the self. The distinction is rather one between explanatory levels, and rationality is a characteristic of both levels." (Sandberg, 279)

the noumenal[12] realm, and thus a person's decisions may have to incorporate some empirical influences.

Allison gives us what he refers to as the "Incorporation Thesis," which presupposes Kant's description of transcendental idealism. As Allison says, the "transcendental distinction is not primarily between two kinds of entities, appearances and things in themselves, but rather between two distinct ways in which the objects of human experience may be 'considered' in philosophical reflection, namely, as they appear and as they are." (Allison, Kant's Theory 3-4) This argument will allow Allison to side-step some of the problems surrounding the noumenal-phenomenal distinction.

Before I discuss Allison's work regarding the inclusion of incentives into moral maxims, we first need Allison's definitions of transcendental freedom and practical freedom. Allison states, practical freedom is "understood negatively as the will's independence of determination by sensuous impulses and positively as the capacity to act on the basis of reason [whereas transcendental freedom is] absolute spontaneity and complete independence from everything sensible." (Allison, 1990, 444) The Incorporation Thesis deals with practical freedom, however the question arises as to what sense is practical freedom limited by and distinguishable from transcendental freedom? (Allison, Kant's Theory 445) Transcendental freedom is independent from all sensuous *affections*, whereas practical freedom is independent from *determination*. Therefore, we can understand practical freedom as spontaneity, and thus as causally independent, or as

[12] For Kant only the divine is completely noumenal, as it does not exist in the phenomenal realm. Kant states "No imperatives holds for the *divine* will. . . because volition is of itself necessarily in accord with the law. Therefore imperatives are only formulae expressing the relation of objective laws of volition in general to the subjective imperfection of the will of this or that rational being, for example, the human will." (Kant, *G* 4:414)

Kant states practical freedom is 'independence from the causality of nature.' On the other hand, transcendental freedom as autonomy involves the capacity to determine oneself to act completely independent of one's needs as a sensuous being. Only a divine will can possess the independence that is required to be completely transcendentally free, because the divine does not receive any sensuous input, whereas the human will does. The problem that arises from this discussion on freedom is that it appears as though it requires rational agents to be bound only by hypothetical imperatives, and that the possibility of being bound to the categorical imperative is not present. Through Allison's introduction of his Incorporation Thesis he addresses this problem.

The Incorporation Thesis can be stated in Kant's own words as: "freedom of the will [*Willkür*] is of a wholly unique nature in that an incentive can determine the will to an action *only insofar as the individual has incorporated it into his maxim* (has made it into the general rule in accordance with which he will conduct himself. . .)" (Kant, RWLRA 39-40, 1990, 24). Thus, rational agents possess a will and can only be 'determined' to act by an incentive if they incorporate that incentive into their maxim. In other words, desires and other types of incentives can only move one to act if one chooses to permit them to move one.

As mentioned earlier I have presupposed transcendental idealism and this allows me the liberty to explain the Incorporation Thesis in a unique way. The rational agent has a double character, these characters being empirical and intelligible. The rational agent's empirical model of character is assigned the beliefs and desires while the intelligible model of one's character is responsible for deliberating rationally thus appealing to

spontaneity. (Allison, 1990, 5) Because both aspects of this character of rational agency are always present all of its acts incorporate spontaneity.

As evident from the discussion above regarding the Incorporation Thesis, maxims play a key role in demonstrating the possibility of agents acting against the moral law of their own volition and thus not being causally determined to do so by the empirical realm.

Allison's Incorporation Thesis does not always represent Kant's views. Like Marcia Baron in "Henry Allison on Kant's Theory of Freedom," I have a difficult time accepting Allison's conclusion, which is, "if as free agents we are tempted, it is only because we, as it were, allow ourselves to be." (Allison 164, Baron 778) The problem is that the Incorporation Thesis tells rational agents that if they give in to temptation it is because they choose to, but this is not the same as saying they choose whether they feel tempted. The Incorporation Thesis is concerned with formulating maxims, not feelings. Thus, rational agents do not necessarily have a say as to whether they are tempted, yet they can choose whether this temptation is included in their maxims. Baron also criticized Allison's Incorporation Thesis for excluding the possibility of agents being morally weak or frail. Kant notes that people can recognize the morally good thing to do, but fail to do the good act because of their frailty. However, according to Allison's Incorporation Thesis, rational agents can never be overcome by desire, unless they incorporate it in to their maxim, and thus it would seem it is no longer a morally weak decision to choose the wrong action. Nevertheless, these problems are minor and do not limit the fact that finite rational agents freely choose.

Through this approach, we will have to pay particular attention to the fact that spontaneity, which is the kind of freedom that allows for the Incorporation Theory can be

thought but not experienced. As Kant's transcendental idealism tells us, spontaneity is "merely intelligible." Thus, spontaneity does not, "enter into an empirical account or explanation of human action." (Allison, Kant's Theory 5)

Rational agents have a duty or responsibility to act on maxims that represent pure reason, and because pure practical reason is free from empirical incentives and is given a priori to all rational agents, there is the same imperative for all rational agents. However, there is only one imperative that is based on reason alone. "This imperative is **categorical**. It has to do not with the matter of the action and what is to result from it, but with the form and the principle from which the action itself follows; and the essentially good in the action consists in the disposition, let the result be what it may." (Kant, *G* 4:416) The categorical imperative is the imperative of morality.

> The imperative contains, beyond the law, only the necessity that the maxim be in conformity with this law, while the law contains no condition to which it would be limited, nothing is left with which the maxim of action is to conform but the universality of a law as such; and this conformity alone is what the imperative properly represents as necessary. . . There is, therefore, only a single categorical imperative and it is this: *act only in accordance with that maxim through which you can at the same time will that it become a universal law.* (Kant, *G* 4:421)

All imperatives of duty can be derived from this single imperative.

There are two different ways of categorizing duties. Duties are either duties to one's self or duties to others, and these duties are either imperfect duties or perfect duties. Kant gives us four examples through which we can see the four different combinations of responsibilities.

	Duties to Oneself	Duties to Others
Perfect Duties	Not to commit suicide or act from self love	To reframe from making false promises arising from a need to borrow money
Imperfect Duties	To pursue talent, and not neglect one's natural gift	Benevolence, helping others and not fending for oneself alone

The example Kant gives as a perfect duty to oneself is this; if one feels sick of life and is full of despair but is still capable of exercising one's reason to ask one's self "whether it would be contrary to his duty to himself to take his own life. Now he inquires whether the maxim of his action could indeed become a universal law of nature[13]." (Kant, *G* 4:422) His maxim is that from self-love I shorten my life when the longer duration threatens to bring more upset then agreeableness. When this maxim is put to the universality test, one must ask whether the principle of self-love become a universal law of nature. Because it could never be a universal law of nature to destroy oneself, this maxim cannot be universalized and is therefore morally impermissible, or in other words, taking one's own life is not a moral duty.

An example of a "perfect duty to others" would be to always tell the truth. One can see the necessity of this duty by taking the anti-thesis and testing it. Suppose one finds oneself in a situation in which one needs money. However, the only way one can borrow money is if one promises to return it, and although he or she makes this promise,

[13] Kant states that "There is. . . Only a single categorical imperative and it is this: *act only in accordance with that maxim through which you can at the same time will that it become a universal law.*" (Kant, *G* 4:421) However, Kant reformulates this law, and this reformulation is where the universality test comes from. Kant states, "The universal imperative of duty can also go as follows: *act as if the maxim of your action were to become by your will a* **universal law of nature.**" (Kant, 4:421)

he or she knows that the money will never be repaid. The maxim of this action would be "when I believe myself to be in need of money I shall borrow money and promise to repay it, even though I know this will never happen. Now this principle of self-love or personal advantage is perhaps quite consistent with my whole future welfare, but the question now is whether it is right." (Kant, *G* 4:422) When this maxim is turned into a universal law it will become apparent whether or not the action that follows from this maxim is morally good. It is clear that this maxim as a universal law of nature necessarily contradicts itself. "For, the universality of a law that everyone, when he believes himself to be in need, could promise whatever he pleases with the intention of not keeping it would make the promise and the end one might have in it itself impossible, since no one would believe what was promised [to] him." (Kant, *G* 4:422)

The two examples given thus far are examples of perfect duties because the universality test gives a clear and distinct reply when asking if the maxim is in harmony with the moral law. In each of the above examples, I have shown that if the maxims that Kant gave were universalized and implemented as a (natural) law, then the law would be self-contradictory. Therefore, reason tells us that these maxims cannot hold as laws at all. The next two examples deal with imperfect duties.

The third example is of an imperfect duty to oneself; Kant describes a person who "finds himself in comfortable circumstances and prefers to give himself up to pleasure than to trouble himself with enlarging and improving his fortunate natural predispositions. But he still asks himself whether his maxim of neglecting his natural gifts . . . [is] . . . consistent with what one calls duty." (Kant, *G* 4:423) He sees that nature could manage to survive with a universal law that does not require him to maximize his natural gifts

however he cannot rationally **will** this to become a universal law. In other words, one would not will natural instinct to stop working towards maximizing one's potential, and be replaced with idleness, and amusement. "For, as a rational being he necessarily wills that all the capacities in him be developed, since they serve him and are given to him for all sorts of possible purposes." (Kant, *G* 4:423)

Lastly, an example of an imperfect duty to others is to "let each be as happy as the heaven wills or as he can make himself; I shall take nothing from him nor even envy him; only I do not care to contribute anything to his welfare or to his assistance in need!" (Kant, *G* 4:423) If this way of thinking were to become a universal law, humans would carry on, and if this were implemented as a universal law of nature, nature too would carry on, however it is impossible to **will** that such a principle be held as a universal law (of nature). "For a will that decides this would conflict with itself, since many cases could occur in which one would need love and sympathy of others and in which, by such a law of nature arisen from his own will, he would rob himself of all the hope of the assistance he wishes for himself." (Kant, *G* 4:423)

The third and fourth examples are examples of imperfect duties. They are considered imperfect because they do not contradict the universal law; however they are not supported by the universality test. In both cases, it is impossible to will that the principle to neglect one's personal talents or the principle to neglect others when they are in need, can become a universal law (of nature).

