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### Deposited in DRO:

13 December 2018

### Version of attached file:

Accepted Version

### Peer-review status of attached file:

Peer-reviewed

### Citation for published item:

Saunders, Joe (2016) 'Kant and the problem of recognition : freedom, transcendental idealism, and the third-person.', *International journal of philosophical studies.*, 24 (2). pp. 164-182.

### Further information on publisher's website:

<https://doi.org/10.1080/09672559.2016.1152286>

### Publisher's copyright statement:

This is an Accepted Manuscript of an article published by Taylor Francis in *International Journal of Philosophical Studies* on 29 Mar 2016, available online: <http://www.tandfonline.com/10.1080/09672559.2016.1152286>.

### Additional information:

Winner of the 2015 Robert Papazian Annual Essay Prize on Themes from Ethics and Political Philosophy

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## Kant and the Problem of Recognition:

### Transcendental Idealism, Freedom and the Third-Person.

Kant wants to show that freedom is possible in the face of natural necessity. Transcendental idealism is his solution, which locates freedom outside of nature. I accept that this makes freedom possible, but object that it precludes the recognition of other rational agents.

In making this case, I trace some of the history of Kant's thoughts on freedom. In several of his earlier works, he argues that we are aware of our own activity. He later abandons this approach, as he worries that any awareness of our activity involves access to the noumenal, and thereby conflicts with the epistemic limits of transcendental idealism. In its place, from the second *Critique* onwards, Kant argues that we are conscious of the moral law, which tells me that I ought to do something, thus revealing that I can. This is the only proof of freedom consistent with transcendental idealism, but I argue that such an exclusively first-personal approach precludes the (third-personal) recognition of other rational agents.

I conclude that transcendental idealism thus fails to provide an adequate account of freedom. In its place, I sketch an alternative picture of how freedom is possible, one that locates freedom within, rather than outside of nature.

**Keywords:** Kant, Freedom, Transcendental Idealism, Recognition

## Kant and the Problem of Recognition:

### Transcendental Idealism, Freedom and the Third-Person.<sup>1</sup>

Freedom lies at the heart of Kant's system. He thinks that transcendental idealism makes it possible. There are a variety of well-known objections to this approach, but in this paper I want to draw attention to an overlooked one.<sup>2</sup> I accept that transcendental idealism makes freedom possible, but argue that it precludes the recognition of other rational agents. This is not a sceptical worry. I have no problem with accepting that we can – and do – recognise other rational agents, but I think that Kant's set-up does not allow for this.<sup>3</sup> In making this case, I highlight the importance of the third-person for Kant's moral philosophy. In doing so, I depart from (amongst others) Jeanine Grenberg's emphasis on the first-personal nature of Kant's moral philosophy. Without the third-person, Kant's approach is hopeless, or so I shall argue.<sup>4</sup>

I begin with a basic question: how do we know that we are rational agents? For a while, Kant's answer was that we are conscious of our agency. He then came to worry that this conflicted with the epistemic limits of transcendental idealism, as it involves some sort of awareness of our noumenal self, and so changed his answer. From the second *Critique* onwards, Kant argues that we are conscious of an unconditional obligation – the moral law – which tells us that we ought to do something, thus revealing that we can.<sup>5</sup> Grenberg has recently offered an excellent defence of this later approach, where she insists that the moral phenomenology in question is exclusively first-personal – the experience of the moral law reveals *my* freedom to *me*. I agree with Grenberg that this is Kant's considered position, and also that it is the only proof of freedom consistent with the epistemic limits of

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<sup>1</sup> I owe a large thanks to Bob Stern and Charlotte Alderwick for many long discussions about transcendental idealism and freedom. I also want to thank Martin Sticker, Jessica Leech, John Callanan, Max Tegtmeyer, Irina Schumski, Fabien Freyenhagen, Tyke Nunez and audiences at the Universities of Göttingen and Essex for useful conversations on this topic.

<sup>2</sup> Two famous objections concern the (supposed) timelessness of reason, and the problem of interaction; cf. Freyenhagen (2008) for an excellent account of the timelessness of reason, and Bennett (1984: 106) for a brief, but powerful version of the problem of interaction.

<sup>3</sup> Hogan (2009: 519-20) remarks that Kant was sanguine about other mind scepticism. I will argue that Kant cannot vindicate this sanguine attitude towards our knowledge of other agents.

<sup>4</sup> Darwall (2006: 124) argues that, even if Kant's first-person approach works, it fails to vindicate the distinctive normativity of moral obligations, which he sees as essentially involving a second-personal element. In this paper, I offer an analogous argument concerning the third-person.

<sup>5</sup> Cf. V: 29. 28 – 30. 30; VI: 26n. I will say more about this approach in §2.

transcendental idealism. I depart from Grenberg (and Kant) however, in that I do not think this provides us with an adequate account of freedom. Here, I push the problem of recognition. I argue that Kant's set-up precludes the possibility of knowing that other people are rational agents, and conclude against transcendental idealism on this score. In its place, I sketch my own account of the possibility of freedom.

The paper takes the following structure. I begin by outlining Kant's early argument for our freedom – the claim that we are conscious of our agency (§1). I then introduce transcendental idealism, and outline how it makes freedom possible (§2). Here I follow Ameriks to argue that Kant came to realise that his early approach conflicted with the epistemic limits of transcendental idealism, and detail Kant's "great reversal" in the second *Critique* (§3). With Kant's later position laid out, I turn to my objection. I argue that transcendental idealism precludes the recognition of other rational agents (§4). Finally, I end by sketching an alternative account of how freedom is possible (§5).

