FREE WILL AND THE POSSIBILITY OF RADICAL EVIL IN KANT

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SCOPE AND CONTENTS:

Kant's ethical theory is often characterized as one in which freedom is identified with obedience to the moral law. In Religion Within the Limits of Reason Alone, however, free will appears to be characterized as the ability to choose either to obey or disobey the moral law. Hence, an evil act could be freely chosen, whereas according to the usual ethical conception, evil appears to have to be interpreted as a manifestation of lack of freedom. The problem treated in this thesis is whether or not Kant's account of radical evil in Religion Within the Limits of Reason Alone is compatible with the conception of free will given in the ethics. If the two conceptions are aspects of one developed theory of free will, does the theory hold together; if they are actually

two theories of will, what are the implications for Kant's ethics?

Chapter I presents the problem and summarizes the two Prefaces to Religion Within the Limits of Reason Alone, as well as its first essay, "On the Radical Evil in Human Nature." Two commentators, L.W. Beck and J.R. Silber, view Kant as developing one theory of free will. To show that this is so, they focus on Kant's distinction of will into two parts, Wille and Willkür, as a key to resolving possible contradictions. Their arguments are discussed in Chapter II. Chapter III analyzes the primary sources which Beck and Silber bring to corroborate their versions of the theory, and briefly sets forth the arguments of Emil Fackenheim, who regards the essay in Religion Within the Limits of Reason Alone as repudiating the ethics. It concludes on the inconclusive note that the problem may be unresolvable.

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CHAPTER I

Upon studying Kant's Religion Within the Limits of Reason Alone,[1] one is confronted at the outset with the concept of radical evil and the problem of its place within the structure of the critical philosophy. The works on morality, Foundations of the Metaphysics of Morals[2] and the Critique of Practical Reason, were published in 1785 and 1788 respectively. While the first edition of the Religion was not published until 1793, its first essay, "On the Radical Evil in Human Nature," was printed separately in the Berlinische Monatsschrift of April, 1792. Kant included this essay in the Religion because, as he says in the Preface to the First Edition, it

> could not be omitted here because of the close coherence of the subject-matter in this work, which contains, in the three essays now added, the complete development of the first.[3]

Kant, then, regarded the latter three essays of the Religion as the full outgrowth of the concepts elucidated in the essay on radical evil. At the same time, he chose to

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[1]Hereafter referred to as the Religion.

[2]Hereafter referred to as the Foundations.

[3]Immanuel Kant, Religion Within the Limits of Reason Alone, trans. T.M. Greene and H.H. Hudson (New York: Harper and Row, 1960), p. 10. In subsequent references this work will be referred to as the Religion.

publish the essay separately, while still working on the related three essays. The appearance of the essay in 1792, coming as it did between the publication of the Critique of Practical Reason and the Religion, suggests that "On The Radical Evil in Human Nature" is not only an essential part of Kant's philosophy of religion, but also a further development of his ethical theory. In a sense, it serves as a link between these two areas of Kantian thought.

What kind of a link is it? There are several possibilities. First, it may be that the discussion of radical evil was simply Kant's manner of dealing with an issue of much concern to eighteenth-century philosophers and theologians; that is, it was a problem which he, as a philosopher, felt the need to discuss. This view is taken by James Collins.

> Kant was prompted to attempt a new tack on the question of evil by his considered judgement that, in his own century, the several parties in the discussion of evil had reached a stalemate.[4]

Collins then proceeds to discuss in what ways Kant found the metaphysical, theological, theodicist and antitheodicist approaches to evil inadequate. Since the problem of evil concerns the fundamental issues of man's freedom, man's will, and God, a necessary relationship between the moral theory and the philosophy of religion is seen to obtain.

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[4]James Collins, The Emergence of Philosophy of Religion (New Haven: Yale University Press, 1967), p. 168.

This would be primarily an external structural linking. A second possibility is that the essay on radical evil may be, in a strict sense, a further amplification of the ethics, the implications of which extend into the philosophy of religion. That Kant discerned a gap, an incompleteness, a weakness within the structure of the moral theory, and sought to rectify it in this essay is the third alternative. Only then, on this viewpoint, his error corrected, would he be free to explore the religious dimensions of human rationality.

The first alternative can be set aside. There is no doubt that Kant was very much aware of the theological debates of his time, and familiar with the philosophical treatment of the problem of evil in the history of philosophy. So he may have dealt with the concept of evil because of its inadequate formulation up until his time, while nonetheless making it an essential element within the structure of his philosophy. However, although this explanation may be valid, in itself it is insufficient to account for the philosophical effort manifested in the Religion. The second and third possibilities, which focus on internal connections within the critical philosophy are, in contrast to the first, the source of a fruitful debate among Kantian scholars. It is the dispute engendered by these latter alternatives that I wish to explore.

The debate revolves around the understanding of Kant's use of "will". In the Foundations (and, according to some, the Critique of Practical Reason as well), Kant stated clearly that a free will is one which finds the law within itself and obeys this law. A free will determines itself, its causality being the moral law it autonomously generates.[5] Failure to carry out moral imperatives can be due only to human weakness, spurred by the needs of the inclinations. Free will, thus delineated, is closely allied with rationality and law. But this conception of will has the consequence of making it difficult to account for evil.

