

Kant Yearbook
1/2009

Teleology

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Teleology

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Preface

Over the last decade, academic research on Kant has grown to an extent that makes it almost impossible even for the well informed expert to orientate herself in a specific domain of his philosophy. Be it monographs, articles, textbooks, anthologies, text editions or translations, the numbers of publications have steadily risen in all areas concerned with Kant's philosophy. This goes not only for European countries and, in particular, the United States, but equally for South America, especially for Argentine and Brazil. The growing interest in Kant's philosophy in countries like Russia or China, and Asia as a whole, is already beginning to add substantially to this development. The *Kant Yearbook* is a response to the international increase of the research on Kant's philosophy. It is the *Kant Yearbook's* intention to create a forum for the thematically focused and innovative discussion of special topics in Kantian philosophy on an international scale. For this reason, its preferred languages of publication are English and German. There already is, of course, a number of excellent journals dedicated to Kant such as the *Kant-Studien*, *Studi Kantiani*, or the *Kantian Review*. However, the *Kant Yearbook* is fundamentally distinct from these journals in that it publishes topic related annual volumes. Each annual topic will be announced by way of a call for papers. In order to ensure the scholarly quality of the contributions, the editorial board of the *Kant Yearbook*, composed of renowned international experts, will select papers for publication through a double blind peer review process. The format as an annual journal will thus allow the *Kant Yearbook* to react to current developments in research on Kant's philosophy within a short period of time, and to initiate new research topics and directions. Ideally, each issue will represent the state of the art regarding its specific topic. The *Kant Yearbook* therefore equally welcomes historical and systematic articles, no matter from what philosophical school or orientation. The present first issue on Kant's teleology seems to be a successful example of that strategy. Compared to the first and second *Critiques* this topic has traditionally been understudied. Nevertheless, recent historically as well as systematically orientated developments in this research area document a growing interest in the often neglected "Critique of Teleological Judgment". The topic of the second issue of the *Kant Yearbook* in 2010 will be

“Metaphysics” followed by “Anthropology” and “Kant and Analytic Philosophy”.

I would like to thank the members of the editorial board who unhesitatingly accepted my invitation to take on the difficult task of reviewing submissions and selecting papers for the *Kant Yearbook*. I am also very grateful to my former colleagues, in particular to Chris Eliot, from the Department of Philosophy at Hofstra University (New York) for supporting me in starting the *Kant Yearbook*. I thank my new colleagues at the Department of Philosophy at the University of Luxembourg for the friendly welcome they have extended to the *Kant Yearbook*. Special thanks go to the publisher De Gruyter and its editor in chief, Dr. Gertrud Grünkorn, for taking on the risky project of starting a new journal. And last but not least, thanks go to Christoph Schirmer and Claudia Hill from De Gruyter for helping me with the editorial work.

Luxembourg, February 2009

Dietmar Heidemann

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Freedom, Teleology, and Rational Causation

Robert Hanna

Abstract

The basic link between Kant's metaphysics of free will and his theory of practical agency is his theory of teleology, i. e., his theory of ends or purposes. In the first part of the paper, I show how Kant's theory of natural teleology, or the directedness of organismic life—biological intentionality—in the two Introductions and second half of the Critique of the Power of Judgment is fundamentally related to his theory of transcendental freedom, and argue that his theory of transcendental freedom entails neither Compatibilism nor Incompatibilism, and constitutes a third alternative, which I call "Post Compatibilism." In the second part of the paper, I show how Kant's theory of rational teleology, or the directedness of human desire—practical intentionality—is fundamentally related to his theory of practical freedom or autonomy, and argue that it entails a special form of internalism about practical reasons that shares much with Hume's theory of practical reasoning, although it also goes well beyond Hume's theory in several crucial ways. By seeing how the biological intentionality of transcendental freedom is essentially connected with the practical intentionality of human desire right up to the level of autonomy, we can then see how, according to Kant, autonomous persons can have full causal efficacy in a physical world. This interpretation of Kant's theory of freedom, which I call "the Embodied Agency Theory," has good textual support and also significant philosophical advantages over the two standard interpretations, the Timeless Agency (Two World) Theory and the Regulative Idea (Two Standpoint) Theory.

The Human being as a being in the world, self limited through nature and duty. (OP 21: 34)¹

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- 1 For convenience, I cite Kant's works infratextually in parentheses. The citations include both an abbreviation of the English title and the corresponding volume and page numbers in the standard "Akademie" edition of Kant's works: *Kants gesammelte Schriften*, edited by the Königlich Preussischen (now Deutschen) Akademie der Wissenschaften, Berlin, 1902 ff. I generally follow the standard English translations, but have occasionally modified them where appropriate. For references to the first *Critique*, I follow the common practice of giving page numbers from the A (1781) and B (1787) German editions only. Here is a list of the relevant abbreviations and English translations: CPJ: *Critique of the Power of Judgment*; CPR: *Critique of Pure Reason*; CPrR: *Critique of Reason*; GMM: *Groundwork of the Metaphysics of Morals*; IUH: "Idea of a Universal History of Mankind from a Cosmopolitan Point of View"; MFNS: *Metaphysical*

If one accepts classical physics, free will must apparently be explained as being *compatible* with determinism. The only alternative to compatibilism, if sense is to be made of free will, would be to postulate that the laws of physics do not have universal application and the human free will can cause things to happen contrary to those laws. It might be suggested that Kant found a third alternative, but if so it is one I am unable to understand.

David Hodgson²

It is only because a person has volitions of the second order that he is capable both of enjoying and lacking freedom of the will.

Harry Frankfurt³

1. Introduction

Kant was the first post Newtonian philosopher to attempt to face up directly and fully to the basic philosophical problems of free will and Universal Natural Determinism. Prior to the 18th century, philosophers had always addressed issues about free will in the context of either Fatalism or Universal Divine Determinism. And other 18th century post Newtonian philosophers focused almost exclusively on trying to provide a *phenomenology* of free will by which I mean a descriptive theory of the subjective experience or consciousness of free will as opposed to a metaphysics of free will.⁴ Furthermore, neither pre 18th century philosophers nor other 18th century post Newtonian philosophers had clearly framed the free will problem *both* as a problem about explaining the possibility of free will in a universally determined natural world *and also* as a problem about the compatibility or incompatibility of free will and Universal Natural Determinism. So Kant was unique in trying to address *both* the metaphysics and the phenomenology of free will in the post Newtonian context of Universal Natural Determinism, *and also* the Compatibilism vs. Incompatibilism dilemma.

In the first part of this paper (section 2) I will focus on explaining Kant's theory of what he calls "transcendental freedom." Kant's theory of transcendental freedom is his *metaphysics of free will*. Transcendental

Foundations of Natural Science; MM: *Metaphysics of Morals*; OP: *Opus postumum*; P: *Prolegomena to Any Future Metaphysics*; Rel: *Religion within the Boundaries of Mere Reason*; VL: "The Vienna Logic".

2 Hodgson (2002, 86).

3 Frankfurt (1988, 19).

4 See, e.g., Harris (2005).

freedom is how a person can, “from itself” (*von selbst*) (CPR A533/B561), be the spontaneous mental cause of certain natural events or processes. If I am that person, then insofar as I am transcendently free, it follows that I am an ultimate source of my choices and intentional actions precisely because certain events or processes in physical nature are *up to me* – or to use Kant’s own phrase, *in meiner Gewalt* (literally: “in my control” or “in my power”; CPrR 5:94–95). So otherwise put, transcendental freedom is *deep freedom of the will*, *ultimate sourcehood*, or *up-to-me-ness* (as it were, *In-Meiner-Gewalt-Sein*). In this connection I will argue, contrary to standard interpretations,⁵ that Kant’s theory of transcendental freedom entails *neither* Compatibilism *nor* Incompatibilism, and thereby constitutes what Hodgson aptly calls a “third alternative” to this all too familiar and seemingly exhaustive dichotomy, an alternative which I call *Kant’s Post-Compatibilism*.

Then in the second part of the paper (section 3), I will focus on explaining Kant’s theory of what he calls “practical freedom.” Kant’s theory of practical freedom is his *theory of practical agency*. Practical freedom presupposes transcendental freedom, and can be defined in a negative way as the independence of first order volition, or the “power of choice” (*Willkür*), from necessitation by sensible impulses (CPR A533/B561), but it is also necessarily equivalent to what Kant calls *autonomy*: “the moral law expresses nothing other than the *autonomy* of pure practical reason, that is, [practical] freedom” (CPrR 5:33). Practical freedom or autonomy is how a transcendently free person can choose or do things by means of her subjective experience or consciousness of recognizing the Categorical Imperative or moral law as a desire overriding, strictly universal, a priori, categorically normative, non instrumental practical reason that has both motivating *and* justifying force. The fact of this subjective experience or consciousness of autonomous agency is what Kant calls “the fact of reason” (*Faktum der Vernunft*) (CPrR 5:31). So otherwise put, practical freedom or autonomy is *rational causation*. In this connection I will argue, again contrary to standard interpretations, that Kant’s theory of practical freedom or autonomy entails a special form of *internalism about practical reasons* that shares much with Hume’s theory of practical reasoning, although, to be sure, it also goes well beyond Hume’s theory in several crucial ways.

5 See, e.g., Allison (1990), Hudson (1990), Pereboom (2006), Watkins (2005), and Wood (1984).

The basic link between the topics of the two parts of the paper thus the basic link between Kant's metaphysics of free will and his theory of practical agency is Kant's theory of *teleology*, i. e., his theory of *ends or purposes*. In the first part of the paper, I will appeal directly to Kant's theory of *natural teleology*, or *the directedness of organismic life* – biological intentionality – in the two Introductions and second half of the *Critique of the Power of Judgment*, and show how it is fundamentally related to transcendental freedom. In the second part of the paper I will appeal directly to his theory of *rational teleology*, or *the directedness of human desire* – practical intentionality – in the *Groundwork of the Metaphysics of Morals*, the *Critique of Practical Reason*, *Religion within the Boundaries of Mere Reason*, and the *Metaphysics of Morals*. By seeing how the biological intentionality of transcendental freedom is essentially connected with the practical intentionality of human desire right up to the level of autonomy, we will thereby be able to see very clearly how, according to Kant, autonomous persons can have full causal efficacy in a physical world. *Freedom is alive*. This interpretation of Kant's theory of freedom – which I have elsewhere called *Kant's Embodied Agency Theory*⁶ – has both good textual support and also significant philosophical advantages over the two standard interpretations, the Timeless Agency (Two World) Theory and the Regulative Idea (Two Standpoint) Theory.