## I. Consciousness of Activity

Kant sets himself two distinct tasks when it comes to freedom. He wants to show that (an incompatibilist conception of<sup>6</sup>) freedom is possible, and also that we are entitled to think of ourselves as free. He thinks that transcendental idealism makes freedom possible, but changes his mind on what entitles us to think of ourselves as free. In some of his earlier works, he argues that we are conscious of our agency, and that this reveals our freedom to us. In this section, I will detail this approach.

In his pre-critical lectures on rational psychology (in the mid-1770s), Kant offers the following argument for freedom:

I am conscious of determinations and actions, and such a subject that is conscious of its determinations and actions has absolute freedom. That the subject has absolute freedom because it is conscious of itself, that proves it is not a subject being acted upon, but rather [one] acting. (XXVIII: 268-9)

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<sup>6</sup> Kant famously refers to (what we would call) a compatibilist conception of freedom as the "freedom of a turnspit" (V: 97. 19), and declares such attempts to solve the free-will problem as a "wretched subterfuge" (V: 96. 1). I agree with him on this, but do not have the space to make this case here. Instead, I follow Kant in his attempt to show how an incompatibilist conception of freedom is possible.

Here Kant makes a clear appeal to our consciousness of our agency. He puts forward a similar claim about self-knowledge in the first *Critique* (1781):<sup>7</sup>

Yet the human being, who is otherwise acquainted with the whole of nature solely through sense, knows himself also through pure apperception, and indeed in actions and inner determinations which cannot be accounted at all among impressions of sense; he obviously is in one part phenomenon, but in another part, namely in regard to certain faculties, he is a merely intelligible object, because the actions of this object cannot at all be ascribed to the receptivity of sensibility. (A 546-7/B 574-5)

In these two passages, Kant claims that we are conscious of our activity, which reveals to us that we are free.

This approach receives its last outing in *Groundwork* III (1785)<sup>8</sup>, where (alongside other arguments for freedom<sup>9</sup>), Kant claims that:

[...] the legitimate claim even of common human reason to freedom of the will is founded on the consciousness and the granted presupposition of the independence of reason from merely subjective determining causes. (IV: 457. 4-7)

[Freedom ...] holds only as a necessary presupposition of reason in a being that believes itself to be conscious of a will. (IV: 459. 9-14)

Kant's claim is simple, but effective: we are conscious of our rational agency. This might appear too quick, but I think it is the right way to go. Indeed, what better source of evidence could there be for our being agents, than the robust phenomenology of agency?<sup>10</sup> If this appears unsatisfactory, then there will have to be a reason to doubt this robust phenomenology. And of course, there is, namely the threat of natural necessity – if everything is determined by natural necessity, there appears to be little room for Kant's conception of agency.

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<sup>7</sup> Cf. Ameriks (2000: 190).

<sup>8</sup> An exception is the various unrevised parts of the B-edition of the first *Critique*.

<sup>9</sup> I find several arguments for freedom in *Groundwork* III. Perhaps most famously, Kant also claims that freedom must be presupposed as a property of the will of all rational beings (IV: 447. 26 – 448. 22). I leave this aside for now, as it does not address the crucial question of why we take ourselves to be rational beings *with wills* in the first place (cf. Henrich 1975: 312-4; 329). I will return to say a little bit more about this in §4. At another point in *Groundwork* III, Kant also appeals to the activity involved in (discursive) cognition; cf. IV: 451. 31-6.

<sup>10</sup> This is not to affirm the consequent: if we were free, things would look like this; things look like this; therefore, we are free. Instead, I mean to point towards what the evidence would look like if we were free. I think it is important to ask: If we were rational agents, what type of evidence would there be for this? A robust phenomenology of agency would be as good as any.

## 2. Transcendental Idealism and the Possibility of Freedom

Kant thinks that transcendental idealism disarms this threat. It posits two orders of things, one governed by natural necessity, and one not. We can thus accept that the world of sense is governed by natural necessity, but make room for freedom outside of it.<sup>11</sup> Here is Kant himself in the first *Critique*:

Do freedom and natural necessity in one and the same action contradict each other? And this we have answered sufficiently when we showed that since in freedom a relation is possible to conditions of a kind entirely different from those in natural necessity, the law of the latter does not affect the former; hence each is independent of the other, and can take place without being disturbed by the other. (A 557/B 585)

And he says something similar in *Groundwork* III:

For that *a thing in the appearance* (belonging to the world of sense) is subject to certain laws from which just the same *as a thing* or a being *in itself* is independent, contains not the least contradiction. (IV: 457. 16-9)

Thus according to Kant, we have the world of sense, which is subject to natural necessity, and the noumenal, which is independent of such necessity. In positing these two orders, he opens up a space that makes freedom and natural necessity com-possible.

Of course, there is the complicated issue of how exactly we are to understand Kant's distinction between the world of sense and the noumenal. I want to circumvent the interpretative debate about how to best understand transcendental idealism, as I think that the problem of recognition affects any account of transcendental idealism. And I will try to keep my discussion at a general level to reflect this (although in §4 I will consider a possible response from a 'two-standpoint' view).

## 3. The Great Reversal: Consciousness of the Moral Law

Kant never gave up on the claim that transcendental idealism makes freedom possible. However, he did abandon the claim that we are conscious of our activity. In this section, I detail why. I follow Ameriks in contending that any consciousness of our activity conflicts with the epistemic limits of transcendental idealism.