The difficulties are seen when focusing on the determination of a free or unfree will according to this account of moral obligation. A moral will is a will determined by the moral principle; it is free because it is determined by itself. It frees itself from the control of inclination, and determines itself toward obedience to the moral law. The unfree will, in contrast, is dominated by inclination; determined by an object, it is heteronomous rather than autonomous. Accordingly, however, the will can determine

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[5]See Immanuel Kant, Foundations of the Metaphysics of Morals, trans. L.W. Beck (New York: Bobbs-Merrill Co., Library of Liberal Arts, 1959), p. 29, where Kant states: "Will is the capacity of a rational being of acting according to the conception of laws...will is nothing less than practical reason." Also p. 38, p. 45, p. 65. In subsequent references, this work will be referred to as the Foundations.

itself in one direction only: toward obedience to the moral law. Only this is self-determination. All other determinations of the will are the result of an object of the inclinations. Consequently, as is seen from many passages in the Foundations,[6] a free will can only be a good will. That is in so far as one wills, one necessarily wills the good; and is so far as one does evil, one is determined not by oneself, but by the powerful forces of inclination. One is overcome by inclination; one does not willingly give into it.

Thus, by allying rationality and freedom in this way, the conclusion can only be that there is no such thing as an evil will. This interpretation of free will denies not only moral responsibility for evil, but also the fact of evil itself. Within the context of this understanding of moral obligation, radical evil is not possible.

The third alternative, that the essay on radical evil serves as a corrective to the earlier ethical writings, maintains that Kant realized later the restrictions he had placed on free will in the ethical works. He therefore sought to modify them by means of altering the structure of his theory of will in the Religion. That is, he saw that freedom as acting according to rationality did not account adequately for the complete moral life. This is not to say that freedom as spontaneity is totally absent

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[6] Ibid.

in the ethical writings; as will be seen, there are intimations and hints, but these are not fully developed.

Another way of interpreting this alternative, one which is less strict, is to say that Kant was aware, perhaps vaguely, of both kinds of freedom, but in the ethics emphasized will as determined by the moral law because of definite rational grounding. Only by the time of the Religion, recognizing the inadequacy of his emphasis, did he further develop the notion of freedom as spontaneity. That is, the earlier conception of freedom became less prominent, became, in fact, a subordinate level of ethics. There was seen to be a level of choice above that of freedom as determination according to the moral law. Even this less strict interpretation, however, sees the development of freedom as spontaneity in terms of a corrective, i.e., as a denial of the efficacy of Kant's earlier formulations, and thus as a fundamentally new theory with some connections to the old. According to this third alternative, then, there are really two moral theories in Kant.

The second alternative sees the essay on radical evil as an extension and amplification of ethics. While it is clear, on this view, that Kant did in fact rework the theory of will in the essay, the reformulation is seen as being merely a making explicit that which was already implicit in the ethical works. No substantial changes were

made. The essay is, rather, a further development, an elucidation of implications already present in the Foundations and the Critique of Practical Reason. On this account, there is only one version of Kantian ethics.

The issue here is: what are the consequences of maintaining the presence of one or two moral theories in Kant? On the one hand, if it is one and continuous, can it really maintain its unity? Can its parts cohere intelligibly? On the other hand, if there are two theories, one must consider carefully what one is compelled to give up if the second supersedes the first. If, in order to make the possibility of evil and moral culpability philosophically intelligible the connection between freedom and reason must be severed, one is left, it is true, with freedom as spontaneous, as transcendental choice. But freedom divorced from rationality is lawless.

Contemporary discussion of the Religion has reflected this conflict in interpretation. There is a cognizance, sometimes vague, often expressed as ambivalence, of the problem of understanding Kant's concept of will as delineated in the ethical works and the Religion. Michel Despland in his book Kant on History and Religion, manifests such equivocation.

> ...Religion has some very weighty things to say about the predicament of moral men...that were not said in the ethical writings. The doctrine

> of religion therefore is not only a complement to the doctrine of God but also a deepening and possible revision of the moral philosophy.[7]

That is, the formulations on religion deepen that which the moral philosophy propounded, but simultaneously possibly revise it. The ambiguity is not resolved when Despland states further on:

> Religion is thus a vast new and vigorous undertaking which draws upon new sources and is prompted by a new problem.[8]

For this is soon after qualified by:

> One of the objectives of Religion considered as an extension of the previous moral writings...[9]

Despland views the Religion as opening up new areas for philosophical investigation, but simultaneously extending the moral formulations. He unequivocally takes the position that something has been added, but is unsure whether it is revision or mere addition. Thus, it is not at all clear to him whether the ethical theory is substantially reformulated, or simply enlarged upon.

The dispute, then, is meaningful and important. Is moral evil a philosophically intelligible possibility within the structure delineated in the Foundations and the Critique of Practical Reason, or was the essay on radical

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[7] Michel Despland , Kant on History and Religion (McGill--Queen's University Press, 1973), p. 157.

[8] Ibid., p. 160 .