After examining different types of actions and different types of duties, along with examples to represent these combinations it becomes apparent that there is some flexibility in executing imperfect duties. The categorical imperative is universal and a

priori, however, the maxims that represent this imperative are not explicit in this imperative. Therefore, rational agents must execute their faculty of reason and by doing so exercise their ability to choose, in order to act in accordance with the moral law. Nelson Potter makes this argument in an article titled "Maxims in Kant's Moral Philosophy." Potter states that "Kant tells us that ethical duties are of broad obligation, which means some discretion is allowed in determining the specific action to be performed." (Potter, 75)

If it is true that one has the ability to choose to act on a maxim that is in accordance with the moral law, then one has the ability to choose not to act on a maxim that is in accordance with the moral law. Potter says,

> [When one exercises one's power to act contrary to the moral law] such an action is in accordance with the basic formal maxim of the agent. . . So here the proper order of the incentives is precisely reversed. This policy choice is expressed (exemplified) in the present action. Since, Kant insists, both kinds of incentives are present and available, the moral agent was free to choose differently and such actions are also free, though the agent does not make use of the moral power she possesses to act differently. . . [The agent's] moral capacity for choice, helps make sense of Kant's claim that the agent is free also in actions not from the motive of duty, even though freedom is defined in terms of the power of acting from the motive of duty. (Potter, 77)

When one chooses something one is choosing against something else, otherwise there is no real choice. Hence, the ability that a rational agent has to make choices represents that being's freedom.

Section IV: Habit

The process of enlightenment is embarked upon through making responsible decisions for oneself. As we have established earlier, a person becomes enlightened when

he or she has the courage to exercise his or her reason and understanding. However, in the opening section of *What is Enlightenment?* Kant stresses what 'enlightenment' is in reference to others. Kant says that agents become enlightened when they exercise their reason and understanding without direction from another, and thus they think for themselves. But I would like to ask; "Is the person who relies on habit in the process of becoming enlightened?" A habit is not necessarily reliant on the influence of the majority nor is it brought on through exercising one's reason and understanding. A habit, either in terms of the way one thinks or acts, is performed without rational deliberation.

I will use an example to help me answer this question about habit. In a democracy, when one comes to be a certain age, one is allowed to cast a vote. If one chooses which party one votes for based on who one's parents voted for, then it is safe to say that this is an unenlightened decision. It is an unenlightened decision because it is based solely on the direction of others. However, if this person decides which party he or she votes for by exercising his or her reason, and thus carefully chooses what party he or she believes is the best candidate for the job, then this would be considered an enlightened decision. This is an enlightened decision because one has exercised one's own reason to decide which party one will vote for. However, if the next time this person votes for the same party **because** it is who he or she voted for previously, then this person is forming a habit of voting for the same party. The question I intend to answer is whether a habitual decision is an enlightened one since it is made without determining direction from others, but is still not done through exercising one's own reason.

In a habitual decision there is no consideration involved, thus, one's habitual decision was not influenced by what someone else directed this person to decide, nor was

this habitual decision a result of exercising one's own reason and understanding. After this habit has been formed, it makes no difference whether the person initially voted based on his or her own reason or merely conformed with the majority, because enlightenment is a process. In order to be enlightened one must continually act from one's own reason and understanding. Kant says,

> *Enlightenment is the human being's emergence from self-incurred minority. Minority* is inability to make use of one's own understanding without direction from another. This minority is *self-incurred* when its cause lies not in a lack of understanding but in a lack of resolution and courage to use it without direction from another, *Sapere aude!* [Dare to be wise!] Have courage to make use of your *own* understanding. (Kant, *AQWE* 8:35)

Although Kant stresses enlightenment in terms of autonomous independence from others, this is not what is key to enlightenment. The most fundamental aspect of enlightenment is that one uses one's own reason and understanding. Thus, it should seem apparent that acting out of mere habit is not daring to use one's courage, nor is it being wise. Simply because a decision is not in conformity with the majority or does not stem from the opinion of the majority, does not mean it is necessarily an enlightened decision, because this decision may merely be a habitual act, or a passive decision. In order for a decision to be enlightened, it must be a result of exercising one's own reason.

In Henry Allison's book titled Kant's Theory of Freedom, Allison addresses what a maxim for a habitual act might consist of. Allison states,

> A maxim I could never be aware of as mine, like a representation to which I could not attach the "I think," would be "nothing to me" as a rational agent. It might function as an unconscious drive or *habitus* governing my behavior, but it would not be a principle on which I act as a rational agent. . . Rational agents can, of course, adopt foolish or immoral maxims, but they cannot adopt maxims without taking them to be, in some sense, justified (although this may very well rest on self-deception). (Allison, 90-1)

In relation to the habitual vote, the voter cannot attach 'I think' to the vote because there is nothing to base such a claim on. Therefore, Allison and I both maintain that it is obvious that the habitual voter is not exercising his or her reason in conformity to the moral law. However, unlike Allison, I do believe that the rational agent can decide to act out of habit because the agent is still deciding and it is the capacity to choose that makes the agent a rational agent. Thus, even when a person acts from mere habit he or she is still responsible because that person still has the capacity to choose to do otherwise. A person cannot escape responsibilities because a person chooses not to exercise one's own reason. As a rational agent, whether or not one acts rationally, one retains the capacity to choose, or to exercise *Willkür*. Thus, although I agree with Allison's Incorporation Thesis, I believe that he needs to extend this thesis to include all adult finite rational agents' actions. My interpretation of Kant leads me to believe that if one is acting out of mere habit then this is equivalent in someway to acting in an unenlightened fashion. It is not as though one is taking direction from another, but that one is not exercising one's own reason. Whenever one is not exercising one's reason and has the capacity to do so one is acting immorally. In this case, one is not determined by anything except one's own laziness not to exercise one's reason. I believe that Allison needs to broaden or rework his Incorporation Thesis to include habitual acts.

Throughout this chapter I have discussed the importance of exercising one's own reason. However, what if the voter from our last example exercised his or her reason while making a decision on which party to vote for, but then realized that the best overall person for the job would not, in some way, benefit him or her the most. For example,

what if the individual voted for a party that he or she knew was not the best candidate for the job but instead this individual voted for the weaker party because he or she was paid to do so. Has this individual made an enlightened decision? Has this person exercised his or her reason and acted on it?

This is not an enlightened decision because the individual took direction from another, in the form of a bribe, while making his or her decision. Therefore, one has put one's self in the minority or in effect, has chosen one's own minority.[14] This person has exercised his or her reason but not to the extent that he or she was brave or courageous enough to act on it. This person knowingly contradicted his or her reason, by letting other incentives interfere. This individual freely chose to act in such a way that he or she knew to be wrong and immoral. It is irresponsible for this person to knowingly act against his or her reason. In every case, when a person knowingly makes a decision that is against his or her reason the person has betrayed his or her human nature, thus a person has knowingly done something to harm him or her self. Kant states, "to renounce enlightenment, whether for their own person or even more so for posterity, is to violate the sacred right of humanity and trample it underfoot." (Kant, *AQWE* 8:40) This is true whether the person has lied or maliciously harmed another.

In the *Groundwork* Kant does not mention habit; however we know that actions that conform to reason but are not done from reason lack moral worth. When one is acting from reason and not for any other incentive one would necessarily be aware of one's actions and the maxim which one's actions are based on. However, habitual actions

[14] One may say that the voter and the soldier, from an earlier discussion, have something in common. Both the voter and the soldier are not acting as freely as they could because they are not acting for the sake of the moral law. However, the voter has chosen to act for empirical incentives while the soldier decides to take orders from the state. Thus, the soldier is fulfilling a moral duty to the state.

do not entail such a level of awareness of one's own actions. Thus, it is apparent that habitual acts, even if the acts conform to one's duty (or responsibility) are not done from reason, although the agent is still a rational agent.

I introduced an example of a person who habitually votes for the same political party. This individual is not acting with moral worth because this act is done out of comfort or ease and not by exercising one's reason. This point can be made stronger if I borrow one of Kant's examples. Kant shows us that it is always morally wrong to make a false promise[15]. If one habitually makes a false promise whether it be about the same thing such as denying something in one's past, or committing to marry someone one has no intention of marrying, we know that this is immoral because it is in conflict with duty. However, what about a person who habitually makes true promises? That is, what about the person who tells the truth but may not know why one is doing so, or one may just be doing so because it is the comfortable thing to do. We could imagine that in the past this person had made a false promise and felt guilty so now he or she always makes truthful promises because of a habit he or she has formed to avoid guilt. This person's truthful promises are based not on maxims that reflect reason, and thus the promise lacks moral worth. In order for actions to have moral worth, Kant says,

> We must *be able to will* that the maxim of our action become a universal law: this is the canon of moral appraisal of action in general. Some actions are so constituted that their maxim cannot even be *thought* without contradiction as a universal law, far less could one *will* that is *should* become such. (Kant, *G* 4:424)

[15] A false promise is made when one promises something knowing that one cannot, or have no intent, of delivering what has been promised. Whereas when one makes a true promise one does so with the intent of fulfilling the promise.

If one acts out of habit, then one is unaware of what he or she is willing. Therefore, whether or not this act coincides with the moral law it was not done for the sake of the moral law, and therefore it lacks moral virtue. However, this is not to say that habitual actions are determined. Although the agent may not be fully aware of what he or she is willing, one maintains the ability to will other than what one performs habitually. Thus, the ability to will, even a habitual action, is a result of one's choice or *Willkür*.

Moral, immoral, or habitual people are responsible for their actions because their actions fall under the moral law whether or not they are acting from the moral law. Finite rational agents cannot escape the moral law because they possess the ability to reason and reason is what gives rise to the moral law as a categorical imperative. Thus, because rational agents have a free will they are able to recognize the moral law which ought to governs their actions. However, because of the capacity of the will, which allows one to choose maxims either in accordance with the moral law or in contrast to the moral law, even immoral actions are free. Philosophers in Sidgwick's camp would strongly disagree with this interpretation. Sidgwick would maintain that if one's maxims are not formed for the sake of the moral law then laws of nature determine them. Thus, according to Sidgwick, Kant argues that people who possess the capacity to reason but do not act from reason are determined in their immoral actions, and from this interpretation, Sidgwick argues they cannot be held responsible. However, as we have seen throughout this chapter, if one has the capacity to exercise reason and does not, then one is not determined like an animal but merely cowardly or lazy. Enlightenment is a process that takes engagement and activity; one cannot sit back like a floating duck, for if one does

one is still responsible for the choice to do nothing.