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<sup>11</sup> Kant claims that this is "an indispensable task of speculative philosophy" (IV: 456. 16-7); cf. Bxxix

In claiming that we are conscious of the causality of our reason, Kant seems to be assuming that we are somehow acquainted with the other order of things, that we can (in some sense) experience our activity in the noumenal. Ameriks argues that Kant became aware of this after the publication of the *Groundwork*, and thus:

[I]n the second *Critique* (1788) Kant had to recast his treatment of freedom radically so as to be in line with the more severe limits on self-knowledge that he had come to stress in the second edition revisions of the first *Critique* (1787). (Ameriks 2000: 191)

I agree with Ameriks that in his earlier works, Kant had not yet seen that this approach conflicts with transcendental idealism. I also follow Ameriks in thinking that Kant became clear about this shortly after the publication of the *Groundwork*.<sup>12</sup>

We can see Kant's change of mind in the second *Critique* (1788). Here is the so-called 'great reversal':<sup>13</sup>

I ask instead from what our *cognition* of the unconditionally practical starts, whether from freedom or from the practical law. It cannot start from freedom, for we can neither be immediately conscious of this, since the first concept of it is negative, nor can we conclude to it from experience, since experience lets us cognize only the law of appearances and hence the mechanism of nature, the direct opposite of freedom. It is therefore the *moral law* [...] (V: 29. 28-34)

Ameriks diagnoses Kant's reversal as follows:

[...] it was only to make a virtue of necessity that (given his deepest beliefs of longest standing) he felt it was proper to announce that without the moral law 'we would never have been justified in assuming anything like freedom' (Ameriks 2000: 211)

The necessity Ameriks speaks of concerns the epistemic limits of transcendental idealism. For Kant, we can have no intuition of the noumenal. Moreover, he conceives the world of sense as entirely determined by natural necessity, and thus we cannot experience freedom there either. Kant is clear on both of these points throughout the second *Critique*.

That we cannot experience freedom is clear from the following passages:<sup>14</sup>

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<sup>12</sup> Ameriks reads *Groundwork* III as Kant's last attempt to construct a rationalist argument for our (transcendental) freedom, and diagnoses it as follows (2000: 191): "[...] once that attempt was worked out as far as it could be, it suffered shipwreck for it conflicted with the critical strains that were being developed simultaneously in Kant's theory of mind and self-knowledge."

<sup>13</sup> For readings of Kant that downplay this reversal, see Grenberg (2009), Henrich (1975: 239-35), and Timmermann (2007: 127, 137n18, 143-4).

It is [...] absolutely impossible to give anywhere in experience an example of it, since among the causes of things as appearances no determination of causality that would be absolutely unconditioned can be found (V: 48. 23-7)

That this is the true subordination of our concepts and that morality first discloses to us the concept of freedom, so that it is *practical reason* which first poses to speculative reason, with this concept, the most insoluble problem so as to put it in the greatest perplexity, is clear from the following: that, since nothing in appearances can be explained by the concept of freedom and there the mechanism of nature must instead constitute the only guide. (V: 30. 9-14)

This claim that we cannot experience freedom in nature does not conflict with the approach of the *Groundwork*. In the *Groundwork*, Kant also claims that we can have no experience of freedom.<sup>15</sup> However, as we have seen, in *Groundwork* III (as well as in his pre-critical lectures on rational psychology and the A-edition of the first *Critique*), Kant makes a crucial appeal to our consciousness of our activity. In the second *Critique*, he retreats from this position.

Kant insists that we can have no intuition of our freedom. We can see this in the fact of reason passage:

Consciousness of this fundamental law may be called a fact of reason because one cannot reason it out from antecedent data of reason, for example, from consciousness of freedom (since this is not antecedently given to us) and because it instead forces itself upon us of itself as a synthetic a priori proposition that is not based on any intuition, either pure or empirical, although it would be analytic if the freedom of the will were presupposed; but for this, as a positive concept, an intellectual intuition would be required, which certainly cannot be assumed here. (V: 31. 24-31)

Here Kant is clear that we have no consciousness of freedom, which he claims would require an intellectual intuition.<sup>16</sup> Elsewhere he claims that we are not conscious of the freedom of our will independently of our consciousness of the moral law, and that any such consciousness (of our own freedom) would require a “special intuition of itself [*einer besondern Anschauung seiner selbst*]” (V: 42. 15-6).

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<sup>14</sup> Cf. Bxxviii: “I cannot cognize freedom as a property of any being to which I ascribe effects in the world of sense, because then I would have to cognize such an existence as determined, and yet not as determined in time (which is impossible, since I cannot support myself with any intuition).”

<sup>15</sup> Cf. IV: 455. 13-4; IV: 459. 5-7.

<sup>16</sup> In the *Groundwork*, Kant does complain about the “common understanding” wanting to make the world of understanding into “an object of intuition” (IV: 454. 5), but at the same time, as we have seen, he makes a lot of the consciousness of the causality of our reason. Hence, Ameriks’ claim that the arguments of *Groundwork* III are merely “a slightly more self-conscious continuation of some relatively crude beliefs about freedom that Kant had held for some time and simply had not gotten around to submitting to a thorough critique” (2000: 214).

This seems right, on Kant's set-up. The activity (or causality) of reason is not going to be found in the world of experience. It occurs in the noumenal realm, and to claim that we are conscious of this activity would involve some sort of access – “a special intuition of itself” (V: 42. 15-6) – to the noumenal.

