KANT'S RECIPROCITY THESIS AS A RESPONSE TO SCHELLING'S CRITIQUE OF THE IDEALIST CONCEPTION OF FREEDOM

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I call him free who is led by reason alone. Therefore, he who is born free, and remains free, has only adequate ideas, and so has no concept of evil. And since good and evil are correlates, he also has no concept of good.

(Spinoza *Ethics* 4P68)

Table of Contents

Introduction

Kant's theory of freedom has provoked criticism since its inception. Contemporaries such as Reinhold and Sidgwick criticize Kant's theory on the ground that freedom conceived as merely a capacity for acting well would destroy ordinary notions of responsibility and imputation, albeit on different grounds. Their shared critique was that without an account of how we can freely commit evil, Kant's system cannot explain how we are responsible for our deeds. While Kant was able to respond to these criticisms in his own lifetime, Schelling published his *Philosophical Inquiries into the Nature of Human Freedom*, the *Freiheitsschrift*, in 1809, five years after Kant's death.[1] This work is motivated by Schelling's critique of the idealist conception of freedom he attributes to Kant, arguing that it "supplies only the most general concept of freedom, and a merely formal one" (Schelling 352). Schelling thinks this position fails to ground what is distinct about human freedom positing that "the real and vital conception of freedom is that it is a possibility of good and evil" (Ibid.). Schelling thus echoes Kant's earlier critics in arguing that his theory fails to account for evil. But unlike Reinhold and Sidgwick, Schelling is interested in how evil comes about in the first place rather than how and why we can punish others (or ourselves) for evil acts. My aim is to show that Kant's theory of freedom is able to answer Schelling's more fundamental critique.

This thesis consists of two essential parts. First, to explicate Schelling's critique in the *Freiheitsschrift*, and second, to show that Kant can answer it. The first part will be mostly

[1] In this thesis, I will isolate Schelling's work to this single essay. This is because Schelling's thought went through a series of rapid transformations, especially on the question which is of vital concern here, namely the correct interpretation of human freedom. For more information on the evolution of Schelling's thought, see Kosch (2010).

expository, but Kant's response must be reconstructed. Through a close reading of the *Groundwork of the Metaphysics of Morals* and the *Critique of Practical Reason*, I will show that Kant's reciprocity thesis—the claim that a "free will and a will under moral laws are one and the same"—adequately grounds the possibility of evil in human freedom, thus fulfilling Schelling's core requirement for an account of human freedom.

I will begin by sketching a basic account of Kantian freedom within the domain of his larger ethical theory. In order to treat Schelling's critique, I will first examine the earlier critiques by Reinhold and Sidgwick to get the landscape of the early debate over Kantian freedom in view. After I explain Schelling's critique of the idealist conception of freedom, I will introduce recent scholarship on the topic, focusing on the modern reception of Schelling's essay and various attempts at a Kantian reply. I will then introduce my theory of the case, explaining what I take to be Kant's positive account of evil given in the second *Critique* through his reciprocity thesis. I will end the paper by addressing some lasting concerns that this interpretation warrants and attempting to give tentative answers to them.

1. Central Kantian Concepts

The most well-known feature of Kant's ethical theory is the supremacy of the *moral law*. Kant begins the *Metaphysics of Morals* with an analogy of natural laws to moral laws. In the former case, these must be *a priori* necessary laws to which everything in the physical world conforms (*MS* 6:214-215). Moral laws work similarly, yet with the added condition that they must be *seen* to be *a priori*, necessary laws, since this recognition must itself serve as the basis for obeying whatever a moral law might prescribe. That is to say, we can only be obligated to act in a certain way if this obligation makes sense to us. Because we are beings who have physical natures yet nonetheless are endowed with reason, we can either be motivated by that which reason prescribes to us, these supposed moral laws, or by the world around us, according to our physical needs or desires. This latter motivation is what defines our capacity to seek pleasure or displeasure—to seek that which would satisfy us, or, as Kant would say, that which would make us *happy*.

In general, the faculty of desire "is the faculty to be by means of one's own representations the cause of the objects of those representations," effectively amounting to the ability to *do* things at all (*MS* 6:211). However, when this faculty of desire "whose inner determining ground, hence even what pleases it, lies within the subject's *reason*," it is called the *will*[2] (*MS* 6:213). Thus, reason is what enables us to act according to moral laws since it is the capacity with which we are able to *see* things to be a priori, necessary laws. This is also where freedom enters the picture. Kant writes:

[2] The way in which the will's determining ground "lies within the subject's reason" is ambiguous at this point. Superficially, it seems as if one's actions have to be wholly determined by reason in order for a subject to be acting willfully, but I intend to claim that this is only one way to interpret Kant's theory of free action. Analyzing the exact nature of this claim and related ones will be my enterprise in §5.

> That 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. Human choice, however, is a choice that can indeed be *affected* but not *determined* by impulses, and is therefore of itself (apart from an acquired proficiency of reason) not pure but can still be determined to actions 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 ability of pure reason to be of itself practical. (*MS* 6:213-214)

One standard interpretation of this account of freedom consists in the idea that we only act freely when we act independently of sensible impulses. This independence from sensible motives leaves nothing but pure reason to determine the will, and thus, we are only free when we act according to pure reason. This interpretation can be supported by things Kant says throughout his works, and from the supposition that a free will is one that acts according to pure reason, Kant is able to derive the moral law and its connection to freedom. In the second *Critique*, he writes, "if no determining basis of the will other than that universal legislative form can serve as a law for this will, then such a will must be thought as entirely independent of the natural law governing appearances in reference to one another, viz., the law of causality. Such independence, however, is called freedom in the strictest, i.e., the transcendental, meaning" (*KpV* 5:29). Freedom here is construed as obeying the laws that one gives oneself. This is because we derive the moral law a priori and thus without input from the sensible world[3]. But without this content, what is left is the

[3] Although metaphysics is not the primary focus of this paper, Kant's division between the phenomenal and noumenal realms underpins his ethical thought as well. This is because Kant claims we have a phenomenal existence because

mere form of a law itself, this "universal legislative form," from which alone Kant thinks we can act well and consequently be free. On this reading, a will is free insofar as its actions are both determined independently of sensible motives[4] and thus *for* the sake of the moral law.

On this reading, freedom *cannot* be construed as the ability to choose good or evil since choosing evil would require one's will to be affected by sensible motives, which is just the kind of will which is not free according to Kant. Rather, for Kant, the ability to choose evil is construed as a sort of *in*ability to determine your will totally according to what the moral law prescribes. In the *Metaphysics of Morals*, he writes, "freedom can never be located in a rational subject's being able to choose in opposition to his (law-giving) reason … For it is one thing to accept a proposition (on the basis of experience) and another thing to make it the expository principle (of the concept of free choice) and the universal feature for distinguishing it" (*MS* 6:226).