Conclusion

Through looking at the themes; decision, responsibility, and habit in *An Answer to a Question: What is Enlightenment?*, and the *Groundwork of the Metaphysics of Morals* we have seen that choice (*Willkür*) is implicit in these works. In *What is Enlightenment?* one's decision, or choice, is what allows one to embark on the enlightenment process. In the *Groundwork of the Metaphysics of Morals* Kant clearly states that the morally right decision can only be made for the right reason. Through one's ability to decide on an action comes responsibility for that action. Therefore, we do not hold animals responsible for their actions because they do not have the ability to reason options and make a decision; likewise, our expectations of children reflect their ability to choose between alternative options.

In the section concerning duty we saw that it is not enough to possess the faculty of reason. Reason allows us to choose, but the faculty of reason also identifies which choices are in alliance with reason itself and which options are not. Thus, reason identifies or gives the rational or moral choice as well as identifies the non-moral options. In *What is Enlightenment?* Kant clearly sees people as having a duty or responsibility to act from their own reason. This responsibility precedes one actually acting from reason, in other words, when one is still in a state of self incurred minority[16]. Kant says that one

[16] Children are in a state of minority that is not self-incurred because they do not yet possess the ability to reason. Thus, children are not held responsible to the same degree as adults, as they cannot yet recognize the moral law in its fullest capacity. However, adults that are still in a state of minority are in a state of self-incurred minority. At some point people develop the capacity to reason and with this comes a higher level of responsibility. This is recognized in our society by implementing ages of majority on certain privileges, such as driving, voting, and drinking. Our courts take into account one's age when delivering verdicts. Minors receive different treatment than adults do.

has a duty or responsibility to strive to act as a rational being, or to strive to act from one's reason alone. This point is demonstrated in the first line of *What is Enlightenment?* when Kant refers to the state of minority as a *self-incurred* minority.

However, as we learned in the *Groundwork,* reason does not dictate a single choice or maxim on which to base one's actions, but instead there can be many different maxims on which one can base one's actions. Some duties are imperfect and thus are greatly demand strong and accurate decision-making skills. The categorical imperative is universal and a priori however the maxims that represent this imperative are not explicit in this imperative. Therefore, rational agents must execute their faculty of reason and through doing so must execute their ability to choose, in order to act in accordance with the moral law.

> Everything in nature works in accordance with laws. Only a rational being has the capacity to act *in accordance with the representation* of laws, that is, in accordance with principles, or has a will. Since *reason* is required for the derivation of action from laws, the will is nothing other than practical reason. If reason infallibly determines the will. . . the will is a capacity to choose *only that* which reason independently of inclination cognizes as practically necessary, that is, as good. However. . . if the will is not *in itself* completely in conformity with reason (as is actually the case with human beings), then actions that are cognized as objectively necessary are subjectively contingent, and the determination of such a will in conformity with objective laws is *necessitation.* (Kant, *G* 4:413)

I will now in Chapter III turn to the second *Critique,* to look for evidence that Kant maintains that rational agents can freely choose to act against the moral law.

Chapter III

The Greatest Good

Introduction:

In Chapter Two I have demonstrated that in *An Answer to the Question; What is Enlightenment?* and in the *Groundwork of the Metaphysics of Morals* Kant has allowed rational agents the capacity to choose between different potential maxims. In both of the texts Kant maintains that people can freely choose to act against the moral law. I will continue to seek more evidence in the *Critique of Practical Reason* to reveal Kant's view that a finite rational agent's ability to act against the moral law.

In the *Critique of Practical Reason,* we see the importance of two notions of practical freedom within Kant's moral philosophy. Allen Wood in Kant's Ethical Thought distinguishes between these two notions of freedom; 'negative freedom' and 'positive freedom'. "In the "negative" sense, a will is practically free if it acts independently of external causes determining how it acts; in the "positive" sense, it is practically free if it has the power to determine itself in accordance with its own law (KrVA534/B562, G4:446, KpV5:33)." (Wood, 172) Although it is not always clear, in which sense freedom is being used or that in each instance freedom is being used in only one way, it is important not to ignore the different notions of freedom that Kant employs. Through Kant's examples[1], we see that rational agents are able or free to make decisions. For example, one can freely decide to either lie or tell the truth. What we must ask is

[1] Kant gives two very clear examples in Chapter One of the second *Critique* (Kant, *CPracR* 5:30), often referred to as the gallows examples. I will address each of these examples in detail in Section One of this chapter.

what does Kant mean when he says, "a free will and a will under moral law are one and the same"? (Kant 4:447) This statement can be interpreted in different ways.

One could understand Kant to mean that only when one is acting autonomously is one a free and a responsible moral agent. When one is not acting in accordance with the moral law one is determined in the same capacity that an animal, which lacks reason, is determined[2]. However, this explanation of Kant's philosophy is not consistent with the examples that Kant gives. Alternatively, when Kant says that 'one is free under the moral law' what Kant means is that only through recognizing the moral law is one free. Rational agents recognize their freedom when they recognize that they are under or ruled by the moral law[3]. Section I of this chapter will examine how reason gives the moral law as the determining ground of the will independent from sensible conditions, which leads to the notion of freedom.

The second section of this chapter will address Chapter III of the second *Critique.* Chapter III of the second *Critique* starts with a discussion on incentives. As we have seen, the moral worth of an action is often reduced to determining the incentive behind the action. As discussed previously, incentives have played a key role in determining whether an action has moral worth or not. Thus far we have seen that, if an action is performed for an empirical incentive then this action lacks moral worth. In this section of

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[2] Allan Wood, in Kant's Ethical Thought states, "Like many early modern philosophers, Kant seems to have underestimated the mental (including volitional) capacities of nonhuman animals. It would often seem as though higher mammals do not always respond immediately to impulses but sometime deliberate, set ends, select means to them, even hesitate whether to pursue an end. But part of the problem is that it is inherently problematic to apply to nonhuman creatures any of the terms we have devised to designate the set of mental capacities we attribute to our self. Since our rational capacities are conceptualized both holistically and in relation to the entire normal range of human behavior." (Wood, 347)

[3] Kant maintains that freedom and the moral law are reciprocal concepts. See footnote three in Chapter I.

the second *Critique* Kant explains how the moral law itself acts as an incentive to perform morally good or worthy actions. The incentive that the moral law produces is called respect (or humility). Prior to the second *Critique* respect as an incentive to act in accordance with the moral law was not demonstrated explicitly.

For Kant, respect is not an empirical feeling but it is a feeling we can know a priori. Thus, although Kant allows for an incentive, he still maintains that one cannot let the phenomenal realm be the basis or interfere at all with determining the moral worth of a will.

The final section of this paper will demonstrate in what sense rational agents acting against the moral law are free and in what sense they are not. In a section of the second *Critique* titled the 'Elucidation of the Analytic of Pure Practical Reason,' Kant explains why it is that pure practical reason is the only valid ground for the science of morals. In this section, Kant contrasts a doctrine of happiness with the doctrine of morals in order to demonstrate why it is that only the system presented in the analytic of pure practical reason produces morally worthy people. Kant explicitly discusses one's ability to act against the moral law. Through this section, in particular, Kant expresses his view that individuals have the ability to freely choose not to act morally, or autonomously. Through the discussion in Section III, it will become evident that it is a misinterpretation of Kant's ethics to claim 'when not following the moral law one is fully determined by the empirical'. For Kant, rational agents always exist in both the phenomenal realm and the noumenal realm. The laws that govern the phenomenal self are the laws of nature, while the law that governs the noumenal self is the moral law. When one's maxims are acted upon for the sake of the moral law they are autonomous agents, or self-governing.

However, when one's maxims do not reflect the moral law and are not acted upon for the sake of the moral law, the rational agent is said to be choosing to act in accordance with the laws of nature and, thus the agent is heteronomous[4], or not self governing. When one acts from incentives or desires, one is not acting autonomously and thus one is not free in the positive sense. However, acting in this way does not impede one's ability to act in accordance with the moral law. In other words, what Kant means when he says 'one is determined by the laws of nature' is that a rational agent can choose this 'determination' and continually choose this.

Section I: Moral Law and Freedom

The moral law cannot be proven through deduction, whether the attempt be made to deduce the law from theoretical reason, speculative reason or empirical enquiry. Thus, we can only know the moral law a priori, and never a posteriori. However, what can be deduced from the moral law, which is the faculty of freedom, has to be at least assumed possible in speculative reason. Therefore, the moral law, which itself "has no need of justifying grounds, proves not only the possibility but the reality in beings who cognize this law as binding upon them. The moral law, is in fact, a law of causality through freedom and hence a law of the possibility of a supersensible nature, just as the metaphysical law of events in the sensible world was a law of the causality of sensible nature." (Kant, *CPracR* 5:47) Thus, what speculative reason had to posit as an

[4] Lewis Beck, in A Commentary on Kant's Critique of Practical Reason, states, "Reason is thereby acting under one law which it has not itself prescribed; it chooses a law, prescribed as it were by nature to the person who has, as a matter of empirical fact, the goal which can be achieved by use of this theoretical knowledge. . . A reason which is the slave of the passions, a will which follows the promptings of desire and chooses laws of nature as its guide in satisfying them, a principle or maxim whose content is the condition of an act of choice, and the imperative which directs this choice of a specific action- all of these can be called "heteronomous." (Beck, 102-3)

assumption, or a negative definition, the moral law is able to determine as a positive concept giving freedom objective reality.