This is a crucial development in Kant's thought. Here is Ameriks on this, one last time:

[The great reversal] was forced on him once he chose squarely to face both the full consequences of his theoretical philosophy with respect to the self and the implications of his deepest beliefs, his principles of practical philosophy. (Ameriks 2000: 219)

I agree with Ameriks that Kant makes this move, and I also think that this ultimately counts against Kant's treatment of freedom. I will shortly make this case, through pushing the problem of recognition. I want to now set the scene for this by considering Jeanine Grenberg's recent work on phenomenology in Kant's moral philosophy.

### **Grenberg and the First-Person**

Grenberg emphasises the importance of first-personal moral phenomenology in Kant, which she sees at the heart of his moral philosophy. The moral phenomenology in question is the fact of reason – our experience of an unconditional obligation.<sup>17</sup> In what follows, I lay out her position, before suggesting that, along with Kant, she overlooks the importance of the third-person in moral philosophy.

Grenberg opens her book as follows:

The central claim of this book is that to engage in practical philosophy, Kantian style – indeed, in order to be *entitled* to the pursuit of cognitions beyond the limits of theoretical reason – we must set aside third-person, theoretical concerns and enter first into phenomenological reflection upon the common, first-personal experience of ourselves as agents. (Grenberg 2013: 15)

Grenberg complains about the “disfigurement of practical philosophy” (2013: 2), which becomes (at best) “a theoretical, scientific, third-personal reflection upon practical experience” (2013: 3).<sup>18</sup> She is not alone in this. It is one of Korsgaard's central claims that

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<sup>17</sup> For an alternative account of this moral phenomenology, see Ware (2015).

<sup>18</sup> Cf. Grenberg (2013: 5).

practical philosophy is first-personal, and theoretical philosophy third-personal.<sup>19</sup> I agree with these thinkers that we should not look to reduce practical questions – about what ought to be done – to theoretical questions about what, in fact, is done. However, this does not mean that there is not an important third-personal dimension to practical philosophy. Indeed, I will argue that Grenberg runs together third-personal, theoretical and scientific claims in a way that is unhelpful, and furthermore that certain theoretical and third-personal thoughts are crucial to morality.

I think Grenberg adopts this exclusively first-personal approach for the same reasons that Kant does. She is acutely aware that any experience or intuition of activity would conflict with the epistemic limits of transcendental idealism. She then carefully follows Kant in the second *Critique* to offer an account of moral phenomenology that does not violate these limits. Like Kant himself, Grenberg offers an ingenious solution to a hopeless set-up.

We can see this by thinking about third-personal issues in practical philosophy. Martin Sticker has recently responded to Grenberg's work by pointing to important instances of second – and third – personal moral phenomenology in Kant himself (Sticker 2014: §4.2.1).<sup>20</sup> Sticker is right that Kant does talk in this way, but I think transcendental idealism precludes any such talk. Grenberg also recognises that Kant does make third-personal claims in his practical philosophy, but wants to distance herself and Kant from this (2013: 128-9). In doing so, Grenberg sticks closer to what Kant's system can allow for, but I do not think that this counts in her favour. Without the third person, Kant's moral philosophy is hopeless, or so I shall now argue.

#### 4. The Problem of Recognition

Transcendental Idealism is an ingenious solution to a hopeless set-up. If we think of nature as entirely determined by natural necessity, but want to preserve an incompatibilist conception of freedom, we must locate this freedom somehow outside of nature. We then

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<sup>19</sup> Cf. Korsgaard (1996a: xii): "Kant approaches moral philosophy in a very different way than the British Empiricists and their heirs in the analytic tradition do. The basic problem, set by the plight of rational agency, is "what should I do?" The approach is to raise practical questions as they are faced by the reflective moral agent herself. Moral philosophy is the extension and refinement of ordinary practical deliberation, the search for practical reasons. This makes Kant's enterprise very different from that of philosophers who talk about morality and the moral agent from the outside, third-personally, as phenomena that are in need of explanation. Kant arguments are not *about* us; they are addressed *to* us." Pippin (2009: 38) puts forward a similar line.

<sup>20</sup> Sticker (2014: §4.2.1) draws attention to the Sulzer footnote in the *Groundwork* (IV: 411n), as well as third-personal elements in the fact of reason itself.

run into the problem of how we can be aware of our freedom. For a while, Kant thought he could provide a simple answer to this puzzle, arguing that we are conscious of the causality of our reason. As we have seen however, he came to realise that this conflicts with the epistemic limits of transcendental idealism. If we can have no experience or intuition of the noumenal, then we can have no consciousness of our own activity. In the second *Critique*, Kant instead proposes that we are conscious of an unconditional obligation, which commands us that we ought to do something, from which we infer that we can. Anything more than this would violate the set-up. Even from this brief sketch, we can see the ingenuity of Kant's attempted solution. In what follows, I will reveal the hopelessness of the set-up, and claim that transcendental idealism precludes Kant from accounting for the recognition of other rational agents.

Kant's moral philosophy contains an asymmetry between the first and the third person.<sup>21</sup> In the second *Critique*, I experience the moral law as binding and this is what reveals *my* freedom to *me*. Grenberg follows suit to insist that the phenomenology in Kant's account is exclusively first-personal. As we have seen, she contrasts this with a third-personal approach, from which everything is (apparently) determined by natural necessity. The basic thought is that we can accept this conception of nature, but preserve freedom, since that is something that is exclusively revealed through first-personal (moral) phenomenology, something that third-person explanations could never undercut. This is the only solution available, given the set-up. If we think of nature as entirely determined by natural necessity, then we will find no freedom in it. This can lead to the further thought that theoretical reason and the third person standpoint are also unable to find freedom.

