

How free is prudent behavior?

Oliver Sensen *

Tulane University (Nova Orleans, EUA)

We ordinarily believe that we have the capacity to freely act otherwise. If you have a choice between two desserts, for instance, we believe that in a deep metaphysical sense this decision is up to you. Given the same desires, information, circumstances, biological makeup, and past experiences, you can decide one way or the other. We believe that the decision is not causally pre-determined, and that one could not predict with certainty how an agent will behave. It is not clear, however, whether Kant upholds this conception of freedom. On one reading of his texts, only morally good actions can be free (cf. *GMS*, AA 4: 446f). This led to the charge, made famous by Reinhold and Sidgwick, that we cannot be blamed for immoral actions (cf. Reinhold 1792; Sidgwick 1874, 58). For if only moral actions are free, and if praise and blame presuppose that we were free and responsible, then one cannot be blamed for an immoral action. In this sense Kant seems to be saying that only acting morally is a capacity, but failing to do so merely the lack of a capacity (cf. *MS*, AA 6: 226).

A further reason why Kant might not conceive of our ordinary sense of freedom is that our weighing of different options seems to be something that appears in time. We can reason back and forth, and weigh our options. However, according to Kant, everything that happens in time seems to fall under the causal laws of nature (cf. *KrV* A532/B560), and if one could know an agent deep down, one could predict his or her actions “with as much certainty as a lunar or solar eclipse” (*KpV*, AA 5: 99). Does Kant allow for our ordinary view that prudent behavior can be free? Kant understands prudence as the “skill in the choice of means to one’s own greatest well-being” (*GMS*, AA 4: 416). If there are morally indifferent actions (cf. *MS*, AA 6: 223), some of these decisions might not fall under moral requirements. How does Kant conceive of such decisions, and which notion of freedom does he employ in this context? These are the questions I shall focus on in this article.

* E-mail: sensen@tulane.edu

In order to do so, I shall first turn to the main text in which Kant tries to reconcile causal pre-determinism and free will, Kant's 'Resolution' of the 'Third Antinomy' in the *Critique of Pure Reason* (Section 1). I shall then turn to Kant's account in the *Religion* of how one can have a revolution of heart, and change one's basic maxims (Section 2). I shall argue that neither of these central accounts of free will answers the question of whether prudent behavior is free, and, consequently, I shall then turn to Kant's conception of non-moral actions in the *Critique of Practical Reason* (Section 3), as well as his account of the freedom of choice, the so-called Incorporation Thesis of the *Religion* (Section 4), before examining his account of practical freedom in the 'Canon' of the second *Critique* (Section 5). I shall argue that Kant adopts what in contemporary philosophy one would call a cognitive closure account. We have some indication that we can act otherwise, but we cannot even conceive how this might be possible. But the difficulty of understanding how freedom is possible does not undermine Kant's main concern, the practical task of figuring out how we should act.

Section 1: Transcendental Freedom

One might think that Kant solves the problem of how free decisions are possible in the 'Resolution' to the 'Third Antinomy' in the *Critique of Pure Reason* (*KrV* A532/B560-A558/B586). There he wants to argue that it is at least not contradictory to think that freedom and determinism are compatible, and that they conceivably hold for one and the "very same effect" (*KrV* A536/B564). If the 'Third Antinomy' shows that freedom does not contradict the causal determinism of nature, then it seems that this would also explain how deciding to act otherwise can be thought without contradiction. However, I shall argue that Kant addresses a different problem in the 'Third Antinomy,' and that it does not show that freedom as the ability to do otherwise does not contradict the idea of causal pre-determinism.

Whatever the solution to the problem of freedom and determinism in the 'Antinomy' is, Kant does not deny that the world as we experience it in space and time, including our own bodies and brain, is causally pre-determined: "The correctness of the principle of the thoroughgoing connection of all occurrences in the world of sense according to invariable natural laws is already confirmed as a principle of the transcendental analytic and will suffer no violation." (*KrV* A536/B564) Furthermore, as I have quoted above, Kant also holds that our actions could in principle be predicted, and he confirms that view in the 'Antinomy': "if we could investigate all the appearances of his power of choice down to their basis, then there would be no human action that we could not predict with certainty" (*KrV* A549f/B577f). But if an observer could now accurately predict how I am going to

act in an hour, how could I be said to have the ability to act otherwise? If my action is causally pre-determined, I seem to have no choice.