What, then, would it mean to act freely in this sense? The most well-known formulation of the categorical imperative, which is the imperative form in which the moral law appears to us, is that of universal law: "Act only according to that maxim through which you can at the same time will that it become a universal law" (*G* 4:421). Thus, you are free when you correctly apply the categorical imperative to the situation you happen to be in. However, this interpretation seems to

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we are finite beings affected by the world through our senses, yet we have access to the noumenal world in virtue of our reason. Thus, when Kant refers to "independence from sensible motives," he is reinforcing this distinction, arguing that a good will is one which does not incorporate worldly desires into one's action which ought to be wholly determined by pure reason alone.

[4] The Kantian language of "sensible motives" is meant to refer to any motivations of the will which arise from the phenomenal world. Thus, everything in nature which follows a law of causality would be that which provides motivations on the will contrary to respect for the moral law.

immediately raise a concern: what happens when you fail to do this? That is, if we fail to act well, as Kant insists experience often teaches us is the case, are we necessarily unfree when we do so?

Kant's reply could simply be that, yes, we are only free when we act well. But this in turn raises an important issue, namely how are we supposed to be responsible for evil, and, further, how is it possible at all that we choose evil if we are aware of the moral law? These questions are pertinent because they seem to call into question ordinary notions of responsibility as well as the phenomenon of evil itself. Surely, we would not want an ethical system which can only explain occasions when we are deserving of merit. Indeed, accounting for exactly those times when we are deserving of punishment or rebuke either from ourselves or others seems like an implicitly valuable aspect of an ethical system. And if we are necessarily unfree when we commit evil, how can we make sense of the phenomenon of evil at all? Since experience teaches us that people can commit evil even when they know they shouldn't, Kant's theory seems to be missing a moral-psychological account of this possibility. While a standard Kantian retort might be that these actions are those whose motivations arise from the sensible world, evil does not seem like a natural feature of that world; rather, *choosing* evil while knowing the good is uniquely human, and the distinguishing mark of our actions compared to animals is precisely that we are free.

2. Two Early Critiques

This interpretation of Kant's theory of freedom prompts two main concerns. The first, offered by Reinhold and Sidgwick while Kant was still alive, is that freedom thus construed destroys typical notions of responsibility. The criticism consists in the idea that if we are unfree when we act badly, it doesn't seem as if we can be held responsible for these actions since we intuitively think that we are only responsible for actions we freely choose. A second prime concern is that this formulation of Kantian freedom doesn't account for the possibility of evil. This criticism, articulated by Schelling, rests on the premise that any theory of freedom ought to explain how good and evil are real choices and charges that the idealist conception of freedom as merely a capacity for the good cannot do this. Schelling's critique will be the topic of the next chapter.

My aim in this chapter is to demonstrate two things. First, I aim to show that the most constant and recurring theme in criticisms of Kant's theory of freedom is its inability to explain (some aspect of) evil. Reinhold and Sidgwick represent the first two attempts to rehabilitate Kantian philosophy along the lines of this criticisms, and the fact that Kant was able to respond in his own lifetime allows us to clarify the exact nature of the potentially problematic aspects of his theory of freedom when it comes to evil. My second aim is to show that Kant is able to answer these critiques and maintain internal consistency in his theory of freedom. However, the upshot of this second aim is that while Kant cannot be criticized for confusing his own ethical concepts, a more crucial worry remains, namely in how Kantian freedom makes evil possible in the first place even if we can hold people responsible for such actions. This concern will be the basis of Schelling's critique, and after we have seen how Kant explicitly answers the charge that his theory cannot account for evil, we will be able to see what is left to cause concern.

As to the first concern, Reinhold and Sidgwick criticize Kant's position through reference to the *Wille* / *Willkür* distinction found throughout Kant's philosophy. Henry Allison glosses the *Wille* / *Willkür* distinction as Kant "using the terms to characterize respectively the legislative and executive functions of the faculty of volition" (Allison 451). That is to say, *Wille* can be understood as the law-giving aspect of a human will, that which has access to the moral law. This is contrasted with *Willkür*, which is usually translated as *power of choice*, denoting the will's[5] power to choose between different courses of action. Henry Allison observes that in the *Groundwork* and the second *Critique*, Kant uses the terms interchangeably but that with the publication of the *Metaphysics of Morals*, he draws an explicit distinction between them according to whether freedom is exhibited. Kant writes in that work:

> Laws proceed from the will [*Wille*] and maxims from [the power of] choice [*Willkür*]. In man the latter is a free choice [*freie Willkür*]; the will [*Wille*], which is directed at nothing beyond the law itself cannot be called either free or unfree, since it is not directed to actions but immediately to giving laws for the maxims of actions (and is, therefore, practical reason itself). Hence the will itself [Wille] directs with absolute necessity and is itself subject to no necessitation. Only choice [*Willkür*] can therefore be called free. (*MS* 6:226 via Allison 453)

[5] Allison notes that while *Wille* is standardly translated as *will* and *Willkür* as *free choice*, *power of choice*, or simply *choice*, Kant considers them together to make up a "unified faculty of volition," unfortunately also termed *Wille* or *the will* (453-454). Much can and has been written about this distinction, but for my purposes, it is enough to acknowledge these two aspects as distinct for the time being.

2.1 Reinhold

Reinhold takes issue with Kant's conception of freedom by denying both the *Wille* / *Willkür* distinction and Kant's claim of identity between *Wille* and practical reason. In combination, these denials amount to a rejection that we can freely commit evil in a Kantian paradigm. Despite being a self-professed Kantian, Reinhold posits that what Kant was wrong in asserting that freedom does not consist in a capacity to choose good or evil in an attempt to save Kant from criticism. Reinhold believes this is the only way that we can retain ordinary notions of responsibility and punishment in the Kantian framework. However, Kant responded to his would-be defender, declaring that "freedom of choice [*Freiheit der Willkür*] cannot be defined – as some have tried to define it – as the ability to make a choice for or against the law, even though choice as a phenomenon provides frequent examples of this in experience" (*MS* 6:226 via Allison 457). Kant's veiled response to Reinhold amounts to a final rejection of this line of pseudo-Kantian reasoning. In a response to this response, Reinhold doubles down on his earlier position by claiming that the distinction is merely verbal, a supposition which is supported by Kant's haphazard use of the terms, depending on the work.[6] Reinhold writes:

> *Willkür*, which in no way gives the law, but should obey it, and only insofar as it is free can obey it, would only be free insofar as it were not *Willkür*, but also again – as *Wille* – practical reason! Pure reason would give the law and is called *Wille*; but it gives it only to itself and obeys only itself and it is called free *Willkür*! Both are the same act of mere reason, which are not distinguished in reflection through any mark, but only through mere words. (Reinhold 313 via Allison 458)

[6] For more on the history of Kant's use of this distinction, see Allison (2020) pg. 451-454.

By rejecting this distinction, Reinhold believes he has made it possible for the will to give itself a law while still being able to freely act *against* that law. That is, for Reinhold, the will freely gives itself a law but is also able to freely choose to disobey that law. The fact that Kant is explicit throughout his work that laws imply necessity apparently did not cause Reinhold concern since he saw himself as defending the spirit rather than the letter of Kant's theory (Allison 457). Regardless, if it were the case that our power of free choice could only be free if it followed the dicta of practical reason, Reinhold asserts that *Willkür* would cease to be distinguished from *Wille*, which in turn would eliminate the possibility of freely choosing evil.