One major problem with such an approach involves the recognition of other rational agents. I am conscious of the moral law, which tells me that I ought to act in a certain way, and this reveals that I can. Once more, this is how *my* freedom is revealed to *me*. The problem concerns how this applies to the freedom of others:<sup>22</sup> How can I know which other parts of nature are rational agents? Kant views the world of sense as entirely determined by natural necessity. As such, I cannot even experience (nor intuit) my own agency, so, *a fortiori*, I cannot experience (or intuit) the agency of others. Otherwise expressed, if our agency is

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<sup>21</sup> This famously finds its expression in Lewis White Beck's two-aspect view of human conduct (1960: 29-32; 1975).

<sup>22</sup> Fichte is aware of this problem – see §3 of the *Foundation of Natural Rights*; cf. Beiser (2002: 334-7).

exclusively first-personal, then there is no room for any meaningful third-personal judgements about other agents.

### **Empirical Character**

We find one possible response to this problem in the first *Critique*, where Kant draws a distinction between the intelligible and empirical character of a free being. He writes that:

[...] 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. (A 538/B 566)

In his (so-called) 'Clarification of the cosmological idea of a freedom in combination with the universal natural necessity', Kant attempts to clarify how this is possible.

He is clear that we cannot experience intelligible character immediately (A 540/B 569). He remarks that:

[...] the intelligible character, which is the transcendental cause of the former [empirical character], is passed over as entirely unknown, except insofar as it is indicated through the empirical character as only its sensible sign. (A 546/B 574)

He says something similar shortly thereafter:

We are not acquainted with the latter [intelligible character], but it is indicated through appearances, which really give only the mode of sense (the empirical character) for immediate cognition. (A 551/B 579)

Kant's claim is that human beings (and presumably finite rational agents in general) exhibit an empirical character.<sup>23</sup> That is, one's behaviour "exhibits a rule, in accordance with which one could derive the rational grounds and the actions themselves according to their kind and degree, and estimate the subjective principles of his power of choice" (A 549/B 577). The thought seems to be that our behaviour exhibits patterns, which allows us to estimate what maxims are in play, and furthermore, offers some indication or sensible sign of our intelligible character.<sup>24</sup> And Kant appeals to something similar in the second *Critique*, where he talks of "traces" [*Spuren*] (V: 85. 21) that suggest that an action was done wholly from respect for duty (V: 85. 21-2).<sup>25</sup>

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<sup>23</sup> A key passage occurs at A 549-50/B 577-8.

<sup>24</sup> Cf. A 359; Allison (1990: 30-4); Van Kirk (1986: 52),

<sup>25</sup> Cf. V: 468. 24-30.

In the first and second *Critiques*, Kant operates with an entirely mechanistic conception of nature, which might seem to preclude the possibility of an empirical character. However, I want to leave this objection aside here, as in the third *Critique*, Kant expands his conception of nature to include organisms (which operate according to ends and thereby require a different type of explanation than the merely mechanistic – I will return to say more about this in §5). This entitles Kant to talk of empirical character, but does not help with the problem of recognition as it still leaves us unable to differentiate between organisms and rational organisms.

Empirical character buys Kant a way to differentiate between certain parts of nature, namely those that are determined by mechanism and those that are determined by what we might call ‘inner forces’ – desires, beliefs and so on. However, he is still stuck with an empirical psychology that explains *all actions* in the world of sense as entirely determined by natural necessity. As such, the most that we could ever get from observation is the “freedom of a turnspit” (V: 97. 19) that Kant famously derides as a “wretched subterfuge” (V: 96. 1). The fact that certain creatures are determined by desires does not reveal any significant form of agency.

Consider for instance, the difference between a *crude* cyborg and a person. Both of these creatures can exhibit rules of behaviour, but only one of them is a rational agent. And it is easy to tell which one it is: the cyborg is very crude. I am not interested in a hard case (with a sophisticated cyborg for instance), but rather an easy one, where we can clearly recognise the rational agent. My claim is that Kant cannot vindicate this judgement. If we are confined to reading their rules of behaviour off an empirical world *entirely determined by natural necessity*, we will not be able to tell which of these patterns of behaviour exhibit an intelligible character.<sup>26</sup>

By accepting a conception of nature entirely determined by natural necessity, Kant has painted himself into this corner. Consider, for example, the following passage from the second *Critique*:

One can therefore grant that if it were possible for us to have such deep insight into a human being's cast of mind, as shown by inner as well as outer actions, that we would know every incentive to action, even the smallest, as well as all the external occasions affecting them, we could calculate a human being's conduct for the future with as

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<sup>26</sup> Bennett (1984: 105) picks up on a similar worry.

much certainty as a lunar or solar eclipse and could nevertheless maintain that the human being's conduct is free. (V: 99. 12-9)

I think Kant is too cavalier about his account of freedom here. His thought seems to be that, everything in nature is entirely determined and (in principle) predictable, but freedom is nevertheless possible. I experience the moral law, and this reveals *my* freedom to *me*. Once more, I accept that this approach makes freedom possible (and reveals it to be actual in my case), but object that it precludes any recognition of other rational agents. I want to bring this out with the use of another example.

Imagine that you are a super-scientist who can predict the behaviour of everything under the sun. Given Kant's set-up, how could you possibly determine which things are rational agents and which are not? Everything in experience is determined entirely by natural necessity and predictable, which precludes you from discovering which parts of nature are free in the noumenal realm.