2. Transcendental Freedom and Natural Teleology

What is freedom of the will, does it really exist, and do we really have it?⁷ It is intuitive to most philosophers and reflective non philosophers alike that free will, if it really exists, is a person's choosing or doing things without preventative constraints and without inner or outer compulsion (*negative freedom*, or *freedom-from*), together with the ability to choose or do what she wants (*positive freedom*, or *freedom-to*). Moreover, it also seems to be undeniably true that necessarily a person *P* can freely choose or do something *X* if and only if *P* is causally or morally responsible for *X* (*responsibility*). So a minimal definition of free will

6 See Hanna (2006b, ch. 8).

7 See, e.g., Campbell, O'Rourke, and Shier (eds. 2004), Fischer, Kane, Pereboom, and Vargas (2007), Kane (ed. 2002), Kane (2005), and Watson (ed. 2003).

says that it is a person's choosing or doing things with negative freedom, positive freedom, and responsibility.

Now the doctrine of Determinism says that what we specifically choose and do is necessitated by settled facts about the past together with the general causal laws of nature. But more precisely, *Universal Natural Determinism* is the doctrine that the complete series of settled past events, together with the general causal laws of nature, causally necessitate the specific character of all future events, including all the choosings and doings of persons, and that all those future events can in principle be scientifically predicted a priori. Universal Natural Determinism therefore directly entails that causally necessarily if any two events E_1 and E_2 have *exactly the same past*, then E_1 and E_2 will also have *exactly the same future*. In other words, if Universal Natural Determinism is true, then the future of all current events and processes, including all the current choosings and doings of persons, is already *causally necessarily closed as to its existence and specific character*.

For clarity's sake, it is crucial to distinguish Universal Natural Determinism from a much stronger doctrine which says that the complete series of settled past events, together with the general causal laws of nature, *logically* necessitate the existence and specific character of all future events, including all the choosings and doings of persons, and that all those future events can in principle be *logically* predicted a priori.

This is *Fatalism*. In other words, according to Fatalism there *is no contingency whatsoever either in history or nature*. While Fatalism is both consistent with Universal Natural Determinism and indeed *entails* Universal Natural Determinism, nevertheless Universal Natural Determinism does *not* entail Fatalism. You can consistently affirm Universal Natural Determinism and deny Fatalism. Even if every moment's existence and specific character is in itself *logically contingent*, in the sense that it logically could have been otherwise, Universal Natural Determinism can still be true. Universal Natural Determinism says only that any later event in time is *causally* necessitated to exist and have a certain specific character, *given* that the past exists in the specific way that it does exist, and *given* the specific character of the general causal laws of nature. But the past

did not *logically have to be* just that way, nor did the general causal laws of nature *logically have to be* just that way. Similarly, Universal Natural Determinism also does not logically guarantee that any particular moment of time will actually exist. For all that Universal Natural Determinism says, it is logically possible that the world *might never have existed*.

Of course the world does actually exist now. So either the world always existed, or perhaps the world started to exist and then continued to exist until now, or else the world pops in and out of existence discontinuously. But in any case, it is logically possible that it might also *fail* to exist at any later time.

It is equally crucial to distinguish Universal Natural Determinism from another stronger doctrine which says that nature is initially created and also sustained at every later moment by the irresistible causal powers of an all knowing and all good deity. This is *Universal Divine Determinism*. While Universal Divine Determinism is both consistent with Universal Natural Determinism and indeed *entails* Universal Natural Determinism, nevertheless Universal Natural Determinism does *not* entail Universal Divine Determinism. Even if an all powerful, all knowing, all good, world creating, and world sustaining deity does *not* exist, Universal Natural Determinism can still be true.

Granting the important differences between Fatalism, Universal Divine Determinism, and Universal Natural Determinism, then the problem of free will and Universal Natural Determinism is this:

How can persons choose or do things with negative freedom, positive freedom, and responsibility in a universally naturally determined world?

Or more starkly and vividly framed, the problem of free will and Universal Natural Determinism is this:

How is possible to prove that I am really a free person and not just a deterministic automaton—one of Kleist's ghastly puppets⁸—epiphenomenally dreaming that I am a free person?

As if *that* problem were not hard enough, there is also a second and equally hard problem of free will and Universal Natural Determinism that follows directly from it. Compatibilism says that free will and Universal Natural Determinism are mutually consistent. And Incompatibilism says that free will and Universal Natural Determinism are mutually inconsistent. So the second problem of free will and Universal Natural Determinism is whether we should accept Compatibilism or Incompatibilism.

As I mentioned in section 1, Kant was the first post Newtonian theorist of free will to try to face up directly and fully to the two basic free will problems. It is well known to contemporary Kantians, however, and especially to contemporary Kantian ethicists, that in scholarly

8 See Kleist (1980).

space there exist at least two sharply distinct *versions* of Kant's theory of freedom, each of which has a fairly solid grounding in Kant's texts: the Timeless Agency Theory,⁹ and the Regulative Idea Theory.¹⁰

The Timeless Agency Theory adopts the classical Two World or Two Object Theory of the noumena vs. phenomena distinction and asserts that a noumenal subject is autonomous in that it has absolutely spontaneous causal efficacy, or nomological sufficiency of the self legislating positively noumenal will, apart from all alien causes and all sensible impulses, in conformity with the Categorical Imperative, by causing, *from outside of time and space*, phenomenal human behavioral movements (in outer sense) and psychological processes (in inner sense) that are themselves independently necessarily causally determined by general causal laws of nature plus the settled empirical facts about the past. The Timeless Agency Theory is supported primarily by texts drawn from the *Critique of Pure Reason* (esp. CPR A538 558/B566 586).

By contrast, the Regulative Idea Theory adopts the neoclassical Two Standpoint Theory or Two Aspect Theory of the noumena vs. phenomena distinction and says that we are required by our practical reason to believe or take ourselves to be acting morally only under the rational idea of own practical freedom or autonomy. The Regulative Idea Theory is supported primarily by section III of *Groundwork of the Metaphysics of Morals*.

Both the Timeless Agency Theory and the Regulative Idea Theory have some serious problems.

On the one hand, it is crucial to note that the texts which best support the Timeless Agency Theory are explicitly said by Kant to demonstrate only the bare conceivability and logical consistency of the notions of freedom and Universal Natural Determinism, and neither the *reality* nor the *real* (*i. e.*, *strong metaphysical, synthetic a priori*) possibility of freedom:

Do freedom and natural necessity in one and the same action contradict each another? And this we have answered sufficiently when we showed that since in freedom a relation is possible to conditions of a kind entirely different from those in natural necessity, the law of the latter does not affect the former; hence each is independent of the other, and can take place without being disturbed by the other [...]. It should be noted here that we have not been trying to establish the **reality** of freedom, as a faculty

9 See, e. g., Allison (1990, 47–53), Pereboom (2006), Watkins (2005, chs. 5–6), and Wood (1984).

10 See, e. g., Allison (1990, ch. 13), and Wood (1999, 180–182).

that contains the causes of appearance in our world of sense [...]. Further, we have not even tried to prove the **possibility** of freedom; for this would have not succeeded either, because from mere concepts *a priori* we cannot cognize anything about the possibility of any real ground or any causality. (CPR A557–558/B585–586).

Correspondingly, the most serious problem with the Timeless Agency Theory is that it is really (i. e., strongly metaphysically, synthetic *a priori*) *impossible*. If all phenomenal events are all independently necessarily determined by natural laws together with antecedent facts, then the noumenal causality of the will implies the *non-standard causal overdetermination* of phenomenal human behavioral movements in outer sense and psychological processes in inner sense. The thesis of non standard causal overdetermination says that

- (i) there can be two ontologically distinct nomologically sufficient causes of the same event, one of which is physical and one of which is non physical, and each of which can operate in the absence of the other,

and correspondingly

- (ii) that there can be two complete and independent causal explanations of the same event.

But as Jaegwon Kim has compellingly argued, it seems entirely reasonable to hold that if there already exists a nomologically sufficient physical cause of some event, and if correspondingly a complete and independent physical causal explanation of that same event also exists, then this cause and this causal explanation together necessarily *exclude* there being any other distinct nomologically sufficient cause or distinct causal explanation of the same event.¹¹ So the non standard causal overdetermination implied by the Timeless Agency Theory, although barely conceivable and logically possible, is really (i. e., strongly metaphysically, synthetic *a priori*) ruled out.

On the other hand, it is also crucial to note that the texts which best support the Regulative Idea Theory are explicitly said by Kant to demonstrate only that “freedom must be presupposed (*vorausgesetzt*) as a property of the will of all rational beings” (GMM 4:447) and that “all human beings think of themselves as having free will” (GMM 4:455). Correspondingly, the most serious problem with the Regulative Idea

11 See Kim (1993).

Theory is that even if it is true, it simply does not do the philosophical work required of the noumenal causation *vs.* phenomenal causation distinction, because it does not entail either the reality or the real (i.e., strong metaphysical, synthetic a priori) possibility of freedom of the will, but rather entails only at best our *belief* in its reality or real possibility, which is not only ontologically deflationary but also, arguably, does not even rationally *justify* that belief. In fact, our belief in freedom is only a certain kind of *practical belief* in effect, a *moral faith* which according to Kant is a *warranted* practical commitment that is nevertheless held on *theoretically insufficient* grounds:

Only in a **practical relation**, however, can taking something that is theoretically insufficient to be true be called believing (*Glauben*). This practical aim is either that of **skill** or **morality**, the former for arbitrary and contingent ends, the latter, however, for absolutely necessary ends. (CPR A823/B851).

So this moral faith could still be theoretically *wrong*. For all we know, and for all that the Regulative Idea Theory says, we could *still* be nothing but Kleistian puppets—deterministic automata epiphenomenally dreaming that we are free.

For these reasons, it seems to me that both the Timeless Agency Theory and the Regulative Idea Theory are very likely to be objectively false, whatever else we may think about the question of which theory most accurately reflects Kant's own considered views about freedom of the will.

In this section I want to develop and defend something I will call *Kant's Biological Theory of Transcendental Freedom*.¹² Like the Timeless Agency Theory and the Regulative Idea Theory, the Biological Theory also has a solid grounding in Kant's texts, although it is primarily supported by texts drawn from what I like to call the "post Critical" period after 1787,¹³ especially including the *Critique of the Power of Judgment* and the *Opus postumum*. But it differs sharply from the other two theories in that it avoids their serious philosophical problems and also, in my opinion, is arguably quite close to being objectively true. So I think that we should prefer it both on grounds of inference to the most rationally charitable interpretation which says: ascribe to Kant the theory which, by our own rational lights, and consistently with as many Kant

12 Kant's Biological Theory of Transcendental Freedom is just one important part of Kant's Embodied Agency Theory of freedom—see note 6 above.

