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On the Role of Freedom in Kant's (Moral) Philosophy

Abstract: The focus of the paper is on the concepts of practical and transcendental freedom, their relationship to each other, and their role in Kant's (moral) philosophy. It is argued that there is, in this regard, neither an inconsistency or contradiction between *Dialectic* and *Canon* of the first *Critique*, nor a break between first and second *Critique*. That we cognize, according to the *Canon*, practical freedom through experience must, by no means, be understood as if Kant would hold here a 'naturalized' concept of freedom. The paper also reveals the preparatory role of the first *Critique* with respect to the moral philosophy which Kant, beginning in the *Groundwork*, presented in the following years.

Keywords: practical/transcendental freedom; speculative/practical use of reason; causality of nature/of reason; deduction of the moral law.

Especially in the introduction to the entire *Metaphysics of morals*, Kant discusses the concepts, indispensable for a metaphysics of morals as a whole. On some of these concepts there are strongly diverging opinions. The most important and at the same time most controversial among them is the concept of freedom; or better: it is the different meanings and functions, which Kant, in the *Metaphysics of morals* and in his other writings, links or seems to link, depending on the context, with the concept of freedom, about which there is considerable dissent.

This dissent has a particularly serious effect on the question of which concept of freedom is assumed by the unconditional validity of the law of right. But already for a cursory understanding of even the "main division of the *Doctrine of morals* as a whole"¹ in *Doctrine of*

¹ TL AA 06: 406.

For Kant's works I shall use the following abbreviations: Anth = Anthropology from a pragmatic point of view; GMS = Groundwork of the Metaphysics of morals; KpV = Critique of practical reason; KrV = Critique of pure reason; KU = Critique of the power of judgement; MS = The metaphysics of morals; OP = Opus postumum; Prol = Prolegomena to any future metaphysics that will be able to come forward as science; Refl = Notes; RezUlrich = Kraus's review of Ulrich's Eleutheriology; RezSchulz = Review of Schulz's attempt; RGV = Religion within the boundaries of mere reason; SF = The conflict of the faculties; TL = Doctrine of virtue; VAMS = Drafts on the Metaphysics of morals; VARGV = Drafts on Religion within the boundaries of mere reason; VATL = Drafts on the Doctrine of virtue; V-MP-K3 = Metaphysics lecture notes Arnoldt; V-MP/Dohna = Metaphysics lecture notes

right and *Doctrine of virtue*, a first insight into Kant's conceptualization of freedom is necessary, which then in turn, however, immediately leads to a more thorough and comprehensive examination of this extremely complex and, for many readers, puzzling subject.

Choice as the faculty to whatever action is in case of animals a choice exclusively determined by inclinations (sensible incentives, stimuli) and thus coerced by them (*arbitrium brutum*).² If one conceives choice as the "faculty of self-determination of one's causation or non-causation,"³ then with regard to animals it must be said that its 'self-determination' is one directly imposed upon it by its nature. "The animals have a will, but they do not have a will of their own, but the will of nature."⁴

Human choice (*arbitrium liberum*) differs from animal choice in that, it's true, it is inevitably affected by inclinations, but it is not at the same time 'without a will of its own' at the mercy of these inclinations, as long as there is no pathological disorder in the "machinery in man"⁵. It is the faculty of man to pursue *whatever* purpose possible by nature. Such a "faculty of desire in accordance with concepts" is not possible without reason; and the *insofar* existing *independence* from the determination (necessitation) by sensible impulses means

Dohna; V-MP-K2/Heinze = Metaphysics lecture notes K2 (Heinze, Schlapp); V-MP-L1/Pölitz = Metaphysics lecture notes L1 (Pölitz); V-MP/Mron = Metaphysics lecture notes Mrongovius; V-MS/Vigil = Metaphysics lecture notes Vigilantius; V-NRFeyerabend = Natural right course lecture notes Feyerabend; V-Th/Baumbach = Danzig Rational theology lecture notes Baumbach; VNAEF = Proclamation of the imminent conclusion of a treaty of eternal peace in philosophy; ZeF = Toward eternal peace.

I refer only to the Akademie Edition (= AA), since the reader can easily find the corresponding pages in the Cambridge Edition (= CE). The number before the colon refers to the volume, the number after it to the page; a full stop is followed by a reference to the line (example: 08: 211.10-13). For the *Critique of pure reason*, reference is made to the 1st (A) and the 2nd (B) edition. – My additions within quotations are in square brackets. Such brackets also indicate omissions. My italics = m/it; my translation = m/tr.

Translations of quotations from Kant are taken or adapted, *unless indicated otherwise*, from the *Cambridge Edition of the Writings of Immanuel Kant*, Cambridge: Cambridge UP, 1992ff. Minor changes to these translations have been tacitly made by me.

Where I have myself translated writings of Kant into English, I have put priority on the highest possible correspondence with the original. That may sound (as my own English writing, of course, also might do) in places a bit awkward or even somehow "teutonic". I have unfortunately just the great disadvantage that Kant's mother tongue and not English is my native language.

A critical remark on the CE is unfortunately pertinent. On the one hand, I was forced to translate into English texts by Kant not included in the CE. In order to be as much as possible in agreement with the terminology used by the CE, I was often compelled to read this edition intensively. On the other hand, many years of experience with errors discovered again and again in the CE had taught me not to take over its translations of my Kant quotations without checking them. To my great regret, though, I must confess that I had not expected such a deplorable result. The number of philosophically relevant translation errors in the CE is so large, that this edition is simply out of the question for serious Kant research. It cannot be trusted. Rather, for each sentence, even if the probability is low, one must consider the possibility that it does not correspond to Kant's original. Only the comparison with the original would bring salvation, which, however, would make the translation of the CE superfluous. For someone who is interested in Kant, but does not want to do research on him, the CE still remains helpful, but it also contains much too much.

² See KrV A 534 / B 562; A 802 / B 830; MS AA 06: 213.

³ Alphéus, Karl: Kant und Scheler, Bonn 1981, 18.

⁴ V-NRFeyerabend AA 27: 1319f. (m/tr).

⁵ Anth AA 07: 214 (m/tr).

the negative concept of *freedom of choice*.⁶ If reason determines choice according to the inclinations, then it is indeed practical, but not as *pure* reason ("of itself").⁷ The supreme determining ground of choice with respect to the ends that one sets for oneself and to the actions with which one tries to realize them, thus does not itself necessarily lie in reason; it can also lie in nature.⁸ With regard to choice, therefore, a distinction must be made between conditionally-reasonable and unconditionally-reasonable desire.⁹ The positive concept of freedom corresponding to the negative one means "the ability of pure reason to be of itself practical [»without the need for triggers from nature«¹⁰]," namely, by subjecting "the maxim of every action to the condition of its qualifying as universal law".¹¹

In view of the difficulties, which apparently, as the secondary literature clearly shows, stand in the way of an accurate understanding of this human freedom in its negative and positive meaning, an understanding corresponding to Kant's philosophical train of thought, it is advisable to discuss two further concepts of freedom, although the *Metaphysics of Morals* itself makes no use of them: *practical freedom* and *transcendental freedom*.

In the *Critique of pure reason*, Kant purposefully and systematically relates the two concepts to each other, in two passages (once in the *Transcendental dialectic* and once in the *Transcendental doctrine of method*), which are often regarded in Kant research as mutually contradictory and sometimes therefore as a patchwork of thoughts from different phases of development and pieced together by Kant for the published work.¹² In the *Canon* chapter of the *Doctrine of method* it is said that "[p]ractical freedom can be proved through experience" and that the "merely speculative question" concerning transcendental freedom "does not belong to reason in its practical use".¹³ This passage allegedly originates from an earlier phase of development, in which Kant had not yet reached the 'critical' insight as reflected in the *Dialectic*. There namely it is said that the concept of practical freedom is "founded" on the transcendental idea of freedom and would be "eliminate[d]" "simultaneously" with its "abolition".¹⁴ In fact, however, the two passages, whose irritating

⁶ See MS AA 06: 213.35-37; also AA 06: 226.17-19; KrV A 534 / B 562; VATL AA 23: 378f.

⁷ MS AA 06: 214.

⁸ For example, the reason for adopting the maxim of not taking advantage of a customer may be the natural interest in long-term advantage or the duty of honesty.

⁹ See for this Alphéus, Karl: Kant und Scheler, Bonn 1981, 56-60.

¹⁰ V-MS/Vigil AA 27: 494.

¹¹ For the whole paragraph see MS AA 06: 213f.

¹² See among many others Schweitzer, Albert: Die Religionsphilosophie Kants von der *Kritik der reinen Vernunft* bis zur *Religion innerhalb der Grenzen der bloßen Vernunft*, Freiburg 1899, 66-70; Guérout, Martial: Canon de la raison pure et critique de la raison pratique; in: *Revue Internationale de Philosophie*, 8 (1954) 331-357; Carnois, Bernard: La cohérence de la doctrine kantienne de la liberté, Paris 1973, 57ff.; Schönecker, Dieter: Kants Begriff transzendentaler und praktischer Freiheit. Eine entwicklungsgeschichtliche Studie, Berlin/New York 2005, passim. In contrast: Saša Josifović, Das "Kanon-Problem" in Kants *Kritik der reinen Vernunft*, in: *Kant-Studien*, 106 (2015) 487-506.

¹³ KrV A 802f. / B 830f.

¹⁴ KrV A 533f. / B 561f.

assertions Kant, by the way, also made later,¹⁵ can already as such be effortlessly recognized as complementary to each other.¹⁶

In both passages mentioned, Kant speaks of freedom in the transcendental sense and of freedom in the practical sense,¹⁷ and he does so in the same way.¹⁸ Admittedly, the passages in *Dialectic* and *Canon* are only compatible with each other if, on the one hand, the experienceability of practical freedom claimed in the *Canon* does not change the fact that, according to the *Dialectic*, its concept is "founded" on the idea of (non-experienceable) transcendental freedom, and if, on the other hand, this idea can nonetheless at the same time be "practically" set aside, i.e., remain disregarded in the *Canon*. To get to the bottom of this, it is first necessary to determine what exactly is meant by the statement that practical freedom can be proved through experience.¹⁹

For an understanding of the meaning of this assertion and its function within the *Canon*, it is important to note that Kant sets "aside" two things in this context: first, "what might here be psychological, i.e., empirical";²⁰ and second, the "merely speculative question" "about transcendental freedom."²¹

Following²² Baumgarten's *Metaphysica*,²³ which he used in his lectures for decades, Kant first defines the *psychological* concept of freedom²⁴ as "a faculty of determining oneself from

¹⁵ See e.g. RezSchulz AA 08: 13.20-26; V-MP/Mron AA 29: 898-903; KU AA 05: 468.21-30.

¹⁶ In principle, the same result is reached by the following works: Beck, Lewis White: *A Commentary on Kant's Critique of Practical Reason*, Chicago/London 1966 (1960), 190, fn. 40; Allison, Henry E.: *Kant's Transcendental Idealism. An Interpretation and Defense*, New Haven/London 1983, 310ff.; id: *Kant's Theory of Freedom*, Cambridge 1990, 54ff.; Esteves, Julio: *The alleged incompatibility between the concepts of practical freedom in the Dialectic and in the Canon of the Critique of Pure Reason*; in: *Kant-Studien*, 105 (2014) 336-371; Wolff, Michael: *Freiheit und Natur. Zu Kants architektonischem Programm von Philosophie*; in: Waibel, Violetta L. et al. (Ed.): *Natur und Freiheit. Akten des XII. Internationalen Kongresses*, Berlin/Boston 2018, vol. I, 133-155; see also: id: *Kant über Freiheit und Determinismus*; in: W. Euler / B. Tuschling (Eds.), *Kants „Metaphysik der Sitten“ in der Diskussion*, Berlin 2013, 27-42; id: *Julius Ebbinghaus, die rechtlichen Grenzen der Staatsgewalt und die Interpretation der Rechtslehre Kants*; in: Manfred Baum et al. (Eds.), *Kants Staat der Freiheit*, Wiesbaden 2020, 145-193. The yield of their analysis is admittedly very different among these authors.

¹⁷ KrV A 445 / B 473; A 533f. / B 561f.; A 801 / B 829.

¹⁸ Compare KrV A 534 / B 562 with A 802f. / B 830f. (AA 03: 364.02-03 with 03: 521-10-12 + 03: 521.35); A 533 / B 561 with A 803 / B 831 (AA 03: 363.08-24 with 03: 522.01-03).

¹⁹ The following discussion, especially with regard to what I have written earlier, was essentially inspired and also shaped by the profound and principled works of Wolff, Michael: *Freiheit und Determinismus* (fn. 16); id: *Freiheit und Natur* (fn. 16); id: *Julius Ebbinghaus* (fn. 16).

²⁰ See KrV A 801 / B 829 (AA 03: 521.01-02).

²¹ See KrV A 801f. / B 829f. (AA 03: 521.04-07); A 803 / B 831 (AA 03: 521.32-33); A 803f. / B 831f. (AA 03: 522.10-12).

²² See for this Wolff, Michael: *Freiheit und Natur* (fn. 16), 138-141; id: *Warum der kategorische Imperativ nach Kants Ansicht gültig ist*; in: Dieter Schönecker (Ed.), *Kants Begründung von Freiheit und Moral in Grundlegung III*, Münster 2015, (257-330) 270f.; id: *Julius Ebbinghaus* (fn. 16), 11f.