The standard view is that Kant solves the conflict between freedom and determinism in that the phenomenal realm of sense-experience is causally pre-determined, while a rational agent is also part of another, noumenal realm. In this realm the agent is free, and can decide otherwise (cf. Wood, 1984). However, this solution does not seem to work well even as an interpretation of the ‘Third Antinomy.’ There are problems internal to the Kant text itself that speak against this solution, as well as external problems that render the solution implausible. The main internal problem is that – according to Kant – only the phenomenal and not the noumenal realm is in space and time (cf. *KrV* A42/B59; A34f/B51). However, if the agent is supposed to be a noumenal entity, how could the agent decide otherwise? To decide otherwise seems to be a form of change; change seems to presuppose time, but the noumenal agent would not be in time (cf. *KrV* A37/B54). Therefore, a noumenal agent could not decide otherwise.

But even if there is a way to explain how a noumenal agent could change and decide otherwise while being outside time, there are at least two external problems that significantly raise the cost of adopting the standard interpretation. The first external problem is that any free action seems to change the past (cf. Wood 1984, 91f). If, for instance, my noumenal self freely decides to not get up from the chair, the past would have to have been different. This is because – according to the initial stipulation – one could predict a behavior if one could know the agent deep down. Looking at all the sensible conditions, including the state of the body, one’s desires and beliefs, one should in principle be able to predict an agent’s action. If the prediction is that an hour from now, I will get up from the chair, but then the noumenal self decides to remain seated, this action too would have to be predictable looking at the sensible conditions. A free decision of the noumenal self would therefore change the past sensible conditions, otherwise my behavior cannot be predicted. A free action changes the past. This sounds very implausible, and it raises the costs of adopting this interpretation.

A second external problem is that the noumenal self is not something that is available in introspection. Our inner sense, to which reflection and conscious deliberation belong, is in time, and therefore causally pre-determined. If a noumenal self is not in time, it is not something that is available to our conscious reflection (cf. *KrV* B406-13). A free action would therefore feel as if it would be handed down from outside our awareness and conscious control. This is not our ordinary conception of freedom, and this too raises the cost of adopting such an interpretation of Kant’s texts. This reading does not give us what we want, and in addition creates two implausible features (for a longer discussion see Sensen, 2018a).

Given the internal and external problems of the standard reading, we should have a second look at Kant's texts. The standard interpretation makes two assumptions, and it can be argued that both are in tension with what Kant actually says. The first assumption is that Kant conceives of freedom as the ability to do otherwise. It is assumed that the purpose of Kant's inquiry is to establish our ordinary sense of freedom: that in a given situation we can act one way or the other – independently of our biology, history, and circumstances. The second assumption is that it is a noumenal self is the main aspect that makes freedom possible. I believe that we need to change both assumptions.

First of all, in the 'Antinomy,' Kant does not define freedom as the ability to do otherwise. Rather Kant is concerned with transcendental or cosmological freedom, which he defines in the following way: "By freedom in the cosmological sense ... I understand the faculty of beginning a state from itself, the causality of which does not in turn stand under another cause determining it in time according with the law of nature." (*KrV* A533/B561) Kant does not mention the ability to act otherwise in this definition, but his concern is whether human beings can be a "first cause" (*KrV* B478), or an unmoved mover. He reiterates the essential feature of a first mover as the ability to begin a state from itself when he says: "a first mover ..., i.e., a freely acting cause, which began this series of states first and from itself" (*KrV* A451/B479). What is the difference between a first mover and the ability to act otherwise? The first mover conception merely involves that something, e.g., the Big Bang, is the first cause (of nature) without being caused itself (by anything in nature). But it does not include that the Big Bang had a choice, or could have acted otherwise. This is important because Kant's primary concern in the 'Third Analogy' is whether human beings could be a first cause.