13 See Hanna (2006a).

ian texts as possible, Kant himself would take to be the most philosophically intelligible and defensible view—and also for philosophically independent reasons. Above all, however, the Biological Theory shows how transcendental freedom of the will—deep freedom, ultimate sourcehood, or up to me ness—can also be a *natural dynamic process*. If I am correct, this makes Kant a *liberal naturalist*,¹⁴ who thinks that physical nature *itself* inherently contains, as proper parts of its basic causal and nomological structure, some irreducible rational mental events, rational mental processes, rational mental properties, and rational mental facts that are causally efficacious, a priori, and categorically normative. This liberal naturalism follows directly from Kant's *transcendental idealism*.¹⁵ But an even more direct way of seeing Kant's liberal naturalism is to recognize that rational human agents or real human persons for him are necessarily also *rational human living organisms, or animals capable of intentionality* whose rational mindedness and rational directedness towards objects in the world, ends and purposes, other real persons, and themselves, is fully continuous with their animality:

The human being, as animal, belongs to the world, but, as person, also to the beings who are capable of rights—and, consequently, have *freedom* of the will. Which ability essentially differentiates [the human being] from all other beings; *mens* is innate to [the human being]. (OP 21:36).

Kant's theory of transcendental freedom is based on his notion of *spontaneity*. For him, *X* is spontaneous if and only if *X* is a conscious mental event that expresses some acts or operations of a creature, and *X* is

- i) causal dynamically *necessarily unprecedented*, in the two part sense that
 - (ia) conscious mental events of those specific sorts have never actually happened before,
- and
- (ib) the settled empirical facts about the past together with the general causal laws of nature do not provide nomologically sufficient conditions for the existence or specific character those conscious mental events,

14 Liberal naturalism says that there are no non spatiotemporal entities, and that everything has intrinsic physical properties, but that everything *also* has intrinsic mental properties *and* intrinsic non empirical properties. See, e.g., Rosenberg (2004, 8–10).

15 For characterizations of Kant's transcendental idealism, see Hanna (2001, sections 2.3 to 2.4), and Hanna (2006b, section 6.1).

- ii) *underdetermined* by external sensory informational inputs, and also by prior desires, even though it may have been triggered by those very inputs or motivated by those very desires
 - iii) *creative* in the sense of being recursively constructive, or able to generate infinitely complex outputs from finite resources,
- and also
- iv) *self-guiding*. (CPR A51/B75, B130, B132, B152, A445 447/B473 475).

Furthermore, spontaneity can be either *relative* or *absolute*. Relative spontaneity requires *inputs* to the conscious mind, whereas absolute spontaneity allows the conscious mind to *generate its own outputs without any triggering inputs*. For example, human a priori cognition is only relatively spontaneous because it requires sensory inputs via empirical intuition, whereas an intellectual intuition, if it existed, would be absolutely spontaneous because it could cause the objects of its thoughts to exist just by thinking them (CPR A19 22/B33 36, B71 72). Now according to Kant, the concept of a cause analytically entails the concept of its effect, and the general schematized pure concept of CAUSE says that something *X* (the cause) necessitates something else *Y* (its effect) in time according to a necessary rule or law. Or equivalently, according to Kant, to say that *X* causes its effect *Y* is to say that *X* is nomologically sufficient for *Y* in time (CPR B112, A144/B183). Then *X* is a relatively or absolutely spontaneous cause of its effect *Y* if and only if

- (1) *X* is nomologically sufficient for *Y* in time,

and

- (2) *X* is a conscious mental event that is necessarily unprecedented, underdetermined by external sensory inputs and desires, creative, and self guiding.

Finally, absolutely spontaneous mental causation is the same as *transcendental freedom*:

By freedom in the cosmological sense [...]. I understand the faculty of beginning a state **from itself** (*von selbst*), the causality of which does not in turn stand under another cause determining it in time in accordance with the law of nature. Freedom in this signification is a pure transcendental idea, which, first, contains nothing borrowed from experience, and second, the object of which cannot be given determinately in any experience [...]. But since in such a way no absolute totality of [natural] conditions in

causal relations is forthcoming, reason creates 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. (CPR A533/B561).

Although transcendental freedom is a particularly robust kind of *mental* causation, in the second *Critique* Kant sharply distinguishes transcendental freedom from mere *psychological* freedom:

These determining representations [i.e., instincts or motives] themselves have the ground of their existence in time and indeed in the *antecedent state*, and in a preceding state, and so forth, these determinations may be internal and they may have psychological instead of mechanical causality, this is, produce actions by means of representations and not by bodily movements; they are always *determining grounds* of the causality of a being insofar as its existence is determinable in time and therefore under conditions of past time, which are thus, when the subject is to act, *no longer within his control* and which may therefore bring with them psychological freedom (if one wants to use this term for a merely internal chain of representations in the soul) but nevertheless natural necessity, leaving no room for *transcendental freedom* which must be thought of as independence from everything empirical and so from nature generally, whether regarded as an object of inner sense in time only or also as an object of outer sense in both space and time; without this freedom (in the latter and proper sense), which alone is practical a priori, no moral law is possible and no imputation in accordance with it. (CPrR 5:96–97).

Otherwise put, psychological freedom is the subject's subjective experience or consciousness of choosing or acting without being prevented, and without inner or outer compulsion. As Kant explicitly points out, and as Hume and Leibniz also noted in anticipation of contemporary Compatibilism, it is both logically and metaphysically possible to be psychologically free without being transcendently free. This is what Kant very aptly and famously calls "the freedom of a turnspit" (CPrR 5:97). So psychological freedom is not a sufficient condition of transcendental freedom.

Nevertheless, according to Kant psychological freedom remains a *necessary* condition of transcendental freedom. And this seems independently highly plausible. No one could be transcendently free and also at the same time undergo the subjective experience or consciousness of being prevented from choosing or acting, or of being inwardly or outwardly compelled to choose or act. Indeed, as the second Analogy of Experience explicitly shows, psychological freedom is necessarily built into the mental representation of *any* objective causal sequence, via what Kant calls the "the **subjective sequence** of apprehension,"

whose ordering is always subjectively experienced as “entirely arbitrary” (*ganz beliebig*) and not necessitated (*CPR* A193/B238).

When we ascribe transcendental freedom specifically to the will of a real human person, then in addition to the positive factor of absolute spontaneity, which confers deep freedom, ultimate sourcehood, or up to me ness on the person’s choices and acts, and psychological freedom, which guarantees the subjective experience or consciousness of being unprevented and uncompelled in one’s choices and acts, transcendental freedom *also* guarantees the person’s choices and acts occur independently of all “alien causes,” that is, independently of all pathological inner and unowned outer sources of nomologically sufficient compulsion:

The will is a kind of causality that living beings have so far as they are rational. *Freedom* would then be that property whereby this causality can be active, independently of alien causes *determining* it; just as *natural necessity* is a property characterizing the causality of all non rational beings—the property of being determined to activity by the influence of alien causes. The above definition of freedom is *negative*. (*GMM* 4:446).

Practical freedom presupposes but also exceeds transcendental freedom, in that practical freedom is the absolute spontaneity of the will independently of all alien causes and also independently of *all sensible impulses* (empirical desires):

Freedom in the practical sense is the independence of the power of choice (*Willkür*) from necessitation by impulses of sensibility. For a power of choice is sensible insofar as it is pathologically affected (through moving causes of sensibility); it is called an animal power of choice (*arbitrium brutum*) if it can be pathologically necessitated. The human power of choice is indeed an *arbitrium sensitivum*, yet not *brutum*, but *liberum*, because sensibility does not render its action necessary, but in the human being there is a faculty of determining oneself from oneself, independently of necessitation by sensible impulses. (*CPR* A534/B562).

As I mentioned above, however, this is merely a negative characterization of practical freedom. As positively characterized, practical freedom also involves the capacity for *self-legislation* in conformity with the Categorical Imperative or moral law. Or in other words, practical freedom is necessarily equivalent with *autonomy* (*GMM* 4:440–441, 446–463).

It may seem, on the face of it, that there should be no direct connection whatsoever between the person’s absolutely spontaneous, psychologically free, autonomous will and her existence in physical nature. Indeed, that is the basic idea behind the classical theory of *Agent Causa-*

tion, according to which the freely willing person necessarily stands *outside* the natural causal order in space time.¹⁶ And Kant is often cited as a paradigmatic defender of the Agent Causation theory – as per the Timeless Agency Theory.¹⁷ But in fact Kant himself explicitly asserts otherwise:

Practical freedom can be proved through experience. For it is not merely that which stimulates the senses, i. e., immediate affects them, that determines human choice, but we always have a capacity to overcome impressions on our sensory 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. Hence this also yields laws that are imperatives, i. e., objective **laws of freedom**, and that say **what ought to happen**, even though it never does happen [...]. We thus cognize practical freedom through experience, as one of the natural causes, namely a causality of reason in the determination of the will. (CPR A802–803/B830–831)

Two things fill the mind with ever new and increasing admiration and reverence, the more often and more steadily one reflects on them: *the starry heavens above me* [i. e., nature] *and the moral law within me* [i. e., freedom]. I do not need to search for them and merely conjecture them as though they were veiled in obscurity or in the transcendent region beyond my horizon; I see them before me and connect them immediately with the consciousness of my existence. (CPrR 5:161–162)

Now although there is an incalculable gulf fixed between the domain of the concept of nature, as the sensible, and the domain of the concept of freedom, as the supersensible [...]: yet the latter should have an influence on the former, namely the concept of freedom should make the end that is imposed by its laws real in the sensible world; and nature must consequently also be able to be conceived in such a way that the lawfulness of its form is at least in agreement with the possibility of the ends that are to be realized in it in accordance with the laws of freedom. (CPJ 5:176).

In other words, Kant is explicitly saying that the transcendental freedom of real human persons is *both really* (i. e., *strongly metaphysically, synthetic a priori*) possible and *real*. I will now reconstruct Kant's reasoning for this perhaps surprising thesis, and in so doing, argue that his theory of transcendental freedom can be plausibly interpreted as a *biologically-based* theory. As I mentioned above, I shall be drawing primarily on texts from Kant's post Critical period after 1787, and in particular from the third *Critique*.

16 See, e. g., Chisholm (2003), Clarke (1996), and O'Connor (2000).

17 See, e. g., Watkins (2005).

In the two Introductions and the second half of the *Critique of the Power of Judgment* Kant argues that the concepts LIFE and ORGANISM, and in particular the concept of a “natural purpose” (*Naturzweck*) or living organism, are not ordinary empirical concepts of matter, and that they invoke a type of causation which cannot be known in classical Newtonian mechanistic physics:

For a body to be judged as a natural purpose in itself and in accordance with its internal possibility, it is required that its parts reciprocally produce each other, as far as both their form and their combination is concerned, and thus produce a whole out of their own causality, the concept of which, conversely is in turn the cause (in a being that would possess the causality according to concepts appropriate for such a product) of it in accordance with a principle; consequently the connection of **efficient causes** could at the same time be judged as an **effect though final causes**. In such a product of nature each part is conceived as if it exists only **through** all the others, thus as if existing **for the sake of the others** and **on account** of the whole, i. e., as an instrument (organ), which is, however, not sufficient (for it could also be an instrument of art, and thus represented as possible at all only as a purpose); rather it must be thought of as an organ that **produces** the other parts (consequently each produces the others reciprocally), which cannot be the case in any instrument of art, but only of nature, which provides all the matter for instruments (even those of art): only then and on that account can such a product, as an **organized** and **self-organizing** being, be called a **natural purpose**. (*CPJ* 5:373–374).