²³ See Baumgarten, Alexander Gottlieb: *Metaphysica. Historisch-kritische Ausgabe, übersetzt, eingeleitet und herausgegeben von Günter Gawlick und Lothar Kreimendahl*, Stuttgart-Bad Cannstatt 2011, 384ff. (§ 719ff.). On the historical background of Kant's conceptualization of freedom and its development in his examination of Baumgarten see Kawamura, Katsutoshi: *Spontaneität und Willkür. Der Freiheitsbegriff in Kants Antinomienlehre und seine historischen Wurzeln*, Stuttgart-Bad Cannstatt 1996, bes. 56; 61ff.; 86; 107ff.; 124ff.; 158ff.

²⁴ See KrV A 448 / B 476.

oneself, independently of necessitation by sensible impulses" (in the *Dialectic*²⁵) or as "a faculty of choice [...] which can be determined independently of sensible impulses, thus through motives that can only be represented by reason" (in the *Canon*²⁶). Of this choice he says that it "*is called* free choice (*arbitrium liberum*), and everything that is connected with this, whether as ground or consequence, *is called* practical." More precisely, "practical freedom", thus conceived and provable through experience, is the capacity "to overcome impressions on our sensible faculty of desire by representations of that which is useful or injurious even in a more remote way; but these considerations about that which in regard to our whole condition is desirable, i.e., good and useful, depend on reason."²⁷

Freedom "in the practical sense" is therefore first, as it were *prima facie*, nothing more than the capacity, generally known from *direct* (self-)experience, to act on the basis of self-imposed (self-set) purposes and *insofar* determined by reason. Practically free action in this sense is voluntary, thus willed and *insofar* self-effected action, as it is characteristic for human life. Thus, man can follow stimuli that affect him, but he can also avoid their occurrence by planning, or neutralize their effect by imaginative evocation of other stimuli. He can with his free choice, however, countermand "natural necessity, and it is thus within his power, whenever actions are involuntarily undertaken on his part, to determine nevertheless, whether he will make use of them or not, whether he wishes to pay attention to them or abstract from them, whether, by the former, he is minded to strengthen them, to extend their consequences, or to distance and destroy their effects."²⁸ In short: man can will and act 'moved' by reasons.²⁹ He is determinable in his willing and acting by practical reason (*tout court*) and *insofar* practically free. Already by this observable freedom of action he differs from animals. If man would be a mere natural being, he would be determined by "stimuli". As a rational natural being he is indeed *affected* by such, but he is *determined* to act, as said, by motives on the basis of representations of reason.

Certainly, this does not say anything about *their* determination.

"For it does not at all follow from the fact that a being has reason, that this reason contains a faculty of determining the power of choice *unconditionally* simply by virtue of representing its maxims as suited to universal lawgiving, and hence to be practical *on its own*; at least, as far as we can see. The most rational being of this world might, after all, always need certain incentives, coming to him from objects of inclination, to determine his power of choice. For this, he might apply the most rational reflection, both as to the greatest sum of the incentives and as to the means for attaining the end determined through them."³⁰

Reason would then function, as it were, as the stage director in the play of affects, by directing, through means of the knowledge and, at the same time, through independent shaping of the parallelogram of the diverse sensible incentives, the play in the direction

²⁵ KrV A 534 / B 562.

²⁶ KrV A 802 / B 830

²⁷ KrV A 802 / B 830 (m/it; without Kant's italics). Kitcher finds the whole passage inconsistent. What she criticizes, however, is not asserted in the passage at all, but rather presented by Kant himself immediately afterwards as a critical argument. See Kitcher, Patricia: Explaining Freedom in Thought and Action; in: Waibel, Violetta L. et al. (Eds.): Natur und Freiheit. Akten des XII. Internationalen Kantkongresses, Berlin/Boston 2018, vol. I, 187f.

²⁸ V-MS/Vigil AA 27: 626.

²⁹ Rationes, ragioni, raisons.

³⁰ RGV AA 06: 26 (partly m/tr; see the considerable difference to the CE translation).

determined *at the highest level* through sensibility.³¹ Reason would have here a merely "regulative [instrumental³²] use [...] to produce the unity of empirical laws".³³ Therefore, with the determination of practical freedom as a capacity to act independently of natural constraint according to principles, i.e., on the basis of reason, it still remains unsettled whether reason for its part is also independent of any determination by laws of nature.³⁴

Kant had now continued, however, his above quoted, more detailed explanation of practical freedom in this way: "Hence [reason] also yields laws that are imperatives,³⁵ i.e., objective *laws of freedom*, and that say *what ought to happen*, even though perhaps it never does happen, and that are thereby distinguished from *laws of nature*, which deal only with that *which does happen*, on which account the former are also called practical laws."³⁶ Admittedly, as Kant explains immediately afterwards, also this does not change anything about the possibility that "in these actions, through which it prescribes laws, reason is [...] itself determined by further influences, and [...] that which with respect to sensible impulses is called [!] *freedom*, might [...] in turn with regard to higher and more remote efficient causes be *nature*".³⁷ But Kant goes on with the statement that "in the practical sphere this does not concern us, since in the first instance we ask of reason only a *precept* for conduct; it is rather a merely speculative question, which we can set aside as long as our aim is directed to action or omission."³⁸

Then he repeats his thesis of the experienceability of practical freedom by now however explaining that we "*thus* cognize practical freedom through experience, as one [a freedom] from natural causes,"³⁹ and explains: "namely⁴⁰ [as] a *causality of reason* in the

³¹ See also V-MS/Vigil AA 27: 502ff.

³² See VATL AA 23: 383.03; 23: 384.01-03.

³³ See KrV A 800 / B 828.

³⁴ See also KU AA 05: 172.11-13.

³⁵ Allison, Henry E.: Kant's Transcendental Idealism, [fn. 16], 316; 323) argues that when Kant speaks of imperatives in KrV A 547 / B 575 and A 802 / B 830, he means not only categorical, but also hypothetical imperatives; not only moral, but also pragmatic laws. First, however, these are just not laws given by reason itself. Strictly speaking, in case of hypothetical imperatives one should never speak of an "ought", but always of a "must". (You must [not: you ought to] take this medicine if you want to get well). Constraint has its ground here not in a law of reason, but in a law of nature of which reason only performs the application. Second, Kant explicitly equates imperatives with "objective laws of freedom" (KrV A 802 / B 830), which he in turn speaks of as "moral laws" (KrV A 800 / B 828). See for this especially KrV A 548 / B 576 (AA 03: 371.33-372.01); V-MS/Vigil AA 27: 503f. – Also, what Allison writes elsewhere can be related to Baumgarten, but not to Kant. See Allison, Henry E.: Idealism and Freedom. Essays on Kant's Theoretical and Practical Philosophy, Cambridge 1996, 111f.; id: Kant's Theory of Freedom [fn. 16], 64f.

³⁶ KrV A 802 / B 830.

³⁷ KrV A 803 / B 831 (m/it).

³⁸ KrV A 803 / B 831.

³⁹ A similar way of formulation in KrV A 447 / B 475: "Freedom [independence] from the laws of nature"; KrV A 450 / B 478: "entirely free, and [...] without the necessarily determining influence of natural causes"; KrV A 534 / B 562: "independently of those natural causes"; KrV A 553 / B 581 [partly m/tr]: "freely, without being dynamically determined in the chain of natural causes by external or internal, but in time preceding grounds"; KpV AA 05: 87: "freedom and independence from the mechanism of the whole of nature". – Michael Wolff drew my attention to the following passages, also with corresponding expressions: Refl 5613, AA 18: 254.19; Refl 6014, AA 18: 423.25-26; Refl 6931, AA 19: 209.04. VARGV AA 23: 101.23-25.

determination of the will".⁴¹ However, freedom is by no means experienced as absolute spontaneity (transcendental freedom), which, lying completely in the intelligible, is no possible object of experience at all. What is only experienced is that one is (practically) free to act according to the precepts of reason (which as such are no laws of nature) and *insofar* to determine "onself from onself, independently of necessitation by sensible impulses".⁴²

Digression

Predominantly in the literature, the "*von den*" in the sentence "We thus cognize practical freedom through experience as one [*von den* Naturursachen]"⁴³ is understood as a genitive: "as one *of*⁴⁴ the natural causes" (reading A).⁴⁵ According to this reading, Kant wanted to say that practical freedom recognized through experience is a cause of nature. Earlier, I, too, held this interpretation, because – according to my reasoning – practical freedom, insofar as it *can be experienced*, is subject to the natural law of appearances, just like everything else in the world of sense.⁴⁶ At the same time, however, I considered (and still consider) the claim to be quite absurd that Kant works in the *Critique of pure reason* or possibly even later with a "naturalized" concept of freedom.⁴⁷ For if – so my argument – practical freedom were *nothing more* than "one of the natural causes" and not *at the same time* an intelligible cause, then morality would be unsalvageable for lack of imputability.⁴⁸ The "real ground" of the imputability of an absolutely spontaneous action lies in the transcendental idea of freedom.⁴⁹ Only if practical freedom is solely "for the most part", yet not exclusively, comparative freedom, but "at the same time"⁵⁰ absolute freedom,⁵¹ imputation according to a moral law is

⁴⁰ "freedom of pure reason can not only be regarded negatively, as independence from empirical conditions (for then the faculty of reason would cease to be a cause of appearances), but also indicated positively by a faculty of beginning a series of occurrences from itself," (KrV A 553f. / B 581f.); see further KrV A 534 / B 562 (AA 03: 364.09-16).

⁴¹ KrV A 803 / B 831 (m/it); cf. KrV A 547 / B 575 (AA 03: 371.15-17). In 1783, the *Prolegomena* say of practical freedom that it is that freedom, "in which reason has causality in accordance with objective determining grounds". (Prol AA 04: 346); and in 1784 *The Groundwork of the Metaphysics of Morals* says of the "causality of reason that we call a will, [to be] a capacity so to act that the principle of actions conforms with the essential constitution of a rational cause, that is, with the condition of universal validity of the maxim as a law." (GMS AA 04: 458).

⁴² KrV A 534 / B 562; see also Wolff, Michael: Ebbinghaus (fn. 16), 14-16.

⁴³ KrV A 803 / B 831 (m/it).

⁴⁴ The Cambridge Edition translates like this.

⁴⁵ Cf. on this Kant's way of speaking in KU AA 05: 172.04-05 and KrV A 546 / B 574, though with reference to the will resp. to the human being.

⁴⁶ See Geismann, Georg: Kant und kein Ende, vol. 1: Studien zur Moral-, Religions- und Geschichtsphilosophie, Würzburg 2009, 124.

⁴⁷ See Geismann, Georg: Kant und kein Ende (fn. 46), 142.

⁴⁸ See KrV A 534 / B 562 (AA 03: 364.08-16).

⁴⁹ KrV A 448 / B 476; so also KpV AA 05: 97.

⁵⁰ See KpV AA 05: 97.18. The Cambridge Edition says here "also".

⁵¹ Kant once speaks of the assumption „that among natural causes [!] there are also some [e.g. man] that have a faculty that is only intelligible, in that its determination to action never rests on empirical conditions but on

possible.⁵² It is that very idea of freedom on which the practical concept of freedom is based, in relation to which a faculty of absolute spontaneity of actions is to be presupposed.

This was not yet fully developed.

Michael Wolff convinced me of the other⁵³ reading B: "practical freedom [...] as one [a freedom] from natural causes". Admittedly, earlier one could also find the reading A with him, which he justified as follows: "When Kant [...] explicitly says: 'We thus cognize practical freedom through experience [always only] as one of/from the [von den] natural causes' (B 831), this means that freedom, insofar as it is a mere object of experiential knowledge in space and time, always comes into consideration only as a natural cause. The *experience as such* of practical freedom has to do only with natural causal relations."⁵⁴ "[T]he context makes it sufficiently clear that this is *not* meant to mean: it can be empirically proved that *there is* practical freedom. What is meant, rather, is that [...] the aforementioned phenomenon of reason-causality is empirically provable, of which Kant says that »with respect to sensible impulses [it] is called freedom«⁵⁵.⁵⁶

In a text available to me, unfortunately not published, Wolff later rightly draws attention to the fact that in the genitive reading A "the 'thus' and 'namely' of the sentence⁵⁷ are deprived of a plausible logical connection with their context". The clause beginning with "namely," according to Wolff, "refers to the content of knowledge by which the knowledge of practical freedom is mediated as independence from natural causes." I explain: the inferring adverb "thus" refers to the statement, made in the preceding long sentence, that it is irrelevant to the question of what we should do, whether reason, which gives us the "precept for conduct," is in turn determined by natural law or absolutely spontaneous in its lawgiving action.⁵⁸ By the fact that reason gives us laws,

mere grounds of the understanding, though in such a way that *the action in the appearance* of this cause accords with all the laws of empirical causality." (KrV A 545 / B 573). Instead of "though in such a way" the Cambridge Edition says "as long as".

⁵² The exclusively comparative freedom ("nominal freedom") is "nothing other than *natural necessity*", from which morality is "altogether cut off". See RezUlrich AA 08: 456.

⁵³ Willaschek already in 1992 mentioned this as a possibility, but he immediately added that everything speaks for the other reading. A freedom from natural causes could not be recognized through experience. "Practical freedom, more precisely a subject provided with free choice, is therefore a cause of nature – together with reason required for it." (Willaschek, Marcus: *Praktische Vernunft. Handlungstheorie und Moralbegründung bei Kant*, Stuttgart/Weimar 1992, 308).