Secondly, when Kant explores how one and the same action can be free and causally pre-determined at the same time, he does not talk about a noumenal self as the essential feature of what makes possible cosmological freedom, but an intelligible character. These two are not the same. What is an intelligible character? Kant defines a character as a law of causality: "But every effective cause must have a character, i.e., a law of its causality, without which it would not be a cause at all." (*KrV* A539/B567). He defines 'intelligible' in the following way: "I call intelligible that in an object of sense which is not itself appearance." (*KrV* A538/B566) If one puts both aspects together, then Kant's claim is that a human being can be an uncaused cause in virtue of having a law of causality that can be discerned in experience, but that does not itself arise out of appearances. So what exactly is the intelligible character? The intelligible character Kant talks about in the 'Third Antinomy' are practical imperatives: "Now that this reason has causality, or that we can at least represent something of the sort in it, is clear from the imperatives that we propose as rules to our powers of execution in everything practical." (*KrV* A547/B575).

Kant's example of such an imperative is the Moral Law or Categorical Imperative (cf. *GMS*, AA 4: 421), which is a "law of reason" and determines what "ought to have determined the conduct of a person" (*KrV* A555/B583). It is the Moral Law that is a law of causality that has effects in the sensible world without itself arising out of sensible world. It is this law, and its ground (pure reason) that is said to be outside time, and does not change:

reason is not affected at all by that sensibility, ... it does not alter ... in it no state precedes that determines the following one ... is present to all the actions of human beings in all conditions of time, and is one and the same, but it is not itself in time, and never enters into any new state in which it previously was not" (*KrV* A555f/B583f)

Kant says that it is pure reason that does not change. Reason does not sometimes give one law, e.g., the moral law, and then another, e.g., to maximize your own happiness. Rather the moral law is constitutive of pure reason (cf. Sensen 2018b), which means that pure, non-empirical reason is always guided by this law: "reason does not give in to those grounds which are empirically given ... but with complete spontaneity it makes its own order ... according to which it even declares actions to be necessary" (*KrV* A548/B576).

If we replace 'intelligible character' with 'Moral Law,' then we can explain how a human being can be a first cause. If one does not give in to temptations, but follows what is morally required simply because it is required, then one can cause an action in the sensible world (e.g., not to lie etc.), without the cause of this action (the Moral Law) being itself caused by nature. This solution also explains how Kant can uphold that one and the same action can be free and causally pre-determined at the same time. For instance, if I know you deep down, and know that you will refuse a bribe for moral reasons, your action is caused by something outside of sensible desires, but still predictable. Your action is predictable because I know from your sensible conditions that you will be motivated for moral reasons. At the same time, to give a full explanation of your action I have to cite something (the Moral Law) that does not itself arise out of sensible conditions (desires and so forth). One and the same action is free (in the first mover sense), but can be predicted.

Kant could use the same solution for prudent behavior. The Moral Law is only one example of an intelligible character that can function as a first cause. If there are other laws that do not arise out of our sensible nature, but are given by pure reason, then actions performed for these laws would be free as well. For instance, there might be – besides the Categorical Imperative – also a hypothetical imperative that governs our prudent behavior: "Whoever wills the end also wills (insofar as reason has decisive influence on his actions) the indispensably necessary means to it that are within his power." (*GMS*, AA 4: 417; cf. Hill, 1973) Further laws that could make freedom possible are the law of non-contradiction, or

a law of causality. If an agent is conflicted between two options, but he chooses one because of a law given by pure reason (e.g., the principle of non-contradiction), then this action is free in the first mover sense as well.

However, this solution to the problem of freedom and determinism does not help us for the question of this article. What we wanted to know is whether an agent has the ability to act otherwise in a way that is not causally pre-determined, and can in principle not be accurately predicted. We have not yet addressed this issue. But Kant seems to explore the ability to act otherwise in the *Religion*, to which I shall now turn.

Section 3: A Change of Heart

One could argue that Kant puts forth a ‘could have otherwise’ conception of freedom in the *Religion*, when he talks about the necessity for a revolution in one’s dispositions, or a change of heart. There he is faced with the following problem: On the one hand, it seems that all human beings are evil by nature: “‘The human being is *evil*,’ cannot mean anything else that he is conscious of the moral law and yet has incorporated into his maxim the (occasional) deviation from it. ‘He is evil *by nature*’ simply means ... that, according to the cognition we have of the human being through experience, he cannot be judged otherwise” (*RGV*, AA 6: 32). We have a tendency to subordinate the moral law to our inclinations. We are willing to act morally as long as we do not have to sacrifice too much of what we want. On the other hand, the Moral Law commands to overcome this evil, and be morally good. We would need to change our basic maxim, and to subordinate the inclinations to the Moral Law. However, if – as the ‘Third Antinomy’ argues – our actions are causally pre-determined, how can we act otherwise than what our nature predisposes us to?

