

Moral Law as the *Ratio Cognoscendi* of Freedom in Kant's Philosophy

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Abstract

In *Critique of Practical Reason* (1788) Kant elaborates on his idea of freedom. According to him, freedom is cognizable only through the awareness of the moral law. Therefore the moral law is the *ratio cognoscendi* of freedom, while the latter is the *ratio essendi* of the former. Although such reciprocal substantiation sounds quite paradoxical, we can understand his idea when we look back on his *Critique of Pure Reason* (1781), examine the development of his conception of freedom and then put his statement in *Critique of Practical Reason* into its proper context. In this paper I explicate two types of Kant's concept of freedom that are regarded as representing by turns the stages of his philosophical development: (1) practical freedom, (2) transcendental freedom. In the 1770's Kant mainly talked about the former and expected that he could manage with it in his moral philosophy. This expectation was also carried over into *Critique of Pure Reason*, as is typically found in the chapter 'The canon of pure reason'. Yet he also argued in *Critique of Pure Reason* about antinomy of pure reason and elaborated in consequence of the resolution of the third antinomy the concept of transcendental freedom in its probability. On account of that some people describe *Critique of Pure Reason* as a patchwork. However, I argue in this paper that we can learn from the whole text of *Critique of Pure Reason* the decisive development of Kant's thinking on freedom. Namely, practical freedom is completely excelled by transcendental freedom. Then I consider how he could succeed in demonstrating transcendental freedom in its peculiar reality. In my opinion Kant drew for that purpose in *Groundwork of the Metaphysics of Morals* (1785) an important distinction between the hypothetical and categorical imperative. It was in consequence of this elaborate consideration that he could propose the reciprocal substantiation between the moral law qua categorical imperative and freedom in *Critique of Practical Reason*.

Keywords: practical freedom, transcendental freedom, the moral law, *Critique of Pure Reason*, *Critique of Practical Reason*

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Preface

Immanuel Kant elaborates on his theory of freedom in *Critique of Practical Reason* (1788). Since freedom is the keystone of his whole philosophy, we can in a sense regard *Critique of Practical Reason* as the climax of his philosophical development. It is remarkable that he describes there freedom as inseparable from the moral law. Namely, he contends that we can become aware of freedom only on the basis of our consciousness of the moral law:

“..... freedom is real, for this idea reveals itself through the moral law.”¹⁾

“..... among all the ideas of speculative reason freedom is also the only one the possibility of which we *know* a priori, though without having insight into it, because it is the condition of the moral law, which we do know.”²⁾

And the following is his important remark:

“Lest anyone suppose that he finds an *inconsistency* when I now call freedom the condition of the moral law and afterwards, in the treatise, maintain that the moral law is the condition under which we can first *become aware* of freedom, I want only to remark that whereas freedom is indeed the *ratio essendi* of the moral law, the moral law is the *ratio cognoscendi* of freedom. For, had not the moral law *already* been distinctly thought in our reason, we should never consider ourselves justified in *assuming* such a thing as freedom (even though it is not self-contradictory). But were there no freedom, the moral law would not *be encountered* at all in ourselves.”³⁾

The moral law is the rationale for our awareness of freedom, while freedom founds the existence of the moral law. Such interdependence may strike us as odd. Freedom liberates, whereas the law regulates. Certainly, we admit that human beings can attain civic freedom only through the restriction on freedom by the law, because in unlimited freedom human beings would inevitably hurt one another. In this sense we speak of the compatibility of freedom and the law. However, their reciprocal substantiation, as Kant states it, sounds quite paradoxical to us. So we must look back on his *Critique of Pure Reason* (1781), examine the development of his conception of freedom and then put his above statement into its proper context, in order to understand Kant's idea of the interdependence between freedom and the

moral law.

1. Practical freedom

In the 1770's Kant explicated his concept of freedom as practical freedom. Practical freedom means reason as a causative agent of an action. Most of our actions are motivated by various factors which are instinctive, sensuous, imaginative, physiological, pathological, psychological, and so on. In many cases, however, we can find among them also motives which derive from reason. Namely, reason has its own peculiar wisdom to bring about a purposive action. Thus reason causes an action. According to Kant, hereupon we can regard our actions as being effected by reason's practical freedom.