Kant says that our cognition of the unconditional practical must start from either the practical law or from freedom. However, in the second *Critique* Kant says it cannot start from freedom, because we cannot be immediately conscious of freedom. Kant states that our awareness of the moral law "cannot start from freedom, for we can neither be immediately conscious of this, since the first concept of it is negative, nor can we conclude it from experience, since experience lets us cognize only the law of appearances and hence the mechanism of nature, the direct opposite of freedom." (Kant, *CPracR* 5:30) Therefore, it is the practical law, or the moral law, that we become immediately aware of, "as soon as **we** draw up maxims of the will for **ourselves**[5]." (Kant, *CPracR* 5:30). Reason presents the moral law as a determining ground independent from sensible conditions, which leads to the notion of freedom, or more precisely freedom from the empirical, which is negative freedom.

"But how is the consciousness of that moral law possible?" (Kant, *CPracR* 5:30) Kant says that consciousness of the moral law, which is a pure practical law, is possible in the same way that pure theoretical principles are possible. We become aware of both types of laws through the "necessity with which reason prescribes them to us and [through the] setting aside of all empirical conditions to which reason directs us." (Kant, *CPracR* 5:30) From pure practical law arises the concept of a pure will and from pure theoretical principles arises the consciousness of pure understanding. Therefore, the pure practical laws of morality give rise to the concept of a pure will, thus disclosing the

[5] I put this emphasis in this quote to stress there is an element of choice, or decision, in choosing a maxim on which to base one's actions.

concept of freedom. The laws of nature are not found in experience; however, experience supports the laws of nature, and thus, the laws of nature help to explain appearances, where as "nothing in appearances can be explained by the concept of freedom and there the mechanism of nature must instead constitute the only guide." (Kant, *CPracR* 5:30) The moral law with practical reason has forced the concept of freedom on us, "but experience also confirms this order of concepts in us." (Kant, *CPracR* 5:30)

Kant gives us an example, to demonstrate through experience how it is that we know the concept of freedom through our morality. Kant asks us to conceive of a person who has such a strong lustful inclination that when the object he lusts for and the opportunity to pursue it are both present it is irresistible to him. Now suppose a gallows was erected where he finds this 'irresistible' opportunity and that he would be hanged immediately after satisfying his lust. Because it is irrational to want to be hanged, a rational man would be able to control his lust. This example clearly demonstrates that within Kant's moral framework one has the ability to choose whether one acts for the moral law or from empirical incentives. The lustful man in this example was not at the mercy of his desire; this individual could choose to act from reason or desire. If this man chooses to satisfy his lust, then he would not be autonomously free[6] never the less he was free in his decision because even while acting out his lust he could still choose to act in accordance with another maxim, one which represents the moral law. Because the lustful man, who possesses the power to reason, could choose to do other than what he is doing, he is negatively free from being determined. However, if he chooses not to act from his

[6] In this example, if the lustful man chooses **not** to satisfy his lust, then he does not automatically become autonomous. In order to be autonomous the maxim on which the act in question is based on must be done for the sake of the moral law. Therefore, if the man does not satisfy his lust because of his fear of being punished he is not autonomous.

own law of reason, and instead he chooses to act in accordance with another law, then he cannot be autonomously free.

Kant now contrasts this example with another scenario. A prince demands that a person testify falsely, which would result in the destruction of a honourable man whom the prince dislikes, or the consequence for not doing so is the gallows. In this situation, it is plausible that the man does not testify, or at least this scenario poses a more difficult answer than the previous example. Kant states, "He judges, therefore, that he can do something because he is aware that he ought to do it and cognizes freedom within him, which, without the moral law, would have remained unknown to him." (Kant, *CPracR* 5:30) This example, in contrast to the earlier example, shows that the examples are not meant to have the main character weigh the physical incentives and pick the most satisfying or rewarding option. Instead, we can see that Kant is demonstrating that one has the ability to choose to act either from an empirical incentive or from reason, and that the rational agent is not determined or destined to make either choice.

These two examples clearly demonstrate that rational agents, whether or not they are acting rationally at the given time, have the ability to choose to do other than what they choose. For if this were not so, then introducing the gallows into these examples would be pointless. These examples demonstrate that rational agents have the ability to formulate maxims, some of which represent the moral law, others of which do not. Furthermore, rational agents have the ability to make decisions or choose between these maxims, and thus rational agents are free to choose to act against the moral law.

Wood discusses how it is that the opportunity arises for finite rational beings to choose between different potential maxims. This possibility is only present due to the type of will that finite rational beings must possess. Wood states,

> Kant conceives of two general kinds of will (or practical reason). A "holy will" necessarily follows rational principles, while a "finite" or "pathologically affected" will can fail to follow them and therefore must (at least sometimes) *constrain* itself to follow them (G 4:414). When addressed to a will of the later kind, a rational practical principle is called an *imperative* (G 4:413). Kant also famously distinguishes between two kinds of imperatives. *Hypothetical* imperatives presuppose an end already set and command an action as a means to an end. Their constraint of the will is therefore conditional on the agent's having set the end in question. *Categorical* imperatives are not dependent in this way; they require the performance of actions (and the setting of ends) without being conditional on any prior setting of an end. (Wood, Kant's Ethical 61)

Thus, the people facing the gallows in the previous examples can either base their maxims on a hypothetical or a categorical imperative. If the people are swayed to act based on the threat of the gallows then these individuals are basing their acts on a maxim that is formulated on a hypothetical imperative. This is because the individual's actions are simply a means to a predetermined end not to be hung. However, if their actions are carried out for the sake of the moral law, then their maxims, which would not include any empirical incentive, would be based on a categorical imperative. Hence, if the individual did not lie on the King's request because he based his maxim of action on an imperative that it is always wrong to lie then this act is done for no other end than the moral law.

In Section II, I address Kant's notion of the 'Good'. We see that Kant defines the good without relation to any empirical incentive, thus the good is based on the Categorical Imperative. Later in this section I will demonstrate what happens when empirical incentives are accepted into one's maxims. When maxims are based solely on

hypothetical imperatives then these maxims are evil. Through this discussion we see that finite rational beings are able to choose good or evil.

Section II: Interests and Incentives

In Chapter II of the second *Critique* Kant addresses 'The Concept of an Object of Pure Practical Reason.' Here Kant demonstrates how to distinguish between actions that are done from reason and actions that are done for empirical incentives. Kant states that he is able to avoid the error of past philosophers, with regard to moral philosophy, through naming the object of the moral law a priori. According to John Silber, in "The Copernican Revolution in Ethics: The Good Re-examined", "Kant's predecessors generally believed that ethical enquiry should begin with the definition of the good from which the moral law and the concept of obligation are to be derived." (Silber, 196) For example, virtue ethicists focus on how to make people better or more virtuous, while utilitarian ethicists focus on producing happiness. Kant asserts that past philosophers have "sought an object of the will in order to make it into the matter and the ground of the law . . . whereas they should have first searched for a law that determined the will a priori and immediately, and only then determined the object conformable to the will." (Kant, *CPracR* 5:64) Thus, past philosophers have identified the determining ground of the will with reference to objects of pleasure and displeasure. This in turn led other philosophers to base their moral law on empirical conditions, which leads to a heteronomous exception of rational agentcy. Kant has avoided this problem by determining the object of the moral law through the moral law, and without reference to empirical conditions. Silber explains,

> [If] a will is related to an object in such a way that it is determined by the object . . . [then] the will is conditioned by that object. But the will cannot be free and responsible unless it is unconditioned, capable of acting apart from external determination by an object. Hence if the good as the object of the will is related to the will in this fashion it is indeed related by law and with necessity, but it is not related to the will of a moral person. For in being related to the subject as its causal determinant, the good destroys the freedom of the subject, and hence the subject is no longer a moral person. If, on the other hand, the will is related to the good as its object in such a way as to retain its power to act undetermined by that object, then the freedom and moral significance of the will as well as its relatedness to the good can be maintained. (Silber, "The Copernican Revolution" 202)

As I have already established, Kant's system of ethics holds that the will is undetermined and thus free. Silber highlights the alternative to Kant's system in the above quote. Silber maintains that the alternative would be to have the will determined by the object. This in turn would lead to a will that cannot be free and thus cannot be responsible as it would not be capable of acting without determination by empirical incentives. Such a will is not capable of choosing maxims on which to base actions that are distinct from empirical ends. Although Kant's system allows for a will that can be undetermined by empirical objects it does not necessitate that this is so. It is possible for a finite rational being's will to be undetermined however it is also conceivable, within Kant's system, that an individual forms a maxim which includes an empirical incentive and then chooses this maxim. Thus an agent who possesses a free will can allow for his or her will, or choose that his or her will, be determined by the laws of nature. However, as demonstrated in the previous gallows examples, an individual has the ability to choose otherwise or base one's maxims on the categorical imperative

rather than hypothetical imperatives, thus leaving one's will unconditioned and free regardless of choices actually made.

For Kant the only objects of a practical reason are those that are good and those which are evil. Good and evil must only be arrived at through reason and never empirical conditions; thus good and evil are not what is 'good or bad for me' as in well-being or ill-being. For Kant, good and evil are not defined in terms of sensibility or our feeling of pleasure or displeasure. Good and evil are universally communicated through reason. "*Good* [is] that which is a means to the agreeable, and *evil* that which is a cause of disagreeableness and of pain, for appraisal of the relation of means to ends certainly belongs to reason." (Kant, *CPracR* 5:59) Therefore, good and evil are actions (or means) not to a person's feeling, but to one's way of acting. Good and evil are in reference to the actions and thus the maxims that a person adheres to, and therefore a person himself is good or evil depending on which maxims one chooses to follow. Thus, for Kant good and evil are in the act, while for other philosophers (virtue and utilitarian ethicists) good and evil are determined by the end or the result of the act.