⁵⁴ Wolff, Michael: *Freiheit und Determinismus* (fn. 16), 32 (first and third square brackets mine); cf. also KU AA 05:196: "even the *causality* of freedom (of pure and practical reason) is the *causality* of one of those subordinate causes of nature (of the subject, considered as a human being, consequently as an appearance), of whose *determination* the intelligible, which is thought under freedom, contains the reason in a way that is, by the way, inexplicable (just as the very same thing that constitutes the supersensible substratum of nature)."

⁵⁵ KrV A 803 / B 831.

⁵⁶ Wolff, Michael: *Freiheit und Determinismus* (fn. 16), 35. He also says with reference to the "causality of reason" (KrV A 803 / B 831), this should "by no means be an indication of a non-natural law kind of causality. Such a kind would never be accessible to mere experience." (31)

⁵⁷ See above p. 6f.

⁵⁸ In a reflection from the period 1776-78 or from the 1780s, Kant adds to the statement that it is "not a practical question" whether the understanding "itself has its cause predetermined in the series of appearances or not": "That the understanding should have the influence of an efficient cause on appearances through objective

which are "laws of freedom" in contrast to laws of nature, a non-natural causality⁵⁹ of pure reason in the determination of the will is shown in it ("namely"); and the experience of this determination of the will proves *insofar* an independence of reason from causes of nature⁶⁰ and *insofar* the justification to speak of practical freedom.⁶¹ For Kant, the conclusion to practical freedom does not already follow from the causality of reason [tout court], but only from the causality of pure reason, as it is expressed in the moral "precept" (later presented by Kant as the "fact of reason" of the law of freedom⁶²). Here, freedom is not a "*psychological* property" manifested by reason as "incentive of the will", but "a *transcendental* predicate of the causality of a being that belongs to the sensible world";⁶³ – a causality, as already said, of pure reason in accordance with laws of freedom. The transcendental freedom in the sense of an independence of reason itself from all natural law determination remains, of course, as Kant immediately adds in the *Critique of pure reason*, still a problem⁶⁴, then dealt with in the *Critique of practical reason*.

End of Digression

The experience Kant speaks of in KrV A 803 / B 831 is thus different from the one he speaks of in KrV A 802 / B 830 like Baumgarten.⁶⁵ With this, he refers to the quite indisputable 'psychological' fact that people, without being coerced by stimuli, can determine their actions by reasons including those based on moral laws. Just think of the case Kant speaks of in a note on the 'Third Antinomy' concerning the 'Thesis': "If (for example) I am now entirely free, and get up from my chair without the necessarily determining influence of

laws is the *paradoxon* that makes nature (the sum of appearances) and freedom different, insofar as our actions are not determined through natural causes (as mere appearances). The self-activity of the understanding is another genus of cause." (Refl 6859, AA 19: 182 [partly m/tr]).

⁵⁹ As such not itself the object of experience.

⁶⁰ "[D]ecision and deed do not lie at all within the succession of merely natural effects and are not a mere continuation of them; rather, the determining natural causes entirely cease above these natural effects in regard to this event, which indeed follows upon them, but does not *follow from* them; and therefore it must be called, not as far as time is concerned but *in regard to causality*, an absolutely first beginning of a series of appearances." (KrV A 450 / B 478 [partly m/tr; second emphasis mine]) "[R]eason is by means of ideas itself an efficient cause in the field of experience". (KpV AA 05: 48) "We explain committed free actions in accordance with the laws of the nature of the human being, but we do not thereby cognize them as determined; otherwise we would not regard them as contingent and demand that they should and must have happened otherwise. In free actions reason has influence not merely as a comprehending, but also as an effecting and driving *principium*. We have no insight into how it does not merely ratiocinate and judge, but *fills the place of a natural cause*, let alone how it is itself determined to action or omission by means of impulses." (Refl 5612, AA 18: 253; second emphasis mine).

⁶¹ See for this also Wolff, Michael: Freiheit und Natur (fn. 16), 141.

⁶² See KpV AA 05: 06; 05: 31; 05: 42f.; 05: 55; 05: 104f.

⁶³ KpV AA 05: 94.

⁶⁴ See KrV A 803 / B 831.

⁶⁵ Earlier, he had spoken in a similar way: "Practical or psychological freedom was the independence of the power of choice from the necessitation of the stimulum. [...] and this concept of freedom was also sufficient for morality. [...] Since we [...] have proven practical freedom in empirical psychology, according to which we are free from the Necessitatione a stimulis, the practical propositions can already thereby take place; consequently, in view of this morality is certain". (V-MP-L1/Pölitz AA 28: 267ff. [m/tr]).

natural causes, [...]”⁶⁶ The human being thus has, if he is not pathologically disturbed,⁶⁷ the ability of setting and realizing any purpose whatsoever. For this realization the horizon of experience in space and time is not exceeded. Our daily lives run continuously like this when we have resolutions or make decisions or plans or appointments – and then act on them.

But while for Baumgarten the empirical ascertainment of the independence of the power of choice from the (direct) necessitation by sensible impulses is a proof of practical freedom,⁶⁸ Kant just questions this with reference to what practical freedom "is called",⁶⁹ and he considers also in view of the undisputed empirical findings, an 'automaton spirituale' possible that is independent only of *direct* (and only for this reason really experienceable) necessitation by impulses of sensibility. This so-called practical freedom would be, as Kant then formulates in the *Critique of practical reason*, in truth merely "psychological and comparative but not *at the same time*"⁷⁰ transcendental, i.e., absolute [freedom]. It would be "the freedom of a turnspit, which, when once it is wound up, also accomplishes its movements of itself."⁷¹ Every action would be determined by natural laws alone, whether it be the murderous breaking into the bank, the judge's sentence, the priest's intercession, or the executioner's blow.⁷² Kant explicitly repeats the criticism, expressed in the *Canon*, of the psychological concept of freedom much later in a lecture from the 1790s:

"It is further assumed, indeed, e.g., by Wolf and Baumgarten, that the agent is independent of all natural necessity, insofar as his actions are governed by motives, and thus determined by understanding and reason; but this is false. Man is not set free from the mechanism of nature by the fact that in his action he employs an *actus* of reason. Every *actus* of thinking or reflecting is itself an occurrence in nature, in which the understanding seeks out the connection of things' causes with their effects, and chooses the means of acting accordingly: only this *actus* is an inner occurrence, since it takes place in the human being himself; [...] The whole course of the matter in its linkage is natural mechanism, notwithstanding that the action depended on much use of rational grounds."⁷³

⁶⁶ KrV A 450 / B 478. Kant himself brings the example at this point only as an illustration and by no means, of course, as a proof for the reality of practical freedom.

⁶⁷ In everyday life, one says that someone is "out of his senses," "out of his mind," "beside himself," "not in control of himself," "of unsound mind," et cetera.

⁶⁸ For Baumgarten, the "liberum arbitrium" is a "libertas moralis, simpliciter sic dicta" (Metaphysica [fn. 23], § 719), not merely a "libertas secundum quid"; in Kantian terminology: absolute, not respective (conditional) spontaneity.

⁶⁹ KrV A 803 / B 831.

⁷⁰ In this "at the same time", a thought of Kant's from the *Dialectic* of the *Critique of Pure Reason* is condensed to the utmost: "The transcendental idea of freedom is far from constituting the whole content of the psychological concept of that name, which is for the most part empirical, but constitutes only that of the absolute spontaneity of an action, as the real ground of its imputability". (KrV A 448 / B 476).

⁷¹ KpV AA 05: 97 (m/it); see for this also KpV AA 05: 96f.; 05: 101.

⁷² "A Stoic said: He had to steal from his master by doom; but his master had him hanged by doom." (V-MP-L1/Pöhlitz AA 28: 270 [m/tr]).

⁷³ V-MS/Vigil AA 27: 503f.; see also ibd. AA 27: 559. Louden, Robert B.: Freedom from an Anthropological Point of View; in: Waibel, Violetta L. et al. (Eds.): Natur und Freiheit. Akten des XII. Internationalen Kantkongresses, Berlin/Boston 2018, vol. I, 457-472) thinks it possible to avoid the preoccupation with the idea (which he considers paradoxical) of transcendental freedom, the "stumbling block for all *empiricists*" (KpV AA 05: 07), and with the "paradoxical speculations" connected with it, "if we approach it [Kant's account of freedom] not from the dizzying heights of his critical philosophy but rather from [...] the perspective of pragmatic anthropology". (458 + 462) However, the freedom at stake in Kant's anthropology and then also in Louden's, is solely the "practical freedom" in Baumgarten's sense, known through experience. Only in this way does the question,

Thus, the agent himself can indeed understand an action determined by reasons only as independent of the natural causal nexus of the sensible world and *insofar* as spontaneous. But this self-experience of practical freedom does not exclude a mere imagination. The psychologically conditioned practical necessity to presuppose freedom is thus by no means also a (theoretical) proof of the reality of freedom. Rather, the presupposition itself represents the "real stumbling block for philosophy"⁷⁴. That experience, however, of which Kant subsequently speaks in B 831, consists in the fact that reason (i.e. oneself), in the determination of the will, i.e., in the "actions, through which it [i.e. oneself] prescribes laws [of freedom],"⁷⁵ has its own, non-natural law causality. Even if reason in these actions were itself in turn determined by natural causes, the (possible) *validity* of its laws, which as laws of freedom are of a completely different kind than laws of nature,⁷⁶ would remain unaffected by this. Only this experience with one's own lawgiving reason, and not the psychological experience of letting myself be determined in my willing and acting independently of sensible impulses by grounds of reason, provides a (practical) proof that I am free; it is the conclusion of the "I can" from the "I ought."⁷⁷ "We thus cognize practical freedom [so conceived] through experience,"⁷⁸ but *indirectly* through this conclusion.⁷⁹ Practical freedom "first becomes

otherwise quite absurd for Kant, "how can freedom be investigated empirically" (460) make sense. Louden attests to himself "intellectual modesty": "We do not brashly and arrogantly [*contra* Kant himself" with reference to KpV AA 05: 03.14–15, 05: 47.29–31] claim to be able to prove that we are transcendently free [...], we merely assume the possibility of freedom". His "approach" would avoid "the embarrassing noumenal pitfalls that ensnare those Kantians who persist in engaging in metaphysical speculations about the details of transcendental freedom" and would allow, "to replace the schizophrenic picture of humans that is entailed by one currently popular interpretation of the Kantian metaphysical perspective on freedom with a common-sense, unified picture of human agency that better fits Kant's own texts." (472) Well, for Louden's purely anthropological perspective, his 'modest' overtures were not at all necessary, as he could have easily learned from Kant himself (SF AA 07: 91f.). However, with his *dogmatic* "approach" he certainly remains at an insurmountable distance from Kant's *critical* "account of freedom".

⁷⁴ KrV A 448 / B 476.

⁷⁵ KrV A 803 / B 831.

⁷⁶ "if we consider the very same actions in relation to reason, not, to be sure, in relation to speculative reason, in order to *explain* them as regards their origin, but all alone, insofar as reason is the cause of *producing* them themselves; in a word, if we compare them with reason in a *practical* respect, then we find a rule and order that is entirely other than the natural order." (KrV A 550 / B 578 [partly m/tr]).

⁷⁷ The practical concept of freedom "does not see how something happens, but that it ought to happen, and ought presupposes freedom." (V-MP/Mron AA 29: 901). Occasionally, one can find in the literature the claim that in the case of the 'proof of experience' (in KrV A 803 / B 831) Kant had the moral law in mind only as 'principium diiudicationis', but just not also as principium executionis'. For this claim, reference is regularly made to a statement by Kant (A 813 / B 841 [AA 03: 527.26-30]), which he made only later and which, moreover, can be interpreted in a completely different way. (See for example Kohl, Markus: Transcendental and Practical Freedom in the *Critique of Pure Reason*". In: *Kant-Studien*, 105 [2014] 332) Now, however, in A 802f. / B 830f. neither the moral precept, nor the nature of the incentive become a topic. Rather, the question is what follows from the experience of the determination of the will by reason for freedom "in a practical sense". The "I ought" implies not only the assumption of the validity of the respective imperative, but at the same time the assumption (expressed in the conclusion to the "I can") of the *ability* to act according to the imperative. Now it is true that an imperative as an objective law of freedom is a product of *pure* reason (KrV A 802 / B 830 in connection with A 800 / B 828); but whether also the will-determining causality is one of *pure* reason and therefore transcendental freedom as absolute spontaneity exists, that remains, with all its irrelevance for the practical use of reason, *theoretically* a problem. Therefore, for this reason alone, no statement about the 'principium executionis', i.e. the kind of the incentive, can be expected at this point. However, Kant was fully aware of the problem. See KrV A 555 / B 583.