Admittedly, Kant's conception of practical freedom falls short of his later philosophical thinking. Yet it is already characteristic of him to describe freedom as causality of reason. So in his view, in order to confirm the reality of freedom, it must be only proved that our actions are caused, at least partly, by reason. This can be empirically performed without any difficulty. Of course, it may come then into question whether or not this causality of reason is compatible with the other type of causality, that is, the causality of nature. However, we must regard Kant's attitude in this period as a loose compatibilist one, because he contends that we can neglect the speculative question whether or not reason, purposively causing an action, is itself determined by another precedent cause. Reason as an immediate causal agent of an action is sufficient to confirm the reality of practical freedom.

In *Critique of Pure Reason* Kant still speaks of practical freedom at places, although it is in this book that he elaborates his idea of transcendental freedom. So some scholars comment that this book is a patchwork. Especially in the chapter 'The canon of pure reason', which is supposed to have been written earlier than other parts, what is left of the concept in the 1770's is displayed. The following passage is the conspicuous example:

And here the first thing to note is that for the present I will use the concept of freedom only in a practical sense and set aside, as having been dealt with above, the transcendental signification of the concept, which cannot be empirically presupposed as an explanatory ground of the appearances but is rather itself a problem for reason. A faculty of choice, that is, is merely **animal** (*arbitrium brutum*) which cannot be determined other than through sensible impulses, i.e., **pathologically**. However, one which can be determined independently of sensory impulses, thus

through motives that can only be represented by reason, is called **free choice** (*arbitrium liberum*), and everything that is connected with this, whether as ground or consequence, is called **practical**. Practical freedom can be proved through experience. 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 whole condition is desirable, i.e., good and useful, depend on reason. Hence this also yields laws that are imperatives, i.e., objective **laws of freedom**, and that say **what ought to happen**, even though perhaps never does happen, and that are thereby distinguished from **laws of nature**, which deal only with that **which does happen**, on which account the former are also called practical laws.

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 be nature—in the practical sphere this does not concern us, since in the first instance we ask of reason only a **precept** for conduct; it is rather a merely speculative question, which we can set aside as long as our aim is directed to action or omission. We thus cognize practical freedom through experience, as one of the natural causes, namely a causality of reason in the determination of the will, whereas 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, and to this extent seems to be contrary to the law of nature, thus to all possible experience, and so remains a problem. Yet this problem does not belong to reason in its practical use, so in a canon of pure reason we are concerned with only two questions that pertain to the practical interest of pure reason, and with regard to which a canon of its use must be possible, namely: Is there a God? Is there a future life? The question about transcendental freedom concerns merely speculative knowledge, which we can set aside as quite indifferent if we are concerned with what is practical, and about which there is already sufficient discussion in the Antinomy of Pure Reason.

A801-804, B829-832⁴⁾

Kant distinguishes here practical freedom from transcendental freedom, and contends, remarkably enough, that the former suffices for the practical consideration. We normally have cognizance of the

causality of reason in the determination of the will, being aware of the imperatives or precepts for conduct given by reason. Thus we can “cognize practical freedom through experience”. We need not be concerned at all with the speculative or transcendental question whether reason is itself determined by further influences.

It is in the passage following the above quoted that Kant lines up the well-known three questions and indicates the way to answer them successively:

All interest of my reason (the speculative as well as the practical) is united in the following three questions:

1. **What can I know?**
2. **What should I do?**
3. **What may I hope?**

The first question is merely speculative. We have (as I flatter myself) already exhausted all possible replies to it, and finally found that with which reason must certainly satisfy itself and with which, if it does not look to the practical, it also has cause to be content; but from the two great ends to which this entire effort of pure reason was really directed we remain just as distant as if, out of a concern for comfort, we had declined this labor at the outset. If, therefore, the issue is knowledge, then this much at least is certain and settled, that we can never partake of knowledge with respect to those two problems.