Kant says, "What we are to call good must be an object of the faculty of desire in the judgment of every reasonable human being, and evil an object of aversion in the eyes of everyone; hence for this appraisal reason is needed, in addition to sense." (Kant, *CPracR* 5:61) However, desire and aversion are not meant to imply that happiness is the only thing that matters. Humans are in both the world of the sensible and in the world of the understanding. Because humans are in the world of the sensible they have empirical needs. However, humans differ from animals in that humans are not

indifferent to reason and therefore humans cannot use reason merely as a tool for satisfying their own needs as a sensible being. Kant states,

> For, that he has reason does not at all raise him in worth above mere animality if reason is to serve him only for the sake of what instinct accomplishes for animals; reason would in that case be only a particular mode nature had used to equip the human being for the same end to which it has destined animals, without destining him to a higher good. (Kant, *CPracR* 5:61-2)

It is important to understand the difference between the way in which one would usually use the term good and how Kant uses the term good. Kant uses the term "good" as an absolute good. For example, let us suppose that a finite rational agent holds it is good to tell the truth so he or she does not get in trouble later. In this case 'good' is not an absolute good because it is dependent on empirical (prudential) criteria. "Kant thinks, that we do not make a man good by making him happy. Nor do we live in so blessed a world that we can fail to see men brought to ruin as a direct result of their fidelity to duty." (Silber, "The Copernican Revolution" 205) However, if one holds truth telling as a good because one respects the authority of the moral law, then this is an absolute good; as it can be identified as a good a priori to any situation. Kant addresses the distinction between the different uses of the term good (and evil) when he answers the question, "What is good and evil in itself?" If we presuppose an object of pleasure or displeasure, thus something that *gratifies* or *pains,* then the "determining ground of the faculty of desire precedes the maxim of the will." (Kant, *CPracR* 5:62) Therefore, the maxims of reason that are used to pursue gratitude or avoid pain are done so in reference to inclination and thus are only done for the consequence or end. "Such maxims can never be laws but can still be called rational practical precepts. The end or

good that is sought in this case is not absolute good . . . but merely well-being. The will whose maxim is affected by pleasure and displeasure is not a pure will. A pure will is directed only to that which pure reason can of itself be practical." (Kant, *CPracR* 5:620) An absolute good is 'something' that is good in itself. This occurs when,

> A rational principle is already thought as in itself the determining ground of the will without regard to possible objects of the faculty of desire (hence through their mere lawful form of the maxim), in which case that principle is a practical law a priori and pure reason is taken to be practical of itself. In that case the law determines the will *immediately*, the action in conformity with it is *in itself* good, and a will who's maxim who always conforms with this law is good absolutely, good in every respect and the *supreme condition of all good.* (Kant, *CPracR* 5:62)

If we start with a conception of the good and derive the laws of the will from this, then objects of desire determine the will. This leads to a subjective and situational conception of what is moral. Therefore, "the concept of good and evil must not be determined before the moral law. . . but only. . . after it and by means of it." (Kant, *CPracR* 5:62) Only a formal law can be an a priori determining ground of practical reason, because it lacks content that would otherwise be obtained through empirical interest. The formal law only prescribes to reason the "form of its universal lawgiving as the supreme condition of maxims." (Kant, *CPracR* 5:64)

Although Kant's system of ethics holds that the good is known a priori, and thus the good of an action is in the act itself and not simply in the end, it does not rule out the possibility of a person acting as if the good is in the end of the act, or heteronomously. In other words, a finite rational being **can** perform an action strictly for an end, or to fulfill an empirical incentive; however, for Kant the good of an action can never be obtained this way. What determines the will for Kant is prior to action. Before one acts

one must choose a maxim on which to act. It is the choice (or execution of *Willkür*) that determines the moral worth of a will, and not an empirical incentive.

Virtue ethicists focus on how to make people better or more virtuous. Utilitarian ethicists focus on producing happiness. Both of these types of ethicists base their 'moral law' on empirical conditions. Systems such as these motivate rational agents to act morally through empirical rewards for doing so. Thus, the good in these systems is something empirical, such as wealth. The question for Kantian ethicists is, what moves one to act morally if morally good acts do not incorporate empirical interests or incentives?

I have demonstrated that Kant's *Groundwork* finds it more worthy for rational agents to act from their reason without allowing the phenomenal realm, which includes their feelings, to impact their will. Thomas Hill, in Human Welfare and Moral Worth, states that it is "Kant's idea that we are most fully self-regulating and free when we willingly act from respect for the moral law without ulterior motives." (Hill, 310) However, Kant does introduce an incentive that if acted upon still produces a morally worthy action and a feeling to go along with morally worthy actions. The incentive to act morally is the moral law itself. Kant says, "it is even hazardous to let any other incentive (such as that of advantage) so much as cooperate *alongside* the moral law." (Kant, *CPracR* 5:72) But, what does it mean to hold the moral law as the incentive to act? Kant says that through choosing the moral law as the incentive to act and thus discounting all empirical incentives, will produce a feeling of pain. "Here we have the first and perhaps the only case in which we can determine a priori from concepts the relation of a cognition . . . to the feeling of pleasure or pain." (Kant, *CPracR* 5:73) The

feeling of pain or humiliation comes from striking down self-conceit, however at the same time the moral law is regarded as an object of respect. Kant says "the ground of a positive feeling that is not of empirical origin and is cognized a priori. Consequently, respect for the moral law is a feeling that is produced by an intellectual ground." (Kant, *CPracR* 5:73)

It has been said repeatedly that in order for an action to be morally worthy the will must be determined by pure practical reason without being determined by any empirical incentives. This being said, Kant is not contradicting his previous claim when he now says, "the moral law. . . is also a subjective determining ground - that is, an incentive - to this action inasmuch as it has influence on the sensibility of the subject and effects a feeling conducive to the influence of the law upon the will." (Kant, *CPracR* 5:75) This is consistent with his earlier comments regarding the determining ground of the will because the 'feeling' or incentive to act in accordance with the moral law, is respect and respect for the moral law is known a priori. Thus, the incentive of respect, although Kant calls it a subjective determining ground and a feeling, is very different than any other feeling or incentive. Kant clarifies this when he explains respect in this way:

> Respect for the law is not the incentive to morality; instead it is morality itself subjectively considered as an incentive inasmuch as pure practical reason, by rejecting all the claims of self-love in opposition with its own, supplies authority to the law, which now alone has influence. (Kant, *CPracR* 5:76)

As mentioned in chapter two of this thesis, a divine will always follows the moral law in spirit and never merely by the letter of the law. This is because empirical

incentives, like happiness, can never be a determining ground for a divine will[7]. However, Kant states that "respect for the *law* cannot be attributed to a supreme being [that is a divine being] or even to one free from all sensibility." (Kant, *CPracR* 5:76) Pure rational beings have divine wills; therefore, they need no incentive to act for the spirit of the law, for if they did then they would not be purely rational and thus they would not be divine. Pure rational beings are not capable of acting except for the sake of the law. Kant says, "the feeling (under the name of moral feeling) . . . does not serve for appraising actions and certainly not for grounding the objective moral law itself but only as an incentive to make this law its maxim." (Kant, *CPracR* 5:76) It does not make sense to discuss the need for an incentive to do something that one cannot avoid doing. The divine will cannot avoid acting autonomously, therefore it cannot have incentives, other than respect and humility, on which to act.

Not only can one have respect for the moral law but one can also have mediated respect for other rational beings. In the *Groundwork* Kant formulated the moral law in several different ways. One of those ways was the formulation of the end in itself, which requires that we always treat others as ends in themselves. In others words, it is wrong to treat a person simply as a means. For example, one should not rescue a person

[7] If the moral law is followed for some incentive other than respect, like a feeling of happiness, then the action is not performed for the sake, or spirit of the law and it merely contains legality but not morality. An action contains legality when it is done by the letter of the law, and morality when it is done for the sake or spirit of the law. However, a divine will cannot regard a distinction between legality and morality. A divine will is not affected by empirical incentives, therefore it cannot have a subjective determining ground, thus a divine will always follows the spirit of the moral law. On the other extreme, a beast can only act on a subjective determining ground, thus it cannot follow the spirit of the law. Rational beings, such as humans, fall with one foot on either side of the distinction between the divine and the beast. This is because, the rational being has a noumenal self and a phenomenal self and thus a rational agent sees oneself as a free agent, which can act for either the moral law or empirical incentives.

for the honour of being recognized as a hero. Instead, one should rescue a person because the moral law dictates that this is the right thing to do. In Chapter Two of the second *Critique* Kant expands on why this is true. Kant maintains that, "*Respect* is always directed only to persons," (Kant, *CPracR* 5:77) This is because a person who is acting in a morally good way demonstrates the moral law and respect can only be accessed through an a priori feeling with regard to the moral law. Respect can never be attained through mere empirical assessment, nor does respect need to be earned. Both Hill and Wood stress that respect for others need not be earned because it is simply owed to rational beings. Wood states,

> Because respect for the dignity of humanity is identical with the respect for law grounding morality in general, to demand that others earn it (or any part of it) is in effect to hold that our obligations to others rest (are least in part) on their distinctive excellences rather than fully and unconditionally on their humanity. To require that respect be earned is to hold that people are to be respected in part for what *distinguishes* them from others; it thereby places respect squarely within the comparative-competitive conception of self-worth. Kant not only regards all such concepts of self-worth as distinct from a moral conception of it, but . . . it is not exaggeration to say that Kant even regards them as the sole and exclusive ground of all moral evil. (Wood, Kant's Ethical135)

One can admire and act based on admiration, but this incentive is merely empirical. It will not lead to acts performed for the spirit of the law, meaning morally worthy acts. In other words, one can admire someone for having a skill, like juggling, or one can revere nature, however these types of feelings are distinct from that of respect. "This respect, then, which we show to such a person . . . is not mere admiration." (Kant, *CPracR* 5:78) Kant summarizes what we should take away from this section,

> Respect for the moral law is therefore the sole and also the undoubted moral incentive, and this feeling is also directed to no object except on this basis. First, the moral law determines the will

> objectively and immediately in the judgment of reason; but freedom the causality of which is determined only through the law, consists just in this: that it restrict all inclinations, and consequently the esteem of the person himself, to the condition of compliance with its pure law. This restriction now has an effect on feeling and produces the feeling of displeasure which can be cognized a priori from the moral law. . .personal worth . . . in the absence of agreement with the moral law, is reduced to nothing . . . [and therefore] humiliation takes place only relatively to the purity of the law. . . (Kant, *CPracR* 5:79)

Thus far in this section I have demonstrated the incentive that Kant claims motivates one to act for the sake of the moral law. This non empirical incentive, or feeling, is respect and respect can also be held towards people.