Kant’s argument for the view that we do have the ability to act otherwise is a version of the ‘Ought Implies Can’ principle. The moral law demands compliance, and Kant seems to argue that this implies that one also is capable of following it: “For if the moral law commands that we *ought* to be better human beings now, it inescapably follows that we must be *capable* of being better human beings.” (*RGV*, AA 6: 50) However, one can ask whether it is really true that an ‘Ought’ implies ‘Can.’ We all know situations in which we felt that we should do something, e.g., help people in need, but where in fact we could not do so. Kant himself acknowledges this phenomenon as a conscience that is too strong (cf. *Lectures on Ethics*, *V-Mo/Collins*, AA 27: 356). So, why should we think that ‘Ought Implies Can’ is a valid principle?

Kant himself seems to use the principle in two different applications, and this raises an additional question of which of these Kant has in mind for the change of heart argument. The first usage is a *Modus Tollens* argument:

If I ought, then I can
I cannot
Therefore I ought not

The general idea is that a moral theory cannot require something that one cannot (physically) do: “People are always preaching about what ought to be done, and nobody thinks about whether it can be done ... Consideration of rules is useless if one cannot make man ready to follow them” (*V-Mo/Collins*, AA 27: 244). Kant here states a requirement for what an ethical theory could demand of someone. If one (physically) cannot do something, then it cannot be commanded: “thus a man, for example, has no obligation to stop hiccupping, for it is not in his power” (*V-Mo/Collins*, AA 27: 261) What is important to note, however, is that in this case ‘Ought Implies Can’ is not an axiom, something that is by itself plausible, and in itself justified. Rather, the principle is the conclusion of another intuitive thought: It is pointless to demand something that one cannot do.

In a second version of ‘Ought Implies Can’ Kant uses a *Modus Ponens* structure:

If I ought, then I can
I (have a sense that I) ought
Therefore (I have a sense that) I can

Kant uses this version of ‘Ought Implies Can’ in the gallows example of the *Critique of Practical Reason* (cf. *KpV*, AA 5: 30). The point of the gallows example is to show that we can cognize freedom from the demands of the Moral Law. In order to show this, Kant presents a thought experiment in which no inclination speaks in favor of the moral action. In the example, a prince demands of you to give false testimony against a man you know to be innocent. If you give false testimony, you will be rewarded and in good graces with the prince. If you refuse, however, you will be punished, and lose everything that is dear to you. On this stipulation, no inclination speaks in favor of refusing to give false testimony. However, Kant believes that we are all aware that this action is morally wrong. The accused is innocent after all, and the accusation unjust. The moral demand makes one aware that one could refuse to give false testimony. If freedom is understood as acting independently of one’s inclinations, the moral demand makes one aware that one could act freely: “He judges, therefore, that he can do something because he is

aware that he ought to do it and cognizes freedom within him, which, without the moral law, would have remained unknown to him.” (*KpV*, AA 5: 30)

The moral ‘Ought’ gives one a sense that one ‘Can’ act accordingly. This inference too seems plausible. However, it is again important to realize that ‘Ought Implies Can’ is not an axiom in this case either, and that it is not self-evident. Rather, the principle gets its plausibility from a psychological context. If I have no desire to act in a certain way, but if I recognize that I morally ought to perform the action, then I have a psychological sense that I could act in this way. This is the plausibility of ‘Ought Implies Can’ in the context of the gallows example. But this does not justify a general validity of ‘Ought Implies Can.’ One therefore has to look in a specific context how Kant uses the principle, and whether it is plausible (for further discussions of the principle, see Timmermann, 2003).