The second question is merely practical. As such, to be sure, it can belong to pure reason, but in that case it is not transcendental, but moral, and thus it cannot be in itself a subject for our critique. The third question, namely, “If I do what I should, what may I then hope?” is simultaneously practical and theoretical, so that the practical leads like a clue to a reply to the theoretical question and, in the highest form, the speculative question. For all **hope** concerns happiness, and with respect to the practical and the moral law it is the very same as what knowledge and the natural law is with regard to theoretical cognition of things. The former finally comes down to the inference that something is (which determines the ultimate final end) **because something ought to happen**; the latter, that something is (which acts as the supreme cause) **because something does happen**.

What Kant states with regard to the first question is quite plain. Namely, he is confident of having given a complete answer to it, since he has explained in the book how our human cognitive faculty can be related to the objects, and where the limits lie to our human knowledge. What he states with regard to the second question is also plain, but makes a problem. He characterizes the question as “merely practical”, because he supposes that it exclusively concerns practical freedom. It does not require the transcendental cognition, nor does it become “a subject for our critique”. So, as of this time, Kant himself does not expect the appearance of the ‘second’ Critique at all.

2. Transcendental freedom

As for transcendental freedom, we are justified in remarking that Kant’s idea of it was elaborated in consequence of the resolution of the third antinomy. The third antinomy means:

Thesis:

Causality in accordance with laws of nature is not the only one from which all the appearances of the world can be derived. It is also necessary to assume another causality through freedom in order to explain them.

Antithesis:

There is no freedom, but everything in the world happens solely in accordance with laws of nature.

A444-445, B472-473⁶⁾

‘Thesis’ and ‘antithesis’ try to refute each other, but cannot give any conclusive proof. So the dispute seems to be endlessly undecided. This situation is common to all the four types of antinomy. Yet the resolution which Kant gives to the third antinomy is unique. Namely, with regard to other types of antinomy Kant judges ‘thesis’ as well as ‘antithesis’ to be false, because both fall into dogmatic assertions, taking the world of phenomena, appearances, for the ‘things in themselves’. Thus criticizing both sides, Kant intervenes then into the dispute. Differently from this, he admits in the third antinomy both ‘thesis’ and ‘antithesis’ to be true and mediates the case to the satisfaction of both parties.

The clue to that resolution is that in the causal connection the condition is not necessarily homogeneous

with the conditioned, but can also be heterogeneous with this, that is, not of the same kind as this. Namely, every occurrence in the world as an appearance is determined by another precedent appearance, which is again determined by a further precedent appearance, and so on. We must regard this series of temporal conditions, that is, the causal connection of appearances, as uninterrupted, thoroughgoing, in our exploration of nature, so that what 'antithesis' contends is justified. Yet, at the same time, an occurrence can have a heterogeneous cause, which may be beyond the world of appearances, that is, may belong to the intelligible world. By ascribing freedom to this cause we can justify the contention of 'thesis':

I call **intelligible** that in an object of sense which is not itself appearance. Accordingly, if that which must be regarded as appearance in the world of sense has in itself a faculty which is not an object of intuition through which it can be the cause of appearances, then one can consider the **causality** of this being in two aspects, as **intelligible** in its **action** as a thing in itself, and as **sensible** in the **effects** of that action as an appearance in the world of sense. Of the faculty of such a subject we would accordingly form an empirical and at the same time an intellectual concept of its causality, both of which apply to one and the same effect. Thinking of the faculty of an object of sense in this double aspect does not contradict any of the concepts we have to form of appearances and of a possible experience. For since these appearances, because they are not things in themselves, must be grounded in a transcendental object determining them as mere representations, nothing hinders us from ascribing to this transcendental object, apart from the property through which it appears, also another **causality** that is not appearance, even though its **effect** is encountered in appearance. 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. And then for a subject of the world of sense we would have first an **empirical character**, through which its actions, as appearances, would stand through and through in connection with other appearances in accordance with constant natural laws, from which, as their conditions, they could be derived; and thus, in combination with these other appearances, they would constitute members of a single series of the natural order. Yet second, one would also have to allow this subject an **intelligible character**, through which it is indeed the cause of those actions as appearances, but which does not stand under any conditions of sensibility and is not itself appearance. The first one could call the character of such a thing in appearance, the second its character as a thing in itself.