I am not particularly concerned with the actuality of those free actions that are done for the sake, or respect, of the moral law, because for the purpose of this thesis I have presupposed that these acts are free. I am concerned with what the concept of incentive gives rise to, which is *interest.* Kant explains it in this way,

> From the concept of an incentive arises that of an *interest*; which can never be attributed to any being unless it has reason. . . since in a morally good will the law itself must be the incentive, the *moral interest* is a pure sense-free interest of practical reason alone. On the concept of an interest is based that of a *maxim.* A maxim is therefore morally genuine only if it rests solely on the interest one takes in compliance with the law. All three concepts, however- that of an *incentive*, of an *interest* and of a *maxim*- can be applied only to finite beings. For they all presuppose a limitation of the nature of a being, in that the subjective constitution of its choice does not of itself accord with the objective law of a practical reason; they presuppose a need to be impelled to activity by something because an internal obstacle is opposed to it. Thus they cannot be applied to the divine will. (Kant, *CPracR* 5:79)

Above, Kant says that the concepts of *incentive*, *interest* and *maxim* can only be applied to finite beings possessing reason[8]. Therefore, humans, as rational beings, must have interests not only in the moral law, but as well as empirical incentives. Rational beings have interests and therefore incentives to their actions. An incentive to act is based on a maxim, and thus, maxims include incentives. These incentives must arise from one of two types of interest, either moral-interest or empirical interests. A divine being, that is a divine will, cannot have interests. A divine will is necessarily in accordance with the supreme law or moral law. However, a finite rational being must choose a maxim to act on based on an incentive that arises from her or his interest. Therefore, a rational agent is capable of formulating different potential maxims based on different types of incentives that represent different interests. Above, there is no reason given to believe that for Kant the ability to formulate and choose maxims, while being aware of the incentives and interests that they represent, are determined acts. In fact, formulating and choosing between maxims is the very ability that demonstrates to us that finite rational beings are capable of (freely) choosing a heteronomous maxim, on which to act. It is because humans are finite that we have a duty, and duty implies that we can do other than what the duty requires. Hill says in relation to Kant's ethics, that rational agents can fulfil their duties to the categorical imperative, or the moral law, but may choose not to. Furthermore, although rational agents can have empirical

[8] There is a distinction between possessing reason and acting rationally. To possess reason is to have the capacity to act rationally, where as when one acts rationally they are expressing this capacity. For example, although I possess sight this does not mean that I see what is around me, as I might be sleeping. For a discussion on the distinction between possessing reason and acting on reason, refer back to the introduction of this thesis.

incentives, they can choose not to act for an empirical incentive; thus rational agents cannot be completely enslaved by empirical incentives. Hill states

> Since being under an imperative implies the possibility of acting against reason, agents subject to categorical imperatives may in fact fail to follow them, and may even act against them; but insofar as we suppose the agents *ought* to follow the imperatives, we must assume that they *can*. Already it is clear, then, that agents subject to categorical imperatives cannot be complete slaves to the impulses and desires of the moment, for that implies inability to regulate conduct by rational reflection, even about future consequences to oneself. (Hill, Human Welfare 32)

Rational agents have a duty to the moral law yet they are not determined to follow the law. Likewise, rational agents can act on empirical incentives yet they can exercise their reason to avoid doing so. This is only true of rational agents that exist both in the phenomenal realm and in the noumenal realm; thus this is not true for pure rational beings who (would) only exist in the noumenal realm. Such perfect beings have a different will to that of a finite rational being. As Kant states,

> The moral law is. . . for the will of a perfect being a law of *holiness*, but for the will of every finite rational being a law of *duty* . . . Duty and what is owed are the only names that we must give to our relation to the moral law. We are indeed lawgiving members of a kingdom of moral possibility through freedom and represented to us by practical reason for our respect; but we are at the same time subjects in it. (Kant, *CPracR* 5:82-3)

Our freedom as finite rational beings comes through co-existing both in the noumenal realm and the phenomenal realm. Rational agents have both a noumenal self whose incentive is respect for the moral law and a phenomenal self whose incentive is self preservation or happiness. This duality, which the divine and the beast both lack, is what gives us the ability to make choices, it gives us our freedom. Hill states,

> Kant argues that to attribute to moral agents the sort of freedom of the will that morality requires we must think of them as belonging to

> an 'intelligible world' as well as the 'sensible world.' The idea of responsible choice employed in practical discussions cannot be reduced to or fully explained by empirical phenomena: a fact that is marked by saying that wills are *noumenal*, in contrast with what is known through experience (the *phenomenal*). Autonomous wills cannot be known as substances in space and time, subject to empirical causal laws. We can 'think' but not 'comprehend' their existence as 'causes' of a nonempirical kind. (Hill, Human Welfare 35-6)

The ability to choose allows rational beings the freedom to choose to act immorally. Kant says, "he can never be altogether free from desires and inclinations which, because they rest on physical causes, do not of themselves accord with the moral law. . ." (Kant, *CPracR* 5:84) and that "*Duty*. . . holds forth a law that of itself finds entry into the mind and yet gains reluctant reverence (though not always obedience), a law before which all inclinations are dumb. . ." (Kant, *CPracR* 5:86) Finite rational beings have a moral law to which they are bound through duty. However, empirical incentives arise that interfere with one's duty to the moral law. This is not to say that one is determined by either duty or empirical incentives. As Kant tells us in the above quote one can revere the moral law, yet choose to disobey the moral law.

Finite rational beings freely choose between empirical and the moral incentive yet if they choose the moral incentive they are more free because they are self governing. Because a rational agent's reason does not itself legislate the laws of nature to itself a rational agent cannot be free in the autonomous sense when acting for the laws of nature. However, we cannot say that while acting from empirical incentives one is acting free from the moral law, as a rational agent. Finite rational beings still have the ability or faculty to reason and thus are still subject to the moral law even when not acting for the moral law. Hill states,

> Even when acting 'from' inclinations, then we are seen as acting on maxims, i.e., choosing (when one might do otherwise) to adopt and follow the policy of doing what satisfies such inclinations in the sort of context at hand. Greedy acts, then, are not to be understood as behaviours causally necessitated by a strong inner force, but rather as reflections of an agent's at least temporary commitment to a policy of satisfying his urge even at others expense. (Hill, Human Welfare 317)

Section III: Critical Elucidation of the Analytic of Pure Practical Reason

For Kant, the analytic of pure practical reason is a science. Therefore, the Critical Elucidation of the Analytic of Pure Practical Reason is the investigation and justification as to why this science, and no similar science with a different systematic form, will serve as the basis for morality. "Practical reason has at its basis the same cognitive faculty as does speculative reason so far as both are *pure reason.* Therefore the difference in the systematic form of the one from that of the other must be determined by a comparison of the two, and the ground of this difference must be assigned." (Kant, *CPracR* 5:89) Through the comparison that follows, I will demonstrate that, as in all of Kant's previous texts, **moral** maxims cannot include empirical incentives; however, this section highlights how one can indeed (freely) choose to incorporate empirical incentives into one's maxims and thus choose to act immorally.

This section in Kant's moral theory remains consistent with what we have seen in Kant's earlier texts. Kant says,

> Anything empirical that might slip into our maxims as a determining ground of the will *makes itself known* at once by the feeling of gratification or pain that necessarily attaches to it insofar as it arouses desire, whereas pure practical reason directly *opposes* taking this feeling into its principle as a condition. The dissimilarity of

> determining grounds (empirical and rational) is made known by this resistance of a practically lawgiving reason to every meddling inclination. (Kant, *CPracR* 5:92)

Thus, although duty to the moral law excludes empirical inclinations from being incorporated into a moral maxim, rational finite beings can still allow incentives to influence their maxims. If a maxim is based on a rational determining ground it is necessarily moral and if it is based on an empirical determining ground the maxim has no moral worth, and thus is evil. But the question that is of interest is whether these maxims which lack moral worth, or evil maxims, are determined, and thus necessary. Kant tells us that, "no one, not even the most common human understanding, can fail to see at once, in an example presented to him, that he can indeed be advised by empirical grounds of volition to follow their charms but that he can never be expected to *obey* anything but the pure practical law of reason alone." (Kant, *CPracR* 5:92) I conclude from this that if one cannot so much as be expected to obey empirical incentives they certainly cannot be determined to, or be legislated necessarily, to act on these incentives. Thus, when one acts on maxims that do not represent the moral law one is free while doing so. This being said, an empirical determining ground for the will (principle of happiness) and a rational determining ground for the will (principle of morality) are not in direct opposition to one another. Kant states,

> The *distinction* of the principle of happiness from that of morality is not . . . an *opposition* between them, and pure practical reason does not require that one should *renounce* claims to happiness but only that as soon as duty is in question one should *take no account* of them. It can even in certain respects be a duty to attend to one's happiness, partly because happiness (to which belong skill, health, wealth) contains means for the fulfillment of one's duty and partly because lack of it (e.g. poverty) contains temptation to transgress one's duty. (Kant, *CPracR* 5:93)

It is important to pay close attention to whether the discussion on freedom is about maxims or actions[9]. For Kant practical freedom can be identified as the "independence of the will from anything other than moral law alone." (Kant, *CPracR* 5:94) This being said there is no insight into the possibility of freedom as an efficient cause, particularly in the sensible world. However, this is not a problem so long as we can be "sufficiently assured that there is no proof of its impossibility, and are now forced to assume it and are thereby justified in doing so by the moral law, which postulates it." (Kant, *CPracR* 5:94) Causality of natural necessity is distinct from the causality of freedom. The causality of natural necessity is only concerned with the existence of things as they are determinable in time, and thus as appearances, whereas the causality of freedom is concerned with their causality as things in themselves. "Now, if one takes the determinations of existence of things in time for determinations of things in themselves (which is the most usual way of representing them), then the necessity in the causal relation can in no way be united with freedom; instead they are opposed to each other as contradictory." (Kant, *CPracR* 5:95) Every act takes place in time, which necessarily follows an earlier point in time. Because the past is no longer in one's control every action must have a determining ground that is out of one's control.