This creates two problems for Kant’s views on the ability to act otherwise. First, Kant’s usage of ‘Ought Implies Can’ in the *Religion* seems to be different from both versions discussed above. Kant does not use the *Modus Tollens* argument since he does not want to establish the negative conclusion that we cannot become morally better people. In its structure, the *Religion* argument has to follow the *Modus Ponens* argument. Kant wants to establish that one can better oneself. However, Kant’s argument in the *Religion* is also different from the one he employs in the gallows example. For there he was just concerned with a *psychological sense* that one can act otherwise. In that context it is not important that one *actually can* act differently. He is only concerned with our intention to act, “its power of execution may be as it may” (*KpV*, AA 5: 45f). However, in the *Religion* Kant wants to explore the deeper, metaphysical question whether one actually can decide differently, and become a better moral person, not just whether one has the psychological sense that this is possible.

The second problem is that Kant could not simply use ‘Ought Implies Can’ as an established axiom. I have argued that in the other contexts ‘Ought Implies Can’ is the conclusion of plausible considerations, not the starting premise. If one believes in causal pre-determinism, a moral demand by itself would not show that one can act otherwise. Like a conscience that is too strong, the moral demand might be impossible to fulfill.

Not surprisingly, Kant himself seems to agree with the above. If one looks carefully at Kant’s argument, he does not really claim that ‘Ought’ implies ‘Can’, but he settles for the weaker claim that ‘Ought’ implies ‘*hope* that one can’: “Yet he must be able to *hope* that, by the exertion of *his own* power, he will attain to the road that leads in that direction, as indicated to him by a fundamentally improved disposition. For he ought to become a good human being” (*RGV*, AA 6: 51). In his final reflection on the matter, Kant does not argue that we *know* that we can become better human beings morally. He merely argues that we must *hope* that we can, because the moral demand commands us to strive for it.

In the *Religion*, Kant does not seem to give up the view that our actions are causally pre-determined, and predictable. Kant twice states that it might need divine intervention in order to acquire a morally better disposition. He states: “Granted that some supernatural cooperation is also needed” (*RGV*, AA 6: 44, cf. 50). However, whether it is possible to change oneself, and how exactly it would be possible – the mechanism so to speak – remain open questions.

Section 3: Non-Moral Decisions

The prominent passages on freedom, therefore, do not provide an answer to the question of this article. The ‘Third Antinomy’ talks about a different form of freedom, and the *Religion* does not present a proof that we do have the ability to act otherwise. In addition, both passages present a conflict between a moral action, and an immoral action. However, we are interested in morally indifferent actions, in which the Moral Law does not come into play.

Kant argues that all actions that are not morally relevant are guided by the pursuit of one’s own happiness. He seems to regard this as an analytic statement, because he defines happiness in a way that it describes getting whatever you want: “To be happy is necessarily the demand of every rational finite being and therefore an unavoidable determining ground of its faculty of desire.” (*KpV*, AA 5: 25) More specifically, Kant defines happiness as “a rational being’s consciousness of the agreeableness of life uninterruptedly, accompanying his whole existence” (*KpV*, AA 5: 22; cf. *GMS*, AA 4: 418). Happiness, thus understood, becomes identical with striving for what you want. Whatever you are inclined to do will be part of your happiness because happiness is getting what you want.

Kant describes the mechanism of non-moral actions as follows: “satisfaction with one’s whole existence is ... a problem imposed upon him by his finite nature itself, because he is needy and this need is directed to the matter of his faculty of desire, that is, something related to a subjective feeling of pleasure or displeasure underlying it by which is determined what he needs in order to be satisfied with his condition.” (*KpV*, AA 5: 25) Kant defines a “matter of the faculty of desire” as “an object whose reality is desired” (*KpV*, AA 5: 21). This means that our needs give rise to wants for particular objects that will satisfy these needs. What moves us to pursue these objects is the anticipation of a pleasure or agreeableness we will get when we acquired the object. Therefore, if one has a “desire for this object,” “the determining ground of choice is then the representation of an object and that relation of the representation to the subject by which the faculty of desire is determined to realize the object. Such a relation to the subject, however is called *pleasure* in the reality of object.” (*KpV*, AA 5: 21) We pursue non-moral actions “only insofar as the feeling of agreeableness that the subject expects from the

reality of an object determines the faculty of desire.” (*KpV*, AA 5: 22). (On Kant’s view on pleasure see also Höwing, 2013.)