A538-539, B566-567⁷⁾

Insofar as 'the antinomy of pure reason' is presented as the critique of 'rational cosmology', the disputation should be related to the whole world. In other words, what is argued there should cover in principle all the spheres of the universe. So, in the third antinomy Kant seemingly examines the causal connection of things in general. But it is quite obvious that his concern is just one sphere of the universe: the human action. The double aspect of the causal determination, through which Kant tries to save freedom, can apply only to the sphere of occurrences called human actions. A human action as an occurrence in the world is determined by a precedent appearance and thus belongs to the causal connection of all the appearances in accordance with natural laws. At the same time, a human action can be regarded as being determined by a 'heterogeneous' cause, that is, a motive of the will, independent of all the causality of nature. Kant suggests that this motive of the will originates in the intelligible character of the human being, that is, the human being as 'thing in itself', and characterizes its causality as transcendental freedom.

3. Freedom in moral signification

'The canon of pure reason' is the third last chapter of *Critique of Pure Reason*. So Kant's argument there impresses us with its emphasis on practical freedom, as if it were the summary of this book. We are apt to jump to the conclusion that Kant was in *Critique of Pure Reason* still wedded to his opinion of practical freedom derived from 1770's. But we must not forget that 'The canon of pure reason' is one of the chapters earliest written in *Critique of Pure Reason*. Rather we must find out from the whole text of *Critique of Pure Reason* the decisive development of Kant's thinking on freedom. Namely, practical freedom is completely excelled by transcendental freedom. That is the result that the book gave him.

As is clear from what we stated above, freedom as transcendental implies the faculty of initiating a series of appearances, that is, of beginning a causation of itself. We can also characterize it as absolute spontaneity. In this view, practical freedom is now insufficient and comes short of the philosophical conception of freedom. But transcendental freedom is only just approved in its possibility. It is still a probable concept. In the next stage it must be proved in its reality. However, as was already clarified, that cannot succeed with the theoretical, or speculative, consideration, but must be entrusted to the

practical use of reason. So, in spite of Kant's statement in 'The canon of pure reason', his practical philosophy can by no means dispense with transcendental freedom. Rather he is faced with the problem of proving the reality of freedom in its transcendental significance.

I itemize here the two types of Kant's concept of freedom:

- (1) Reason gives the imperatives and precepts for conduct and thus determines the will. This causality of reason, which can be recognized through experience, is called practical freedom.
- (2) Transcendental freedom as the consequence of the third antinomy implies the faculty of initiating a series of appearances, that is, of beginning a causation of itself. It is the freedom qua absolute spontaneity. It is only just a probable concept. Its reality has yet to be demonstrated.

Now Kant must distinguish between causes which derive from reason. If he succeeds in sifting out the causes which signify the absolute spontaneity of reason from other causes, he can substantiate with them transcendental freedom.

In *Groundwork of the Metaphysics of Morals* (1785) Kant draws an important distinction between the hypothetical and categorical imperative. As far as reason causing an action is determined by another cause, its law giving function is conditioned, that is, the imperative which it prescribes is a hypothetical one: "If you want to attain such and such ends, you should perform such and such a deed." or "You ought to do something because you will something else." Contrariwise, if reason causes an action quite independently of other influences and thus initiates a series of causation, the imperative which it prescribes is a categorical one: "Perform such and such a deed!" or "You ought to act in such or such a way even though you have not willed anything else". Only the categorical imperative indicates freedom of reason, while in the hypothetical imperative reason serves another cause as a means.