As a super-scientist, you have a complete understanding of how nature works, you understand everything that has happened and can predict everything that will happen. But still, you need to eat. So, you go the supermarket, and have to decide what type of things you should eat. You rule out the furniture because it has little nutritional value. What remains are a variety of vegetables, animal-products, living animals and humans. How can you differentiate between these different types of things? They are all entirely predictable in accordance with natural laws. Some of these things might be more internally determined, but that is nothing more than the freedom of the turnspit. So, there you are, looking at various different things that are entirely determined by natural necessity and predictable. Of course, we think that these different types of things possess different moral status. And a huge part of this, for Kant, is due to the fact that human beings are rational agents. But how are we supposed to have access to this? How are you, the super-scientist that you are, supposed to pick out the parts of nature that are rational agents, given that all of nature is entirely determined by natural necessity?

### **The Practical Standpoint**

One possible response is that I am adopting the wrong perspective here. The super-scientist, for instance, when they see the predictability of nature, is operating from the theoretical standpoint. The response is that, when the super-scientist comes to act, they adopt the practical standpoint, and from here things are fine. However, even from this

perspective, the super-scientist will have to be able to differentiate between the types of things that it is okay to eat, and the types of things that it is not okay to eat. And that involves a theoretical judgement about the nature of those things. We need to be able to judge which things are rational agents, and which are not. And when Kant claims that nature is entirely determined by natural necessity and predictable, he precludes this possibility.<sup>27</sup>

Another possible response available to Kant involves an argument from analogy.<sup>28</sup> I see that I am a human being and that I am free. I therefore have grounds for thinking that other human beings are also free. However, this is a poor argument, as it is induction from *one* case.<sup>29</sup>

A related strategy would be to claim that the moral law reveals to me that I am a rational agent, but I also see my behaviour as exhibiting certain patterns in the world of experience. I then see other beings exhibit similar sorts of patterns, and can then infer that they are also rational agents.<sup>30</sup> This seems like a promising avenue, but, once again, I think that Kant's set-up precludes it. The problem lies in the type of behaviour that I observe of myself in the world of experience – recall that on Kant's set-up, I am unable to experience (or intuit) my own agency. When it comes to the world of experience, all of my behaviour is entirely determined by natural necessity. And in viewing the world of experience in this way – both my behaviour and that of others – there is no way to tell which parts of it might have free causes in the noumenal.

One might suggest that, with human beings, we experience behaviour that requires explanations in terms of reasons or agency. And that seems right. However, once again, Kant is not entitled to this, given his conception of experience. I am not being unfair to him here. This is his position. As we saw in §3, he repeatedly insists that we could have no experience of freedom whatsoever.<sup>31</sup>

This problem infects Kant's whole theory of freedom. For instance, in the second subsection of *Groundwork* III, Kant famously argues that we must lend the idea of freedom to every

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<sup>27</sup> For another important objection to the 'two-standpoint' reading of Kant's theory of freedom, see Nelkin (2000).

<sup>28</sup> Cf. Schopenhauer (1819: §19).

<sup>29</sup> Cf. Wittgenstein's famous remark (PI, §293): "If I say of myself that it is only from my own case that I know what the word "pain" means – must I not say the same of other people too? And how can I generalize the *one* case so irresponsibly?" Cf. Stern (2000: 218-220).

<sup>30</sup> Cf. Wuerth (2014: 68).

<sup>31</sup> Again, cf. Bxxviii, V: 30. 9-14, and V: 48. 23-7.

rational being with a will, which some commentators take to be his crucial insight about freedom.<sup>32</sup> But this is too quick, as once again, we still need to be able to determine which rational beings have wills, and which rational beings do not. Indeed, we need to be able to determine which bits of nature are rational beings at all.

Here, we touch upon the problem of other minds. Carol Van Kirk has argued that Kant does not face this problem, as there is no asymmetry between knowledge of the self in the first personal and the third-personal case (Van Kirk 1986: 41). However, she is talking exclusively about empirical character (Van Kirk 1986: 42; 56). When it comes to our intelligible character, and especially our agency, as we have seen, there is an important asymmetry between the first and third person, and it is here that Kant's account is problematic. On this note, I want to return to Grenberg, and her emphasis on the first-person.

### **Grenberg and the Third-Person**

In the introduction to her book, Grenberg contends that:

When we set aside theoretical modes of pursuing knowledge and turn instead to our practical experiences, we are no longer simply interested in knowing something; we are, more centrally, interested in that knowledge which will secure our status and efficacy as agents. Indeed, it is only by reflecting upon ourselves as agents that we find the very possibility of expanding our knowledge beyond the limits asserted in theoretical philosophy. (Grenberg 2013: 6)

The strict division between practical and theoretical philosophy is unhelpful. Indeed, it fails to secure precisely what Grenberg wants, namely, our status (and efficacy) as agents.

I have argued that Kant's approach in the *second Critique* precludes recognition of other rational agents. I think that *Groundwork* III offers some hope on this score, in that we are at least conscious of activity in our own case. Grenberg recognises that in *Groundwork* III, Kant also seems to allow some third-person talk of freedom. But she thinks he is mistaken to do so:<sup>33</sup>

One could, perhaps, use the language of "experience" to refer to this rational reflection upon one's actions. But this is an inference a third-personal spectator upon my action could make as easily as I could. Kant is thus not, in this passage, entering

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<sup>32</sup> Cf. Korsgaard (1996a: 162-3; 1996b: 94-7).

<sup>33</sup> Cf. Grenberg (2013: 129; 132).

fully into the felt, first-personal experience of freedom; rather, there remains this remnant of a third-personal, even nonmoral or theoretical, starting point for his argument. (Grenberg 2013: 110)

As we have seen, Grenberg adopts Kant's approach in the second *Critique*, where it is the experience of the moral law which reveals *my* freedom to *me*. Grenberg wants to stick to this exclusively first-personal approach.