⁷⁸ KrV A 803 / B 831.

manifest to us through the moral law [as "causality of reason in the determination of the will"⁸⁰]."⁸¹

In this respect, too, Kant expresses himself particularly clearly in the above-mentioned lecture:

"It is an additional question, whether we can be taught that we are free by empirical psychology, merely, or whether we can learn of this only through morally practical principles and our consciousness of them. From principles of the first kind we would recognize ourselves merely in the world of sense; moreover, if we had no moral laws, or categorical imperative of duty within us, and our actions stood merely under conditions of nature, and our grounds of determination were purely hypothetical, there would be no obligation, and all actions would be based simply on technico-practical laws. Morality, therefore, is the sole means of obtaining consciousness of our freedom. – That this consciousness of freedom should be immediately present in us, is impossible; [...] the consciousness of dutiful performance of action must therefore be inferred, not immediately, but through a moral imperative of freedom, and the moral consciousness must be derived by me from that. [...] There is thus within me a power to resist all sensible incentives, as soon as a categorical imperative speaks. The position, then, is that *freedom is known by an inference (namely from the moral law) and not immediately felt*. [...] Hence it is also not possible to know freedom in a psychological manner; it is possible only through the moral law."⁸²

Directly from experience we know freedom "only as a *negative* property in us, namely that of not being *necessitated* to act [be it to set, be it to realize purposes] through any sensible determining grounds."⁸³ But indirectly from experience we know freedom by the conclusion to it from the determination of our will by imperatives, which as such are not laws of nature. It is, as the *Critique of practical reason* later elaborates, the *factum*⁸⁴ of its law-giving *act* expressed in the consciousness of the moral fundamental law⁸⁵, by which pure reason in its *practical* use proves the objective reality of the positive concept of freedom as

⁷⁹ "One cannot, therefore, become aware of freedom, and that it governs the determining grounds of our moral actions, but must infer the existence of it only from the consciousness of the laws of reason." (V-MP-K3E/Arnoldt AA 29: 1023 [m/tr]).

⁸⁰ KrV A 803 / B 831.

⁸¹ MS AA 06: 226.16-17; likewise KpV AA 05: 30.33-35; KU AA 05: 403.20-24; RGV AA 06: 49 note.; MS AA 06: 225.20-26; RL AA 06: 239.16-18; Refl 6007, AA 18: 422.01-02.

⁸² V-MS/Vigil AA 27: 506f. (m/it); likewise V-MP/Dohna AA 28: 682.23-25; V-MP-K2/Heinze AA 28: 773.10-16. In the *Metaphysics of Morals* Kant brings again the matter to the point (MS AA 06: 221.07-18).

⁸³ MS AA 06: 226.

⁸⁴ See in this regard the seminal essay by Wolff, Michael: Warum das Faktum der Vernunft ein Faktum ist. Auflösung einiger Verständnisschwierigkeiten in Kants Grundlegung der Moral; in: Deutsche Zeitschrift für Philosophie, 57 (2009) 511–549.

⁸⁵ The widespread talk of "moral consciousness" can easily mislead. When Kant says of the moral law that "we become immediately conscious [of it] (as soon as we draw up maxims of the will for ourselves" (KpV AA 05: 29), he is by no means thinking specifically of moral maxims. Rather, he alludes to the fact that when we draw up maxims of our will, whatever they may be, we are conscious of the moral law. It is precisely this consciousness that then confronts us with the decision to choose our maxims according to the law or contrary to it. Accordingly, the fact of reason does by no means prove the "reality of morality", as for instance Höffe thinks, but 'only' the objective reality of the fundamental law of pure practical reason. (See Höffe, Otfried: Kants Kritik der praktischen Vernunft. Eine Philosophie der Freiheit, München 2012, 157) Patricia Kitcher, in turn, sardonically remarks on what she takes to be Kant's thoughts about the 'fact': „Since what Kant needs to show is that reason can determine the will on its own, the bald assertion that humans are conscious of their reasoning as doing so can prompt memories of Russell's warning about the advantages of theft over honest toil.“ (Explaining Freedom [fn. 27], 191)

the determinability of the will by pure reason,⁸⁶ – freedom as the *practically* necessary precondition of the "fact of reason."⁸⁷

Michael Wolff has convincingly argued that and why Kant had already clearly recognized in the *Critique of pure reason*, "that the transcendental freedom of the will [...] can only be proved as practical freedom, namely as reason-causality."⁸⁸ Wolff first lists three assumptions underlying this insight, which also 'compatibilists' might agree with: 1) "that a free will is provable only if it is understood as the cause of effects which, as sensibly perceptible actions, are at the same time natural occurrences and can in turn cause other natural occurrences." 2) "that there can be no cause if there is no law or no rule according to which something ends up in an effect [...] so that free will is conceivable only as an efficient cause that acts according to rules." 3) "that rational reasons can have causal influence on actions, and that these reasons can also include maxims, i.e., rules that are subjective principles of the will." But then Kant would take a step, impossible for 'compatibilists', "with which he arrives at the equation of practical and transcendental freedom," namely, with the "*assumption* that reason-causality *can* also be a causality of *pure* reason, [...] that there are [thus] maxims relevant to action whose conceptual content is independent of experience and which every rational being can adopt as a rule that is strictly universally valid for every rational being." This assumption, which goes beyond Baumgarten, would make it possible for Kant "to attribute to man for the first time a causality of reason which is to be conceived as causality of *pure* reason, namely, as causality according to a rule whose validity is neither

⁸⁶ Cf. KpV AA 05: 06.07-12; MS AA 06: 221.13-20. Herman writes critically about the "fact of reason": "What the fact of reason [...] could show is that in submitting to the moral law we cannot doubt that acting from respect for the moral law is possible. The fact of reason might thus explain why many *believe* we are able to act from respect for the moral law. Such conviction, however, does not bootstrap us up to transcendental freedom." (Herman, Barbara: *Justification and Objectivity: Comments on Rawls and Allison*; in: Förster, Eckart (Ed.): *Kant's Transcendental Deductions*, Stanford 1989, 135) Now, the idea of transcendental freedom remains in *speculative* respect unalterably a problematic concept; thus, no trace of a "bootstrap" attempt in Kant. But yet the logical possibility of transcendental freedom, which is established with the resolution of the 'Third Antinomy', is still the indispensable and at the same time sufficient basis for the steps then taken by pure *practical* reason. To be sure, for Kant it is not about being convinced of our freedom *when* we *submit* to the moral law, but about the fact that the consciousness of *being subject* to the moral law as a law of pure practical reason, immediately leads to the consciousness of our freedom. Pure reason, unconditionally expressing the ought and originally lawgiving, thus establishes at the same time the 'I can', that is, the reality of freedom. See also the next note and the explanations following further below.

⁸⁷ KpV AA 05: 31; cf. KrV A 548 / B 576 (AA 03: 372.05-11). – The question why this is a (practical) 'proof' of freedom is answered by Kant in the *Transcendental Doctrine of Method* of the first Critique: "It will be shown in what follows, however, that in regard to its *practical use* reason still has the right to assume something which it would in no way be warranted in presupposing in the field of mere speculation without sufficient grounds of proof; for all such presuppositions injure the perfection of speculation, about which, however, the practical interest does not trouble itself at all. There it thus has a possession the legitimacy of which need not be proved, and the proof of which it could not in fact give. The opponent should therefore prove. But since he no more knows something about the object that is doubted which would establish its non-being than does the former, who asserts its actuality, here an advantage on the side of he who asserts something as a practically necessary presupposition (*melior est conditio possidentis*) is revealed." (KrV A 776f. / B 804f.; see also KrV A 448 / B 476 [AA 03: 310.21-24]).

⁸⁸ Wolff, Michael: *Freiheit und Determinismus* (fn. 16), 38. Therefore, one cannot agree with Allison's claim that the *Critique of Pure Reason* shows a "*considerably* different picture of Kant's conception of freedom" than the later ethical writings. (Allison, Henry E.: *Kant's Transcendental Idealism* [Fn. 16], 310; m/it). Undoubtedly, the image is much less developed; but in a nutshell it is already there.

based on experience nor dependent on sensible impulses."⁸⁹ Later, Wolff adds to this result: "The basic idea of the 'Canon', according to which [1] there is, immanent in experience, a use of the concept of practical freedom and [2] we know this freedom only through imperatives, remains fundamental to Kant's moral philosophy."⁹⁰

A passage in the *Dialectic* of the first *Critique* sheds a bright light on this idea:

"the human being, who is otherwise acquainted with the whole of nature solely through sense, recognizes *himself also through pure apperception, and indeed*⁹¹ *in [lawgiving] actions and inner determinations which cannot be accounted at all among impressions of sense; and he obviously is to himself*⁹² *in one part phenomenon, but in another part, namely in regard to certain faculties, he is a merely intelligible object, because the action of this object cannot at all be ascribed to the receptivity of sensibility.*⁹³ [...] Now that this reason has causality, or that we can at least represent something of the sort in it, is *clear from the imperatives* that we propose as rules to our powers of execution in everything practical. The ought expresses a species of necessity and connection with grounds which does not occur anywhere else in the whole of nature. [...] indeed, the ought, if one has merely the course of nature before one's eyes, has no significance whatever. [...] Now this ought expresses a *possible action, the ground of which is nothing other than a mere concept, whereas the*

⁸⁹ Wolff, Michael: Freiheit und Determinismus (fn. 16), 39 (m/it apart from "pure"). V-MS/Vigil AA 27: 503: "If, on the other hand, there is an obligation to the action, it can be imputed. For this to happen, however, it is requisite that somebody can be regarded as the originator (*auctor*) of the action, i.e., as its complete first cause. In this case the agent cannot be determined by other, external causes; he must be independent of all predetermining causes, and cannot stand under the law of natural necessity."

⁹⁰ Wolff, Michael: Freiheit und Natur (fn. 16), 143 (square brackets mine). See for example KpV 05.47.27-30. In the literature, the misunderstanding is widespread that Kant also in the *Canon* is doing moral philosophy. But Kant only creates important preconditions there; and more than that he indeed cannot do within the framework of transcendental philosophy. In the *First Section* of the *Canon*, laws given by reason are presupposed and, from their unquestioned normative claim, practical freedom is inferred as the "faculty, of determining oneself *from oneself*, independently of necessitation by sensible impulses" (KrV B 562; m/it). In the *Second Section* of the *Canon*, which is only concerned with the correct use of pure practical reason (KrV A 796f. / B 824f.), Kant only deals with the two questions about God and future life (KrV A 803 / B 831), for the possible answer to which, of course, moral philosophy with its answer to the merely practical question and thus practical freedom are to be *presupposed*, as it then also happens in the *Canon*. (KrV A 807 / B 835). As later in the second *Critique*, it is about the doctrine of the highest good and consequently about religion. But the moral philosophy preceding in the *Analytic* of the second *Critique* is just missing in the *Canon* of the first *Critique*; just as there is not and cannot be any canon in it concerning the use of the transcendental concept of freedom. See for this Wolff, Michael: Freiheit und Natur (fn. 16), 137; id: Julius Ebbinghaus (fn. 16), 16.

⁹¹ Ludwig disregards Kant's crucial addition that follows here and uses this passage in what he himself would call a "misinterpretation of great consequence" as support for his claim that the cognition of our intelligible existence and thus of freedom would be in the first *Critique* a purely speculative one. (Ludwig, Bernd: Kants Bruch mit der schulphilosophischen Freiheitslehre im Jahre 1786 und die "Consequente Denkungsart der speculativen Kritik"; in: Bacin, Stefano et al. (Eds.): Kant und die Philosophie in weltbürgerlicher Absicht. Akten des XI. Internationalen Kantkongresses, Pisa 2010, Berlin/New York 2013, vol. III, 373; 376f.; 382f.). In another writing, Ludwig omits that addition of Kant without further ado and even without indication. (See Ludwig, Bernd: Ich hätte anders handeln können! Ohne Wenn und Aber? Transzendentalphilosophie als Lehre der Vereinbarkeit von Handlungs-Zuschreibung und Zurechnung; in: Wiener Jahrbuch für Philosophie, 44 [2012] 70)

⁹² "to himself" ("sich selbst") is lacking in CE.

⁹³ Michael Wolff, who rightly refers to this passage, explains: "To recognize oneself ›in‹ these actions means to be *conscious* of them as one's *own* actions, thereby being to oneself ›in one part phenomenon‹ (insofar as these actions are 'determinations' of the inner sense), but ›in another part‹ (›in view of‹ one's own reason as a lawgiving faculty) being to oneself a ›merely intelligible object‹ (insofar as this faculty is only the object of *thought*) (cf. on this B 430ff, AA 03: 280.10-21). Kant suggests in this context (A 546f. / B 574f.) that the mentioned acts of reason, in contrast to the ›lawgiving‹ of the understanding (A 126), are quite independent of ›empirically conditioned forces‹." (Wolff, Michael: Freedom and Nature [fn. 16], 140)

ground of a merely natural action must always be an appearance. Now of course the action must be possible under natural conditions if the ought is directed to it; but *these natural conditions do not concern the determination of the power of choice itself*, but only the effect and its result in appearance.⁹⁴ However many natural grounds that impel me to will, however many sensible stimuli there may be, they cannot produce the ought but only a willing that is yet far from necessary but rather always conditioned, over against which the ought that reason pronounces sets a measure and goal, indeed, a prohibition and authorization.⁹⁵

"But now there actually is something in human reason, which can be *known to us by no experience*, and yet proves its reality and truth in effects that are *presentable in experience*, and thus can also (by an *a priori* principle, indeed) be absolutely commanded. That is the concept of *freedom* and the law⁹⁶ that derives from [this freedom], of the categorical, i.e., absolutely commanding, imperative."⁹⁷ The will determined thereby is "an effect of a causality that is not empirical, but rather intelligible"⁹⁸, as it were, a "sensible sign"⁹⁹ of freedom. Quite correspondingly, later in the *Critique of the power of judgment* it is said that the fact, that a recognition of the supersensible "succeeds in the moral route (that of the concept of freedom), [...] lies in the fact that in this case the supersensible underlying here (freedom), *by means of a determinate law of causality* arising in it, [...] also as a *fact demonstrates its reality in actions*¹⁰⁰."¹⁰¹ Still later in the *Doctrine of virtue*, Kant speaks of "morally practical relations, where the incomprehensible property of *freedom* reveals itself through the influence of reason on the inner lawgiving will."¹⁰² Thus, for his proof Kant does not refer to the self-experience of the determination of the will by reason in general (tout court), but to the fact that the will is determined by a law of freedom, that is, by pure reason.