For example, a hypothetical reason tells: "You ought not to lie if you will keep your reputation". In this case law giving reason is conditioned by the representation of something else; not losing one's reputation. In other words, the law giving act of reason presupposes another cause. And this causal connection can be traced back further. Contrariwise, a categorical imperative tells: "You ought not to lie even if it would not bring you the least discredit." Here reason gives arbitrarily and spontaneously a law for an action and initiates a series of causation. So in the latter we acknowledge the act of reason as autonomy, while in the former we justly call it heteronomy.⁸⁾

Kant contends that only the genuine moral imperative can be categorical. According to him, the moral imperative is based on two fundamental formulae: “Act only in accordance with that maxim through which you can at the same time will that it become a universal law”⁹⁾, and “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.”¹⁰⁾ These formulae articulate most satisfactorily the universality of law giving reason. All other formulae, such as the above mentioned: “You ought not to lie even if it would not bring you the least discredit”, can be regarded as corollaries of them. In any way, the moral imperative, insofar as it is genuine, originates in the autonomy of reason.

However, I must here remark on the ambiguity of Kant’s terminology. Since the faculty of law giving is attributed to reason, autonomy should be justly the property of reason, as we stated above. Yet Kant speaks of ‘autonomy of the will’ instead of autonomy of reason. This is mistakable. According to Kant, the will is subject to reason. Even when the will receives the moral precept and builds the maxim to an action, it does so in compliance with the command of reason. So the term “autonomy of the will” is a self-contradiction. We excuse his incorrectness in using these words only in consideration of his intention to identify the will with practical reason. In *Groundwork of the Metaphysics of Morals*, namely, he tries from the beginning to elaborate the concept of a good will, that is, the will in its essence, as the function of building the maxim to an action only in accordance with the categorical imperative of reason. Only on the grounds of this is his argument persuasive that the will, accepting the categorical imperative, in fact complies with its own law and thus acts autonomously.

This problem apart, we can confirm that in *Groundwork of the Metaphysics of Morals* Kant succeeded in connecting freedom with morality and thus getting ready for demonstrating transcendental freedom in its peculiar reality. He founded his principles of practical philosophy in *Critique of Practical Reason* on this base. As we quoted at the beginning, he explicates in the book the interdependence between freedom and the moral law. The moral law means just the categorical imperative originating in autonomy of reason. Kant describes its awareness as “the sole fact of pure reason”¹¹⁾, that is, the fact which is common to human beings as *animales rationales*. So in his conviction the moral law is in its universality nothing other than what we commonly call moral sense. On this ‘popular’ fact he grounds his arguments of practical philosophy. However, this has the unexpected consequence that his book is now entitled *Critique of Practical Reason*, that is, the second ‘Critique’. Although the awareness of the moral law is the fact common to all human beings, the philosophical consideration must discern between the motives of the will in order to find out the actions purely originating in autonomy of reason

which is only acknowledged as genuinely moral. The term 'critique' derives from the Greek verb 'κρίνειν' that means: 'discern', 'distinguish'.

In conclusion, I mention the main difficulty that arose with Kant's concept of freedom in this period. According to Kant, freedom can be confirmed only through the moral law and, conversely, the moral law can exist only on the basis of freedom. So he can acknowledge only a morally good action as free and he must acknowledge every action from freedom as morally good. Yet, can there be no case where a morally bad action is caused by freedom, nor where an action from freedom is judged to be morally bad? Because of the rigidity of its moral connotations Kant's concept of freedom had to come later under review by himself.

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Notes

- 1) Immanuel Kant, *Critique of Practical Reason*, in: *Practical Philosophy*, translated and edited by Mary J. Gregor, Cambridge, United Kingdom, 1996, p 139
- 2) Ibid. pp 139-140
- 3) Ibid. p 140
- 4) Immanuel Kant, *Critique of Pure Reason*, translated and edited by Paul Guyer and Allen W. Wood, Cambridge, United Kingdom, 1998, pp675-676
- 5) Ibid. p 677
- 6) Ibid. pp 484-485
- 7) Ibid. pp 535-536
- 8) Cf. Immanuel Kant, *Groundwork of the Metaphysics of Morals*, in: *Practical Philosophy*, translated and edited by Mary J. Gregor, Cambridge, United Kingdom, 1996, pp89-90
- 9) Ibid. p 73
- 10) Ibid. p 80
- 11) Immanuel Kant, *Critique of Practical Reason*, in: *Practical Philosophy*, translated and edited by Mary J. Gregor, Cambridge, United Kingdom, 1996, p 165

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