Strictly speaking, the organization of nature is [...] not analogous with any causality that we know. (*CPJ* 5:375).

Because the causality of living organisms is scientifically unknowable, the basic concepts of biology are merely “regulative” or “hypothetical” concepts of reason, that is, heuristic and logical fictional concepts for the unification and promotion of natural scientific inquiry (*CPJ* 5:369–415; see also *CPR* A642–647/B670–675).¹⁸ But it does not follow that organismic life (in particular, the organismic life of my own animal body) cannot be directly cognized by *non-conceptual, non-propositional, non-judgment-based* means. Furthermore, as I have argued elsewhere, Kant is a consistent and explicit defender of the thesis of Non Conceptualism about mental content.¹⁹

The thesis of *Non-Conceptualism* about mental content says that representational content is neither solely nor wholly determined by a conscious animal’s conceptual capacities, and that at least some contents are

18 See, e.g., Ginsborg (2001), Guyer (2005, chs. 5 and 13), and Kreines (2005).

19 Hanna (2005).

both solely and wholly determined by its non conceptual capacities.²⁰ Non Conceptualism is sometimes, but not always, combined with the further thesis that non conceptual capacities and contents can be shared by rational human animals, non rational human animals (and in particular, infants), and non human animals alike. But in any case, Non Conceptualism is directly opposed to the thesis of *Conceptualism* about mental content, which says that representational content is solely or wholly determined by a conscious animal's conceptual capacities.²¹ Conceptualism is also sometimes, but not always, combined with the further thesis that the psychological acts or states of infants and non human animals lack mental content.

Non Conceptualism undeservedly suffers from bad press. This is because it is often confused with adherence to what Wilfrid Sellars aptly called "the Myth of the Given," whereby non conceptual content would be nothing the unstructured causal sensory "given" input to the cognitive faculties, passively waiting to be carved up by concepts and propositions.²² But this "sensationalist" conception of non conceptual content is not in fact a thesis about *representational* content at all, but rather only a nowadays generally discredited thesis about how *phenomenal* content relates to conceptual content.

In my opinion, Kant is the founding father of Non Conceptualism.²³ Here are four texts that strongly confirm this claim:

Objects can indeed appear to us without necessarily having to be related to the functions of the understanding. (CPR A89/B122).

That representation which can be given prior to all thinking is called **intuition**. (CPR B132).

Appearances could after all be so constituted that the understanding would not find them in accord with the conditions of its unity [...]. Appearances would nonetheless offer objects to our intuition, for intuition by no means requires the functions of thinking. (CPR A90/B123).

Concept differs from intuition by virtue of the fact that all intuition is singular. He who sees his first tree does not know what it is that he sees. (VL 24:905).

If I am correct that Kant is the original non conceptualist, then this is also a deliciously historically ironic fact, because he is almost universally

20 See, e.g., Bermúdez (2003), Evans (1982, esp. chs. 4–6), and Gunther (ed. 2003).

21 See, e.g., McDowell (1994), Sedivy (1996), and Brewer (1999).

22 See Sellars (1963), and McDowell (1994).

23 See Hanna (2005), and Hanna (2009).

regarded as the founding father of *Conceptualism* and the *nemesis* of Non Conceptualism. York Gunther puts this view perfectly: In his slogan, “Thoughts without content are empty, intuitions without concepts are blind,” Kant sums up the doctrine of conceptualism.²⁴

Nevertheless, as I have also argued elsewhere, this famous slogan does *not* mean what Kantian conceptualists think it means.²⁵ In my opinion, what Kant’s famous slogan about blind intuitions and empty thoughts actually means is that intuitions and concepts must always be combined together *for the special purpose of making objectively valid judgments*. But *outside* that context it is also perfectly possible for there to be directly referential intuitions without concepts (“blind intuitions,” e.g., someone’s first cognitive encounter with a tree), and also to have thinkable concepts without intuitions (“empty concepts,” e.g., concepts of things in themselves). Indeed, it is precisely the fact of blind intuitions, whose semantic structure and psychological function are essentially distinct from the semantic structure and psychological function of concepts, that drives Kant’s need to argue in the B edition Transcendental Deduction that all and only the objects of possible human experience are necessarily conceptualizable under the pure concepts of the understanding or categories, and necessarily constrained by the transcendental laws of a pure science of nature. Otherwise blind intuitions might pick out objects of human experience that are partially or wholly unconceptualizable, and nomologically intractable. In this way, Kant’s theory of concepts and judgment in the *Transcendental Analytic* provides foundations for Conceptualism. But equally and oppositely, Kant’s theory of intuition in the *Transcendental Aesthetic* also provides foundations for his Non Conceptualism.

Assuming Kant’s Non Conceptualism, then, what I am saying is that according to him, we have a direct non conceptual conscious awareness of our own biological, embodied, affective emotional, and practical lives. According to Kant in the First Part of the third *Critique*, the feelings of pleasure and pain, bodily affects including bodily desires and drives, and proprioceptive feelings, constitute “the feeling of life” (*CPJ* 5:204, 278), or the feeling of embodied vitality. Furthermore, there is an essential connection between the affective emotional psychological life of my mind and the biological life of my own body:

24 Gunther (ed. 2003, 1).

25 See, e.g., Hanna (2001, 198–203), and Hanna (2004, section 1.3.1).

[L]ife is the subjective condition of all our possible experience. (*P* 4:335). Life without the feeling of the corporeal organ is merely consciousness of one's existence, but not a feeling of well or ill being, i. e., the promotion or inhibition of the powers of life; because the mind for itself is entirely life (the principle of life itself), and hindrances and promotions must be sought outside it, though in the human being himself, hence in combination with his body. (*CPJ* 5:278).

This striking Kantian metaphysical thesis, as I understand it, means that biological life is not only *strongly continuous* with conscious minds like ours in the sense that biological life contains everything metaphysically required for conscious minds like ours but also is in fact *literally identical* with conscious or non conscious mind.²⁶ So our non conceptual affective emotional consciousness in inner sense *entails* the existence of our embodied animal lives. Or in other words, conscious beings like us are necessarily *also* living organisms, and the natural teleology of living organisms is the same as their *biological intentionality*.

These are all crucially important points. The semantic and epistemic constraints that Kant places on teleological judgments about distal material objects in space in the context of biological science namely, that such judgments are always “regulative” and not “constitutive” do *not* in fact apply to the human conscious experience of embodiment, which is essentially intuitional, and affective emotional in character, and *not* conceptual, propositional, or judgmental. So there is an important Kantian distinction to be drawn between teleological *judgments* (which are neither directly referential nor existentially committed, because they are essentially based on concepts and regulative) and teleological *intuitions* (which are both directly referential and also existentially committed). According to Kant, then, I have *teleological inner sense intuitions* of my own biological life. In this way, even if teleological *judgments* are only regulative, I can still have a non conceptual, non propositional, non judgment based teleological *phenomenology* that is fully constitutive. If so, then for Kant there *are* real biological facts in nature.

26 See, e.g., Hanna and Maiese (2009, chs. 7–8), and Thompson, *Mind in Life* (2007). Maiese and I defend the metaphysically significant thesis that mind and life are strongly continuous, but *not* the even stronger Kantian identity thesis, which says that mind = life. On our view, although biological life contains everything that is metaphysically required for consciousness like ours, these metaphysical elements are not always and everywhere sufficiently complex or well organized for the dynamic emergence of mindedness. So for us, not every living organism is conscious—only the suitably complex animals.

It is just that I cannot *scientifically know* them. But I can still *truly consciously feel* at least some of them, precisely by consciously feeling my own embodied animal life. Most importantly of all, by way of teleological intuitions, according to Kant I can *truly consciously feel my own transcendental freedom*:

Sensible life has, with respect to the *intelligible* consciousness of its existence, (consciousness of freedom), the absolute unity of a phenomenon, which, so far as it contains merely appearances of the disposition that the moral law is concerned with (appearances of the character), must be appraised not in accordance with the natural necessity that belongs to it as appearance but in accordance with the absolute spontaneity of freedom. (*CPJR* 5:99).

This in turn raises a further very important general issue about how the biological and psychological properties of rational human animals are cognized or known in the exact sciences. Kant has notoriously high standards for something's qualifying as a science. Not only must a science involve a systematic organization of objective facts or objective phenomena of some sort, it must also be strongly nomological in the sense that it expresses necessary a priori laws (*MFNS* 4:468). Sciences in this sense, in turn, can include either "constitutive" (existentially committed without conditions, and assertoric) principles or else "regulative" (at best hypothetically existentially committed, logical fictional, and non assertoric) principles. Now an exact science can be a naturally mechanized or *physical science* that is, an exact science of material nature only if its phenomena and its laws are mathematically describable (*MFNS* 4:470). But as I have argued elsewhere, Kant's notion of mathematics is significantly narrower than our contemporary notion.²⁷ So we must assume that mathematical describability for Kant is equivalent to analyzability in terms of "primitive recursive arithmetic" or PRA, the quantifier free theory of the natural numbers and the primitive recursive functions over the natural numbers the successor function, addition, multiplication, exponentiation, etc.²⁸ So for Kant, a given theory will be an exact science of material nature only if its underlying mathematics is no more complex than PRA.

As we have seen, Kant regards biology as merely regulative non mechanistic "life science" that supplements Newtonian deterministic, mechanistic mathematical physics with the teleological concept of a natural purpose or living organism (*CPJ* 5:369–415). But at the same time

27 See Hanna (2002).

28 See Skolem (1967).

Kant regards this biological supplementation of physics as *explanatorily necessary*. And that is because biology provides concepts of natural phenomena that are themselves explanatorily irreducible to deterministic, mechanistic concepts:

It is quite certain that we can never adequately come to know the organized beings and their internal possibility in accordance with merely mechanical principles of nature, let alone explain them; and this is indeed so certain that we can boldly say that it would be absurd for humans ever to make such an attempt or to hope that there might yet arise a Newton who could make comprehensible even the generation of a blade of grass according to natural laws. (*CPJ* 5:400).

Translated into contemporary terms, this means that according to Kant, biology adds the notion of the non linear, non equilibrium dynamics of *self-organizing thermodynamic systems*,²⁹ to the familiar classical notions of mechanistic causation and the linear equilibrium dynamics of inertial physical systems. Self organizing thermodynamic systems are unified collections of material elements in rule governed or patterned motion, involving heat and other forms of energy, that also have *dissipative structure* and *natural purposiveness*. A dissipative structure is how the natural energy loss or entropy in a thermodynamic system is absorbed and dispersed (hence “dissipated”) by the systematic re introduction of energy and matter into the system, via a non static causal balance between the inner states of the system and its surrounding natural environment. And natural purposiveness is how a thermodynamic system with dissipative structure self generates forms or patterns of order that determine its own causal powers, and in turn place constraints on the later collective behaviors, effects, and outputs of the whole system, in order to maintain itself. The prime example of a self organizing thermodynamic system is a living organism. In other words, self organizing thermodynamics is *natural creativity*. The notion of “self organization” used by contemporary theorists of self organizing thermodynamic systems is broader than Kant’s, in that it includes non living complex systems as well, e.g., the rolling hexagonal “Bénard cells” that appear as water is heated, and thunderstorms. Kant’s self organizing systems are all holistically causally integrated or “autopoietic,” such that the whole and the parts mu

29 See, e.g., Haken, (1996), Juarrero (1999), Kelso (1995), Port and Van Gelder (eds. 1995), Thelen and Smith (1994), Varela (1979), and Weber and Varela (2002).

tually produce each other. Or otherwise put, Kant's self organizing systems are all living organisms.