Kant’s conception of non-moral actions has the further implication that there is only one currency, so to speak, in which one compares different alternatives: “it does not matter at all where the *representation* of this pleasing object comes from but only how much it *pleases*.” (*KpV*, AA 5: 23) Kant argues that there must be one currency, pleasure, for, “[o]therwise, how could one make a comparison in *magnitude* between two determining grounds quite different as to the kind of representation, so as to prefer the one that most affects the faculty of desire?” (*KpV*, AA 5: 23) Non-moral actions can be of very different kinds. A human being can still choose between them: “The same human being can return unread an instructive book that he cannot again obtain, in order not to miss a hunt; he can leave in the middle of a fine speech in order not to be late for a meal” (*KpV*, AA 5: 23). In order to make a decision between two very different kinds of actions, Kant argues, there must be something they have in common, a same underlying currency, in order for one to be able to compare and decide between them.

While Kant asserts that this currency is pleasure, he does not give one narrow standard for weighing pleasure. He does not, for instance, say that one always acts in order to gain the greatest amount, or the greatest amount over a specific period, but he names several criteria without weighing these further: “The only thing that concerns him, in order to decide upon a choice, is how intense, how long, how easily acquired, and how often repeated this agreeableness is.” (*KpV*, AA 5: 23) These are different parameters, and Kant leaves open how exactly one weighs the different anticipated pleasures of the alternatives. For instance, is an alternative better in which one gets 100 units of pleasure for the first ten years, and 20 over the next ten years, or a life in which one gets 65 units in each of the ten-year spans? Kant does not say, although he might assume that the choice is uncontroversial, for he claims that everyone simply asks about the alternatives: “*how much* and *how great* satisfaction they will furnish him for the longest time.” (*KpV*, AA 5: 23) Kant’s account, therefore, leaves open whether there is one best answer for each choice an agent might face, and whether the agent is causally pre-determined to choose that alternative, or whether an agent could act otherwise given the same pleasure calculations.

Section 4: The Incorporation Thesis

The previous section suggests that all our prudent decisions are guided by a sophisticated mechanism to maximize our own pleasure. However, this cannot really be Kant’s view. The reason is because he also holds what has been dubbed, by Henry Allison, the “Incorporation Thesis” (cf. Allison, 1990, p. 5). The thesis

states that intentional human behavior, actions for which we would hold an agent responsible, is not immediately caused by human incentives, but that an agent first has to incorporate an incentive into a maxim in order to cause and be responsible for this behavior. The thesis is based on the following passage: “freedom of the power of choice has the characteristic, entirely peculiar to it, that it cannot be determined to action through any incentive *except in so far as the human being has incorporated it into his maxim*” (RGV, AA 6: 23).

There is no need to think that every form of human behavior, e.g., pulling the hand from a hot cooking plate, or yawning is governed by the Incorporation Thesis. However, every intentional behavior that is responsible in an ordinary sense would fall under the thesis. Kant reverses our contemporary parlance on this issue. For Kant, ‘action’ (*Handlung*) is the wider term that also includes unintentional behavior, whereas ‘deed’ (*Tat*) is a narrower term that describes an agent’s intentional actions (cf. Willaschek, 1992, p. 266-9).

However, what exactly is the claim of Kant’s Incorporation Thesis, and how is it supported? For instance, is it meant to be a description of how we actually behave, or is there a further argument that establishes that intentional behavior has to be understood this way? One way of reading the thesis is that it describes a spontaneity of the agent that is the defining feature of making decisions. According to this view, human intentional behavior is not immediately caused by inclinations, but the agent has a spontaneity of adopting or rejecting these that can be compared to the “I think” in Kant’s theoretical philosophy that has to be able to accompany all of one’s perceptions (cf. Allison, 1990, 40). One way of understanding this is that it is an accurate description of how we do in fact act. There is then no further justification required why this has to be the case.

One such further explanation is that choice and moral action are only possible on the model of the Incorporation Thesis (cf. Reath, 2006, p. 12f, p. 17-19). If our intentional behavior were just caused by a vector of pleasure forces, then it is hard to see how this would still be a choice in the normal sense of the word. It seems that we would just be pushed around by the natural forces. In addition, the Incorporation Thesis explains how moral actions are possible. If an incentive first has to be endorsed by an agent, given a value so to speak, in order to become a cause, then it is easier to explain how the Moral Law can frustrate and work against a selfish cause by showing that the value of the inclination is inferior to the moral command.