[9] Ibid., p. 166 f.

evil written precisely to justify this possibility? Among some contemporary English Kantian scholars, as for example Lewis White Beck and John R. Silber, the issue remains unresolved. For each side of the argument, there are primary sources which serve as support. Perhaps the two sides of the issue cannot be reconciled; it may be that the ambiguities are necessary in any philosophic discussion of so complex and paradoxical a concept as human freedom, and manifest Kant's perspicuity rather than any lacuna in his formulations. It will be the task of this thesis to examine the problem carefully, presenting both sides of the conflict, showing the difficulties inherent in them and, therefore, the resulting ambivalent conclusions.

Kant's ethical theory is widely recognized while the details of his four essays in the Religion are less well-known. Before proceeding with a detailed examination of both sides of this debate, it will be valuable, I believe, to offer a summary of the first essay on radical evil, as well as noting some of Kant's introductory remarks in the Prefaces in order to understand the essay within its given context.

At the outset, in the "Preface to the First Edition", Kant reminds us that morality in itself does not require the idea of a Higher Being. Man, in the use of his practical reason, can freely bind himself to unconditional laws. The

apprehension of and incentive to the moral law occur independently of the idea of a Higher Being, as of any ends whatsoever. However,

> it is quite possible that it i.e., morality is necessarily related to such an end, taken not as the ground but as the sum of inevitable consequences of maxims adopted as conformable to that end.[10]

This is because "in the absence of all reference to an end no determination of the will can take place in man."[11] It is a "natural characteristic"[12] of man and his faculty of practical reason, "an inescapable limitation",[13] a "natural need"[14] to conceive of an end over and above the law, to have regard for the consequence of action. Not only is the conception of such an end a natural need, but it is also, significantly, justifiable by reason. In fact, the absence of such an end "would be a hindrance to moral decision".[15] The harmony with this end provides a point of focus for the unification of all ends. The forming of a concept of a final end is of great concern to morality, for only then can the purposiveness of nature and that of freedom be united.

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[10] Kant, Religion, p. 4.

[11] Ibid.

[12] Ibid., note, p. 7.

[13] Ibid., note, p. 6.

[14] Ibid., p. 5.

[15] Ibid.

"Morality thus leads incluctably to religion, through which it extends itself to the idea of a powerful moral Lawgiver",[16] whose will is the final end of creation, and whose end can and ought to be, at the same time, man's final end. Religion, then, in some way provides a teleology, a final end which unites the worlds of nature and morality in which man simultaneously resides.

One other point in this preface should be noted here: Kant offers an explicit statement of intention:

> In order to make apparent the relation of religion to human nature (endowed in part with good, in part with evil dispositions), I represent, in the four following essays, the relationship of the good and evil principles as that of two self-subsistent active causes influencing men.[17]

This statement of purpose is significant, especially when taken in conjunction with the title of the work. For religion within the limits of reason alone, the faith for which Kant made room when he denied the possibility of the knowledge of God,[18] is a religion bound up with human nature. And the very explication of this religion is one which uncovers the relation between them. The meaning of religion, then, derives from the "inescapable limitations" of man,

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[16] Ibid.

[17] Ibid., p. 10.

[18] "I have therefore found it necessary to deny knowledge, in order to make room for faith." I. Kant, Critique of Pure Reason, trans. Norman Kemp Smith (Toronto: Macmillan and Co., 1929), Preface to Second Edition, p. 29.

his "natural characteristic" of conceiving of an end over and above the law; in short, from an aspect of human nature. What Kant purports to do is to relate that part of human nature which naturally conceives of ends with a philosophical grounding of the moral personality of that selfsame human nature.

The Preface to the Second Edition (published one year later, in 1794) adds to Kant's introductory remarks an important analogy. Historical religion, or that based on revelation, is conceived of as a large circle, analogous to the wider sphere of faith, while the pure religion of reason, to which the philosopher is necessarily confined, is a smaller circle within the larger, analogous to a narrower sphere of faith. Pure rational faith, then, is at the core of any historical religion.

Book One, entitled "Concerning the Indwelling of the Evil in Human Nature", begins with the empirical observation that there is moral evil in the world. If acquaintance with history does not convince one of the actuality of such evil, then one must consult one's own experiences with other persons. In much the same way as Kant began his analysis of ethical theory by appealing to the moral experience of each person,[19] the exploration of the radical evil in human nature commences by his noting

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[19] See Kant, Foundations, p. 5. "That there must be such a philosophy is self-evident from the common idea of duty and moral laws." Also, Kant, Critique of Practical Reason, trans. L.W. Beck (New York: Bobbs-Merrill Co., Liberal Arts, 1956), pp. 38, 95.

both the fact of evil in the world, and the experiences of moral evil that individuals have had.[20]

A man is called evil, Kant says,

> ...not because he performs actions that are evil (contrary to law), but because these actions are of such a nature that we may infer from them the presence in him of evil maxims...and further, from the maxim to infer the presence in the agent of an underlying common ground, itself a maxim, of all particular morally-evil maxims.[21]

That is, the source of evil cannot be in an object determining the will[22] through inclination or natural impulse; rather, it can be only in a rule made by the will for the use of its freedom, in a maxim. However, since actual evil derives from a maxim which is freely chosen, its ultimate ground remains inscrutable to us.[23] Yet, evil is antecedent to every use of freedom in experience. In this sense, and this sense only, can the character of man, whether good or evil, be termed innate (or can man be said to be of a certain character by nature). Innateness here does not

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[20] Kant, Religion, pp. 28-29.