The general mathematical theory of complex dynamic systems is called "dynamical systems theory" or DST. The mathematics of DST is essentially richer than PRA in that it includes the full range of non linear functions. Given the notion of a self organizing thermodynamic system, DST predicts that there are natural systems of interacting proper parts or elements whose actual behaviors over time can be neither digitally computed nor nomologically predicted due to random exchanges of causal information, energy, and matter with the surrounding environment, and which exemplify *ontologically emergent* causally efficacious properties that are neither reducible to nor strictly determined by the intrinsic non relational properties of the elements of the system.³⁰ For example, according to the accounts provided by contemporary cosmological physics, the Big Bang and black holes are self organizing thermodynamic systems with ontologically emergent properties.³¹

Now for our current purposes what is most crucial is not the fact that the Big Bang is a self organizing thermodynamic system, but rather that for Kant the biological, conscious, and rational processes of human animals *also* constitute self organizing thermodynamic systems. They are, as it were, *little bangs*. Like all living organisms, they are causally efficacious in physical nature, yet they are also underdetermined by general deterministic, mechanistic laws of nature and *nomologically unique*. This means that via their conscious, living, absolutely causally spontaneous rational intentional choices and acts, they bring into existence "one off" or one time only causal dynamical laws of biological, conscious, and rational activity, which enrich and supplement the repertoire of general deterministic, mechanistic natural causal dynamic laws.

On this Kantian picture of physical nature, most explicitly (but unfortunately, only fragmentarily) presented in the *Opus postumum*, the complete set of general deterministic mechanistic natural causal dynamic laws provides a *skeletal* causal dynamic architecture for nature, which is then gradually *fleshed in* by the one off laws of self organizing thermodynamic systems. So for Kant, not only is there *natural entropy* via deterministic, mechanistic processes, there is also a *natural generative teleology* in accordance with the naturally creative operation of "epigenesis," according to which every organism contains a relatively spontaneous

30 See, e.g., Silberstein and McGeever (1999).

31 See, e.g., Hawking (1988).

“productive capacity” for constructing its own process of self organizing growth from environmental inputs (*CPJ* 5:421–425). As with organisms, so too the basic formal principles of epigenesis apply to the Big Bang, black holes, the creation of stars, the atmospheric and topological causal system of the Earth, thunderstorms, and the surface structure of boiling water. For the purposes of correctly understanding Kant’s theory of transcendental freedom, we must be able to see how it is no trivial fact that in the 1750s, he wrote treatises on the rotation of the Earth, the age of the Earth, universal natural history, fire, earthquakes, and the theory of winds. Kant was in fact a proto theorist of complex dynamic systems, lacking only the essentially richer mathematics of DST and the other formal tools of modern biology, chemistry, and physics. In this way, for Kant nature inherently contains not only *automatic* or mechanized processes, but also *naturally creative* or self organizing thermodynamic processes. For Kant, nature essentially grows and has a complex dynamic history.

There is therefore for Kant an irreducible *explanatory gap* between biology and classical or Newtonian physics, which is the same as the contemporary explanatory gap between the non linear, non equilibrium, non mechanistic dynamics of self organizing living organismic thermodynamic systems on the one hand, and the classical linear, equilibrium, mechanistic dynamics of inertial, non living physical systems on the other hand. According to Kant, all biological facts are explanatorily irreducible and, if any biological facts can be shown to exist in actuality, then they are also *ontologically* irreducible to the mechanistic facts of classical or Newtonian physics.³² But we consciously possess the feeling of biological life occurring in our own bodies via our teleological inner sense intuitions, and thus at least some biological facts actually exist. Therefore, for Kant there can never be a Newton of the actual biological life of the human animal body in both an explanatory *and also* an ontological sense.

In view of these points, Kant then regards empirical psychology as a constitutive and nomological yet nevertheless non deterministic and non mechanistic “life science” of the mind. Even though psychology contains unique “psycho psycho” laws which strictly govern the phenomenal facts of inner sense³³ which, we now recognize,

32 See Ginsborg (2004).

33 For Kant, laws do not have to be semantically insensitive to contextual conditions or mentalistic facts in order to be necessary and strict, since they can also

must also be actual biological facts nevertheless mental phenomena cannot be *arithmetically analyzed* because, as we have already seen, their merely subjective temporal ordering in inner sense is “entirely arbitrary” (*ganz beliebig*) (CPR A193/B238) according to the desires and choices of the conscious rational human animal or person. That is, the radical open endedness of possible orderings in inner sense means that the set of all mental phenomena cannot be put into a one to one correspondence with the set of natural numbers, or reconstructed as computable functions of PRA. But Kant’s conception of mathematics, together with the Axioms of Intuition and the Anticipations of Perception that is, the *mathematical* synthetic a priori principles of pure understanding (CPR A160 162/B199 201) and the Analogies of Experience, show that mechanistic system of Universal Natural Determinism requires the simple primitive recursive arithmetization of causal processes in time. Thus for Kant psychological laws *cannot be either deterministic or mechanistic*.³⁴

The empirical doctrine of the soul must always remain [...] removed [...] from the rank of what may be called a natural science proper. This is because mathematics is inapplicable to the phenomena of the inner sense and their laws [...]. It can, therefore, never become anything more than a historical (and, as such, as much as possible) systematic natural doctrine of the inner sense, i. e., a natural description of the soul, but not a science of the soul. (MFNS 4:471).

Furthermore since mental life entails biological life, it follows directly from Kant’s thesis that there can never be a Newton of biological life, that there can also never be a Newton of the human mind. So again, our psychological life, especially including our power of choice or *Willkür*, cannot be naturally determined or mechanized.³⁵

How does this apply to Kant’s theory of transcendental freedom? The answer is that according to the Biological Theory, even if all the inert, non living parts of material nature, as metaphysically described by the three Analogies of Experience, fall under the deterministic and mechanistic general causal dynamic laws of physics, nevertheless the ex

be *non logically or synthetically necessary*, that is, *restrictedly necessary*. See Hanna (2001, ch. 5). Fodor calls such psychological laws “*ceteris paribus* laws”: see his (1990). Where Kant and Fodor would disagree is that for Kant, these synthetically necessary psychological laws are wholly particular and *one time only* or “one off,” not general.

34 See also Lucas (1970, chs. 24–30), and Lucas (1961).

35 See also Westphal (2004, 229–243).

istence of these natural automata is fully *consistent* with the instantiation of an irreducibly different set of properties in the living organism that is the conscious rational human person. This is a set of irreducible mental, a priori, and categorically normative properties, whose precise pattern of instantiations constitutes both that animal's power of choice and also its transcendental and practical freedom of the will, or its autonomy, and brings ontologically emergent, self organizing, living organismic nomologically one off or one time only complexities of absolutely spontaneous conscious rational animal movement into existence.

The facts about such absolutely spontaneous conscious rational animal intentional body movements are *globally compatibilist* but also *locally incompatibilist*. That is, no general deterministic mechanistic causal laws are *ever* violated by these animal body movements, but also the specific character of these animal body movements is *not* causally necessitated (nor of course is it logically necessitated) by the general deterministic, mechanistic causal laws together with the settled facts about the past. And that is precisely because these absolutely spontaneous conscious rational animal intentional body movements are caused by our *transcendental freedom*, which is a non empirical but still fully natural biological fact about rational human animals. Human persons are *not* natural automata, but they *are* living organisms of a very special kind. Indeed, in the *Critique of Practical Reason* Kant explicitly asserts that rational personhood (*Persönlichkeit*) itself is just

freedom and independence from the mechanism of nature regarded as a capacity of a being subject to special laws (pure practical laws given by its own reason). (*CPrR* 5:87).

In this way, the difference between the general deterministic, mechanistic causal laws of nature with which the categorically normative moral laws of human action are *inconsistent* when applied to one and the same event of rational animal choosing or acting (*CPrR* 5:94–95) and non deterministic, non mechanistic one off or one time only laws of absolutely spontaneous conscious rational living organismic movement with which categorically normative moral laws are perfectly *consistent* when applied to one and the same event of rational animal choosing or acting, since both transcendental freedom and practical freedom alike require the strict *underdetermination* of a person's choosing and acting by general deterministic, mechanistic laws together with the settled facts about the past is the metaphysical core of Kant's Biological Theory of Freedom.

This conjunction of *global* Compatibilism together with *local* Incompatibilism, insofar as it is entailed by Kant's Biological Theory of Transcendental Freedom, is what I call *Kant's Post-Compatibilism*.

Before going on, it is worthwhile very briefly comparing and contrasting Kant's Biological Theory of Transcendental Freedom with the standard interpretations of Kant's theory of freedom – the Timeless Agency Theory and the Regulative Idea Theory. Obviously, if the Biological Theory is correct, then the Timeless Agency Theory and the Regulative Idea Theory, when construed as individually complete and exclusive interpretations of Kant's theory of freedom, are both wrong. According to the Biological Theory, the intentional agency of transcendently free rational human animals, or real human persons, is *fully in the natural world of appearances*, precisely because it is fully alive. Hence the noumenally free rational agency of real human persons is *fully here and now*, and not in some other world, alienated from its animal embodiment. So the Timeless Agency Theory is wrong. Moreover, the natural fact of noumenally free rational human agency is an empirically real metaphysical fact, and not merely a non scientific belief generated by taking a certain morally necessary standpoint on ourselves. So the Regulative Idea Theory is also wrong. At the same time, however, the Biological Theory can fully incorporate the Timeless Agency Theory's thesis that the causality of human free will, as absolutely spontaneous, is strictly underdetermined by settled facts about the past together with deterministic causal laws of nature. And the Biological Theory can also fully incorporate the Regulative Idea Theory's thesis that human persons necessarily act under the Idea of their own freedom. Indeed, according to the Biological Theory, not only must we *non-scientifically believe* that we have transcendental and practical freedom of the will, in order to be rational human agents, but also we really and truly *do* have freedom of the will, and we know this directly and non conceptually by simply *being free rational human agents* and thereby *feeling our living free rational human agency*. In this way, the Biological Theory both correctly accepts what is true and philosophically vital in the Timeless Agency Theory and Regulative Idea Theory alike, and also correctly rejects what is false and philosophically inert in them.