The complicated talk of the will is central to Kant's metaphysics of action, but the basic point of Reinhold's critique can be understood without the Kantian jargon. In essence, Reinhold is concerned that Kant's theory of freedom precludes evil actions from being imputed to free agents. This was the charge which Reinhold saw as the greatest threat to Kant's ethical thought, and he posited that while Kant's own writing supports such an interpretation, he had confused his own concepts. In defending Kant, Reinhold asserts that Kant himself had failed to see the way in which humans actually express freedom—not by acting according to a freely given law but in being able to choose for or against that freely given law.

2.2 Sidgwick

Sidgwick takes the opposite approach while appealing to a derivative distinction. Sidgwick claims that Kant fails to distinguish between "rational freedom" and "moral freedom," corresponding to the kinds of freedom which might be expressed by *Wille* and *Willkür* respectively. Allison summarizes Sidgwick's basic position: "One equates freedom with rationality, so that a person is free to the extent to which she acts according to reason. He terms this 'Good' or Rational' freedom. The other is freedom of choice, particularly the capacity to choose between good and

evil. He calls this 'neutral' or 'moral freedom'" (Allison 460). Allison dismisses Sidgwick's supposition that Kant failed to see this distinction on the grounds that the *Religion* and the *Metaphysics of Morals* deals directly with it (despite other works, notably the second *Critique*, being less clear on the issue), but he also notes an important insight that Sidgwick offers. Sidgwick points out that Kant's supposition in the *Groundwork* that the positive concept of freedom consists in "a causality in accordance with immutable laws, but of a special kind" implies the problematic conception of freedom wherein it is conceived totally as a capacity to act well (*G* 4:446). Sidgwick claims that this leads directly to the problems Reinhold was interested in—that Kant's theory destroys ordinary notions of responsibility.

2.3 Resolution of the Early Critiques

Both Reinhold and Sidgwick's criticisms amount to the claim that Kant's can't explain how we are responsible for evil if we are unfree when we act accordingly. However, Kant's discussion of the *Wille* / *Willkür* distinction in the *Metaphysics of Morals* seems to assuage these concerns. That is, although *Wille*, which is identical with practical reason, cannot be free in the sense of going against the law it assigns itself, the power of choice (*Willkür*) determines maxims for action which are subject to the necessity of the law formulated by the *Wille* but are not of themselves directing "with absolute nescessity" (Ibid). Rather, *Willkür* combines a freely given law, in the form of a maxim (e.g., I ought not to lie), with an action, but this action may or may not accord with what the law prescribes. So, while, as Kant maintains, *Willkür* cannot be explained as the ability to choose good or evil, the action which comprises one component of *Willkür*, the other being the maxim, is freely chosen in virtue of its being indeterminate from the standpoint of action. Kant puts this same point more succinctly in the *Religion*: "The term 'act' can apply in general to that exercise of freedom whereby the supreme maxim (in harmony with the law or

contrary to it) is adopted by the will, but also to the exercise of freedom whereby actions themselves (considered materially, i.e., with reference to the objects of volition) are performed in accordance with that maxim" (*R* 26). Kant's point is that the *Wille*/*Willkür* distinction, reflected in the two sense of a "free act," clarifies how we can freely adopt a maxim and yet still be held responsible for evil, since it is in this *second* sense of a free act that we can err[7].

With this in mind, it seems that both Sidgwick's and Reinhold's criticisms can be accounted for. By denying Reinhold's denial of the *Wille*/*Willkür* distinction, which Kant himself did, and explaining how *Wille* must be free in a transcendental sense while *Willkür* can be free even while the action attached to that capacity goes against the maxim one gives oneself, responsibility for bad actions seems to remain possible. That is, such actions are free and thus imputable to agents since the will, from one aspect, is always standing under moral laws, yet since we are humans with sensible natures, we can nonetheless obey or disobey this freely given law. However, this doesn't seem to answer a more fundamental concern, namely *why* would be choose evil—is evil an *intelligible*, freely chosen object? Attempting to account for this problem from the viewpoint of the *Wille*/*Willkür* distinction only does so much because it still seems that in this framework, choosing evil is merely a privation of reason; it is our sensible natures overpowering the reasonable parts of the will. This disunity of our power of choice could simply be a feature of Kant's moral thought, but as we will see, Schelling believes that any theory of freedom must be

[7] In §3, I will discuss why this might not be a satisfactory place in Kant's philosophy to answer Schelling's more substantial critique. Nonetheless, the *Religion* is primarily where Kant deals with the objection raised by Reinhold and Sidgwick—the question of responsibility for evil.

able to account for the entire range of human action and thus to account for good and evil on the same grounds.

3. Schelling's Critique

Schelling's critique of Kant's conception of freedom motivates his essay inquiring into "*the Nature of Human Freedom*," the *Freiheitschrift*. His portrayal of Kant's theory of freedom allows him to weave his own story of the necessary stages that human freedom must exhibit in order to constitute what he calls the "one and only true philosophy." While he saw Kant's progress on this topic to be revolutionary in the history of philosophy, he nonetheless claims that this idealist, formal stage of freedom is insufficient. This formal stage is explained succinctly by Heidegger,[8] in his lectures on Schelling's essay, as "independence as standing within one's own essential law" (Heidegger 84). Debating the accuracy of Schelling's interpretation of the idealist conception of freedom will be my project later, but at this point, my enterprise is tripartite. First, I aim to explain Schelling's project in the *Freiheitschrift* as a whole. Next, I will examine his explicit critique of Kant in that work. Finally, I will demonstrate the value of Schelling's basic critique, arguing that Kant's theory of freedom must be able to answer such demands to be satisfactory, as Schelling indeed claims.

Schelling begins his essay with his purpose clearly distinguished:

> Philosophical investigations into the nature of human freedom may, in part, concern themselves with the correct conception of the term; for though the feeling of freedom is ingrained in every individual, the fact itself is by no means so near to the surface that merely to express it in words would not require more than common

[8] Heidegger's lecture series, which was later compiled in book form, on Schelling's *Freiheitschrift* contains both expository and interpretive elements. Although in some places it is hard to discern which authorial voice Heidegger is using, the sections of the text which I have used to elucidate Schelling's essay certainly fall into the former category.

> clarity and depth of perception. In part such investigations may be concerned with the relation of this concept to a whole systematic world view. But here, as indeed everywhere, these two sides of the investigation coincide, since no conception can be defined in isolation and depends for its systematic completion on the demonstration of its connection with the whole. (Schelling 336)

Schelling's introduction to the essay immediately picks up on the Kantian intuition that we somehow know ourselves to be free. For Kant, this feeling is stronger than Schelling immediately supposes; Kant thinks it is impossible for us to act any other way than under the idea of freedom.[9] However, like Kant, this *feeling* of freedom does not itself amount to an explanation of the concept. Rather, this feeling serves both as the basis of any satisfactory account of freedom as well as a reality against which any theoretical framing must cohere, and as such, Schelling sees the need for an account of the conceptual development of human freedom. To be more concrete, it suffices to say that Schelling is immediately concerned with the fact that we know we are free, yet we do not entirely know what this means.