[21] Ibid., p. 16.

[22] Unless otherwise stated, the aspect of the will referred to in this summary is, the Willkür, a detailed analysis of which will be given in Chapter II.

[23] Kant says: "But the rational perversion of our will whereby it makes lower incentives supreme among its maxims, that is, of the propensity to evil, remains inscrutable to us, because this propensity itself must be set down to our account and because, as a result, that ultimate ground of all maxims would in turn involve the adoption of an evil maxim as its basis ". Religion, p. 38. Will with the small w, i.e., will[W] is the translator's indication for the German Willkür.

imply lack of authorship or responsibility; man makes himself good or evil, and the actions resulting from his underlying maxim are imputable to him. But this maxim is innate in that it is the ground antecedent to every use of freedom in experience.[24]

Because the ultimate subjective ground of the adoption of maxims, the inscrutable underlying maxim, determines the particular maxims and actions of an individual, it can be good or it can be evil; it cannot be good and evil in any proportion. For either the underlying maxim is to incorporate the moral law into its particular maxims, or it is to deviate from the moral law and be determined by other incentives. But so to incorporate the moral law, under a universal, categorical imperative, and simultaneously to be moved to action by a particular incentive not in conformity with the moral law is a contradiction. Therefore, the investigation into the innate character of man is based on a disjunctive proposition: man is (by nature) either morally good or morally evil.

Kant mentions three "predispositions" to good.[25]

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[24] See Chapter II, note #36.

[25] "By the predispositions of a being we understand not only its constituent elements which are necessary to it, but also the forms of their combination, by which the being is what it is. They are original if they are involved necessarily in the possibility of such a being..." Religion, p. 23. Kant's statement of the three predispositions to good, as well as the three degrees of the propensity toward evil (see p. 16 footnote #28) raises a basic question. If the human being

has good predispositions and evil propensities, and at the same time makes concrete choices which are good and evil, how do the structures of his personality (i.e., predispositions nad propensities) relate to his choices? These structures do not make him good or evil; rather,they are the givens to which the individual decides to respond on principle. Since Kant does not, in this essay--and indeed cannot--make weakness the source of evil, his only alternative is that human beings always act on principle. This, however, is a shaky premise, and presents problems. It should also be noted that the question as to how incentives relate to free choice is beyond the scope of this thesis.

The first is the predisposition to animality, as a living being, from which man's natural needs and inclinations are derived. The predisposition to humanity, as a rational being, from which is derived man's ability to exercise prudence with respect to his own needs and desires, is the second. The third is the predisposition to personality from which originates man's awareness of his obligations and his accountability before the moral law. These predispositions all belong to "human nature" because they are "bound up with the possibility of human nature."[26] They are not only good in negative fashion, in that they do not contradict the moral law, but are also predispositions toward good, in that they enjoin observance of the law.[27] It is possible for the first two to be used contrary to their ends, but man can extirpate none of them.

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[26] Ibid.

[27] Ibid. Note that the first requires no reason, the second practical reason subservient to other incentives, while the third alone is rooted in pure practical reason which dictates laws unconditionally.

Man's propensity to evil has three degrees.[28] First is the frailty or weakness of human nature. Although the law is adopted into one's maxim, it becomes subjectively weaker than the inclinations when acted upon. The propensity for mixing non-moral incentives is the second. This impurity operates such that the moral law alone is not a sufficient incentive for the doing of one's duty; "...in other words, actions called for by duty are done not purely for duty's sake."[29] The third is called the wickedness, corruption or perversity of the human heart, for it is the propensity of the will to favor maxims which neglect altogether the incentives springing from the moral law, and consequently to adopt maxims which are not moral. The order of priority among the incentives of the will is thereby reversed. Thus, whenever incentives other than the law itself, whether they be self-love, sympathy, pity, or sorrow, for example, are required by the will in order to act in conformity with the law, the person so acting is nonetheless evil. For it is only accidently that the additional incentives required led him to act within the letter of the law; he just as easily could have been

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[28] A propensity is distinguished from a predisposition in that the latter can only be innate (as it is "bound up with the possibility of human nature"), while the former can be innate or acquired. That is, man can bring a propensity upon himself"...this propensity to evil must consist in the subjective ground of the possibility of the deviation of the maxims from the moral law." Ibid., p. 24.

[29] Ibid., p. 25.

impelled to violate it. In any event, only the letter - not the spirit of the law was adhered to.

The propensity to evil is a peccatum originarum,[30] an act in the sense of that exercise of freedom in which the supreme maxim, whether in harmony with the law or contrary to it, is adopted by the will; it is the original act of formal grounding from which all material acts which violate the moral law derive. Thus, the propensity to evil is "intelligible action, cognizable by means of pure reason alone, apart from every temporal condition"; evil actions, in contrast, are "sensible, empirical, given in time".[31] As a consequence of the above, to say that man is evil can mean only that man is conscious of the moral law, but has nonetheless adopted into his maxim the occasional deviation from it. To say that he is evil by nature means that all men, as members of their species, have freely adopted such violations of the moral law, which are thereby imputable to them.