3. Rational Teleology and Rational Causation

Let us now suppose, for the purposes of argument, that Kant's Biological Theory of Transcendental Freedom and his Post Compatibilism are both true. That fixes our "third way" interpretation of Kant's metaphysics of free will. What I want to do in this section is to develop a corresponding "third way" interpretation of Kant's theory of practical agency.

It is plausible to hold that *reasons* are (or are provided for agents by) facts that motivate or justify intentional aims and actions or cognitive beliefs, and do not merely cause or mechanically trigger those aims, actions, or beliefs. Reasons that motivate or justify intentional aims and actions are *practical reasons*, and reasons that motivate or justify cognitive beliefs are *epistemic reasons*.

A crucial distinction between different kinds of practical reasons is the distinction between *internal reasons* and *external reasons*.³⁶ Internal reasons belong to an agent's *set of motivations*, and external reasons do *not* belong to an agent's motivational set. *Internalists* about practical reasons hold that reasons both *motivate* and also *justify* our actions. So all practical reasons are internal reasons. Internalists normally hold a desire based theory about the nature of justifying reasons. By contrast, *externalists* about practical reasons hold that while all practical reasons justify our actions, nevertheless at least some and perhaps all practical reasons *fail to motivate* our actions. So some or all practical reasons are external reasons. Externalists normally hold an objective value based theory of the nature of justifying reasons.

These two opposed positions of Internalism and Externalism about practical reasons may seem to exhaust the logical space. But that is not correct. This is because Kant holds the uniquely intermediate view that while *all* practical reasons are both motivating and justifying, nevertheless *some* practical reasons are justifying but not motivating. How can that be?

The answer is that Kant holds that some *instrumental* practical reasons which would otherwise normally motivate our actions, can in fact fail to motivate our actions in some contexts in which the agent also has a *desire-overriding*, strictly universal, a priori, categorically normative, *non-instrumental* practical reason which both motivates her to action in those

³⁶ See, e.g., Williams (1981).

contexts contrary to her selfish, egoistic or self interested,³⁷ hedonistic, or consequentialist inclinations, and also fully justifies her action in those contexts.

And this seemingly paradoxical situation, in turn, is in fact really possible and also sometimes actually real, because Kant holds an early version of the *hierarchical desire model of the will* later rediscovered by Harry Frankfurt, according to which effective first order desires, or first order volitions, always move us to action, but some second order desires (also known as “second order volitions”) can sometimes not only determine just which effective first order desire or first order volition moves us, but also can either *de-rail* an occurrent first order desire which would otherwise have motivated the agent to action, or else *newly generate* an effective first order desire or first order volition that substitutes itself for an occurrent first order desire which would otherwise have motivated the agent to action. On this model, *Willkür* or the power of choice is the faculty of effective first order desires or first order volitions, and *Wille*, or practical reason (whether impure or pure) is the faculty of second order volitions. The power of choice or first order volition effectively desires ends or goals, and the satisfaction of desires produces pleasure or psychological happiness. Practical reason recognizes the objective values of these ends or goals. When practical reason recognizes ends as means for the production of happiness, it is *instrumental*. When practical reason responds to ends for their own sake, it is *non-instrumental*.

For Kant, the recognition of a *desire-overriding* non instrumental reason depends on the objective value of the moral law or Categorical Imperative. But recognition of the Categorical Imperative also triggers an innate emotional disposition in rational human agents for having a higher order desire to achieve self transcendence with respect to their narrowly selfish, egoistic or self interested, hedonic, or consequentialist inclinations, by desiring to be moved by unselfish or non egoistic, non hedonistic, non consequentialist effective first order desires. In other words, Kant defends *higher-order conative innatism* about motivation by

37 I distinguish between (i) selfish desires and (ii) egoistic or self interested desires. Someone’s deep interest in promoting the welfare of the other members of his own family is egoistic or self interested, but not selfish. Conversely, someone’s deep interest in gambling, even if it alienates all his friends, destroys his marriage, and gets him fired from his job, is selfish but not egoistic or self interested.

non instrumental reasons. Sometimes this innately generated higher order desire for self transcendence is in fact evil or immoral, as in the case in which someone continues to loot during a natural disaster even though he knows that he is very likely to be shot on sight. But sometimes – namely, when it results from recognition of the Categorical Imperative – this innately generated higher order desire for self transcendence is moral. That moral self transcendence rarely happens in human affairs is fully acknowledged by Kant. But it *is* possible, and, Kant firmly believed, sometimes actually really happens.

If I am right, then the Humean and Kantian accounts of practical agency are much closer both in detail and spirit than has previously been thought. But the crucial difference between them is Kant's idea that the motivational force of a practical reason can be based exclusively on an innate emotional disposition for having higher order desires to be moved by morally appropriate non selfish, non egoistic or non self interested, non hedonistic, non consequentialist first order desires. This innate emotional disposition, which Kant calls the capacity for "respect" or *Achtung*, is causally triggered by a person's subjective experience or consciousness of recognizing of the Categorical Imperative as a desire overriding, strictly universal, a priori, categorically normative, non instrumental practical reason. This subjective experience or consciousness of recognizing the Categorical Imperative, in turn, is what Kant calls "the Fact of Reason" (*Faktum der Vernunft*) (CPrR 5:31).

In order to develop and defend this interpretation of Kant's theory of practical agency, I want to look more closely at Kant's rational teleology, i. e., his theory of practical ends or purposes, and also at his corresponding theory of the internal structure and operations of the human will. Here are the relevant texts.

The will is a capacity to determine itself to acting in conformity with the *representation of certain laws*. And such a capacity can be found only in rational beings. Now, what serves the will as the objective ground of its self determination is an end, and this, if it is given by reason alone, must hold equally for all rational beings. What, on the other hand, contains merely the ground of the possibility of an action the effect of which is an end is called a *means*. The subjective ground of desire is an *incentive*; the objective ground of volition is a *motive*; hence the distinction between subjective ends, which rest on incentives, and objective ends, which rest on motives, which hold for every rational being. Practical principles are *formal* if they abstract from all subjective ends, whereas they are *material* if they have put these, and consequently certain motives, at their basis. The ends that a rational being proposes at his discretion as *effects* of his actions (material

ends) are all only relative; for only their mere relation to a specially constituted faculty of desire on the part of the subject gives them their worth, which can therefore furnish no universal principles, no principles valid and necessary for all rational beings and also for every volition, that is, no practical laws. Hence all these relative ends are only the ground of hypothetical imperatives. But suppose that there were something the *existence of which in itself* could be a ground of determinate laws; then in it, and in it alone, would lie the ground of a possible categorical imperative, that is, of a practical law [...]. Beings the existence of which rest on our will but on nature, if they are beings without reason, still have only relative worth, as means, and are therefore called *things*, whereas rational beings are called *persons* because their nature already marks them out as an end in itself, that is, as something that may not be used merely as a means, and hence so far limits the all choice (and is an object of respect). These, therefore, are not merely subjective ends, the existence of which as an effect of our action has a worth *for us*, but rather *objective ends*, that is, beings the existence of which is in itself an end, and indeed one such that no other end, to which they would serve *merely* as a means, can be put in its place, since without it nothing of *absolute worth* would be found anywhere; but if all worth were conditional and therefore contingent, then no supreme practical principle for reason could be found anywhere. (GMM 4:427–428).

In the kingdom of ends everything has either a *price* or a *dignity*. What has a price can be replaced by something else as its *equivalent*; what on the other hand is raised above all price and therefore admits of no equivalent has a dignity. What is related to general human inclinations and needs has a *market price*; that which, without presupposing a need, conforms with a certain taste, that is, with a delight in the mere purposeless play of our mental powers, has a *fancy price*; but that which constitutes the condition under which alone something can be an end in itself has not merely a relative worth, that is, a price, but an inner worth, that is, a *dignity*. (GMM 4:434–435).

All material practical principles put the determining ground of the will in the *lower faculty of desire*, and were there no *merely formal* laws of the will sufficient to determine it, then neither could *any higher faculty of desire* be admitted [...]. The principle of one's own happiness, however much understanding and reason may be used in it, still contains no determining ground for the will other than such as is suitable to the *lower faculty of desire* [...]. Then, only insofar as reason of itself (not in the service of the inclinations) determines the will, is reason a true *higher faculty of desire*, to which the pathologically determinable is subordinate, and then only is reason really, and indeed *specifically*, distinct from the latter, so that even the least admixture of the latter's impulses infringes upon its strength and superiority. (CPrR 5:22, 24–25).

CONCERNING THE PROPENSITY TO EVIL IN HUMAN NATURE. By *propensity* [...] I mean the subjective ground of the possibility of an inclination (habitual desire, *concupiscentia*), insofar as this possibility is contingent for humanity in general. It is distinguished from predisposition

in that such a propensity can indeed be innate yet *may* be represented as not being such: it can rather be thought of (if it is good) as *acquired*, or (if evil) as *brought* by the human being *upon* himself.—Here, however, we are only talking of a propensity to genuine evil, i.e., moral evil, which, since it is only possible as the determination of a free power of choice and this power for its part can be judged good or evil only on the basis of its maxims, must reside in the subjective ground of the possibility of the deviation of the maxims from the moral law. And, if it is legitimate to assume that this propensity belongs to the human being universally (and hence to the character of the species), the propensity will be called a *natural* propensity of the human being to evil.—We can further add that the power of choice's capacity or incapacity arising from this natural propensity to adopt or not to adopt the moral law in its maxims can be called *the good or evil heart*. (*Rel* 6:29).

The capacity for desiring in accordance with concepts, insofar as the ground determining it to action lies within itself and not in its object, is called the capacity for *doing or refraining from doing as one pleases*. Insofar as it is joined with one's consciousness of the capacity to bring about one's object by one's action it is called *the capacity for choice* (*Willkür*); if it is not joined with this consciousness its act is called a *wish*. The capacity for desire whose inner determining ground, hence even what pleases it, lies within the subject's reason, is called the *will* (*Wille*). The will is therefore the capacity for desire considered not so much in relation to action (as the capacity for choice is) but rather in relation to the ground determining choice to action. The will, strictly speaking, has no determining ground; insofar as it can determine the capacity for choice, it is instead practical reason itself. Insofar as reason can determine the capacity for desire in general, not only *choice* but mere *wish* can be included under the will. The choice which can be determined by *pure reason* is called free choice. That which can be determined only by *inclination* (sensible impulse, *stimulus*) would be animal choice (*arbitrium brutum*). Human choice, however, is a capacity for choice that can indeed be *affected* but not *determined* by impulses, and is therefore of itself (apart from an acquired aptitude of reason) not pure but still can be determined to action by pure will. *Freedom* of choice is this independence from being *determined* by sensible impulses; this is the negative concept of freedom. The positive concept of freedom is that of the capacity of pure reason to be itself practical. But this is not possible except by the subjection of the maxim of every action to the condition of its qualifying as universal law. (*MM* 6:213–214).