Establishing *what this means* is what Schelling sees as the project of philosophy. For him, this project has two main obstacles which it must overcome. On the one hand, Schelling is interested in the problematic between freedom and determinism, especially as it relates to Spinoza's pantheism. He writes that "[most] people, if they were honest, would have to admit that in terms of their ideas, individual freedom seems to be in contradiction to almost all attributes of a Higher Being" (Schelling 339). Among these, the notions that God is omnipotent and that humans have an unrestricted power of free choice appear incompatible, with the only solution

[9] I will explicate what Kant means by "being under an idea of freedom" in Chapter 5.

being a pantheistic assertion that we are *one with* or *within* God when we act freely, or, more totally, that *everything whatsoever* is in fact God (Schelling 340-341). However, Schelling believes this viewpoint provides no guidance on the question of theodicy. That is to say, God may intervene on the opposition between freedom and determinism, but then we are left with the equally, if not *more*, crucial question of how such a God permits evil. Schelling's aim, however, is not to deny pantheism—he is in fact a dogged proponent of (a version of) this theology. Rather, the inability for this understanding of pantheism to account for the reality of evil motivates his project to describe a pantheistic worldview that is not necessarily deterministic or fatalistic, thus accounting for evil acts without assigning them to God's power.

On the other hand, Schelling believes that a complete theory of freedom must overcome the viewpoint of those who conceive of it as nothing other than a capacity to act well, the aforementioned "merely formal" conception of freedom. What exactly does Schelling mean by Kant's conception of freedom being merely formal? While Schelling believes that Kant and his idealist successors correctly identified freedom as a central feature of inquiry, his concern is that it lacks content—it doesn't describe freedom as it appears in *us*, even if it is theoretically consistent and logically grounded. The way in which this is merely formal is that Schelling thinks it describes an empty concept that has no real-world import since it cannot account for the full range of human behavior. However, Schelling believes the idealist conception of freedom is a necessary step in the elucidation of the real, vital conception of freedom he hopes to express. Heidegger explicates Schelling's development of the stages of freedom ending with idealism thus: (1) first, freedom is conceived merely as the ability to begin a series of events outside the causal order of nature. Then, (2) freedom is thought of as "being free *from* something," wherein one is able through their choice to shirk various options (Heidegger 83, italics mine). Freedom then (3) becomes "freedom *for*

something," allowing one to commit oneself to a freely chosen course of action. This leads to (4) the "inappropriate concept of freedom," a stage wherein freedom is conceived as the triumph of reason over sensibility, allowing one to break free from the confines of one's finite nature and act independently of their animalistic natures. (This is also how Kantian freedom is sometime characterized.) Finally (5), we reach the idealist, or *appropriate*, conception of freedom, that stage which is distinguished as both independence from nature as well as the essential ability to follow a self-given law—in Kant's case the *moral law*.[10]

Schelling saw this last stage as the greatest progress made thus far in philosophy as he defines it, namely as a sort of science of freedom. But his main issue with this conception is its independence from the sensuous world—from *nature*, which he claims necessarily involves the fact that humans knowingly and intelligibly have a propensity for evil, which even the appropriate stage of freedom cannot account for. Schelling writes: "idealism supplies only the most general conception of freedom, and a merely formal one. But the real and vital conception of freedom is that it is a possibility of good and evil" (Schelling 352). Schelling believed his conception of freedom avoided the charge of formality because he construes human freedom as a fundamental description of the existing range of human behavior, which must include evil. For Schelling, the formality of Kantian freedom consisted in its inability to ground freely chosen *evil* actions so that even if we are free in such a framework when we act well, we are still left confused on the topic

[10] The phrasing of this stage as the "appropriate" stage of freedom might be misleading since it is the one Schelling explicitly argues against. However, Schelling is adamant about Kant's and other idealists' contribution to the philosophy of freedom, so while we must go *beyond* this stage (in order for it to have content), it is nonetheless the furthest philosophy has gotten up to this point and serves as an *appropriate* basis from which Schelling can begin his positive account.

of how we can freely choose evil. Kant's greatest achievement according to Schelling was his identification of freedom as a capacity to access things-in-themselves, but since Kant defines this only negatively, i.e., as independence from the merely physical realm, Schelling argues that Kant has rendered this capacity inert. By cutting off freedom and things-in-themselves more generally from the world we in fact inhabit, Kant has limited his ability to account for the entire range of human behavior, particularly the intelligible possibility of evil—i.e., evil considered not as a privation of freedom but as an actual choice on the same footing as the possibility of the good.

Thus, with regard to both pantheism and the formal conception of freedom, Schelling is motivated by prior failures to explain the reality of evil. Going forward in this thesis, I will leave aside Schelling's contribution to the pantheism debate. Despite underpinning a large portion of his positive account of freedom in the *Freiheitschrift*, I am more interested in the negative claim Schelling makes in opposition to Kant's view. Thus, my aim is to understand and evaluate this basic and fundamental critique: that the idealist conception of freedom cannot account for the possibility of evil. My reason for doing so is that Schelling's critique poses a serious problem for Kant's practical philosophy. That is, even if Kant's theory of freedom is internally consistent and theoretically grounded, if such a theory doesn't account for the full range of human behavior, including evil, how can it have significance at all? Here, we can recall my first aim in Chapter 2—to show that Kant was able to maintain his system of freedom against the critique that it cannot explain how we are responsible for bad actions. While Kant's discussion of the *Wille*/*Willkür* distinction was able to ground the possibility of imputation for evil actions while remaining faithful to his larger metaphysical project, we are still left to wonder if this is satisfactory for grounding the intelligibility of freely choosing such actions in the first place. Thus, Schelling's charge of formality acknowledges the internal consistency of Kant's theory of freedom while maintaining

that such a system must be able to account for human behavior as it exists in the world. The question of how we can be responsible for evil actions does not seem to even be of interest for Schelling—we can and *are* held responsible. Rather, Schelling thinks that a system of freedom must explain how such actions arise in the first place and asserts that interpreting them as *privations* of freedom excludes such actions from a system of freedom rather than explaining their possibility through its definition.

Schelling's emphasis of the role which freedom must play in any practical philosophy corresponds well to its role in Kant's system wherein it is described as an indispensable feature of both moral reasoning and *action* itself. That is, since a free will and a will under moral laws are one and the same according to Kant, elevating freedom to play a central role in any system of practical philosophy is likewise a Kantian goal. My contention is that Kant's reciprocity thesis does this by grounding a notion of *human freedom* that goes beyond the "appropriate stage" of idealist freedom. I intend to show that Kant accounts for the distinctive quality of human freedom which Bernard Freydberg characterizes as Schelling's whole project: "In human freedom, the clue to the articulation of the world is present, since it is freedom and since the articulation of freedom is one with the articulation of the world…[thus], the world is to be disclosed in human freedom, and freedom is to be disclosed in the world—through the human being." (Freydberg 9). Freybderg's gloss is meant to evoke the centrality that Schelling assigns freedom in any system of philosophy. This Schellingian enterprise is not the same as Kant's in the second *Critique* (Kant's is much broader) but demonstrating that Kant's system of freedom satisfies Schelling's requirements not only answers the latter's critique but also grounds the system in human freedom, cementing the intuition that we *know* we are free in its very foundation. Before I introduce the reciprocity thesis, I will examine recent scholarship on the debate between Schelling and Kant.