Even though the existence of this propensity can be demonstrated in concrete, temporal instances of the opposition of man's will to the law, such demonstrations do not explain the "essential character of that propensity or the ground of this opposition".[32] On the one hand,

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[30] Ibid., p. 26.

[31] Ibid., p. 26 f.

[32] Ibid., p. 31.

the ground of this evil cannot be placed in man's sensuous nature. This is for two reasons. First, this nature "affords the occasion for what the moral disposition in its power can manifest, namely, virtue."[33] That is the presence of inclinations offers the opportunity for resistance, and thus for the manifestation of moral virtue. Second, man's inclinations are implanted in him; thus he is not even responsible for their existence. On the other hand, neither can the ground of evil be placed in a corruption of the morally legislative reason, "as if reason could destroy the authority of the very law which is its own, or deny the obligation arising therefrom; this is absolutely impossible."[34] Man is neither an animal being nor a devilish being.

However, because the propensity to evil concerns a relation of the will to the moral law as incentive, both of which are purely intellectual concepts, "it must be apprehended a priori through the concept of evil, so far as evil is possible under the laws of freedom."[35] This concept Kant develops in the following way:

Because man possesses a moral disposition, the moral law is forced upon him. That is, he cannot help but be cognizant of it; his nature implies moral awareness. Were no other incentives

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[33] Ibid., p. 30.

[34] Ibid.

[35] Ibid., p. 31.

in opposition, man would adopt the law into his supreme maxim as the sufficient determining ground of his will. He would act in conformity to the moral law out of the necessity of his nature. But man's nature also possesses another "innocent natural"[36] predisposition, that of his inclinations. Thus, incentives of his sensuous nature are also adopted into his maxim. If these alone were the determinants of the will, man would be a purely instinctual being. Belonging to the world of sense only, he would be innocent, neither good nor evil.

But man "naturally"[37] adopts both into his maxim. However, it is impossible for both to be incentives for his moral acts, in whatever pattern of alternation. As was seen, it is a contradiction for man to be simultaneously good and evil;[38] man's underlying maxim must be either good or evil. Therefore, whether or not a person is good or evil does not depend on which of his natural predispositions determines the content of particular actions. Rather, the determining factor is the form of the maxim; that is, which of the two incentives he makes the condition of the other. "Consequently man (even the best) is evil only in that he reverses the moral order of the incentives when he

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[36] Ibid.

[37] Ibid.

[38] This has implications for the unity of the person as a complex being. See note #25 above.

adopts them into his maxim.[39] This evil is radical because it corrupts the grounds of all maxims; moreover, as a natural propensity, it is "inextirpable by human powers".[40] Yet, at the same time it must be possible to overcome it, since man is a free being.[41] Radical evil manifests itself in the three degrees described above.

Kant has sought to delineate the ground of evil in purely rational representations, in the inner possibility of what must occur in the will if evil actions are to take place. This being the freely chosen antecedent subjective ground of the will, man, nonetheless, cannot regard himself as evil in the sense of no longer struggling against his radical propensity. On the contrary,

> "In the search for the rational origin of evil actions, every such action must be regarded as though the individual had fallen into it directly from a state of innocence."[42]

Despite past actions, man's will is always free; thus all actions must be judged as "an original use of his will."[43] Man, then, has a corrupted heart; his will, for what Kant

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[39]Kant, Religion, p. 31.

[40]Ibid., p. 32.

[41]Kant's words are: "...yet at the same time it must be possible to overcome it, since it is found in man, a being whose actions are free." Ibid.

[42]Ibid., p. 36.

[43]Ibid.

acknowledges are impenetrable reasons,[44] has freely chosen to invert the order of the underlying maxims. Yet he possesses as well a good will. Thus, "there remains hope of a return to the good from which he has strayed."[45]

Up until this point, this exposition has treated will as unitary.[46] The "good will" mentioned above, however, refers to a distinct aspect of the will which Kant calls Wille, the second distinguishable aspect being Willkür. We now turn to a consideration of these terms, and of their implications for an understanding of the possibility of evil in Kant.

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[44]See Kant's reference to inscrutability, note #23, above.

[45]Kant, Religion, p. 39.

[46]In note #22 above, however, a specific aspect of the will was noted.

CHAPTER II

A comprehension of the subtleties of Kant's use of the word "will", which translates, in most cases, both the German words Wille and Willkür, is essential. Two prominent contemporary Kantian scholars, Lewis White Beck and John R. Silber, both of whom have taken the position that the essay on radical evil is a further development of the ethical theory, manifesting no substantial changes, have discussed the concepts of Wille and Willkür in detail. Much of the support for their position derives from their analyses of will. Beck begins his discussion by posing the following problem:

> Consider the following dilemma which has embarrassed many defenders of Kant, who have accepted the conclusion that a good will is a free will. If there is evil, it must be a result of a failure to be free. Therefore, either there is no moral evil, all evil being natural and therefore not imputable to human responsibility, or goodness of will is not equivalent to moral freedom. [2]

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[1] Willkür is on occasion translated as "choice".