Yet a different argument for why one has to incorporate an incentive into a maxim is that otherwise one could not become an agent at all. If one would always immediately act on one’s inclinations, one would be a “*mere heap*” (Korsgaard, 2009, p. 76) of changing desires, but not a unified agent. In order to constitute oneself as a stable, well-governed agent, it can be argued, one has to act on principles that hold for all relevantly similar situations (cf. Korsgaard, 2009, p. 25f,

p. 153-8). This form of long-term character is also prudentially useful, as it helps us to be stable, withstand impulses, and be rational (cf. Kuehn, 2001, 145f).

While this form of self-constitution is about having a stable character over time, I believe that Kant's argument is in the first instance about the need to have maxims *on one particular occasion* in order to be a responsible agent. Kant argues that one essential feature of causality is that it is law-governed. If an agent, therefore, wants to be a cause on one occasion, he or she must be the source of its own law (maxim):

the concept of causality brings with it that of laws in accordance with which, by something we call a cause, something else, namely an effect, must be posited, so freedom, although it is not a property of the will in accordance with natural laws, is not for that reason lawless; ... for otherwise a free will would be an absurdity." (*GMS*, AA 4: 446).

Granted, Kant makes this statement in connection with transcendental freedom and morality, not the freedom of choice and prudence. But what is important for our question is the first part of the quote. An essential feature of the concept of causality is that it is law-like. Something is not a cause without law-likeness. (This does not mean that law-likeness is the only essential feature of causality. There might be other features, such as having a force etc. For a thorough discussion of Kant's concept of causality see Watkins, 2005.) What this means is that in order for an agent to be a cause, and not just the product of his or her inclinations, he or she has to act on a law. So, even to be a cause on one particular occasion, an agent would have to adopt a law, a maxim, in order to act intentionally at all.

However, even if we can give a further justification why the Incorporation Thesis must be true, according to Kant, it still leaves open our main question: How free is prudent behavior? We now have a more sophisticated mechanism of how Kant conceives of such choices, but it is not clear whether an agent has the ability to choose one maxim over another in a sense that is not causally pre-determined. So, we can still ask: How does the choice between two maxims come about? What happens in the final moment in which you adopt a maxim?

Kant addresses the problem in the *Religion*, and he argues that the answer is "inscrutable":

That the first subjective ground of the adoption of moral maxims is inscrutable can be seen provisionally from this: Since the adoption is free, its ground (e.g. why I have adopted an evil maxim and not a good one instead) must not be sought in any incentive of nature, but always again in a maxim ... without ever being able to come to the first ground. (*RGV*, AA 6: 21n, cf. *GMS*, AA 4: 463)

What this means is that the final reason why and how we make decisions is in principle hidden from our view. Our cognitive capacities are not capable of discerning the answer to our question (cf. also McGinn, 1993). We have a blind

spot, and are not able to discern what happens in the final moment of a decision. That Kant holds such a view should not be surprising from the ‘Dialectic’ of his *Critique of Pure Reason*, where he likewise argues that we often have an indication that there is more than we can experience with our senses, e.g., God, Freedom, and the Soul, but that we cannot prove their existence.

What is more, Kant would agree with Hume that we cannot even conceive of the mechanism of an ability to act otherwise. Hume had argued that if we think of the final moment of a decision, we have to think that it was either random or determined (cf. *A Treatise of Human Nature* 2.3.2). Kant agrees with this assessment: “For we can explain what happens only by deriving it from a cause in accordance with laws of nature, and in so doing we would not be thinking of choice as free.” (MS, AA 6: 380n) In contemporary philosophy, authors argue that an ability to act otherwise is “unintelligible” (cf. Kane, 2002, p. 414), or inscrutable. But Kant, unlike Hume, does not conclude from this that we do not have this ability. He feels that it is a condition of the possibility of our common notion of responsibility (cf. *RGV*, AA 6: 39-41). But it remains a mystery whether we actually have this ability, and its workings are unintelligible.