4. Modern Responses to the Debate and Their Collective Error

There have been various attempts to assess Schelling's critique of Kant's conception of freedom since the *Freiheitsschrift*, including in recent scholarship. In this chapter, my aim will be to assess the conclusions of three recent authors: Sebastian Gardner, Dennis Vanden Auweele, and Michelle Kosch. In each case, the authors attempt to evaluate Schelling's conclusions by primarily looking to Kant's account of radical evil as it appears in his *Religion Within the Bounds of Mere Reason*. After detailing the three modern positions, my aim will be to show why Kant's theory of radical evil is not the right area of his philosophy to respond to Schelling's critique due to Kant's claim that he is there interested primarily in responsibility and imputation. Kant's theory of radical evil aims to explain how people freely choose an evil disposition, and are thus responsible for evil actions, rather than how evil is possible when we are only free when we stand under moral laws, which is the focus of Schelling's critique. In the next chapter, I will introduce Kant's reciprocity thesis and demonstrate how it better accounts for Schelling's demands compared to Kant's theory of radical evil.

Gardner begins by tracing Kant's conditions for what counts as freedom. He writes that they are fourfold: "In order to act freely, it must be true that the agent could act (or could have acted) otherwise than she does (did). Second, the determining grounds of the action must lie within the agent's control or power, in *meiner Gewalt*. Third, their action must be determined not empirically but by reason. Fourth, the agent must be if not motivated then *at least motivatable* by pure practical reason, the moral law" (Gardner 2, latter italics mine). These four conditions mirror the development of freedom that Schelling explicates through the first five stages, ending in Kant's formal conception, i.e., the ability to be motivated by a self-given law. As such, while these are all conditions of freedom for Kant, the one which is most of interest is the last one—being "at least

motivatable" by the moral law. Gardner is concerned that Kant's theory pulls in two opposing directions, and this is what motivates Schelling's critique. Namely, the intelligible causality, i.e., the ability of humans to affect the world in a reasonable manner, involved in freedom runs up against the postulation of transcendental spontaneity which is "required to provide for the dimension of self-conscious self-determination or choice between alternatives" (Gardner 7). Transcendental spontaneity is the name Kant gives to the ability to act according to self-given laws rather than natural laws. This capacity is spontaneous because humans are not *caused* by external things, which abide by the causal law of nature, to act in this or that way. The concern is that intelligible causality seems to make our choice between good and evil *un*intelligible in the light of this second feature of human freedom. That is, if freedom is defined on the one hand by the ability to rise above the world of appearances and act according to reason, the spontaneity with which we choose to act well doesn't seem like much of a choice at all. If we *failed* to act well, the first condition wouldn't be satisfied since it would amount to a misuse of reason—a falling back into the sensible world and the inclinations it generates.

Gardner proceeds by reconstructing Schelling's thesis in the *Freiheitsschrift*, arguing that his enterprise consists first in a rejection of Kant's theory of radical evil, followed by a pantheistic account of human freedom which unites it with the totality of nature while rejecting fatalism, and finally a resolution of "Kant's difficulty in uniting intelligible character with transcendental spontaneity" (Gardner 12). As to the first point, I am sympathetic to the claim that Schelling's critique of the Kantian conception of freedom holds up against Kant's theory of radical evil, but I am skeptical that this an enlightening insight.

What is Kant's theory of radical evil? The motivation for this account, offered in *Religion within the Bounds of Mere Reason*, was the same as what Reinhold and Sidgwick saw as the crucial

gap in Kant's theory of freedom—how we can hold people responsible for evil. Kant writes in that work that humans have a predisposition toward the good and that we can know this with theoretical certainty through the moral law but that we simultaneously know through experience that humans have a propensity for evil (*R* 26). While the former can be cognized a priori, the latter is a fact that experience teaches us and leads directly to the question of how we can explain this in order to hold people responsible. While much can be gleaned about what Kant thinks about humans who freely choose an evil disposition from the *Religion,* this theory of radical evil differs from choosing evil *per se* for two reasons. First, radical evil refers to the disposition a human cultivates which would predispose them to act against the law rather than the choice between good and evil. While radical evil aims to explain how people become evil themselves, it doesn't attempt to explain the choice between good and evil in individual circumstances. Second, this theory aims to explain what we know empirically—that some humans are evil—rather than grounding evil in freedom itself. Kant's theory of radical evil cannot respond to Schelling's charge because Kant's theory in the *Religion* doesn't ground evil actions in freedom itself but shows how we are responsible for them after the fact.

Kant, according to Gardner would himself have been skeptical that his theory of radical evil could answer Schelling's charge: "[The] motivation for this doctrine [of radical evil], the reason for affirming it, derives entirely from practical interest, our practice of holding ourselves and one another morally responsible, the integrity of which is here in question; and in any case, Kant himself admits that the postulation of radical evil explains nothing and generates a regress" (Gardner 7). From this standpoint, it is clear that Kant cannot respond to Schelling's charge of formality since the theory of radical evil in no way grounds the possibility of evil in human

freedom. Rather, it asserts that we know *a posteriori* that evil exists in man, and if we hope to be able to punish people for their evils, we must have an account for how this evil is freely chosen.

Michelle Kosch summarizes Kant's point to mean that "if character is not chosen, not the act precisely of an undetermined capacity to will either good or evil, then it is not imputable – and if it is not imputable, then neither are the empirical actions that flow from it (Ak. 6: 44). Such a choice is 'inscrutable,' but must be posited nevertheless if there is to be moral responsibility" (Kosch 2014, 3). The language of "inscrutability" echoes Kant's, who writes in the *Religion* that "The rational origin . . . of this disharmony in our power of choice with respect to the way it incorporates lower incentives in its maxims and makes them supreme, i.e. this propensity to evil, remains inexplicable to us" (*R* 6:43 via Kosch (2006) 62). All of this is to say that Kant's theory of evil in the *Religion* has nothing to do with grounding the possibility of evil intelligibly but instead attempts to account for evil as we see it in the world. While we must posit that evil people freely choose that moral disposition (if there is to be imputation), he offers no account in that work of *why* people would choose evil, which is really what is central to Schelling's critique.