[2] L. W. Beck, Commentary on Kant's Critique of Practical Reason, (Chicago: University of Chicago Press, 1960), p. 203. Subsequent notes will refer to this work as Commentary. It is interesting that Beck poses this dilemma as the very same problem is the starting point for Emil Fackenheim's discussion in "Kant and Radical Evil", University of Toronto

Quarterly, XXXIII, 1954, 339-353. (The Fackenheim article is discussed in the last chapter.) Although Professor Fackenheim's essay was published in 1954, and Beck's book in 1960, Fackenheim is not listed in Beck's bibliography; Beck presumably arrived at the problem independently.

The doctrine of radical evil, therefore, is interpreted as a divergence from Kant's critical doctrine, either as an inconsistency or as a rectification of a theory that failed to take into account the possibility of moral evil.

What Beck attempts to show, however, is that an understanding of the distinction between Kant's use of Wille and Willkür precludes this interpretation: "...the alleged contrariety between the teachings of the Religion and of the Critique disappears in the light of our analysis."[3] According to this analysis, the concept of will, which has freedom as its attribute, is equivocal in the Critique of Practical Reason because it involves two conceptions of the will which are not explicitly distinguished. Beck maintains that one comes primarily from the Critique of Pure Reason; this is the concept of freedom as spontaneity, the faculty of initiating a new causal series in time. The second derives from the Foundations, and is free will as autonomy, as lawgiving. According to Beck,

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[3]Beck, Commentary, ibid. "Critique" refers, of course, to the Critique of Practical Reason.

> The two conceptions are explicitly distinguished only in the later works, after their interdependence has been shown in the Critique of Practical Reason. We must see the Critique, therefore, as a bridge where the tangled paths of the earlier works converge and then for the first time clearly separate on the other side. [4]

Beck claims that upon the basis of his analysis of the will, one could construct the main outlines of the Kantian theory of evil, totally independently of the first essay of the Religion.[5]

He asserts that Wille is practical reason, maintaining the legislative function, while Willkür is the executive faculty of man. The freedom of Wille is autonomy; it issues imperatives or gives laws to Willkür. The nature of the law is determined solely by Wille, and not by anything else, be it society, decrees of God, or human psychology. The moral law legislated by Wille is a synthetic a priori[6] statement of what a Willkür would do were it totally

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[4] Ibid., p. 177. But note this footnote of Beck's, in ibid., p. 75 (the emphasis is mine): "Especially in the early parts of the Critique but also quite generally elsewhere, Kant uses two words which are ordinarily translated as "will": Wille and Willkür. Though they are later distinguished and the distinction becomes important, I cannot see much consistency in Kant's choice between them." If Kant's use is inconsistent, can a distinction be readily drawn?

[5] See ibid., p. 205.

[6] A synthetic a priori statement is a judgement whose predicate is not contained in its subject but whose connection is nevertheless universal and necessary.

rational. It becomes, however, an imperative or a moral obligation for a Willkür, since the latter does not do by nature that which the law requires. The real use of Wille is the formulation of the moral law. In addition it has a logical use, that of "the derivation of rules of actions either from the moral law or, in the case of prudence, from human desires and the laws of nature."[7]

The autonomous freedom of Wille is to be contrasted with the spontaneous freedom of Willkür. The latter's absolute spontaneity can initiate a causal series in nature; in this way its freedom is negative, i.e. undetermined by natural mechanism. Its negative freedom is manifested in either of two ways. On the one hand, out of respect for the law, it can take the law of pure practical reason as the "limiting condition"[8] of its maxims of action. If it does so, it is a good will, acting out of obligation to the moral law. Because man's nature is rational as well as finite and subject to inclination, Willkür constantly

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[7]Beck, Commentary, p. 203. The "real use of reason is the establishment of a synthetic a priori proposition; the "logical" use of reason is the inferring of actions from a rule. See Beck, p. 178, also note 6 on p. 178. As Beck notes, an empirical practical reason is always merely logical in its use. A further analysis is offered in a later study by Beck, "Kant's Two Conceptions of Will in Their Political Context," in L.W. Beck, Studies in the Philosophy of Kant (New York: The Bobbs-Merrill Co., 1965), pp. 215-230.

[8]Beck, Commentary, p. 203.

struggles against the obstacles of the sensible nature it inhabits, and may, with great effort, achieve a virtuous will. On the other hand, it may utilize a maxim posited by the logical use of Wille as its formal principle. In this case it is either a legal will, acting upon a principle which is not opposed to the legislation of Wille; or, it may take a principle which is opposed to Wille as its maxim, in which case it is evil. While Willkür acts freely in the above possibilities, it can nevertheless fail to exercise its negative freedom; in that case the person would degenerate to an animal level.[9] The decrees of Wille, however, sound unabatedly in our ears. Even the person who has not realized his potential for Willkür hears them and is cognizant of them.

A difficulty arising from Beck's analysis of the will concerns the logical use of reason. In the summary of his investigations, Beck claimed that in addition to the real use of Wille, of formulating and legislating moral law, it has as well the logical use of "the derivation of rules of actions either from the moral law or, in the case of prudence,from human desires and the laws of nature.[10] In regard to the meaning of the logical use of

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[9]This is a problematic interpretation of Willkür. See below, p. 30.