According to Kant, then, desires are always aimed at ends. Objective ends are intrinsic values, and provide *motives* for action. Subjective ends are the pleasurable satisfactions of desires and the removal (or any how the control) of painful frustrations of desires, and provide *incentives* for action. Means are things valued only for the sake of ends, hence are only extrinsic values. Objective ends can have either a *price* or a *dignity*.

For an end to have a price means that it has some equivalent which can be substituted for it. Price can either be *market* price (in terms of satisfaction of interests) or *fancy* price (in terms of disinterested satisfaction). Dignity is *absolute intrinsic value*, which is beyond all price. Only ends in themselves, or persons, have dignity.

Here, in turn, is Kant's basic theory of the will. The human will, or *faculty of desire* (*Begehrungsvermögen*), is our innate capacity for mobilizing and organizing our desires in order to motivate or move ourselves to choosing or doing, and in human persons the will is a rational human agent's power of wanting, intending, deliberating, deciding, and trying. In turn, the human will or the faculty of desire has two levels:

- (1) the lower or executive faculty of effective first order desires or first order volitions, *the power of choice* (*Willkür*),

and

- (2) the higher or legislative faculty of second order volitions, the will (*Wille*), or *the faculty of practical reason*.

So the faculty of practical reason is a necessary proper part of the human will or faculty of desire. Hence the faculty of practical reason is the will in the *proper* or rational sense. Now the lower faculty of desire or the power of choice is normally motivated or moved by objective ends that are picked out by our selfish, egoistic or self interested, hedonistic, or consequentialist desires, and constitute the "matter" of our happiness, which is the pleasurable satisfaction of desires and the removal (or any how the control) of their painful frustration. Insofar as the faculty of practical reason is concerned with these ends, it is an "impure" and *instrumental* reason. This is the lower faculty of practical reason. But it is also possible for the faculty of practical reason to be *pure* and *non-instrumental*, and therefore to be moved not by the matter of our happiness, but rather solely by *the form of law-giving*, i. e., by the structure of personhood or free agency itself, our essential nature as rational animal agents, considered as an objective but purely formal end. This is the higher faculty of practical reason. The law which is given by persons or free agents to themselves is the moral law or Categorical Imperative, hence higher willing of this type is positive freedom or autonomy.

So, to summarize, according to Kant the overall structure of the human will or faculty of desire looks like this:

Human Will or Faculty of Desire (*Begehrungsvermögen*):

higher part = **faculty of practical reason or will proper** (*Wille*):

higher part = *pure or non-instrumental reason*

lower part = *impure or instrumental reason*

lower part = **power of choice** (*Willkür*)

More precisely now, according to Kant, *Willkür* or the power of choice is an *executive* first order volitional power of intentional causation by means of effective first order desires, that is, first order desires that do or will or would move us all the way to action.³⁸ By contrast *Wille* or the will is a higher order volitional power of *self-legislation*, which operates by means of recognizing either instrumental or non instrumental reasons for the determination of choice. To act on the basis of *Willkür* is to move our animal bodies by means of our effective first order desires or first order volition. This can of course occur in a Humean way by means of instrumental reasoning according to the hypothetical imperative. Since instrumental reasoning is itself a form of self legislation, it involves what we can call the “impure” *Wille*.

To act on the basis of the “pure” *Wille* or pure practical reason, however, is to constrain and determine our *Willkür* by recognizing the Categorical Imperative, which, as recognized, provides a desire overriding, strictly universal, a priori, non instrumental reason for action, and thereby causally triggers an innate higher order emotional disposition in all human persons (also known as *respect* or *Achtung*) to desire to be moved by morally appropriate and non selfish, non egoistic or non self interested, non hedonistic, non consequentialist effective first order desires:

The direct determination of the will by the law, and the awareness of that determination, is called “respect,” so we should see respect as the *effect* of the law on a person rather than as what *produces* the law. Actually, respect is the thought of something of such worth that it breaches my self love [...]. Any moral so called *interest* consists solely in *respect* for the [moral] law. (GMM 4:402 n.).

So to act on the basis of pure *Wille* is to do the right thing as determined by our own pure practical reason, via the unique motivational influence of the innate dispositional higher order emotion of respect on our effective first order desires or choices, no matter what the external and psychological antecedents, no matter how much pain I might suffer by doing the right thing, and no matter what the consequences.

³⁸ See Frankfurt (1988, 14).

The crucial factor in this account is Kant's idea that there exists an innate emotional disposition in all rational human agents to have a higher order desire to be moved by non selfish, non egoistic or non self interested, non hedonistic, non consequentialist effective first order desires or choices. As I mentioned above, I call this special higher order desire *the desire for self-transcendence* because it is a desire to achieve a radical volitional distancing with respect to our own selfish, egoistic or self interested, hedonistic, or consequentialist first order desires, and thus to be able to overcome the almost irresistible centripetal forces of the Dear Self and the Bottom Line. Non selfish, non egoistic or non self interested, non hedonistic, non consequentialist first order desires take the following general form:

I want (not) *X*, no matter how much pain I may experience in getting (not) *X* and whatever the consequences.

So, correspondingly, the desire for self transcendence takes the following general form:

I want (not) to want (not) *X*, no matter how much pain I may experience in getting (not) *X* and whatever the consequences.

But here is a further key point about this crucial factor. Sometimes the desire for self transcendence is *evil* or *immoral*, as in the case in which someone continues to loot during a natural disaster, thereby directly contributing to social chaos, even though he knows that he is very likely to be shot on sight. In such a case, the intrinsic value, or objective end, that triggers the higher order desire for self transcendence is the fact that the looter prefers the destruction of the world, including of course the possibly extremely painful destruction of himself, to his continued non possession of, say, an iPod or a Lexus SUV. So he wants that iPod or Lexus SUV *no matter how much pain he may experience in getting that iPod or Lexus SUV and whatever the consequences*.

This is of course highly perverse and wicked, and an excellent example of what Kant calls "radical evil" (*Rel* 6:19–53). Radical evil minimally implies our ability to act with *transcendental freedom* of the will, but also selfishly, egoistically or self interestedly, hedonistically, consequentialistically, and wrongly, hence without occurrent *practical freedom* of the will or autonomy although of course it must also be added that both the capacity for and also the occurrent realization of transcendental freedom entail our possession of the *capacity* for practical freedom (*CPR* A533–534/B561–562). But radical evil also implies our ability to act

freely on the basis of innately generated, highly perverse and wicked, but *non* selfish, *non* egoistic or *non*-self interested, *non* hedonistic, or *non* consequentialist desires. It is possible to want a thing that is also very bad for you, no matter how much pain you experience in getting it, and no matter what happens to you or anyone else as a consequence of your actions. So you want *that bad thing for its own sake*, or literally *for the hell of it*.

In this way, just like Hume, Kant does not regard it as contrary to reason for me to prefer the destruction of the world (including my own self destruction) to the scratching of my finger.³⁹ Only a rational human agent or human person could ever *have* such a self transcending desire. Indeed, on Kant's account of desire, *no* desires had by human persons could ever be essentially irrational or arational, since the function of a desire is just to move a rational human agent to action in the service of attaining rationally recognized objectively intrinsically valuable instrumental or non instrumental ends – whether these are *material* ends, in the case of empirical desires based on pleasure and pain, or *formal* ends, in the case of moral emotion of respect (*CPrR* 5:21–28). But some non egoistic desires are more rational than others, and some are immoral. So for Kant it would be superlatively immoral for me to prefer the destruction of the world (including my own self destruction) to the scratching of my finger, precisely because this would be a radical violation of the Formula of Humanity as an End in Itself version of the Categorical Imperative: “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.” (*GMM* 4:429). I would thereby be treating everyone in the world (including myself) as *mere things and mere means to my own ends*, and worth less than my momentary mild pain.

Sometimes however – namely, when it results from recognition of the Categorical Imperative – the desire for self transcendence is moral. That moral self transcendence rarely happens in human affairs is fully acknowledged by Kant: “Out of the crooked timber of humanity, nothing straight can ever be made.” (*IUH* 8:23) But, Kant firmly believed, it *is* possible. In support of this, he provides a famous thought experiment of a very lustful person who (unlike the perversely immoral and self transcending Humean person who prefers the destruction of the world, including his own self destruction, to the scratching of his finger) would never in fact gratify his lust and thereby commit a crime

39 See Hume (1978, book II, part III, section iii, 416).

for any *instrumental reason*, if at the moment of committing his crime he were presented with the gallows from which he would be instantly strung up as punishment. But this very same very lustful person nevertheless regards it as fully possible for him to lay down his own life on the very same gallows by refusing to give false testimony against an honorable man, even though he were commanded to do on pain of death by a tyrannical prince, and thus he conceives it to be fully possible for him to choose and act on the basis of a moral *non-instrumental reason* (CPrR 5:30).

But *how* is this fully possible, even for a very lustful person? The quick Kantian answer is that sometimes it *actually really happens*. So according to Kant it is a *fact*, although of course a unique sort of fact, namely a *non-empirical* fact. More precisely, however, this unique non empirical fact is the fact that our subjective experience or consciousness of recognizing the Categorical Imperative triggers our innate higher order emotional disposition for feeling respect, and then respect generates the higher order desire for moral self transcendence. So it is a non empirical fact, but also an inherently *affective or non-cognitive* fact. The subjective experience or consciousness of our recognition of the moral law, together with its higher order emotive causal generative effects, is nothing more and nothing less than *the Fact of Reason*:

The consciousness of this fundamental law [of pure practical reason, which says: so act that the maxim of your will could always hold at the same time as a principle of universal law giving] may be called a fact of reason, since one cannot ferret it out from antecedent data of reason, *such as the consciousness of freedom* (for this is not antecedently given), and since it forces itself upon us as a synthetic proposition a priori based on no pure or empirical intuition [...]. In order to regard this law without any misinterpretation as given, one must note that it is not an empirical fact, but the sole fact of pure reason, which by it proclaims itself as originating law. (CPrR 5:31).

It is crucial to note, again, that the Fact of Reason is *not* a cognitive or intellectual psychological fact, but instead an inherently affective or non cognitive psychological fact about how the moral emotion of respect operates on the hierarchical desire structure of our wills. The Fact of Reason is thus *the Affect of Reason*. Like all rational facts, it is absolutely spontaneously active. But in this case, it is absolutely spontaneously active insofar as it is *absolutely spontaneously responsive or passionate*. In other words, it is a rational act of *the heart*, not a rational act of *the head*. In this respect, Kant's view is strikingly like that of Pascal, who rightly

said that the heart has own reasons of its own that reason knows nothing about.⁴⁰ Kant's fact of reason is the rational act of *moral wholeheartedness*.