Precisely by "setting *entirely aside*" the (empirically perceptible) psychological in the concept of freedom and by "keeping as close as possible to the [empirically non-existent] transcendental, Kant can then also "for the present" set aside "here"¹⁰³ as having been settled

⁹⁴ "if reason can have causality in regard to appearances, then it is a faculty *through* which the sensible condition of an empirical series of effects first begins." (KrV A 552 / B 580).

⁹⁵ KrV A 546-548 / B 574-576 (m/it, without Kant's italics; partly m/tr). Similarly, the aforementioned lecture states: Motives (as distinct from stimuli) "take their ground from the spontaneity of human willing, which is guided by conceptions of reason, quite independently of all determining causes of nature, and thus solely by the moral law." (V-MS/Vigil AA 27: 494).

⁹⁶ The Cambridge Edition translates falsely "of the law".

⁹⁷ VNAEF AA 08: 416 (m/it apart from "freedom"; partly m/tr).

⁹⁸ KrV A 544 / B 572.

⁹⁹ KrV A 546 / B 574. Kant speaks there also of the "*action in the appearance* of this [intelligible] cause". (KrV A 545 / B 573); cf. also KpV AA 05: 48.12-16. If it would not be so easily misleading, one could perhaps – following Friedrich Schiller – speak of "freedom in appearance".

¹⁰⁰ The Cambridge Edition translates falsely "also demonstrates the fact of its reality in actions".

¹⁰¹ KU AA 05: 474 (m/it; partly m/tr); see also KU AA 05: 468.21-30; 05: 474.20-24. Already in the first *Critique* it is said that, "human reason shows true causality, and [...] ideas become efficient causes (of actions and their objects), namely in morality [...]." (KrV A 317 / B 374).

¹⁰² TL AA 06: 418 (partly m/tr).

¹⁰³ This "here" is missing in the Cambridge Edition.

above"¹⁰⁴, the concept of freedom "in transcendental sense", since it is irrelevant for "reason in its practical use".¹⁰⁵

The self-experience of being (negatively) independent of necessitation by sensible impulses in one's willing and acting, and (positively) being able to act according to self-set ends, guarantees, it's true, the objective reality of the comparative (psychological) concept of freedom, which for its part is definitely a necessary condition of practical freedom. But only the undeniable¹⁰⁶ consciousness of being subject to the law of pure practical reason conveys the certainty that the indirectly 'experienced' so-called freedom has objective, although only practical reality and may insofar, contrary to the speculative objection, also really be called freedom,¹⁰⁷ admittedly only in practical respect.¹⁰⁸ Later, in the *Critique of practical reason*, Kant defines practical freedom entirely in the sense prepared in the *Critique of pure reason* "through independence of the will from anything other than the moral law alone".¹⁰⁹

Transcendental freedom, on the other hand, which Kant demarcates in the *Canon* from practical freedom by a "whereas", means, with regard to the "causality for initiating a series of appearances", "an independence of this"¹¹⁰ reason *itself* [...] from *all* determining causes of

¹⁰⁴ In the sense of: "about which there is already sufficient discussion in the *Antinomy of Pure Reason*" (KrV A 804 / B 832). NB: only *there* it is "settled" – for speculative reason; by no means philosophically in general (see for this below fn. 174). With reference to Kant's formulation, Ludwig without further ado ascribes to Kant the assertion that he would have "already dealt with the question of freedom *completely* in the *Critique of pure reason*", although Kant says in connection with that very formulation, that the concept of transcendental freedom would be "itself a problem for reason" (A 801f. / B 829f.) and would remain a problem (A 803 / B 831). See Ludwig, Bernd: "Die *Kritik der reinen Vernunft* hat die Wirklichkeit der Freiheit nicht bewiesen, ja nicht einmal deren Möglichkeit." Über die folgenreiche Fehlinterpretation eines Absatzes in der *Kritik der reinen Vernunft*"; in: *Kant-Studien*, 106 (2015) 411.

¹⁰⁵ KrV A 801ff. / B 829ff. (partly m/tr; m/it). Likewise 1783: "In fact, the practical concept of freedom has nothing at all to do with the speculative concept, which is entirely abandoned to metaphysicians. For I can be quite indifferent as to the origin of my state in which I am now to act; *I ask only what I now have to do*, and then *freedom is a necessary practical presupposition* and an idea under which alone I can regard commands of reason as valid." (RezSchulz AA 08: 13; m/it); cf. also Refl 6859, AA 19: 182.13-19. So it is the commands of reason in their validity that force to presuppose freedom *practically*.

¹⁰⁶ See KpV AA 05: 32.02; also Kant's (second) example in KpV AA 05: 30.27-35. Kant deliberately does not say "evident"; see for this KrV A 733 / B 761 (AA 03: 480.35-481.01), further: Wolff, Michael: *Faktum der Vernunft* (fn. 84), 537ff.

¹⁰⁷ See for this also GMS AA 04: 448.06.

¹⁰⁸ Allison, on the other hand, thinks that Kant in the *Canon* made do with the "relative spontaneity" of a "practical automaton spirituale" and considered this as sufficient "to establish the reality of practical freedom". Allison apparently (mis)understands the demarcation of practical freedom from transcendental freedom in KrV A 803 / B 831 in such a way, as if practical freedom also at this point would mean nothing more than psychological freedom à la Baumgarten. (Allison, Henry E.: *Kant's Transcendental Idealism* [fn. 16], 325)

¹⁰⁹ KpV AA 05: 94.

¹¹⁰ The demonstrative pronoun refers to (human) reason, whose causality in determination of the will was spoken about two lines before. Thus, it is beyond doubt that Kant here by transcendental freedom does not mean, as can be read in the literature (Esteves, Julio: *The Alleged Incompatibility* [fn. 16], 361; 368), freedom in the cosmological sense, but just that transcendental freedom on whose idea, according to the *Dialectic*, the practical concept of freedom is grounded (KrV A 533 / B 561) and which constitutes in it the element of absolute spontaneity (KrV A 448 / B 476); and it is this element alone that entitles one to speak of freedom at all. Kant remarks of that "[being] grounded" that it is "especially noteworthy"; – in German "überaus merkwürdig": "merkwürdig" in the sense of worthy (würdig) of being noticed (bemerken) and worthy of being taken note of (sich merken).

the world of sense".¹¹¹ Quite correspondingly, Kant later defines, again in the *Critique of practical reason*, transcendental freedom as "independence from everything empirical and so from nature generally."¹¹²

While now, practical freedom is recognized by the mentioned conclusion from practical necessity to practical possibility, the *speculatively conceived* transcendental freedom "seems to be contrary to the law of nature, thus to all possible experience, and so remains a problem".¹¹³ Thus, the proof of experience claimed for practical freedom does by no means extend also to transcendental freedom.¹¹⁴ But the question directed to freedom, thus conceived, "concerns merely speculative knowledge", and therefore this question can be "set aside as quite indifferent if we are concerned with what is practical".¹¹⁵ One *can* do it; for with the causality of reason in determining the will, thus with the determination of the will according to the law of freedom, our intention, directed only to action or omission,¹¹⁶ is fully met.¹¹⁷

On the one hand, Kant does not go as far as Baumgarten, insofar as he clarifies that the latter's 'empirical proof' of practical freedom can just not also be regarded as a proof of real, i.e. absolute, freedom. On the other hand, he goes a decisive step beyond Baumgarten, insofar as he does not base *his* 'empirical proof' 'psychologically' on the (as such indisputable) self-observation of independence from sensible impulses, but on the 'experience' of a non-natural causality of reason expressed in propositions of ought.

¹¹¹ KrV A 803 / B 831 ("all" m/it).

¹¹² KpV AA 05: 97; likewise KpV AA 05: 29.

¹¹³ KrV A 803 / B 831. Allison sees a puzzle in the *Canon* passage: "how could there be a genuine causality of reason that falls short of full-blown transcendental freedom, that is, one in which reason is not independent »from all determining causes in the sensible world«?" (Allison, Henry E.: Kant's Theory of Freedom, [fn. 16], 64f.) But Kant does not say at all that practical freedom lacks anything compared to transcendental freedom. He only distinguishes both according to their meaning as practical and as speculative freedom.

¹¹⁴ Cf. KrV A 803 / B 831; KpV AA 05: 94.02-07; MS AA 06: 226.19. Already in two reflections from the period 1773-1778 it says: "We cannot prove freedom *a posteriori*, because the absence of the perception of determining grounds provides no proof that nothing of that sort exists. We also cannot cognize its possibility *a priori*, because the possibility of the original ground that is not determined by another cannot be comprehended at all. We thus cannot prove it theoretically at all, but only as a necessary practical *hypothesis*." "The practical concept of freedom is that which suffices to perform actions in accordance with reason, thus that which gives the imperatives of reason their force; the speculative or sophistical concept of freedom is that which suffices to explain free actions in accordance with reason. The latter is impossible, because it is that which is original in the derivativo." (Refl 4724f., AA 17: 688)

¹¹⁵ KrV A 803f. / B 831f.; cf. RezSchulz AA 08: 13.20-26; V-MP/Mron AA 29: 901.01-04.

¹¹⁶ See KrV A 803 / B 831.

¹¹⁷ Transcendental freedom was not excluded from the *Canon* – as Schönecker (Kants Begriff [fn. 12], 162f.) deliberates –, because previously (indeed) the moral was excluded from transcendental philosophy (cf. KrV A 14f.; A 801 / B 829 note.) and thus from the *Canon*, but because the transcendental question related to this freedom is "quite indifferent" to the 'guiding role' played by "the practical" with reference to another transcendental question – "What may I hope?" (KrV A 805 / B 833). Kant, after all, could do little more in the *Canon* than explicitly state the reasons for his procedure. Cf. for this KrV A 800-805 / B 828-833 (AA 03: 518.32-33; 03: 519.28-37; 03: 520.17–03: 521.07; 03: 521.30-33; 03: 522.05-14; 03: 522.24-29; 03: 523.01; 03: 523.11-18). – Of course, it is equally not true that for Kant the *Canon* "explicitly is not part of transcendental philosophy," as Ludwig repeatedly (so e.g. in: Ludwig, Bernd: Recht ohne Personen? Oder: Wieviel Metaphysik braucht die (kantische) Rechtslehre?; in: Dörflinger, Bernd et al. (Eds.): Das Verhältnis von Recht und Ethik in Kants praktischer Philosophie, Hildesheim/Zürich/New York 2017, 193) with unsuitable reference to KrV A 801 / B 829 claims, because he obviously thinks that Kant is doing moral philosophy in the *Canon*.

Theoretically, however, it remains open also for Kant whether the freedom recognized by experience is "absolute spontaneity" ("libertas noumenon") or merely the "respective spontaneity" ("libertas phaenomenon") of an 'automaton spirituale'.¹¹⁸ According to our experience, we can act independently of sensible impulses for will-determining rational grounds and insofar freely. Whether reason itself is free in its determination of the will, is beyond possible experience, but it is conceivable. Thus, we can in any case speak of a causality of reason known from experience and, moreover, of the possibility of a causality of pure reason.¹¹⁹

Here, with reference to the idea of freedom, it is advisable to look at the further development of Kant's thinking from the first to the second *Critique*.

One can distinguish three levels on which Kant speaks about practical freedom:

1) On the first level,¹²⁰ he uses Baumgarten's definition of human choice, made for distinguishing it from animal choice, as independence from sensible impulses (arbitrium liberum), proven by (direct) experience.¹²¹

2) In accordance with his announcement to set "entirely aside what might here be psychological, i.e. empirical", he changes to a second level,¹²² on which practical freedom is conceived as causality of reason in determining the will *according to the laws of freedom*. We cognize (indirectly) this freedom through experience, namely in the actions of reason, "through which it prescribes laws".

In the *Critique of pure reason*, Kant does not go beyond this level, because within the framework of the *Canon* with its problems he can let the question of transcendental freedom rest and within the framework of the entire *Critique* must also leave it to rest as insoluble.¹²³ For the conclusion to practical freedom here, the assumption of valid (freedom-)laws as

¹¹⁸ See for this also OP AA 21: 470; V-MP-L1/Pölitz AA 28: 267; V-MS/Vigil AA 27: 505.

¹¹⁹ Cf. also KrV A 554-558/B 582-586 and therein Kant's clarification of the "regulative principle of reason" stating: "And indeed one regards the causality of reason by no means as a mere concurrence with other causes, but as complete in itself, even if sensible incentives were not for it but were indeed entirely against it; the action is ascribed to the agent's intelligible character."

¹²⁰ KrV A 802 / B 830.

¹²¹ Krijnen (rightly) attests an "uncritical" character to *this* concept of practical freedom, but mistakenly thinks that it is the one advocated by Kant himself in the *Critique of pure reason*. (Krijnen, Christian: Kant's conception of cosmological freedom and its metaphysical legacy; in: id (Ed.): *Metaphysics of freedom? Kant's concept of cosmological freedom in historical and systematic perspective*, Leiden/Boston 2018, 173-187)

¹²² KrV A 802f. / B 830f.