[9] In a section of the second *Critique* titled, "The Typic of Pure Practical Judgment" Kant addresses the difficulty is discussing morally good actions. Kant states, "All cases of possible actions that occur can be only empirical, that is, belong to experience and nature; hence, it seems absurd to want to find in the sensible world a case which, though as such it stands only under the law of nature, yet admits of the application to it of a law of freedom and to which there could be applied the supersensible idea of the morally good, which is to be exhibited in it *in concreto*. . . The morally good as an object is something supersensible, so that nothing corresponding to it can be found in any sensible intuition." (Kant, *CPracR* 5:68) However Kant says, "To decide whether or not something is an object of pure practical reason [i.e. the moral law] is only to discern the possibility of willing the action." (Kant, *CPracR* 5:68)

Actions as they exist in time, or anything that exists in time including the acting agent, cannot escape the law of natural necessity; the existence of things in time is determined[10]. Kant says,

> If, then, one wants to attribute freedom to a being whose existence is determined in time, one cannot, so far at least, except this being from the law of natural necessity as to all events in its existence and consequently as to its actions as well. . . But since this law unavoidably concerns all causality of things so far as *they exist in time* is determinable, if this were the way in which one had to represent also the *existence of these things in themselves* then freedom would have to be rejected as null and impossible concept. (Kant, *CPracR* 5:95)

Kant recognizes that finite rational beings are determined in relation to time (and space). Rational finite beings are only determined in that they exist in time, that is as beings who have a phenomenal self existence in every sequential moment. Therefore, the status of an **action** whether it be moral or immoral is determined in time. It is the **maxim** on which the action is based that we can discuss as free or not[11]. Actions always exist in the phenomenal realm and thus are always determined in time; however, maxims are formulated in the noumenal realm and thus not in time. This leads us to the same question that Kant posed,

> If I say of a human being who commits a theft that this deed is, in accordance with the natural law of causality, a necessary result of determining grounds in preceding time, then it was impossible that it could have been left undone; how, then, can appraisal in accordance with the moral law make any change in it and suppose that it could have been omitted because the law says that it ought to have been omitted? That is, how can that man be called quite free at the same point of time and in regard to the same action in which and in regard to which he is nevertheless subject to a an unavoidable natural necessity? (Kant 5:96)

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[10] Refer back to the discussion on the *Third Antinomy* found in footnote one in the introduction to this thesis.

All actions are in accordance 'with the natural law of causality.' The natural law of causality is such that actions must precede actions and follow actions in time. This law is in no relation to what specific actions occur; it is merely saying that actions cannot cease but only change. In the case of finite rational agents, such as the thief, maxims are expressed by action in time. The relationship between maxims and actions is such that no specific action is determined by the action that comes before it. Instead, what specific action takes place is a result of the maxim, which has been chosen. A thief is unlike a mechanical object such as a clock or an arrow in important respects. After a clock is wound, it will continue to tick until it uses up the energy stored by winding it. Watches are different from finite rational beings as watches cannot create new maxims or choose maxims on which to base its actions. Comparative freedom is like that of a clock that ticks without external input, or a projectile that after being released continues to move without being aided externally. Both the clock and the projectile have an initial cause that keeps them going, but after they start, they cannot be altered in any way because they have no self-determination. This is unlike the thief who can alter his path, because he is self-determined. The thief is determined in that his actions must precede his previous actions in time. Yet, his intelligible character exists in the noumenal realm and thus he can choose his maxims on which to base his actions; therefore he can choose an alternative to stealing even while in the process of stealing. Kant says, "In the same way the actions of the human being, although they are necessary by their determining grounds which preceded them in time, are yet called free because the actions are caused from within, by representations produced by our own powers,

whereby desires are evoked on occasion of circumstances and hence action are produced at our own discretion." (Kant, *CPracR* 5:96)

Rational agents not only exist in the phenomenal realm they also exist in the noumenal realm. Each rational agent has a self that does not exist in time as well as a body that does exist in time. The thief can control his or her actions depending on which maxim he or she chooses to base his or her actions on, because the thief is self determined. Thus, we know that a finite rational being's actions are caused sequentially by the mechanism of nature, but this is not to say that the rational agent is solely determined by the mechanisms of nature. Kant says:

> One looks only to the necessity of the connection of events in a time series as it develops in accordance with natural law. . .But the very same subject, being on the other side conscious of himself as a thing in itself, also views his existence *insofar as it does not stand under conditions of time* and himself only as determinable only through laws that he gives himself by reason. (Kant, *CPracR* 5:97-8)

Therefore, as we have seen, the thief in Kant's previous example can avoid committing the theft. This is because the thief exits in both the phenomenal and noumenal realm and although the thief's actions necessarily exist in the sequence of time, his existence in the noumenal realm allows him freedom to formulate maxims on which to base his actions. Kant states,

> So consider, a rational being can now rightly say of every unlawful action he performed that he could have omitted it even though as appearance it is sufficiently determined in the past and, so far, is inevitably necessary; for this action, with all the past which determines it, belongs to a single phenomenon of his character, which he gives to himself and in accordance with which he imputes to himself, as a cause independent of all sensibility, the causality of those appearances. (Kant, *CPracR* 5:98)

Through the ability to recognize wrongdoing, it is evident that one can freely choose which maxim to base one's actions upon. If rational agents can freely choose the maxim on which to base their actions then they must be responsible for those actions. Independent of one's environment or upbringing a thief must always be responsible for his or her wrongdoing. As Kant says, "They (wicked children turned wicked adults[12]) remained as accountable as any other human being. This could not happen if we did not suppose that whatever arises from one's choice (as every action intentionally performed undoubtedly does) has at its basis a free causality . . . " (Kant, *CPracR* 5:100) In this quote Kant explicitly draws a connection between one's choice and intentional actions. Therefore, we clearly see that Kant believes, even though the noumenal self is the free self, that the noumenal self can instruct the phenomenal self to perform certain actions. Thus making the phenomenal self determined not solely by the empirical but also by the noumenal self's free causality. This shows that finite rational beings can freely act against the moral law. This in turn demonstrates how it is that immoral, or wicked, adults can be held responsible for all of their actions.

Conclusion

Through examining the second *Critique* we can see that Kant believes that rational finite beings can freely choose to act against the moral law. In Section I of this chapter on the Moral Law and Freedom, through the gallows examples, we saw that the lustful man was not at the mercy of his desire; this individual could choose to act from

[12] Refer back to Section I in Chapter II, which deals with the responsibility that a minor has to become enlightened.

reason or desire. Therefore, this individual could choose to act for the sake of the moral law or could choose to act against the moral law.

In Section II of this chapter, Interests and Incentives, I have shown how Kant derives the Good, how the feeling of respect is an incentive to act in accordance with the moral law, and how empirical incentives can be incorporated into one's maxims. Through this discussion we have seen that finite rational beings can freely choose between empirical and moral incentives. However, if they choose the moral incentive they are more free because they are self governing, or autonomous. Nonetheless, a rational agent who chooses to act from empirical incentives is still free. A rational agent who chooses to act from empirical incentives still has the faculty of reason and thus although one is not acting fully autonomously one is still free in some sense.

Finally, in Section III of this paper I examined a section of the second *Critique* titled the "Elucidation of the Analytic of Pure Practical Reason." In this section, Kant explains how it is that a finite rational being's actions can be determined empirically, yet that same rational agent has the freedom to perform different actions. This is because finite rational beings exist both in the phenomenal realm and in the noumenal realm. In the phenomenal realm, rational agents are determined in time, as there is necessarily a sequence of events that precedes their actions. However, a rational agent's existence in the noumenal realm allows one freedom to formulate maxims on which to base one's actions. Thus, rational agents can freely choose to formulate maxims that are not for the sake of the moral law and then act on them. This then is to say, in regard to immoral acts, that one could have acted other than one did. Therefore, within the second *Critique* there is ample evidence that Kant believed that finite rational beings

can freely choose to act against the moral law, and thus must be held responsible for their immoral actions.

Conclusion

We have seen that throughout the texts of Kant's practical philosophy that we have examined Kant has maintained that finite rational agents are free to formulate and choose maxims that are not for the sake of the moral law. Thus, finite rational agents can freely choose against the moral law. There is little or no debate that Kant explicates this in his later moral philosophy. His later moral philosophy consists of the *Religion Within the Bounds of Reason Alone* and the *Metaphysics of Morals*. However, as we have seen, there is much dispute concerning whether or not Kant maintained that finite rational agents are free to choose against the moral law in his early moral philosophy. His early moral philosophy consists of *An Answer to the Question: What is Enlightenment,* the *Groundwork of the Metaphysics of Morals,* and the *Critique of Practical Reason.*

Section I: Overview

In Chapter I, I introduce Kant's notions of *Wille* and *Willkür*. Through the distinction and the relationship between these terms, we understand how it is that Kant explains a finite rational agent's ability to choose to act against the moral law. *Wille* in the wide sense consists of both *Wille* (in the narrow sense) and *Willkür* (or choice). *Wille* in the narrow sense is the legislative function of the will, and *Willkür* is the executive function of the will. *Wille* is the source of the categorical imperative, and is thus equated to practical reason. *Willkür* is confronted by the laws given to it by *Wille*. *Willkür* is to choose and decide while always under the governance of *Wille*. (Allison, Kant's Theory 130) Thus, laws come from the narrow *Wille*, while maxims from *Willkür*. Therefore, finite rational beings are always under the moral law even when they choose not to obey

the law. Therefore even when acting immorally, finite rational agents can choose to do other than what they are doing. Thus, finite rational agents are not determined by empirical incentives when acting on maxims that do not represent the moral law. Kant says, "Human choice . . . is a choice that can indeed be *affected* but is not *determined* by impulses, and is therefore of itself . . . not pure but can still be determined to action by pure will. *Freedom* of choice is this independence from being *determined* by sensible impulses." (Kant, *MM* 6:214)

Thus, after explaining why it is that there is little or no debate concerning how one can choose against the moral law in Kant's later moral philosophy I turn my attention to Kant's earlier moral philosophy. I demonstrate that it is implicit in Kant's early moral philosophy that finite rational agents can freely choose against the moral law.