[10]Beck, Commentary, p. 203. Beck defines these two uses on p. 75. "...reason in its logical use is the faculty of drawing inferences and of systematizing knowledge, of

> finding a 'wherefore' for every 'therefore', and that in its real use it posits certain a priori synthetic propositions or principles which are supposed to state the unconditioned conditions for all that is found in experience.

Wille, one is left puzzled. For all that Beck has said about Wille seems to go against its having this function. Moral law is a product of the freedom of Wille as pure practical reason; It freely legislates by virtue of its nature; therefore, it is autonomous. It is the source of the law upon which Willkür may initiate a moral action. This is of course what Beck has termed its real use. The possible meaning of Wille having a logical use, is all the more confusing since in his earlier discussion of Wille, Beck appears to contradict this very viewpoint.

> Pure practical reason has nothing to do with the logical derivation of actions from given rules. There is little or no verbal justification in calling such a pure practical reason a 'will' at all.[11]

This would be so because rules are derived from maxims, and maxims, whether moral or not, as direct determinants of behavior, are considered to be in the province of Willkür, not Wille. While maxims are within the province of Willkür, however, they are so only due to the fact that Willkür is the agency that acts upon them. Only in that sense does Willkür, through maxims, directly determine human conduct.

The problem is clarified, however, if one attempts to answer the question: how are prudential maxims formed? Willkür, as the executive agency of the will, cannot formulate

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[11] Ibid., p. 178 f.

principles of action. It must be then, that Wille operates on two levels. This is so because any practical proposition is a product of reason.[12] Because man is both a rational and a sensuous being, practical propositions are expressed in the imperative. When they express an imperative valid only for a being with a specific condition of volition i.e., a contingent, empirical condition, they are "mere maxims". When they reveal a command that is objectively valid in that it is unconditionally given to all (partially) rational beings, they are moral, practical laws. The former, determined as a practical proposition by the actual condition of the subject's will, is a hypothetical imperative, while the latter categorically commands. Thus, the quotation from Beck previously given, which seemed to imply a contradiction in actuality does not. For while "pure" practical reason cannot involve the logical use of Wille, practical reason can, and in fact does include this use. Prudential maxims, then, are formed by practical reason, and Wille as practical reason, can legislate either the categorical "ought" or the empirical "ought". These uses of Wille thus correspond

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[12] "Practical principles are propositions which contain a general determination of the will, having under it several practical rules. They are subjective, or maxims, when the condition is regarded by the subject as valid only for his own will. They are objective, or practical laws, when the condition is recognized as objective, i.e. as valid for the will of every rational being. Assuming that

> pure reason can contain a practical ground sufficient to determine the will, then there are practical laws. Otherwise all practical principles are mere maxims." Kant, Critique of Practical Reason, trans. L.W. Beck (New York: Bobbs-Merrill Co., 1956), p. 17.

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to Beck's terms "real" and logical"; they are the pure and empirical functions of practical reason.

Two other problems in Beck are to be noted. First, the delineation of Willkür tends to be confusing. In the summary of his chapter on freedom, he insists that Willkür, whether it chooses to act on a moral maxim or on a prudential maxim, which may be either legal or evil, is nonetheless a free will: "In either case, it is a free will."[13] Indeed, this seems to be his dominant and final interpretation. Nevertheless, he earlier described Willkür as follows:

> Willkür may or may not be free, according to the kind of law it puts into the maxim or the degree to which the maxim and not the momentary representation of the object determines the action.[14]

This is plainly a premise of those interpreters who, according to Beck mistakenly identified free will solely with moral action. The second problem arises from the

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[13] Beck, Commentary, p. 203.

[14] Ibid., p. 178. This is corroborated in the previously cited (footnote #7 above) "Kant's Two Conceptions of the Will in Their Political Context." Beck states there, on p. 220: "Willkür is wholly spontaneous only when its action is governed by a law of pure practical reason, not when it accepts a rule given by nature for the accomplishment of some desire.

following statement:

> The Willkür, however, can fail to exercise its freedom or realize its potentiality of being free in a negative sense. Then it gives way to the importunities of sense and is a will in name only, really being an arbitrium brutum.[15]

Whether Willkür can in fact completely fail to use its freedom, totally succumbing to instinct, is to me very questionable. Indeed, this statement is not compatible with Beck's previous analysis of Willkür, which understands Willkür as transcendental choice. The phrase arbitrium brutum clarifies what might otherwise be equivocal. That is, Beck states that Willkür can "fail to exercise" its freedom when it "gives way" to inclination. This could be construed to mean that it actively chooses not to exercise its freedom, deciding to give into natural needs. But Kant's phrase implies being overcome by sensation. The meaning elicited from Beck's statement, then,is that Willkür has given into instinctual forces; confronted by the powerful inclinations, it could not help itself. The section of the Critique of Pure Reason which Beck points out as corroborating this statement as consistent with his earlier interpretation of Willkür, actually invalidates it.

> For a will is sensuous, in so far as it is pathologically affected, i.e. by sensuous motives; it is animal (arbitrium brutum), if it can be pathologically

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[15]Beck, Commentary, p. 203.

> necessitated. The human will is certainly an arbitrium sensitivum, not, however brutum but liberum. For sensibility does not necessitate its action.[16]

Willkür, although affected by desire and therefore sensitivum, can never be wholly brutum.