¹²³ Forschner holds that transcendental freedom remains a problem here, "because Kant took into account (at least the possibility) that to man »the majestic ideas of morality [could be], to be sure, objects of approbation and admiration, but not incentives for resolve and realization«. (KrV A 813 / B 841)." (Forschner, Maximilian: *Freiheit als Schlußstein eines Systems der reinen Vernunft. Transzendente und praktische Freiheit*; in: Fischer, Norbert (Ed.): *Kants Metaphysik und Religionsphilosophie*, Hamburg 2004, 154) This is already contradicted by the fact that in the *Canon* a permanent problem is already spoken of in KrV A 803 / B 831, but of incentives only in KrV A 813 / B 841, and that Kant also in the *Critique of practical reason* treats the problem of incentives only after the conclusion of his deduction of the fundamental law of pure practical reason and thus after the solution of that problem. Above all, however, Forschner overlooks the fact that the *Critique of pure reason*, with its proof of the *logical possibility* of transcendental freedom, has accomplished everything it could (KrV A 558 / B 586), so that this had to remain a problem for it.

products of pure practical reason is sufficient;¹²⁴ since "freedom is a necessary practical presupposition and an idea under which alone I can regard commands of reason as valid."¹²⁵ Therefore, whoever considers such commands as valid and binding, must necessarily also consider himself as *practically* free. Accordingly, the *Groundwork of the Metaphysics of Morals* and the Schulz-Review state:

"[E]very being that cannot act otherwise than *under the idea of freedom* is just because of that really free in a practical respect, that is, all laws that are inseparably bound up with freedom hold for him just as if his will would be validly pronounced free also in itself and in theoretical philosophy."¹²⁶

"Even the most obstinate skeptic grants that, when it comes to acting, all sophisticated scruples about a universally deceptive illusion must come to nothing. In the same way, the most confirmed fatalist, who is a fatalist as long as he gives himself up to mere speculation, must still, as soon as he has to do with wisdom and duty, always act as if he were free, and this idea also actually produces the deed that accords with it and can alone produce it. It is hard to cease altogether to be human."¹²⁷

In a 1782/83 metaphysics lecture, Kant states that freedom is "a *mere idea*,"¹²⁸ and to act according to this idea is to be free in the practical sense.¹²⁹ Then he continues:

"Freedom is [...] practically necessary – the human being must therefore act according to an idea of freedom, and he cannot do otherwise. But this does not yet prove the freedom in the theoretical sense. Through this [through the *practical* necessity] all difficulties and contradictions, which the concept of freedom has caused, vanish. One may prove or disprove freedom in the theoretical sense, as one likes, enough, one will always act anyway according to ideas of freedom.¹³⁰ Many people do not admit certain propositions in speculation, but they nevertheless act on them."¹³¹

In a lecture from 1784, there is a good clarification of the two concepts of freedom according to the level reached in the *Canon*:

"Freedom is transcendental in absolute spontaneity, or a faculty of acting independently of all external causes; or freedom is practical, or the faculty of acting merely according to reason, independently of stimulus. [...] Freedom is practical when I act independently of all sensible impulses merely according to precepts of reason. I must take this practical freedom as a basis for the human being, more precisely for morality and all practical sciences, if the laws of these are to apply. This freedom is, however, only a mere idea, and we cannot prove its

¹²⁴ See KrV A 800 / B 828.

¹²⁵ RezSchulz AA 08: 13.

¹²⁶ GMS AA 04: 448. Kant remarks on this: "I take this way – to assume freedom as sufficient for our intention, only as laid down by rational beings merely in idea as a ground for their actions – so that I would not have to commit myself to prove freedom in its theoretical respect as well. For even if the latter is left unsettled, still *the same* laws hold for a being that cannot act otherwise than under the idea of its own freedom as would bind a being that was actually free. Thus we can escape here from the burden that weighs upon theory." GMS AA 04: 448 (partly m/tr; m/it). Refl 7062, AA 19: 239 (m/tr): "The concept of freedom, as far as it is opposed to nature, is assumed here as it is presupposed by everyone who asks practical questions, where one ought to do something."

¹²⁷ SchulzRez AA 08: 13.

¹²⁸ Likewise GMS AA 04: 459.

¹²⁹ V-MP/Mron AA 29: 898 (m/tr; m/it).

¹³⁰ "It is something else to speculate and to think practically; the former for explaining, the latter for acting." (Refl 4223, AA 17: 463 [m/tr])

¹³¹ V-MP/Mron AA 29: 898; likewise SchulzRez AA 08: 13.

reality. But he who always acts and thinks he must act according to this idea is really free, not, to be sure, theoretically, but practically."¹³²

3) But it is also clear for Kant that he has to face the question of transcendental freedom on a third level. For without this freedom, even what appeared on the second level to be practical freedom, would be, after all, only "a wretched makeshift"¹³³.

"A human being would be a marionette or an automaton, like Vaucanson's, built and wound up by the supreme master of all works of art; and self-consciousness would indeed make it a thinking automaton, in which, however, the consciousness of its own spontaneity, if taken for freedom, would be mere delusion inasmuch as it deserves to be called freedom only comparatively, because the proximate determining causes of its motion and a long series of them up to *their* determining causes are indeed internal but the last and highest is found entirely in an alien hand."¹³⁴

Kant enters the third level¹³⁵ first¹³⁶ with the *Groundwork of the metaphysics of morals* and then¹³⁷ above all with the *Critique of practical reason*. Only on this level, the concept of transcendental freedom as freedom in the "strictest [...] sense"¹³⁸ (or in the "proper sense"¹³⁹) is, "by an apodictic law of practical reason"¹⁴⁰, "afforded *objective* and, though only practical, nevertheless undoubted *reality*"¹⁴¹.

In the *Canon* it had been said about the transcendental freedom that the question about it concerned *only* the *speculative* knowledge. But this amounts to nothing more than the mere conceivability of a freedom which lies entirely outside of the bounds of possible experience. A proof of the objective *theoretical* reality of freedom is thus impossible. The proof given in the *Critique of Practical Reason* does not change this in the slightest. But "the reality [of the idea of freedom] as a particular kind of causality (the concept of which would be

¹³² V-Th/Baumbach AA 28: 1280 (m/tr).

¹³³ KpV AA 05: 96 (m/tr).

¹³⁴ KpV AA 05: 101 (partly m/tr; m/it).

¹³⁵ In the following considerations, I draw on the Kant exegesis, which is as meticulous as it is well-founded in terms of the underlying principles, in: Wolff, Michael: *Freiheit und Natur* (fn. 16), 146ff. For the argumentation in detail I refer to this. See also Baum, Manfred: *Positive und negative Freiheit bei Kant*; in: *Jahrbuch für Recht und Ethik*, 16 (2008) 43-56

¹³⁶ See for this Wolff, Michael: *Warum der kategorische Imperativ* (fn. 22); id: *Faktum der Vernunft* (fn. 84).

¹³⁷ The thesis that Kant, with regard to the relationship between freedom and moral law, took in the *Critique of practical reason* a completely different position from that taken in the *Groundwork of the metaphysics of morals*, meanwhile judged to have failed, has been and continues to be championed by numerous interpreters of Kant, including, for years up to recent times, undauntedly and in an endlessly productive manner, by Ludwig. (So already in: Ludwig, Bernd: *Kants Bruch* [fn. 91]; and so still in: id: *Über drei Deduktionen in Kants Moralphilosophie – und über eine vierte, die man dort vergeblich sucht. Zur Rehabilitierung von Grundlegung III*; in: *Kant-Studien*, 109 [2018] 47-71) This thesis can be considered obsolete at the latest since the aforementioned work of Michael Wolff. See also Baum, Manfred: *Sittengesetz und Freiheit. Kant 1785 und 1788*; in: Puls, Heiko (Ed.): *Kants Rechtfertigung des Sittengesetzes in Grundlegung III. Deduktion oder Faktum?*. Berlin/München/Boston 2014, 209-225.

¹³⁸ KpV AA 05: 29; cf. also KrV B XXVIII.

¹³⁹ KpV AA 05: 97.

¹⁴⁰ KpV AA 05: 03.

¹⁴¹ KpV AA 05: 49.

excessive from a theoretical point of view) can be established through practical laws of pure reason, and, in accordance with these, in real actions, and thus in experience."¹⁴²

Directly, the *Critique of Practical Reason* is not about freedom at all, but about the "supreme principle of practical reason" and its "deduction"¹⁴³ in order to be able to deduce freedom from it.¹⁴⁴

What in the first *Critique* is only hinted at with "laws of freedom" and "precept for conduct" as well as the ought related thereto, comes into full light in the second *Critique* as "fact of pure reason"¹⁴⁵: the "fundamental law of pure practical reason" and the immediate consciousness¹⁴⁶ of it and of its validity "for all rational beings, insofar as they have at all a will, that is, the ability to determine their causality by the representation of rules, hence insofar as they are capable of actions in accordance with principles and consequently also in accordance with a priori practical principles (for these alone have that necessity which reason requires for a principle)."¹⁴⁷ Only in this way, transcendental freedom, which had remained, for *speculative* reason in the context of the resolution of the 'Third Antinomy', an indeed indispensable, but *problematic* concept,¹⁴⁸ is secured by reason in its *practical* use – and with it practical freedom. It is *practical* reason alone, which in its determination of the will according to a moral law "of itself, without any collusion with speculative reason, furnishes reality to [...] freedom" (although, as a *practical* concept, also only for *practical* use), and hence establishes by means of a fact what could there only be *thought*.¹⁴⁹

In the *Critique of Practical Reason*, it is no longer only, as in the *Canon*, about the causality of a reason whose causality itself remains in the dark (and also can remain there¹⁵⁰), but about the independence of reason itself; about autonomy in the sense that the will is subjected to the *self-given* fundamental law of pure practical reason; about the freedom of the will, "which, in accordance with its universal laws, must necessarily be able at the same time *to agree* to that to which it is to *subject* itself."¹⁵¹

The task of the critique of *pure*¹⁵² practical reason, whose "main features"¹⁵³ are already presented by Kant in Section III of the *Groundwork of the Metaphysics of Morals*, is to prove

¹⁴² KU AA 05: 468. In the *Preface to the Critique of practical reason*, Kant points out the decisive step that practical reason takes in the second *Critique* beyond that taken by theoretical reason in the first *Critique*. "Here, too, the enigma of the critical philosophy is first explained: how one can *deny* objective *reality* to the supersensible *use of the categories* in speculation and *yet grant* them this *reality* with respect to the objects of pure practical reason." (KpV AA 05: 05; more details in: KpV AA 05: 50-57; cf. also Prol AA 04: 278.24-30)

¹⁴³ KpV AA 05: 46. According to Ludwig, the „critical Kant“ does not know any „deduction of the categorical imperative“, neither 1787/88 nor 1785 nor 1781. For the *Critique of pure [speculative] reason* Ludwig is trivially right. (Ludwig, Bernd: Über drei Deduktionen [fn. 137], 65).

¹⁴⁴ Cf. KpV AA 05: 46.

¹⁴⁵ KpV AA 05: 31; 05: 47; 05: 91.21+27.

¹⁴⁶ See KpV AA 05: 29.34-35; 05: 31.24; 05: 47.11-13.

¹⁴⁷ KpV AA 05: 32.

¹⁴⁸ Cf. KpV AA 05: 07.28-31.

¹⁴⁹ KpV AA 05: 06 (m/it apart from "freedom"); see also KpV AA 05: 30f.; 05: 42.

¹⁵⁰ See A 803f. / B 831f.

¹⁵¹ KpV AA 05: 132.

¹⁵² Cf. KpV AA 05: 08.04-05.

that pure reason can really give laws of freedom, i.e. can be practical, and thus also the transcendental freedom, which remained a problem in the *Critique of Pure Reason*, has "objective and, though only practical, nevertheless undoubted reality"¹⁵⁴.

The proof that pure reason is "originally lawgiving"¹⁵⁵ and thus "practical of itself alone"¹⁵⁶ is found in Chapter I of Book one of the *Critique of Practical Reason*, concerning the principles of pure practical reason.

First, the "exposition of the supreme principle of practical reason" in §§ 1-8 shows there, "what it contains,"¹⁵⁷ that it, "given"¹⁵⁸ by pure reason, "stands of itself altogether a priori and independently of empirical principles, and then, what distinguishes it from all other practical principles".¹⁵⁹ Different from the *Canon*, here the concept of the law of freedom is precisely determined, as well as the validity of laws of freedom, which is only assumed there, is given apodictic certainty.¹⁶⁰

As "practical postulates"¹⁶¹ these laws, it's true, are neither capable of nor in need of proof.¹⁶² But as synthetic principles a priori, they can, "for all their certainty, never pretend to be [self-evident]," and therefore "philosophy [...] must never just simply command"¹⁶³ its a priori principles, but must accommodate¹⁶⁴ itself to justify its authority regarding them through a thorough deduction."¹⁶⁵

Therefore, the "deduction" in section I brings the "justification of its [the supreme principle's] objective and universal validity and the discernment of the possibility of such a synthetic proposition a priori",¹⁶⁶ whereby at the same time the space, created by speculative

¹⁵³ GMS AA 04: 445.

¹⁵⁴ KpV AA 05: 49.