Gardner sums up why both Schelling and Kant are interested in the problem of evil thus: "For Kant, [an account of evil] is needed in order that we should be able to impute immoral actions to agents, that is, in order to resolve the puzzle that reason (and hence also freedom) is exercised even in violations of the moral law. For Schelling, it is required in order to give reality to freedom – a proposition which Kant would not accept. For Kant, the reality of freedom is given through the moral law alone" (Gardner 9). While Gardner is correct in asserting that the theory of radical evil offered in the *Religion* is motivated by the need to account for moral responsibility, this does not imply that Kant has not or cannot account for the free choice of evil elsewhere in his philosophy. Vanden Auweele echoes Gardner's point in asserting that Kant's theory of radical evil attempts to

ground human evil in the widespread acknowledgement that there evil exists in the world, citing Kant's assertion in the *Religion* that "we can spare ourselves the formal proof" of the possibility of evil because of "the multitude of woeful examples that the experience of human deeds parades before us" (R 6:32–33 via Vanden Auweele 238).

However, I intend to show that the reciprocity thesis accounts for why people would choose evil, namely because of the fact that only when we become free does evil become possible. If the appearance of evil is simultaneous with the knowledge that we are free, it seems like the choice becomes intelligible: we can only commit evil when we are free, and freedom only becomes intelligible to us when evil is a possibility.

5. The Reciprocity Thesis

My contention is that Kant's reciprocity thesis, the claim that "a free will and a will under moral laws is the same," answers Schelling's charge that the idealist conception of freedom cannot explain the possibility of evil (*G* 4:447). In this chapter, I will first explain the reciprocity thesis as it appears in the *Groundwork* and the second *Critique*. I will then demonstrate how the sort of freedom Kant has in mind there differs from "transcendental freedom," and why this distinction is justified. Finally, I'll apply this new understanding of freedom to Schelling's critique.

But first, what is the reciprocity thesis? The equation of a free will and a will under moral laws appears first in the *Groundwork*, wherein Kant speaks of being free as a sort of *state*, rather than a designation for particular actions. He writes, "every being that cannot act otherwise than *under the idea of freedom* is actually free, in a practical respect" (*G* 4:448). What does it mean to act under the idea of freedom? Here, we may recall what Kant says in the *Metaphysics of Morals*, that "human choice, however, is a choice that can indeed be *affected* but not *determined* by impulses, and is therefore of itself (apart from an acquired proficiency of reason) not pure but can still be determined to actions by pure will" (*MS* 6:226). What distinguishes a human will which acts under the idea of freedom from an animal will is the inability for a person to be determined by sensible impulses. Even if a person tried, she could not determine her will according to sensible impulses because she must act under the idea of freedom in virtue of being able to cognize the moral law through her reason. Thus, the "acquired proficiency of reason" refers to the way in which we become better understand the way in which we are freely able to derive practical laws in the same way we derive theoretical laws (like those of mathematics), "by attending to the necessity with which reason prescribes them to us and to the setting aside of all empirical conditions to which reason directs us" (*KpV* 5:29).

Kant's claim that a free will and a will under moral laws are one and the same seems to immediately answer the concerns of Reinhold and Sidgwick; those critics worried that we couldn't be held responsible for "unfree" evil actions, but since we cannot act otherwise than under the idea of freedom, even when we act badly, we are acting freely in the relevant sense. Kant makes clear that this is only a valid assumption to make in the practical realm, having shown that neither freedom of the will nor absolute determinism could be definitively proven in the third antinomy of pure reason[11] (*KrV* A444-452/B472-480). Regardless, human freedom takes the form of an enduring state which does not switch on and off depending on the goodness of particular actions.

The *Critique of Practical Reason* clarifies the sense in which a free will and a will under moral laws are one and the same with an instructive example. Kant writes that "freedom and unconditional practical law reciprocally imply each other" and asks "from what our *cognition* of the unconditionally practical *starts*, whether from freedom or from the practical law" (*KpV* 5:29)? Freedom cannot be the starting point in such a derivation because we are immediately aware of it only negatively and through experience.[12] Therefore, it is "the moral law, of which we become immediately conscious (as soon as we draw up maxims of the will for ourselves), that *first* offers itself to us, and…leads directly to the concept of freedom" (Ibid.). It is important to note that Kant is not making an identity claim in the second *Critique* like he was in the *Groundwork,* and that is

[11] The third antinomy is the only one of the four which consists of two "sub-contraries," borrowing Pippin's terminology, rather than two contraries. When the two theses are contraries, they can both be proven by theoretical standards but cannot both be true. In the third antinomy, Kant takes himself to have shown that both can be proven *false*, but that they cannot both be false at the same time.

[12] The initial, negative conception of freedom would correspond to Schelling's "inappropriate stage" of freedom; i.e., being free considered as being free from determining oneself sensually.

because the reciprocity thesis in the second *Critique* is asserting that way in which freedom and cognizance of the moral law imply each other; a free will and a will that is cognizant of the moral law are identical, but this is not to say that the concept of freedom is identical with cognizance of an unconditional practical law. Instead, awareness of the moral law leads directly to the concept of freedom, and a will that possesses either of these necessarily has the other. This is why a will endowed with one is identical with one that has the other.

To make this point clear, Kant introduces the example of what I'll call the *gallows man*. Kant asks us to consider the case of a man who has no inkling of the moral law and desires to act on some lustful inclination, e.g., he endeavors to leave his house and commit adultery. If there is nothing in this man's way, he will always act on whatever his strongest inclination is, rendering his power of choice inert—he will always choose what he desires most, without even being able to choose from among various desires. To further demonstrate this impotence, we can imagine that a gallows has been erected outside the man's house so that if he leaves to commit adultery, he will be hanged on the spot. Of course, such a man will choose to stay home every time in that case. This is because the desire to preserve one's life, perhaps the *strongest* natural inclination possible, will always outweigh his opposing desire. The upshot is that even though the gallows man "chose" not to leave his house after learning of what his fate would be, he did so without there being a real choice present; the stronger inclination will always win necessarily. Even though the man appeared to do the *better* thing, i.e., *not* committing adultery, because he did so without an actual choice present, it is impossible that such an action could really be good (Ibid.). The kind of freedom that is at issue has to do with having a choice among various options. Kant here is attempting to show that without morality, we have no freedom because the gallows man will always choose whatever he desires most, even if his circumstances happen to change.

Kant modifies the example to clarify his point and expound on the way in which morality reciprocally implies freedom. He asks us to reconsider the man with a gallows erected outside his home but who now has some inkling of the moral law. This man is asked by his prince to give false testimony against an innocent man who will be put to death or else the gallows man himself will be put to death. Kant writes:

> [He] would consider it possible to overcome his love of life, however great it may be. He would perhaps not venture to assert whether he would do it or not, but he must admit without hesitation that it would be possible for him. 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* 5:30)

This passage illustrates three key points. First, the reciprocity thesis as it appears in the second *Critique* clarifies what it means for someone to stand under moral laws, and, thus, to be free. Second, the kind of freedom which Kant describes here adequately answers Schelling's charge; I will show that the reciprocal appearance of morality and freedom implies the simultaneous appearance of (the possibility of) evil. Finally, I will show how the reciprocity thesis elucidates what is unique about human freedom, not only compared to amoral agents or animals but also to a perfectly rational being.