Section 5: Practical Freedom

In the ‘Canon’ of the *Critique of Pure Reason* Kant draws the conclusion from these limitations of our understanding, and adds one further element to the picture I have portrayed so far. However, a note of caution is in order. The ‘Canon’ was first published in 1781, and it seems a long time before the more mature *Religion* (1793), and *Metaphysics of Morals* (1797). Kant republished the ‘Canon’ without changes in 1787, and it therefore seems that he fully endorses what he wrote in 1781. However, the ‘Canon’ also holds passages on moral motivation that are not in line with his mature philosophy (cf. Timmermann, 2018). Nonetheless, I shall argue that on the freedom of choice, the answer he gives is in line with his later works, and answers the question more fully.

In the ‘Canon,’ Kant is only concerned with practical freedom in contrast to the transcendental freedom he examined in the ‘Third Antinomy’: “for the present I will use the concept of freedom only in a practical sense and set aside ... the transcendental signification of the concept” (*KrV* A801/B829; on practical freedom cf. Schönecker, 2005). Kant therefore addresses the phenomenon of choice that is the topic of this article. Kant’s main point is that human beings are not merely controlled by inclinations. He conceives of animal behavior in this way: “A faculty of choice, that is, is merely **animal** (*arbitrium brutum*) which cannot be determined other than through sensible impulses, i.e., **pathologically**.” (*KrV* A802/B830) Human beings, by contrast, are not immediately determined by impulses and

inclinations, but their faculty of reason can interfere, and guide human behavior by its own conceptions. Such a faculty of choice “which can be determined independently of sensory impulses, thus through motives that can only be represented by reason, is called **free choice** (*arbitrium liberum*)” (*KrV* A802/B830). Human choices are not immediately determined by inclinations, according to Kant. Our reasoning has its own causal role.

Kant argues that we really have this form of freedom, practical freedom, as the ability to be determined by thoughts of reason: “Practical freedom can be proved through experience.” (*KrV* A802/B830). We see in our experience that we do not always immediately give in to temptations, but that we can postpone immediate desires by thoughts about longer-term gains:

For it is not merely that which stimulates the senses, i.e., immediately affects them, that determines human choice, but we 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 while condition is desirable, i.e., good and useful, depend on reason.” (*KrV* A802/B830)

While we can know that our reason has a causal influence on our actions, Kant argues that we do not know how reason itself comes to these decisions: “But whether in these actions, through which it prescribes laws, reason is not itself determined by further influences, and whether that which with respect to sensory impulses is called freedom might not in turn with regard to higher and more remote efficient causes by nature – in the practical sphere this does not concern us” (*KrV* A803/B831). So, even the knowledge of practical freedom does not prove the ability to decide otherwise in a way that is not causally pre-determined, and can in principle not be predicted. Practical freedom does not establish the ability to act otherwise in our ordinary sense.

However, Kant also adds the final piece of his answer: Whether we do have the ability to act otherwise, does not concern us in practical matters. Rather, it is a theoretical, speculative question, something that would be transcendental freedom: “transcendental freedom requires an independence of this reason itself (with regard to its causality for initiating a series of appearances) from all determining causes of the world of the senses” (*KrV* A803/B831). In practical matters we are concerned with how we should act, and this can be established without the speculative question.

Section 6: Final Results

How free are prudent actions? I have argued that Kant holds the following claims:

(i) We know by experience that our reasoning can have a causal influence on our actions.

(ii) But, in principle, we cannot know whether deep down these deliberations are themselves causally pre-determined by nature.

(iii) What is more, we cannot even conceive of how we could act otherwise in a way that is not causally pre-determined, or merely random.

(iv) However, ultimately, this is not what is important for our practical concerns. What is important is that we are not simply pushed around by our inclinations, but that our deliberations can make a difference, and that we behave morally.

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Abstract:

Does Kant allow for our ordinary view that prudent behavior can be free? Kant understands prudence as the “skill in the choice of means to one’s own greatest well-being” (GMS 4:416). If there are morally indifferent actions (cf. MS 6:223), some of these decisions might not fall under moral requirements. How does Kant conceive of such decisions, and which notion of freedom does he employ in this context? These are the questions I shall focus on in this article.

Keywords: freedom, prudence, agency, reason, moral law

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