¹⁵⁵ KpV AA 05: 31 (m/it). It was the *originality* of the lawgiving of reason that in the *Canon* was set aside as a speculative question ("But whether in these actions, through which it prescribes laws, reason is not itself determined by further influences, and whether that which with respect to sensible impulses is called freedom might not in turn with regard to higher and more remote efficient causes be nature – [...] is rather a merely speculative question, which we can set aside as long as our aim is directed to action or omission." [KrV A 803 / B 831]).

¹⁵⁶ KpV AA 05: 31 (m/it); see also KpV AA 05: 03.11-12.

¹⁵⁷ KpV AA 05: 46.

¹⁵⁸ KpV AA 05: 31.32; 05: 47.12f.; 05: 55.17.

¹⁵⁹ KpV AA 05: 46.

¹⁶⁰ Cf. KpV AA 05: 47.11-13; 05: 142.26-27.

¹⁶¹ KpV AA 05: 46.

¹⁶² Cf. KrV A 234 / B 287; KpV AA 05: 47.28 in connection with 05: 46.11-12.

¹⁶³ The Cambridge Edition translates falsely "can never simply offer". "to offer" means in German "anbieten". Kant says "gebieten" = to command".

¹⁶⁴ The Cambridge Edition translates falsely "content".

¹⁶⁵ KrV A 733f. / B 761f. (m/tr; m/it); cf. KrV A 232f. / B 285f. See for this especially: Wolff, Michael: Faktum der Vernunft (fn. 84), 522ff.; 540ff.; id: Freiheit und Natur (fn. 16), 143-155.

¹⁶⁶ KpV AA 05: 46. The justification of the valid moral law consists in the fact that it proves its reality (validity) also for the critique of speculative reason by being able to give to reason "for the first time objective, though only practical [will-determining] reality and by changing its *transcendent* use into an *immanent* use (to be by means of

reason, but necessarily left empty and set aside in the *Canon* as a problem, is filled up and thereby also the critique of speculative reason is met.¹⁶⁷ Finally, in section II, follows, against empiricist and sceptical objections, the justification of the "warrant of pure reason in its *practical* use to an extension".¹⁶⁸

With the faculty of pure reason to be really practical, "also transcendental freedom is henceforth established, taken indeed in that absolute sense in which speculative reason needed it, in its use of the concept of causality, in order to rescue itself from the antinomy [...]; this concept, however, it could put forward only problematically, as not impossible to think, without assuring it its objective reality".¹⁶⁹ #####

With regard to levels 2 and 3, it should be added that the second level, achieved with practical freedom in the sense of a will determined by reason according to moral laws, is sufficient for *practice*. What is added on the third level, is the systematic development and apodictic assurance of the fundamental law of pure practical reason, the deduction of transcendental freedom based on it, as well as the authority for pure reason in its practical use to an extension, and with all this at the same time the equipment to defend the freedom thesis and the moral imputability of the human being, based on it, against empiricist, sceptical and fatalist objections. Only now the problem, left aside in the *Canon* "for the present"¹⁷⁰, is solved and proved, namely by the originally lawgiving act of pure reason, that this is "*really* practical"¹⁷¹ and thus transcendental freedom has objective, though only practical reality. For somebody, of course, who regards the "*sic volo, sic jubeo*"¹⁷² of pure reason as valid for himself, this proof is unnecessary.

Now, Kant's often misinterpreted statements in the *Canon*, related to transcendental freedom, should be easy to understand.

Only in passing, but explicitly Kant twice draws there the attention to the fact, that with the proof in the *Dialectic*, that "freedom and nature, each in its full significance, would both be found in the same actions, simultaneously and without any contradiction"¹⁷³, and that therefore freedom is conceivable and thus (logically) possible,¹⁷⁴ that a *theoretical* objection in this regard is dismissed¹⁷⁵ after "sufficient discussion"¹⁷⁶, and that the "question about

ideas itself an efficient cause in the field of experience)." (KpV AA 05: 48 [partly m/tr]). See for this Wolff, Michael: Faktum der Vernunft (fn. 84), 543-545.

¹⁶⁷ Cf. KrV B XXI f. (AA 03:14.21-25) in connection with KpV AA 05: 48.04-07.

¹⁶⁸ KpV AA 05: 50 (m/it); see for this also KrV A 776 / B 804 (AA 03: 506.11-19).

¹⁶⁹ KpV AA 05: 03 (partly m/tr).

¹⁷⁰ KrV A 801 / B 829.

¹⁷¹ KpV AA 05: 03 (m/it).

¹⁷² KpV AA 05: 31 (partly m/tr).

¹⁷³ KrV A 541 / B 569.

¹⁷⁴ Cf. KrV A 558 / B 586; KpV AA 05: 03.19-20. What has been removed here is the objective obstacle of impossibility, not also the subjective obstacle of incomprehensibility. For this V-MP-L1/Pölitz AA 28: 271.

¹⁷⁵ Cf. KrV B XXV (AA 03: 16.23-25); B XXVIII f.; A 558 / B 586.

¹⁷⁶ KrV A 804 / B 832. Ludwig refers to this passage in connection with his claim that Kant radically reshaped his doctrine of freedom in 1786, thus ending a "rationalist aberration." Already in the *Critique of pure reason*, as then in the *Groundwork of the Metaphysics of Morals*, he would have claimed "to have at his disposal a solution of the problem of freedom independent of the moral law." (Ludwig, Bernd: Kants Bruch [fn. 91], 373; 384) Ludwig, admittedly, when speaking of such a solution in the two works mentioned, is thinking of a *speculative* proof of the

transcendental freedom", nevertheless still existing, as Kant states four times¹⁷⁷ in the *Canon*, is, as concerning "merely speculative knowledge", *practically* irrelevant. "All these disputes about the transcendental concept of freedom have no influence on the practical. For there, I do not look at the *supreme cause*, but at the *ultimate end*."¹⁷⁸ So it is not about what *is* (originated along the thread of nature), but about what *ought* to be and, caused by my action, will be. The perspective of the agent is always the future. What is set aside in the *Canon* as indifferent is, mind you, a question, not the matter itself. This, i.e. the transcendental idea of freedom, remains, as said, a theoretical problem and "constitutes", as it is stated in the *Dialectic*, thus preparing,¹⁷⁹ as it were, the *Canon*, also in the "for the most part empirical"¹⁸⁰ psychological (practical) freedom "the real moment of the difficulties [...], which have always surrounded the question of its possibility."¹⁸¹ But the task of solving "the conflicts of reason with itself when it ventures beyond the boundaries of possible experience" is "really not *physiological* [empirical-psychological], but *transcendental*."¹⁸² Hence the

real possibility of freedom. (See Ludwig, Bernd: Über die folgenreiche Fehlinterpretation [fn. 104], 398-417) He takes the compatibility of natural causality and causality from freedom (see KrV A 558 / B 586 [AA 03: 377.28-29]) as a proof of real possibility. (406) In the case of the logical possibility of freedom, he thinks (401), it would only be about the fact that the *concept* of transcendental freedom does not contradict itself, and to see this, it would not need the critical resolution of the antinomy. However, the *concept of freedom* is not "conceivable" for Kant, i.e. *logically impossible, even if freedom is not compatible with natural law causality, which is not at stake for Kant*. Exactly this is the problem at issue in the 'Third Antinomy' and its 'resolution'. Ludwig does not see that Kant's proof of compatibility is subject to the condition "that reason actually has causality in regard to appearances". (KrV A 548f. / B 576f. [AA 03: 372.12-14]; likewise KrV A 551 / B 579 [AA 03: 573.17f.]) Whether this condition is fulfilled remains a problem in the *Critique of pure reason* and must remain so for it, as Kant explicitly clarifies in the very passage (KrV A 557f. / B 585f.) with which Ludwig opens his essay. Only the logical possibility of transcendental freedom is proved in the *Dialectic*. (In a lecture from the middle of the 1790s Kant brings his considerations from the first *Critique* once more precisely to the point. [V-MPK3 AA 29: 1020.22-35; see also KrV B XXVI {AA 03: 17.34-38}; Refl 6007, AA 18: 422]) This is an important result of the first *Critique*, but also the only one that is 'speculatively' possible. Insofar the matter with the *Dialectic* is "settled", but – notabene – only for speculative reason. Referring to this, Kant writes in the preface to the second edition of the first *Critique* (KrV B XXVI): In order to ascribe to a concept like transcendental freedom "objective validity (real possibility), [...] something more is required. This 'more', however, need not be sought in theoretical sources of cognition; it may also lie in practical ones." And it is precisely in these that Kant finds it; first already in the *Canon* and then, of course, in the *Groundwork* and in the second *Critique*. (See on the whole note Wolff, whose remarks seem as if directed specifically against Ludwig. (Wolff, Michael: Freiheit und Natur [fn. 16], 136f. note.) There is neither space nor reason here to go into Ludwig's countless errors in dealing with Kant's texts. It may suffice to say that his almost detective-like method of searching for evidence for his 'idée fixe' is not suitable for a principle-based approach to Kant. But once you walk in a philosophical labyrinth, it's hard to find your way out of the maze again. – Recently on this topic: Onof, Christian, Kant and the possibility of transcendental freedom, in: Kant-Studien, 112 (2021) 343-371.

¹⁷⁷ KrV A 801-803 / B 829-831.

¹⁷⁸ V-MP/Mron AA 29: 903 (m/it); cf. RezSchulz AA 08: 13.22ff.

¹⁷⁹ See for this Wolff, Michael: Freiheit und Natur (fn. 16), 142.

¹⁸⁰ KrV A 448 / B 476.

¹⁸¹ KrV A 533f. / B 561f. (partly m/tr). The practical freedom is, after all, based on the transcendental idea of freedom as "the idea of a spontaneity, which could start to act from itself, without needing to be preceded by any other cause that in turn determines it to action according to the law of causal connection" and thus as the "real ground of the imputability" of an action. (KrV A 533 / B 561 and KrV A 448 / B 476 (AA 03: 310.12-13).

¹⁸² Already before, Kant had pointed out that what "in the question of freedom of the will [...] has always put *speculative* reason into such a great embarrassment is really *only transcendental*". (KrV A 448 / B 476; "speculative" and "only" emphasized by me). For the transcendental philosophical way out of that embarrassment see KrV A 532-558 / B 560-586.

question of the possibility of freedom does indeed beset¹⁸³ psychology, but, since it rests on dialectical arguments of merely pure reason, must, together with its solution, occupy only transcendental philosophy."¹⁸⁴ The question "what should I do?" is, however, "merely practical. As such, to be sure, it can belong to pure reason, but in that case it is not transcendental, but moral, and thus it cannot be in itself a subject for our critique."¹⁸⁵

However, the distinction between transcendental and practical freedom does not in the least mean that they are two different species of the same or even of a different genus. Transcendental freedom, after all, has a part of the (for the most part empirical) content of practical freedom, namely, "that of the *absolute spontaneity* of an action, as the real ground of its *imputability*".¹⁸⁶ With exactly this (indispensable) element, practical freedom is a *species* of transcendental freedom, namely as the object of pure reason only in its *practical* use.¹⁸⁷ Therefore, Kant by no means reduces in the *Canon*, as some think, freedom ultimately to nature.¹⁸⁸ Transcendental freedom as a *genus*, on the other hand, is the object of pure reason both in its practical and in its speculative use.¹⁸⁹ It is freedom in its "proper sense" and "in the strictest, that is, transcendental sense" as complete independence "of the natural

¹⁸³ For this Wolff, Michael: Freiheit und Natur (fn. 16), 142; id: Ebbinghaus (fn. 16), 13.

¹⁸⁴ KrV A 535 / B 563 (partly m/tr).

¹⁸⁵ KrV A 805 / B 833.

¹⁸⁶ KrV A 448 / B 476 (m/it).

¹⁸⁷ See KrV A 534 / B 562; A 803 / B 831 (AA 03: 521.34-35); KpV AA 05: 93.37-94.02.

¹⁸⁸ See Schönecker, Dieter: Kants Begriff (fn. 12), 19, 78-105, 136. To go into this book in more detail would go beyond the scope of this contribution. Therefore, just a word about it: with its detailed textual interpretation, it does repeatedly open interesting perspectives on Kant's texts, but it is rarely convincing with one of its versions. I see the reason in the fact that principle-based theoretical considerations play only a subordinate role for the interpretation. – See further: Zöller, Günter: Libertas civilis – Zur politischen Prägung von Freiheit und Autonomie bei Kant; in: Egger, Mario (Ed.): Philosophie nach Kant. Neue Wege zum Verständnis von Kants Transzendental- und Moralphilosophie, Berlin 2014, 333; Zimmermann, Stephan: Kant on "practical freedom" and its transcendental possibility; in: Krijnen, Christian H. (Ed.): Metaphysics of Freedom? Kant's Concept of Cosmological Freedom in Historical and Systematic Perspective, Leiden/Boston 2018, 99ff.; Loudon, Robert B.: Freedom from an Anthropological Point of View [fn. 73]; Kitcher, Patricia: Explaining Freedom (fn. 27), 185-207. Kitcher holds the quite absurd view, „for morality to be possible, reason must be [...] an efficient principle that can *occupy* [Kant himself says: "represent" {"vertreten"; see Refl 5612, AA 18: 253}; see also above fn. 60] the place of a *natural cause* as a spring of action. For that reason, he thought that morality was impossible in a world that could be understood scientifically, (in part) because he believed that the only efficient causes science recognizes are mechanical and that reasons are not mechanical causes, because they do not involve communication of motion.“ (201f.; m/it) However, she thinks she can save Kant's ethics (206) by replacing his transcendental-idealistic 'errors' by evolution-theoretical foundations. Admittedly, this would not be saving Kant's ethics, but its euthanasia by "setting the head rigidly to certain [neurophysiological and evolution-theoretical] assertions" (KrV A 407 / B 434 [partly m/tr]). Unfortunately, Kitcher's references to Kant often lack the necessary care, so that it is difficult to discover in Kant's philosophy any correspondence at all for her claims about it. – A considerably more radical attempt at 'naturalization', which accordingly distances itself even further from Kant's philosophy, is made by Guyer, Paul: Naturalizing Kant; in: Schönecker, Dieter / Zwenger, Thomas (Eds.): Kant verstehen – Understanding Kant. Über die Interpretation philosophischer Texte. Darmstadt 2001, 59–84. – Against the thesis of the necessity of an "anthropologization" of Kantian moral philosophy, for instance in Hannah Arendt and Jürgen Habermas, see: Kloc-Konkolowicz, Jakub: Does Spontaneity have to be Naturalized? Freedom as Spontaneity – Today and in Kant; in: Krijnen, Christian H. (Ed.): Metaphysics of Freedom? Kant's Concept of Cosmological Freedom in Historical and Systematic Perspective, Leiden/Boston 2018, 205-218.