In chapter II, I look for evidence in *What is Enlightenment?* and in the *Groundwork of the Metaphysics of Morals* that Kant employs the idea that finite rational agents are free when they choose to act against the moral law. The main themes in this chapter are decision, responsibility, and habit. In the section on decision, in terms of *What is Enlightenment?,* we see that Kant does not maintain that people are determined when their acts do not represent the moral law but that they are cowardly and weak. In the *Groundwork* we see that what distinguishes finite rational agents from animals is that rational agents have the capacity to reason, and thus make decisions for something other than empirical incentives. Through this discussion, we know that Kant implicitly employed the notion of *Willkür.* Furthermore, finite rational beings have the ability to choose the moral law or empirical incentives. Finite rational beings always know that

morally good decisions are those that are done for the moral law, and decisions, which are not from the moral law, are not determined, but are weak and cowardly.

The section on responsibility demonstrates that Kant's moral philosophy holds people responsible for their decisions, thus people must be able to decide to do other than what they have chosen. Through the ability to choose, decide, or act and not merely react, rational beings (even when acting irrationally) are held accountable for their maxims and their actions. In this section, I deliver a response to critics, such as Sidgwick and Horenstein, who in my view draw an unfounded connection between freedom and moral behaviour from Kant's statement that, "a free will and a will under moral law are one and the same"(Kant, *G* 4:447). Although Kant does say that rational agents are free under the moral law he does not say whether rational agents can escape the moral law. I maintain that for Kant if one has reason, one certainly acknowledges the moral law since the moral law and freedom are reciprocal concepts: possessing the faculty of reason, (not through exercising reason but in possessing the ability to reason) shows that the moral law and freedom are both present. Nonetheless, a rational agent with such freedom can choose freely against the moral law.

In chapter III, I give evidence that in the second *Critique* Kant maintains that maxims that are not for the sake of the moral law are free, and thus the actions that rest on these maxims are not determined by empirical incentives. The first section of this chapter addressed the 'gallows examples.' These examples demonstrate that finite rational beings are not determined to act by empirical incentives. Instead, we saw that Kant demonstrates that even when tempted by something as strong as lust, a finite rational agent remains free to act on an empirical incentive or for the sake of the moral

law. The next section in this chapter addresses incentives. I demonstrate that finite rational beings can choose to incorporate empirical and moral incentives into their maxims. In both of these instances, the incentives are **freely** incorporated into the maxims on which their actions are based. Finally, in section III of this chapter I discussed in what way actions are determined. All actions, even moral actions, are determined in time. Hence, an action is determined in the sense that some act must precede it and some action must follow it. However, this is not the same way in which some Kantian scholars claim that immoral actions are determined by empirical incentives.

I have demonstrated that, for Kant, finite rational agents' acts are intentional, whether they are for the moral law or for empirical incentives. Just as rational agents cannot escape the moral law, they cannot escape the freedom of having to make decisions regarding which maxims to base their actions on. Therefore, for Kant, rational agents are held accountable or responsible for all of their intentional actions including the ones not in accordance with the moral law. In other words, "whenever I act, an incentive can only determine my will to an action insofar as I have incorporated that incentive into my maxim. Put differently: a desire, or any other incentive, cannot, by itself, move me to act; I have to allow it to move me." (Baron, "Henery Allison" 777)

Section II: The Example of Suicide

In my Introduction, I used the practical example of suicide to demonstrate the different ways in which Kantian scholars determine whether finite rational agents are free

when acting on maxims that are against the moral law. I gave two different interpretations regarding this example.

The first interpretation is through employing Horenstein's, Fackenheim's, and Sidgwick's explanation of Kant's ethics. This interpretation leads to the conclusion that the maxim, which the act of suicide is based on, cannot be in accordance with moral law or in accordance with the laws of nature. As addressed in the Introduction, one formulation of the categorical is imperative is, "act as if the maxim of your action were to become by your will a **universal law of nature**." (Kant, *G* 4:421) From this formulation of the categorical imperative we see that the maxim, which the act of suicide rests on, is not done for the moral law. This is because the maxim to commit suicide cannot become a universal law of nature. Thus, maxims of suicide in such cases *end life*, while the natural law and the categorical imperative *preserve life*. If the only options were to act in accordance with the moral law or to be determined to act by the laws of nature, then this would be a problem for Kant. This is because, whether or not one is acting in accordance with the moral law, and therefore is free, or one is acting against the moral law, and is therefore determined, suicide is logically excluded as a possible action.

However, a second explanation of the act of suicide is possible through introducing a third type of act. That is an act, which is not done for the sake of the moral law, and is not determined. In other words, finite rational agents are **free** to act against the moral law. If finite rational agents choose to commit suicide they are not acting as pure rational agents, and thus from reason alone, nor are they acting like animals, and thus from instinct alone. Instead, finite rational agents have the freedom to choose maxims that do not coincide with the moral law. Kant says "the faculty of desire in

accordance with concepts, insofar as the ground determining it to action lies within itself and not in its object, is a called a faculty *to do or to refrain from doing as one pleases*." (Kant, *MM* 6:213) When the faculty of desire is joined with one's consciousness of the ability to bring about the object of desire, a *choice* is made.

Therefore, we see that the choice to commit suicide is irrational, and thus immoral, yet one cannot be determined to commit suicide. However, one can now choose to act immorally. To act immorally or in an evil manner is not to act in accordance with a maxim from the moral law and not to be fully determined. In fact, Kant says that rational agents can never be fully determined. From this I infer that rational agents are responsible because they have the ability to do otherwise. Kant says "Human choice . . . is a choice that can indeed be *affected* but is not *determined* by impulses." (Kant, *MM* 6:214)

I have demonstrated that throughout all of Kant's moral philosophy Kant has maintained that there is an alternative to acting in accordance with the moral law or being determined by laws of nature. The alternative is that of choosing to act either for the moral law or against the moral law. In other words, finite rational agents always have to choose incentives and maxims. Unlike holy rational agents who have no choice because they only exist in the noumenal and thus always 'act' for the moral law, or animals who only exist in the phenomenal and thus have no choice but to act in accordance with the laws of nature, finite rational agents must always freely choose their maxims. Maxims are freely chosen whether they are in accordance with the moral law or not.

Section III: Responsibility

As seen in the Introduction, Horenstein's, Fackenheim's, and Sidgwick's interpretation of Kant's ethics disagree with my interpretation of Kant's ethics. All three of these philosophers believe that Kant is inconsistent concerning his notion of freedom. Each of these scholars believes that at some point during Kant's moral philosophy, Kant maintained that finite rational agents are determined when they act on immoral actions. I would like to reflect on the impact of their interpretations to Kant's moral philosophy. Horenstein's, Fackenheim's, and Sidgwick's interpretation of Kant's notion of freedom leave the notion of moral responsibility omitted from Kant's moral philosophy. In other words, the implication of their interpretations, is that finite rational agents cannot be held responsible for their immoral actions.

Horenstein claims, "few theories leave moral responsibility in so ambiguous a position does Kant's doctrine of the empirical and the intelligible character." (Horenstein, 143) While Fackenheim states, "In so far as [a villain] wills at all, he wills the good; and in so far as he follows evil, he acts as determined, not by himself, but by an all-too-powerful inclination . . . [Thus, one] cannot justify moral responsibility." (Fackenheim, 264) Paul Guyer, in "The Value of Reason and the Value of Freedom," states that Sidgwick's interpretation leads to "the possibility that freedom and adherence to the moral law may on Kant's account be so tightly linked that an immoral agent must be considered an unfree agent, and therefore not an agent responsible for his misdeeds." (Guyer, 34)

Thus, the conclusion from misinterpreting Kant's ethics in the way that these scholars have misinterpreted Kant is that Kant's ethic cannot hold finite rational agents responsible for their immoral actions. This conclusion is inconsistent with the rest of Kant's moral philosophy. Kant's moral philosophy focuses on obligation and duty. These concepts, as we have seen throughout this thesis, rely on one's ability to make choices. When one freely chooses, either in accordance with one's duty or against one's duty, one is responsible for their choices.

A practical example of what the above interpretations lead to is the following. If a moral agent decides to do "what one ought to do", then he or she has made a morally good decision and he or she can be praised for this. However, it only makes sense to praise someone for the things that they are responsible for, for example, I do not praise my sister when she grows tall, however, I do praise her for being honest. On the other hand, if a moral agent goes against "what one ought to do" then he or she has made a morally wrong or bad decision (or a decision that was based on something other than moral importance), and is to be blamed for this decision. As in the case of praising someone, we can only blame the person who went against "what one ought to do" because one is responsible for choosing to act against "what one ought to have done."

Also consider, for example, if my sister borrowed a piece of clothing from me and I ask her where it is, I hold her responsible for her answer whether it is truthful or dishonest. This is relevant because Horenstein, Fackenheim, and Sidgwick believe that Kant thought people were only free and thus responsible when they answer truthfully. This is because only a truthful answer is in accordance with the moral law, and only

when one acts 'under' the moral law is one free. However, this has been shown to be incorrect.

In order for someone to be held responsible, it must be possible for that person to have done something other than what he or she has done; in other words, he or she cannot have been determined to act in any one way. Rational agents do not hold animals responsible for their actions in the same way that rational agents hold rational beings responsible. Animals do not choose to act; they merely act on instinct without the possibility for any rational thought influencing their decision. One cannot be held responsible if they do not have options because if there is no option, then this means that no decision can be made because there is nothing to decide between. If someone is determined to do something then there is no moral decision at hand, in other words, a determined action has no moral value. Instead it falls outside of the realm of morality. Determined actions in this instance do not refer to actions that one decides to take based on one's desire or interest. 'Determined' as I am using it here refers to those actions that one takes when they have no choices in their actions.

Thus, I have argued throughout this discussion that Kant's moral philosophy is consistent in the assertion that finite rational beings are free to choose against the moral law. By interpreting Kant in this manner we see that finite rational agents are not at the mercy of their desires and are responsible for all of their actions even (especially) their immoral ones. Through my interpretation of Kant the act of suicide is not logically excluded from the realm of possible actions. I have demonstrated that acts are not limited to free moral acts or determined acts. Although the act of suicide is an irrational, or evil,

act it is still a free act, and agents performing such acts are still free and accountable under the moral law even while acting against it.

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