She also resists Kant's suggestion in the *Groundwork* that we might be conscious of the causality of our own reason, as this would conflict with the epistemic limits of transcendental idealism. She worries that:

[...] were Kant to be arguing here in *Groundwork* III that the felt experience of activity is the felt experience of positive freedom, he would be arguing to just this illicit noumenal content of felt phenomenological experience: he would be saying that we have a felt experience of being a noumenally rational causal force. (Grenberg 2013: 112)

Grenberg thinks that *Groundwork* III fails. However, unlike Ameriks, she does not think that it is just a rehashing of Kant's pre-critical account of the consciousness of our activity (2013: 119). She thinks that "Kant is at least *trying* to do something different" (ibid.).

Here, Grenberg pulls apart Kant's claim that we are conscious of our agency. She offers two options (Grenberg 2013: 114): We are conscious of either *negative* freedom (freedom from constraint) or *positive* freedom (freedom as a rational cause). As we have just seen, Grenberg rules out the latter, as it would conflict with the epistemic limits of transcendental idealism. Instead, she suggests reading Kant's talk of the phenomenology of our agency in *Groundwork* III as concerning *negative* freedom (Grenberg 2013: 112).

Here, Grenberg allows something close to consciousness of agency, but still insists that it is exclusively first-personal. I want to continue to push her on this. She offers a beautiful example of this feeling of activity:

Think, for example, of a child chasing seagulls on a beach: "My mother isn't doing this; nor is she preventing me from doing this. I am causing those birds to fly away!" Even a child can distinguish the phenomenological nature of this experience from one in which her mother makes her brush her teeth, or in which her inability to walk prevents her from running. She is experiencing herself as being active in relation to her mental representations of the birds. (Grenberg 2013: 113)

This is a great example, but I am not that child, and (sadly) nowhere near a beach. What I can do though is picture this scenario: a child racing through the waves in delight as seagulls scatter at their every turn. I do not need to be that child, and I also do not need to imagine myself as that child.<sup>34</sup> Instead, I can imagine *watching* that child experience its first glimpses of agency.

Grenberg offers another revealing example:

Psychologists also describe even very young children as having an experience of being free from constraints and of having an effect on the world when they smush their fingers happily in mud. The joy in such experiences comes from the child's sense of being free from both external and internal constraints, and thus of being active in relation to her world. This does seem, then, a plausible common experience: sometimes I feel like I'm moved by things, but other times I feel like I'm moving or causing other things. (Grenberg 2013: 124-5)

This is another beautiful example. And I think it is a common experience. I have not smushed any mud in a while, but I do enjoy a sense of freedom when I cycle for instance, weaving left and right between the dotted parking lines. But what is revealing about Grenberg's discussion is that psychologists pick up on this behaviour in children. Of course, this could be understood in an exclusively first-personal sense: the children experience the activity of mud-smushing and then report this to psychologists. But it seems to be more than this, it seems like psychologists can observe this type of activity *as agency*.<sup>35</sup>

In general, we can observe agency. Of course, the knowledge that we gain on the basis of this is fallible. Perhaps we can never be completely *certain* whether something is an agent (or some event an act of agency) or not, but we can be more or less sure about various cases, with a good claim to knowledge. And Kant's setup fails to vindicate this.

Kant concludes his discussion of freedom in the Transcendental Dialectic as follows:

[To show] that this antinomy rests on a mere illusion, and that nature at least **does not conflict with** causality through freedom – that was the one single thing we could accomplish, and it alone was our sole concern. (A 558/B 586)

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<sup>34</sup> Grenberg herself notes that (2013: 129): "There is a certain gleeful indeterminacy to her agency." I agree, but this is a third-personal judgement, and it is hard to see how she is entitled to it, given her exclusively first-personal approach.

<sup>35</sup> Cf. Brown (1998: 90; 94); Wood (1990: 80). Anecdotally, I do actually remember seeing a two year old discover part of their agency. They were going through a phase where all they did was lift up things and drop them, which brought them a lot of joy. Their discovery of their agency was observable. It seems to be a robust experience that psychologists can (and do) observe.

I think this is telling. Kant sets about showing how freedom is possible, in the face of the threat of a world entirely determined by natural necessity. And he accomplishes that. However, he does so at the price of precluding the possibility of recognising other rational agents. Of course, he could just insist that this is not his concern. He might try to relegate this problem to the issue of explaining how freedom is possible; at the end of *Groundwork* III, Kant famously declares that we cannot explain how freedom is possible (IV: 459. 4-9).<sup>36</sup> However, it is one thing to have a bit of metaphysical mystery in one's approach, and quite another to offer a set-up that precludes the possibility of recognising other rational agents. And Kant cannot afford to dismiss this as not being his concern – our moral practices require us to be able to recognise other rational agents.

## 5. Nature and Freedom

I have argued that transcendental idealism does not provide an adequate account of freedom. In this final section, I want to sketch an alternative account of the possibility of freedom, one that locates freedom within, rather than outside of, nature.

In locating freedom outside of nature, Kant ruled out any experience of freedom, and thus was saddled with the problem of recognition. Kant though, did move beyond an entirely mechanistic conception of nature in the third *Critique*. In the 'Critique of Teleological Judgement', he offers a teleological treatment of organisms, detailing the ways in which organisms require explanations in terms of ends or purposes, rather than merely mechanical explanations.<sup>37</sup> I have argued that, by itself, this does not allow Kant to overcome the problem of recognition as he still cannot differentiate between an organism and a rational organism from the third-person perspective.