¹⁸⁹ KrV A 448 / B 476; A 533 / B 561; A 558 / B 586; A 803 / B 831 (AA 03: 522.01-03); KpV AA 05: 29.04-07; 05: 96.37-97.02.

law of appearances.¹⁹⁰ We can, however, experience it, as said, only, and also only indirectly, as practical freedom, in so far as our will is determined by laws of freedom.

Kant's considerations in the *Canon* and – taking them further – in the *Critique of Practical Reason* find their expression in the *Metaphysics of Morals* with the presentation of the concept of freedom as a concept, admittedly transcendent for theoretical philosophy, which holds "solely as a regulative and, indeed, only as a merely negative principle of speculative reason," which "in reason's practical use, however, proves its reality by practical principles, which, as laws, prove a causality¹⁹¹ of pure reason, to determine choice independently of any empirical conditions (of sensibility in general), and a pure will in us, in which the moral concepts and laws have their origin."¹⁹² And a few pages later it says once again,

"that precisely these practical laws (the moral laws) first make known a property of choice, which no speculative reason ever would have arrived at, either on a priori grounds or through any experience whatever, and if reason would arrive at it, it could in no way theoretically show its¹⁹³ [real] possibility, nonetheless those practical laws show incontestably this property, namely freedom."¹⁹⁴

Let us now turn again to human choice briefly introduced at the beginning, as it is conceived in the *Metaphysics of Morals*. As in the case of practical freedom as causality of reason, so also in the case of free choice a distinction is to be made between (negatively) the experienceable "independence of being *determined* by sensible impulses"¹⁹⁵ and (positively) the non-experienceable and also incomprehensible¹⁹⁶, only inferable "ability of *pure* reason to be *of itself practical*",¹⁹⁷ namely "by the subjection of the maxim of every action to the condition of its qualifying as universal law."¹⁹⁸ Thus, freedom of choice consists in the fact that choice is *determinable* "to actions from pure will"¹⁹⁹ due to the fitness of its [choice's] maxims for laws as being its [choice's] supreme law.²⁰⁰

With the laws of freedom, related to free *choice* and given by reason, the *will* comes into play. That's how, for the later Kant of the *Metaphysics of Morals*, the faculty of desire is called, when it does not refer, as the faculty of desire as choice, to the action, but to choice itself, more precisely: to "what pleases it", insofar as even this "lies within the subject's reason"²⁰¹. Whereas choice is the faculty to determine action according to maxims, the will is directed "immediately to giving laws for the maxim of actions"²⁰². "Laws proceed from the will,

¹⁹⁰ KpV 05.29.

¹⁹¹ The Cambridge Edition translates falsely "which are laws of a causality".

¹⁹² MS AA 06: 221 (partly m/tr).

¹⁹³ The property's.

¹⁹⁴ MS AA 06: 225 (partly m/tr).

¹⁹⁵ MS AA 06: 213; cf. KrV A 534 / B 562; A 553 / B 581; A 802 / B 830.

¹⁹⁶ "We have no insight into how [reason] [...] fills the place of a natural cause, let alone how it is itself determined to action or omission by means of impulses." (Refl 5612, AA 18: 253)

¹⁹⁷ MS AA 06: 214 (m/it); cf. KrV A 534 / B 562; A 554 / B 582; A 803 / B 831.

¹⁹⁸ MS AA 06: 214.

¹⁹⁹ MS AA 06: 213.

²⁰⁰ See MS AA 06: 214.

²⁰¹ MS AA 06: 213.

²⁰² MS AA 06: 226; cf. MS AA 06: 213.22-26.

maxims from choice."²⁰³ Accordingly, with regard to the distinction between will and choice, one can also speak of the legislative and the executive function of human volition²⁰⁴ or of legislative and action-determining volition.²⁰⁵ The will determining the maxims of choice does not have itself in turn a determining ground. Rather, "insofar as it can determine choice, it is practical reason itself," be this now on its part empirically conditioned²⁰⁶ or unconditional²⁰⁷. As practical reason, which is directed to (pragmatic or moral) laws for the maxims of choice, the will is "absolutely necessary and itself *subject* to no necessitation"²⁰⁸ and cannot therefore, unlike choice, be called free or unfree.²⁰⁹

To the distinction between the internal and the external use of free choice²¹⁰ corresponds, by and large, the distinction between volition and action. Of course, it is to be noted that, first, volition as setting an end or as adopting a maxim is also an action. Second, the internal use of choice can also be an act of realizing an end. Therefore, a broad concept of action that includes volition,²¹¹ as it is found for example in formulations of the categorical imperative, is to be distinguished from a narrow concept of action that includes only the voluntary production of the (willed) object, be this realization of an end now an internal²¹² or an external²¹³ action, and regardless of the question whether the setting of the end, pursued by the action, is itself ultimately a free or a nature determined act.

Every action of a rational being is based on a subjective principle (maxim), which contains its end and according to which it is done. Such a subjective principle is a rule for the internal or external use of free choice. Accordingly, maxim of action (in the broad sense) is every maxim with reference to action in general, thus including the will as the "faculty of ends"²¹⁴. The maxim of action (in the narrow sense) with reference to realizing an end, thus

²⁰³ MS AA 06: 226. See for this Beck, Jacob Sigismund: *Commentar über Kants Metaphysik der Sitten, Erster Theil welcher die metaphysischen Principien des Naturrechts enthält*. Halle 1798, 82-87.

²⁰⁴ So Beck, Lewis White: *A Commentary* (Fn. 16), 202; Allison, Henry E.: *Kant's Theory of Freedom* (Fn. 16), 129ff.

²⁰⁵ So Grünewald, Bernward: *Praktische Vernunft, Modalität und transzendente Einheit. Das Problem der transzendentalen Deduktion des Sittengesetzes*, in: Oberer, Hariolf et al. (Eds.): *Kant. Analysen – Probleme – Kritik*. Würzburg 1988, 158.

²⁰⁶ It gives then "only the precept for rationally following pathological laws". (KpV AA 05: 33.27-28); cf. also KrV A 800 / B 828 (AA 03: 520.01-11).

²⁰⁷ It is, as pure reason, "of itself practical". (MS 06: 214; cf. KrV A 800 / B 828 (AA 03: 520.11-14).

²⁰⁸ Object of possible necessitation is choice in its determinability by (pure or also 'non-pure') reason.

²⁰⁹ MS AA 06: 226. "But the will is free in a different way, because it is *lawgiving*, not obeying to either the law of nature or to any other law, and so far freedom is a positive faculty, not to choose, for here there is no choice, but to determine the subject with regard to the sensible of the action." (VAMS AA 23: 249 [m/tr]; cf. also VATL AA 23: 383) On the distinction between will and choice, outlined here, see Bondeli, Martin: *Freiheit, Gewissen und Gesetz. Zu Kants und Reinholds Disput über Willensfreiheit*, in: Waibel, Violetta L. et al. (Eds.): *Natur und Freiheit. Akten des XII. Internationalen Kongresses*, Berlin/Boston 2018, 529-544.

²¹⁰ See MS AA 06: 214.

²¹¹ The role that the concept of action plays for Kant in an epistemological context can be disregarded here.

²¹² For example, planning a trip or thinking through a game of chess.

²¹³ Such as traveling or playing chess.

²¹⁴ KpV AA 05: 59.

especially of the external use of choice, is opposed by the maxim of volition with reference to the setting of ends, thus of the internal use of choice.

As a being endowed with practical reason, related to his choice as the faculty of acting as he pleases, man is constantly confronted with two kinds of practical questions. The first kind refers to his "capacity to set voluntary ends at will for himself"²¹⁵: "The capacity to set oneself an end – any end whatsoever – is what characterizes humanity (as distinguished from animality)."²¹⁶ The second kind refers to his capacity to pursue the achievement of the set ends at will. The question of what ends man should or should not set for himself, how he should or should not will, concerns exclusively the individual man himself. The question, however, of how he should, or may, or may not pursue his ends in space and time, how he should, or may, or may not act externally, also concerns other people, and can consequently only be answered by taking into account the relationship to these other people as well. It is, after all, just the capacity of man as a practical rational being to realize, on the basis of his own volition, the imagined ends, whichever possible by nature, – in short: it is his external action, *and only this*, by which man in the unavoidable spatio-temporal community with all other men can get, at any time and in any way with any other man, into an external action conflict, by which the realization of the respectively set ends is partly or even completely questioned.

Moral philosophy generally deals with (moral) lawgiving with reference to the possible use of freedom in general and consequently differentiates itself in two ways. According to the two kinds of practical questions mentioned above, it concerns, on the one hand, freedom in the internal, and, on the other hand, freedom in the external use of choice.²¹⁷ In addition, however, the moral lawgiving is possible either only as internal lawgiving (by oneself) or also as external lawgiving (by another). If one takes both distinctions together, then it becomes apparent that, on the one hand, for the internal use of freedom only an internal lawgiving, on the other hand, an external lawgiving only for the external use of freedom and, finally, an internal lawgiving for the internal and for the external use of freedom come into consideration. Thus, with the distinction between external and internal use of choice, the elements for the structure of the metaphysics of morals are given.

Strictly speaking, this is divided twice into parts that are independent of each other: on the one hand, into the doctrine (1a) of those laws that relate only to the external use of freedom (doctrine of right) and the doctrine (1b) of those laws that relate to both the internal and external use of freedom (doctrine of virtue [ethics in the narrower sense]²¹⁸);²¹⁹ and, on the other hand, into the doctrine (2a) of those laws for which *also* external lawgiving is possible (doctrine of right) and the doctrine (2b) of those laws for which external lawgiving is

²¹⁵ KU 05: 431.

²¹⁶ TL AA 06: 392.

²¹⁷ See MS AA 06: 214; TL AA 06: 396. Kant also speaks of internal and external actions. (MS AA 06: 218f.)

²¹⁸ Cf. e.g. TL AA 06: 375.07; 06: 379.10; 06: 413.

²¹⁹ "Morals consists of the doctrine of right (*doctrina iusti*) and the doctrine of virtue (*doctrina honesti*) the former is also called *ius* in a general sense, the latter *ethica* in a special sense (for otherwise ethics also means the whole morals)." (VATL AA 23: 386 [m/tr]) Cf. also ZeF 08.386: Morals "as doctrine of right" and morals "as ethics".

not possible (ethics [in the broader sense]²²⁰). The doctrine of right thus deals with the external use of freedom under possible external laws; ethics or doctrine of virtue, however, deals with the use of freedom in general or the internal use of freedom, both under internal laws.

The division of the metaphysics of morals as a doctrine of duties into doctrine of right and doctrine of virtue (1a and 1b) is based on the distinction between external and internal freedom.²²¹ The distinction with regard to the kind of lawgiving (2a and 2b) is only a consequence of it.

That for the internal use of freedom neither with regard to its ends nor with regard to its incentive a lawgiving by another will is possible is obvious.²²² For the doctrine of virtue/ethics, therefore, only an internal lawgiving, presupposing the freedom of one's respective own will,²²³ comes into consideration. For the doctrine of right, on the other hand, with its restriction to merely external use of freedom, first of all a lawgiving by any will in general and thus also an (external) lawgiving by another will comes into consideration. The distinction between self-coercion and external coercion is a consequence of that.

²²⁰ It should be noted that in particular the terms ethics, doctrine of virtue, morality are not always used synonymously by Kant, although he is admittedly well aware of the differences. (See e.g. TL AA 06: 379; V-MS/Vigil AA 27: 481f.; 27: 576f.). Most of the time, however, the intended meaning should result from the context.

²²¹ See MS AA 06: 218ff.; TL AA 06: 406.29-33; also 06: 380.16-18.

²²² Kant specifically points out that for this even a divine will, which after all could certainly compel, is out of the question. See MS AA 06: 219.

²²³ Thus, a distinction must be made between internal freedom and freedom of will: internal freedom, in the tradition also called psychological freedom, is the *empirical* counterpart of external freedom. Freedom of will is the *transcendental* counterpart of internal freedom.