Precisely what sort of morally wholehearted rational act are we talking about here? The answer, I think, is that in feeling respect for persons and for the Categorical Imperative within them and within ourselves, we want to want to be moved i.e., we desire to have effective first order desires such that we choose and act non selfishly, non egoistically, non hedonistically, and non consequentialistically, hence non instrumentally, so that our choosing or doing has genuine *moral worth* (i.e., absolute intrinsic value) and not merely *moral value* (either relative intrinsic value or extrinsic value). Or in other words, the Fact of Reason expresses a choosing or doing that is *inherently motivated by respect* a choosing or doing that is inherently moved by an absolutely spontaneously responsive or passionate moral purity of the heart.

For example, someone raises her arm and shrieks in order to stop a street crime, or perhaps becomes a whistleblower in a corporate organization, just because she feels in her heart and mind that it is the morally right thing to do, even though she thereby risks her own life (in the case of stopping the street crime), or even though she risks losing her job and all her co worker friends (in the case of the corporate whistleblower), and even though she desperately wants to avoid getting involved. It seems clear that given these background conditions, only a second order volition driven by the innate emotional capacity for respect could motivate such acts. Therefore she is doing her duty. According to Kant, "duty is the necessity of an action [done] from respect for the moral law" (*GMM* 4:400). This says that duty is the obligation that is binding on any act that is such that *only* the feeling of respect will suffice to move us *no matter what* our first order desires might happen to be.

In turn, there seem to be two different ways in which the feeling of respect can move us by way of the second order volition of the desire for moral self transcendence.

According to the first way, the higher order desire for moral self transcendence can take a particular online selfish, egoistic, hedonistic, or merely consequentialistic would be effective first order desire offline, and substitute a morally appropriate *pre-existing or latent* (but as yet non effective) non selfish, non egoistic, non hedonistic, non consequentialistic (hence non instrumental) first order desire in its place,

40 Pascal (1966, section 4, #277).

so that it becomes the effective one. To borrow Kant's example, the very lustful person can take offline his intense online first order desire to avoid being hanged, and then substitute a pre existing or latent first order desire to avoid bearing false witness against an honorable man, so that this latter desire now becomes his first order volition.

And according to the second way, assuming a total set of selfish, egoistic, hedonistic, or consequentialist (hence instrumental) online first order desires, together with another total set of non selfish, non egoistic, non hedonistic, or non consequentialist (hence non instrumental) first order desires, from which none has yet emerged as a would be *effective* first order desire, the higher order desire for moral self transcendence can re organize the emotional constituents of that state so as to produce a *new* online non selfish, non egoistic, non hedonistic, or non consequentialist (hence non instrumental) effective first order desire that is also morally appropriate. To borrow another of Kant's examples, a person who is by nature somewhat cold and unsympathetic towards other people, and furthermore has many troubles of his own, can nevertheless generate a new effective first order desire to be kind to someone else (*GMM* 4:398–399). This sort of emotionally generative absolute spontaneity is strictly analogous to the *cognitively* generative absolute spontaneity that yields pure a priori knowledge.⁴¹

We should not assume, however, that the deeply motivational, desire overriding, innate emotional disposition for feeling respect will always have the same phenomenology. It may manifest itself as a feeling of guilt, of sympathy, or empathy, of self righteousness, or even of self loathing. As Kant points out, since it "breaches my self love," the subjective experience of respect is often extremely unpleasant. It is *not* enjoyable to thwart one's own powerful selfish, egoistic or self interested, hedonistic, or consequentialist first order desires. Freudians would call it *repression*. In reply to the Freudians, Kant could say: 'Yes, I agree completely that it is repression, and that repression is not a happy experience. But precisely because we are crooked timbers and radically evil, a certain amount of repression is just the psychic cost of moral virtue.' Or somewhat more cynically put: *no good deed ever goes unpunished*.

Nevertheless, there *is* an important psychic upside here, over against the psychic downside of repression. A transcendently free and rational human agent i.e., a conscious, self conscious and self reflective human agent, capable of theoretical and logical a priori cognition,

41 See Hanna (2006b, ch. 7).

who also has the innate capacity for being motivated or moved by respect may sometimes be, but does not ever *have* to be, helplessly manipulated, overwhelmed, or violated by her own desires. This is because the innate emotional disposition for feeling respect essentially affectively expresses *her deepest self*. If she is ever truly motivated or moved by respect, even if it requires a terrible struggle, then ultimately *she has the will that she wants*. She has realized the capacity for rational emotional control of her own conscious, affective, and practical life. The internal constitution of the person she is and the person she will become are then both ultimately *up to her*. She is therefore both transcendently free and *also* practically free or autonomous. Kant calls the subjective experience or consciousness of this special sort of self control “self fulfillment” or *Selbstzufriedenheit*:

Have we not, however, a word that does not denote enjoyment, as the word happiness does, but that nevertheless indicates a satisfaction with one’s existence, an analogue of happiness that must necessarily accompany consciousness of virtue? Yes! This word is *self fulfillment*, which in its strict meaning always designates only a negative satisfaction with one’s existence, in which one is conscious of needing nothing. Freedom, and the consciousness of freedom as an ability to follow the moral law with an unyielding disposition, is *independence from the inclinations*, at least as motives determining (if not as *affecting*) our desire, and so far as I am conscious of this freedom in following my moral maxims, it is the sole source of an unchangeable fulfillment, necessarily combined with it. (CPrR 5:117).

Such a state of rational volitional self fulfillment is a higher order kind of happiness that is *analogous* to ordinary or first order happiness, but *deeper* than ordinary or first order happiness. It is Kant’s anticipation of what the Existentialists later called “authenticity” or *Eigentlichkeit*, and what Frankfurt calls the “decisive identification” of second order volitions with effective first order desires or first order volitions.⁴² Whatever we call it, I do think it is a variety of free will most definitely worth having.

The doctrine of *Selbstzufriedenheit*, in turn, highlights the basic way in which Kant’s theory of free will transcends Hume’s theory of practical agency. For Kant, unlike Hume, practical reason is not the *slave* of the passions.⁴³ But this does not imply that for Kant practical reason is not intrinsically connected to our desires, drives, emotions, and feelings, and thus not intrinsically connected to our passions. On the contrary,

42 Frankfurt (1988, 21).

43 Cf. Hume (1978, book II, part III, section iii, 415).

for Kant practical reason *is* intrinsically connected to our passions. The passions are the *engines* of pure practical reason. Via our faculty for practical reason, we consciously recognize the relative or absolute objective intrinsic values of ends, and at the very same time and in the same respect, our desires, drives, emotions, and feelings subjectively propel us towards those ends by whatever means it rationally takes to get us there.

So curiously enough, and in defiance of the standard construal of the Internalism vs. Externalism opposition – which puts Hume’s theory or practical agency, as the supposed paradigm of Internalism, in diametric and exhaustive opposition to Kant’s theory of practical agency, as the supposed paradigm of Externalism – Kant is in fact a unique kind of *internalist* about practical reasons, who thinks that all reasons are both justifying on the basis of objective intrinsic values or ends, and also motivating on the basis of either lower order or higher order desires, some of which are innately generated. The Categorical Imperative is both *felt* and *known* by means of our faculty of practical reason, which is the same as the faculty of *desire*. In this sense, Kant’s theory of practical reasons is perfectly continuous with Hume’s theory of internal reasons, although to be sure Kant’s theory also recognizes a special class of *desire-overriding*, strictly universal, a priori, categorically normative, *non-instrumental* internal practical reasons that Hume’s theory does not recognize.⁴⁴

Otherwise put, for Kant the passions are *also* inherently purely rational, in that persons inherently can (even if they rarely actually do) mobilize and control their selfish, egoistic or self interested, hedonistic, or consequentialist first order desires by means of special, intentional act directed second order desires, or second order volitions, absolutely spontaneously generated by the innate emotion of respect for the Categorical Imperative or moral law and the dignity of persons. And if we are very lucky, we can also thereby be happy and realize some part of the complete good. According to Kant *the complete good*, or the best life for a human person, is a rational human life of perfect individual and social happiness that is intrinsically controlled by a good will, which is the highest or *supreme* good (*GMM* 4:396; *CPrR* 5:110–111). And as we have seen, acting with a good will carries its own higher happiness or self fulfillment, and consists in the subjective experience or consciousness of the perfect coherence of all one’s own desires, emotions, beliefs, cognitions, inferences, intentions, motivating reasons, choices, and acts in the realization of practical freedom or autonomous

44 See also Hanna and Maiese (2009, ch.3).

willing. In short, moral self fulfillment is *moral authenticity* or *integrity*. Every time an agent truly acts for the sake of the moral law she realizes *moral worth*, and thereby experiences autonomous self fulfillment. But if she *also* thereby achieves some personal or socially shared ordinary happiness, then she *also* realizes a proper part of the complete good. Thus Kant's ethics has *two* fundamental values or highest goods: the Supreme Good (the good will), and the Complete Good (perfect human happiness controlled by a good will). The relation between the supreme good and the complete good is essentialist and mereological: an autonomous human person's good will is the governing structure (or "essential form") of the stuffing (or "prime matter") that is perfect human happiness, and the whole that is jointly constituted by them is the Complete Good.

Kant is thus a defender of *strict deontological non-consequentialist romantic eudaemonism* in ethics. In this respect, as in so many others, Kant's ethics captures what is most defensible and true in Aristotle's ethics and Hume's ethics alike, without collapsing into either virtue ethics or consequentialism.

4. Conclusion

If Kant's Biological Theory of Transcendental Freedom and his Post Compatibilism are correct, then rational human animals or real human persons possess the kind of metaphysically robust freedom of the will – deep freedom, ultimate sourcehood, or up to me ness – that fully supports moral responsibility in particular but also fully supports a rich conception of practical agency more generally, without being subject to either horn of the seemingly exhaustive and logically destructive dilemma of Compatibilism vs. Incompatibilism.

If Kant's theory of practical agency is also correct, then the Complete Good for human persons is getting what we most deeply want in a way that is controlled by the Supreme Good, i.e., a good will. More precisely, this can happen when our non-instrumental pure practical reason, via transcendently free and autonomous good willing, also rationally fulfills our deepest selves – i.e., our transcendently free, practically free, and autonomous selves – by means of the non-selfish, non-egoistic or non-self-interested, non-hedonistic, non-consequentialist innate dispositional emotion of respect that absolutely spontaneously affectively generates the higher order desire for moral self-transcendence.

dence. So the Categorical Imperative is a desire overriding, strictly universal, a priori, categorically normative, non instrumental *motivating* and justifying reason, precisely because the faculty of pure practical reason inherently includes the capacity for *moral wholeheartedness*. The passions are, and only ought to be, the engines of pure practical reason.⁴⁵

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45 Earlier versions of various parts of this material were presented to the Transcendental Philosophy and Naturalism Workshop at University of Essex, UK in November 2005, to the Philosophy Faculty at Oxford University, UK in January 2006, to the Faculty of Philosophy at Cambridge University, UK in March 2006, and to the Rocky Mountain Ethics Conference, Boulder CO in August 2008. I am grateful to the members of those audiences for their helpful comments. Many thanks also to Bryan Hall for his critical comments on an earlier draft of the essay.

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