5.1 Accomplishments of the Reciprocity Thesis

As to the first point, the gallows man clarifies Kant's first formulation of the reciprocity thesis, that "a free will and a will under moral laws is the same" (*G* 4:447). Kant's claim there is ambiguous, but the modified gallows man example helps to clarify his meaning. The obvious concern with this wording is that being *under moral laws* could just mean to align your will

perfectly with the form of a law. Thus, freedom would only be expressed when we are acting well according to a self-given law, as Reinhold maintained in his denial of the *Wille* / *Willkür* distinction. As Kant explained in the *Metaphysics of Morals*, *Wille* cannot be said to be free "since it is not directed to actions but immediately to giving laws for the maxims of actions" (*MS* 6:226). It may superficially seem that *Wille* is "under moral laws," but this wording (or at least the translation of it) is significant. Since *Wille* is exactly that power which *gives* laws, it itself is not *under* them; it is "subject to no necessitation," as Kant says. Even without appealing to this distinction, the way in which the modified gallows man is "under moral laws" does not preclude choosing evil. This is evidenced by Kant's qualification that the gallows man who is asked to lie "would perhaps not venture to assert whether he would do it or not," yet he is Kant's paradigmatic case of freedom (*KpV* 5:29). Rather, we are subject to moral demands "as soon as we start assigning maxims of the will for ourselves," and we cultivate moral dispositions from that point on (Ibid.).

Second, the reciprocity thesis answers Schelling's charge that Kantian freedom cannot explain the possibility of evil. This can be better understood if we first examine how the gallows man expressed *un*freedom. The amoral gallows man who always chooses his strongest inclination is unfree precisely because he has no power of choice. Although the various fleeting desires will dominate his mind, once they go away or he achieves his ends, there will simply be another desire that he has no power *not* to choose. Could such a man be said to be evil? The question seems to pull in two directions. On the one hand, if I imagine myself satisfying every random desire I happen to have, evil doesn't seem far off. Similarly, I can think of people who *seem* to be interested in what they want and nothing else, and evil seems like a suitable designation for them. The problem is that the amoral gallows man is not like anyone I've ever met, much less myself, I hope. Rather,

such a man would be better compared to an animal, which Kant does throughout his moral philosophy (*MS* 6:387, *KpV* 5:61). The answer to whether or not an animal can be good or evil seems apparent; without a conception of an *ought*, it doesn't seem rational to condemn or assign merit to an animal.[13] The same would have to be said of the gallows man.

So, then, it seems that calling something *evil* has all to do with freedom, and this is supported by the reciprocity thesis. In the case of the gallows man who gains an inkling of awareness of the moral law, the reciprocal awakening of his freedom marks the point of transition where evil becomes an option. That is to say, since "he must admit without hesitation that it would be possible for him" to give up his life in order to the right thing, he *ipso facto* would have to "without hesitation" admit that *not* doing so would also be possible (*KpV* 5:30). Thus, the possibility of evil as an actually existing option in a free being would have to emerge from the concept of freedom itself, even if awareness of the moral law must conceptually come first.

Finally, the above considerations about the kind of unfreedom which the gallows man exhibits has an interesting consequence, namely that a perfectly good will seems to be unfree in the very same way. If we imagine the opposite figure of the amoral gallows man, someone who acted according to the moral law without even the possibility of not doing so, their power of choice would be inert. That is, they would always choose the best thing to do, whatever that may be. I'll call this person the perfect man. This may seem philosophically uninteresting because, like with the amoral gallows man, such a person cannot exist. But there is a difference in this case, namely that Kant would not want to say that the perfect man is unfree. Thus conceived, moral development

[13] There does seem to be an asymmetry; euthanizing a dog after biting a child doesn't seem like punishment for evil, but celebrating a dog who calls 911 for their owner seems like praise for doing good.

would consist in a process of refining our freedom to fit the demands of the moral law only to aspire to an ideal of a complete lack of freedom. Rather than being a problem, however, I think this clarifies two crucial ideas: first, this asymmetry between the ideal and the process of getting there endorses the distinction between "transcendental freedom" and "moral freedom." Second, this distinction illuminates what is unique about human freedom.

5.2 Transcendental Freedom and Moral Freedom

In the first place, the reciprocity thesis allows us to make a distinction between transcendental freedom and moral freedom. The paradigm is helpful in that it can help us see what is distinctive about human freedom without giving up an idea of transcendental freedom, which is that sort of freedom we have considered solely as rational beings. The crucial point is that while we may *consider* our freedom solely as rational beings, existing human freedom doesn't conform to this. Because we are rational beings with a sensible existence, we precisely should *not* consider it this way if we want to know about human freedom. My contention is that the reciprocity thesis allows us to acknowledge the sense in which we are transcendentally free while allowing for a conception of freedom that does not require the strictest obeyance of the moral law—that is to say, a conception of freedom which accounts for evil.

Kant writes in the *Metaphysics of Morals*:

> We cannot present theoretically freedom as a *noumenon*, that is, freedom regarded as the ability of the human being merely as an intelligence, and show how it can *exercise constraint* upon his sensible choice…But we can indeed see that, although experience shows that the human being as a *sensible being* is able to choose *in opposition to* as well as *in conformity with* the law, his freedom as an intelligible

being cannot be *defined* by this, since appearances cannot make any supersensible object (such as free choice) intelligible. (*MS* 6:226)

What I will call transcendental freedom is that which humans have considered "merely as an intelligence." This is freedom in the strictest sense, which can only be assigned to a being for whom "no determining ground of the will other than that universal lawgiving form can serve as a law for it" without influence from sensible motives.[14] That is to say, it would be *impossible* for such a being to determine its will with influence from the external world.

What kind of beings are we? As Kant says, we may *consider* our freedom transcendentally, but what the reciprocity thesis makes clear is that there is a sense of freedom which has wholly to do with awareness of the moral law coexisting with the possibility of acting contrary to what it prescribes. This possibility to act otherwise, i.e., allowing oneself to be determined with influence from the external world, *just is* evil for Kant. Thus, I think there is a more accurate description of the freedom we possess in virtue of being human, rather than in virtue of being merely rational, which I call moral freedom. This is the kind of freedom we exhibit once we become aware of the moral law, and it is necessarily coextensive with the possibility of evil. The way in which our being free is conceptually tied to the possibility of evil brings us back to the gallows man. Recall that Kant writes that the gallows man who becomes aware of the moral law and was asked to lie for his prince "would perhaps not venture to assert whether he would do it or not" (*KpV* 5:29). What this says about human freedom is that the gallows man is not free in virtue of choosing to do the better thing; rather, his being free is what makes the choice to do the better thing (and, thus, also

[14] Or perhaps an Augustinian angel who exists within the phenomenal world but has no possibility of acting against God's will.

the worse thing) possible in the first place. Even if our moral dispositions would be stronger than the gallows man's and we *would* assert that we would die rather than giving false testimony, we are nonetheless in the same position as that man in virtue of having the free choice to act with or against what morality is telling us to do, and this choice only *becomes evil* when we become aware of the moral law and, by implication, when we are free.