Following Kant's lead however, the German Idealists (in particular Schelling and Hegel) made progress on this front. As Kant himself realised, organisms require explanations in terms of ends, or purposes – final rather than efficient causes.<sup>38</sup> For Kant, though, all of this remained merely regulative;<sup>39</sup> we have to view nature in this way, but this says nothing about the determination of the objects themselves.<sup>40</sup> The German Idealists found this unsatisfying.

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<sup>36</sup> Cf. V: 94. 2-7. Callanan (2014) offers an intriguing account of the importance of this claim.

<sup>37</sup> See, for example, his revealing discussion of a tree at V: 371. 7 – 372. 11.

<sup>38</sup> Cf. V: 374. 21-6; V: 376. 13-4; V: 377. 1-3; V: 382. 30-4.

<sup>39</sup> Cf. V: 360.21 – 361. 11; V: 365. 17-25; V: 379. 10-12; V: 383. 12-4.

<sup>40</sup> Cf. V: 404. 30-6.

Schelling, for instance, asks why certain parts of nature call out to be explained in this way.<sup>41</sup> The simple answer is that they are different sorts of things. Organisms are different from non-organic parts of nature, and accordingly they require different types of explanation. Here is a simple example: It is a hot day, and a dog is drinking water. Why? Well, it is thirsty. It is hot, the dog has been running around, and now it needs to drink to sustain itself. Here we have moved away from mechanism to a conception of nature that involves beings that operate according to ends (and perhaps even representations).

This does not yet get us to rational agents and our freedom. I do not think that we can locate our freedom in the teleology we find in organisms. But what the appeal to organisms does is help disarm the thought that nature is entirely alien to freedom. Before the third *Critique*, Kant sets up nature as entirely mechanistic, totally determined by (and in principle predictable in terms of) efficient physical causes. Thinking about organisms enriches our conception of nature, and moves us away from this.

Moving on further, with the advent of society, culture and language, organisms become rational. And not only do rational beings act according to ends, but we also have the capacity to reflect upon these ends. Much like the introduction of organic matter, this requires different types of explanations – social and rational – because there are now different things. McDowell is spot on when he insists upon two points here: 1) this can all be thought of as natural; 2) we should not shy away from thinking that the introduction of rational beings makes a metaphysical difference.

These two points might seem in tension, but I do not think they are. McDowell famously invokes second nature, as a type of social upbringing [*Bildung*], that allows us to understand how we came to occupy the space of reasons without falling into rampant Platonism.<sup>42</sup>

Second nature provides a way of accommodating our capacity to reason within nature.<sup>43</sup> Without this:

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<sup>41</sup> Cf. Schelling (1803: 33).

<sup>42</sup> Cf. McDowell (1994: 83-6).

<sup>43</sup> McDowell's diagnosis of Kant is spot on here. He writes that (McDowell 1994: 98): "Since he does not contemplate naturalism of a second nature, and since bald [reductive] naturalism has no appeal for him, he cannot find a place in nature for this required real connection between conceptions and intuitions [namely, spontaneity]. And in this predicament, he can find no option but to place the connection outside nature in the transcendental framework. Kant is peculiarly brilliant here. Even though he has no intelligible way to deal with it."

We fall into rampant Platonism if we take it that the structure of the space of reasons is *sui generis*, but leave in place the equation of nature with the realm of law [or natural necessity]. That makes our capacity to respond to reasons look like an occult power, something extra to our being the kind of animals we are, which is our situation in nature. (McDowell 1994: 83)

McDowell also notes that we should not shy away from thinking that this makes a metaphysical difference. Once we have beings that are brought up in such a way that they can enter into a space of reasons, we are dealing with a different type of being.<sup>44</sup>

Of course, this is all rather suggestive.<sup>45</sup> But I think it is adequate for the task at hand. The task is to show that freedom is possible, and that we are entitled to think of ourselves and others in this way. We have a lot of evidence for our freedom – the consciousness of our activity (and the experience of an unconditional obligation) – but something puts this into doubt. The doubt stems from an entirely mechanistic conception of nature, a world that operates solely according to mechanistic laws. This threat can be dealt with, as there is more to science than (mechanistic) physics. There is also biology for instance, which studies things that operate in ways other than mere mechanism. They operate according to ends, and accordingly require explanations in terms of final rather than merely efficient causes. This enriches our conception of nature in a way that makes it not entirely alien to freedom. The notion of second nature does this to an even greater extent, in that it allows us to account for our social practices and the space of reasons within nature.

So, pace Kant, transcendental idealism is not necessary for freedom. And moreover, it does not help. A major problem, as we have seen, lies in the strict epistemic limits it imposes, which precludes the possibility of recognising other rational agents. This is especially unsatisfying given that securing freedom is supposed to be one of the main benefits of transcendental idealism.

## Conclusion

Kant wants to show that freedom is possible and that we are entitled to think of ourselves as free. Unfortunately, he signs up for a conception of nature as entirely determined by natural necessity, and thus has to locate freedom outside of it. This makes freedom possible,

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<sup>44</sup> Cf. McDowell (2006: 238).

<sup>45</sup> It is worth noting that McDowell does not think that this is a problem for his approach; cf. McDowell (1994: 178).

but precludes a workable account of recognition. For this, we need a richer conception of nature. However, we can still retain an important part of Kant's early approach, namely that we are conscious of the causality of our reason. In moving away from Kant's system though, we can also vindicate both this and our third-personal awareness of others' agency.

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