The explanatory direction seems to really be what is at issue. Schelling's charge was that Kant's conception of freedom cannot account for the possibility of evil and asserted instead that freedom just is the choice between good and evil. From the perspective of transcendental freedom, it is no surprise that evil cannot be accounted for. Considered solely as rational beings, humans have no possibility of committing evil because the choice to act well or badly necessarily occurs in the sensible world and thus involves our sensible *as well as* our rational natures. Accounting for *this* type of freedom is what the reciprocity thesis accomplishes. The reciprocity thesis demonstrates that the choice between good and evil depends conceptually on the freedom we possess in virtue of being humans—moral freedom. We become morally free when are aware of the moral law precisely because there is a choice present; if we were purely rational beings, we would have no choice but would be transcendentally free. Moral freedom is not defined by the choice between good and evil, but the choice between good and evil, with both existing as actual possibilities, is coextensive with moral freedom. In this sense, moral freedom reciprocally implies the choice between good and evil in the same fashion as the reciprocity thesis,[15] even if these are not strictly identical as Schelling would assert.

[15] I owe this phrasing to Mike Griffin.

6. Lasting Concerns and Potential Solutions

But what about the charge that this possibility of evil is still merely empirical? Kant writes in the first *Critique* that "[the] transcendental idea of freedom is far from constituting the whole content of the psychological concept of that name, which is for the most part empirical, but constitutes only that of the absolute spontaneity of an action, as the real ground of its imputability" (*KrV* A448/B476). What Kant says here seems to suggest that while transcendental freedom does not constitute freedom per se, what else can be gleaned about freedom is merely empirical. This may be a problem for a Kantian account of the kind of freedom I have tried to characterize, moral freedom, because it suggests that any moral-psychological account beyond transcendental freedom can only be described from observation, which would necessarily be imperfect for Kant. It may seem now that the possibility of evil, which I have contended can only be accounted for through a reconstruction of Kantian moral freedom, is only a fact we know *after* we are free. However, even if the psychological concept of freedom is empirical in part, this does not seem to be a problem for answering Schelling's critique. After all, his theory of freedom is designed precisely to account for human freedom as it actually appears in the world. Yet, for Kant, the concern would be that anything we glean about the psychological concept of freedom empirically cannot be known with certainty. However, the postulates of Kant's second critique seems to answer this concern adequately. I'll begin by talking about Kant's postulates in general and the unity of reason.

Kant's antinomies provide four questions in his philosophy that speculative reason cannot give certain answers about, of which human freedom is the third. But the postulates of practical reason resolve these impasses by asserting that, in certain circumstances, we are allowed to go beyond theoretical reason's limits in order to satisfy reason's demands. This is because it is:

> one and the same reason which, whether from a theoretical or practical perspective, judges according to a priori principles; and then it is clear that even if from the first perspective its capacity does not extend to establishing certain propositions affirmatively, although they do not contradict it, as soon as these same propositions belong inseparably to the practical interest of pure reason it must accept them. (*KpV* 5:121)

Thus, even though the possibility of evil cannot be accounted for by transcendental freedom, which is the only kind of freedom we can cognize theoretically, the fact that Kant's practical reason demonstrates the possibility of evil through the reciprocity thesis enables us to declare this as a real possibility that is wholly compatible with human freedom.

Even if this solution is sound, there remains the concern that freely committing evil, even in the framework of freedom described by the reciprocity thesis, is merely negative. This is the problem Michelle Kosch identifies as one aspect of Schelling's critique of Kant: that Kant's concept of freedom is empty because it does not provide a *positive* account of evil's possibility; it merely shows that evil is a *privation* of the positive aspect of freedom—choosing the good.[16] Even if evil becomes possible when we are free, isn't it still the case that committing an evil act is simply a privation of the appropriate use of our reason? Luckily, the distinction between transcendental freedom and moral freedom seems to do away with this concern. From the perspective of transcendental freedom, committing evil is indeed negative; since evil necessarily exists in the world, we cannot make sense of this possibility by abstracting our rational natures from the world

[16] See Kosch (2014), page 7: "The problem of the 'real and vital' component of the account of freedom, then, is that of how a positive conception of moral evil is possible."

and considering our freedom transcendentally. From this perspective, evil can *only* be a privation of reason. This is clear from what Kant said in the *Metaphysics of Morals*: "*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 ability of pure reason to be of itself practical" (*MS* 6:213-214). In this paradigm, the misuse of our transcendental reason only takes away from what we can do—it is limiting. But from the perspective of moral freedom, the possibility of evil is positive since it only *adds* to the range of possible human behavior. This is clear if we remember the discussion of whether or not the amoral gallows man can be considered evil. We were left with an at best nonsensical question, since without awareness of the moral law, there is not a sense in which the amoral man is disobeying anything. What made him unfree was precisely the fact that he was destined to choose the same course of action in every case, namely what would please him most. But in the transition from this kind of man to one who had at least an inkling that there is something he *ought* to do, the possibility of evil adds a range of behavior that he was shut off from before.

One may still counter by saying that the possibility of evil is merely neutral on this explanation, since the only kind of action which is added in this transition is moral action; evil is merely given a name in light of this. However, my retort is that the introduction of evil remains positive because, unlike the amoral gallows man, humans have a plethora of ways to engage in evil, not just by exclusively following our strongest inclination. This is clearly borne out in experience and has all to do with awareness of the moral law. Kant writes in the *Groundwork* that the most obvious way people disobey the moral law is through self-deception. This is because, since we cannot help but have some cognizance of what the moral law prescribes, we often try to find ways around its dicta while simultaneously trying to avoid guilt or punishment. Thus, we are

prone to make exceptions for ourselves, such as when we think we have a good enough excuse to lie, even if we *know* that it is wrong. Even when we are not deceiving ourselves, there are many more ways to do evil than simply the basest, most uninhibited desires that the amoral gallows man would be prone to satisfy. All of this is to say that the introduction of the possibility of evil is certainly positive compared to the range of action that the amoral gallows man possesses, and as such, from the perspective of moral freedom, the necessarily simultaneous appearance of the possibility of evil with awareness of the moral law cannot be merely negative.

Conclusion

In this thesis, my aim has been to defend Kant against Schelling's charge that his theory of freedom is merely formal through an appeal to Kant's reciprocity thesis. I did this by preliminarily sketching Kant's view on a standard interpretation. I then examined several early critiques, arguing that Schelling's is the most pressing for a defense of Kant. I then showed that while the modern reception to Schelling's critique have been insightful, their interpretation of the status of evil in Kant's theory of freedom was too heavily grounded in the theory of radical evil as it appears in the *Religion*. Finally, I introduced my novel interpretation of Kant's theory of freedom as it relates to the problem of evil by looking to the reciprocity thesis, arguing that the simultaneous appearance of freedom and the possibility of good and evil satisfied Schelling's basic critique. My hope is to have retained an attractive connection between freedom and morality that is still responsive to the full range of human behavior.

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