How the distinction Beck develops between Wille and Willkür provides a definite place for imputable evil is readily seen. When Willkür, functioning spontaneously, acts on maxims which are incompatible with the moral law, it commits moral evil.

> It is only the freedom of the will as pure practical reason that is analytically connected with morality, but this does nothing but issue orders which may or may not be obeyed...Only because it was believed that there was one function of will and one kind of freedom was it erroneously thought that the Critique identified free and moral acts. When Kant spoke of moral evil, therefore, it was natural that he should be thought to have fallen into serious inconsistency.[17]

On the basis of this analysis, then, Beck sees the essay on radical evil as a natural development of the second Critique, a further exploration of concepts definitely present but merely inadequately structured within it. Whether Beck's interpretation is justified textually is a problem which will be examined later.

I wish now, however, to turn to John R. Silber's critical evaluation of Beck's Wille-Willkür distinction,

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[16] I. Kant, Critique of Pure Reason, A534-B562, p. 465.

[17] Beck, Commentary, p. 205.

and to investigate the different route by which he arrives at the same conclusion as Beck regarding the relation obtaining between Kant's ethical works and the essay on radical evil.

The remarks Silber addresses specifically to Beck on this issue are contained in a review of Beck's book (A Commentary on Kant's Critique of Practical Reason) entitled "The Importance of the Highest Good in Kant's Ethics."[18] As Silber himself notes, however, his interpretation of Wille and Willkür is given most fully in an essay published only several months prior to his review of Beck's book, and entitled "The Ethical Significance of Kant's Religion."[19] For a full understanding of Silber's viewpoint, therefore, both articles must be analyzed.

While Beck interpreted Wille as autonomous and Willkür as spontaneous Silber reverses the applicability of these adjectives. That is, according to him, Wille is spontaneous and Willkür autonomous or heteronomous.

> It will not do to say that Wille, which does not act, is autonomous. Wille is that aspect or function of will that supplies the law of the will itself...choice in

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[18] John R. Silber, "The Importance of the Highest Good in Kant's Ethics," Ethics, LXXIII (1962-63), pp. 179-197.

[19] John R. Silber, The Ethical Significance of Kant's Religion", in I. Kant, Religion Within the Limits of Reason Alone, trans. T.M. Greene and H.H. Hudson (New York: Harper and Row, 1960), pp. lxxix-cxxxvii.

> accordance with the law, however, not the provision of the law, is autonomous. Hence, it is the will in action-Willkür- that is either autonomous or heteronomous. Wille, as practical reason, is free only in the sense that reason, as judgement and imagination is free; it has spontaneity.[20]

This objection, however, does not accomplish much, either in manifesting a weakness in Beck's analysis or in further clarifying the concepts themselves. The sole reason Silber gives for his version is: "We are on safe ground and have better textual support...,"[21] although he does not annotate the textual references which support his interpretation. It seems to me that the bases of his understanding of the Wille-Willkür distinction are two, both of them semantically grounded, related to the meanings of certain key words.

"Autonomous" may have two meanings. It may refer to that which is a self-contained logical unit or it may refer to that which acts according to the content of such a self-contained unit. All laws and maxims, including the category of the moral, are formed by man because man is both a creature of needs and an end-setting being. When the empirical need that leads to the formation of the maxim is itself among the premises of the maxim, then the maxim is heteronomous and psychological. When the

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[20] Silber, "The Importance of the Highest Good in Kant's Ethics," p. 181.

[21] Ibid.

need remains outside the formation process of the maxim, the latter being determined independently of any empirical conditions, its premises and conclusion are a self-contained logical unit, universally valid for all persons because not limited to a contingent situation. "Autonomous" may refer, to the self-contained unit itself; this is the meaning of "autonomous" Beck ascribes to Wille. On the other hand, it is applicable to action in accordance with the provisions of the law or maxim this unit prescribes: this is the meaning of autonomous Silber gives to Willkür. For as Silber has said: "...it is the will in action-Willkür-that is either autonomous or heteronomous."[22] That the differences derive from diverse meanings considerably weakens their critical impact.

The same may be said for the use of the word "spontaneity", which for Beck connotes freedom from the mechanical causality of the laws of nature, freedom to do otherwise; it is in this sense that Willkür is termed spontaneous. Silber, however, understands spontaneity as inherently not being able to do otherwise than such and such. That is, Wille cannot but supply the moral law. Correctly, on this account, Silber maintains that

> ...Wille is not free at all. Wille is rather the law of freedom, the normative aspect of the will, which as a norm is neither free nor unfree.[23]

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[22] Ibid.

[23] Silber, "The Ethical Significance of Kant's Religion", p. civ.

Wille, then, for Silber, is spontaneous, but not free. It is because his understanding of "spontaneity" is so close to the ordinary meaning of "necessity" that he can state this. The essence of freedom for him, as of autonomy, is action:

> Having no freedom of action, Wille is under no constraint or pressure. Rather, it exerts the pressure of its normative, rational nature upon Willkur.[24]

What is the result of the differences between Silber's and Beck's approaches? There are, it seems to me, two consequences. First, while Beck explains the formation of prudential maxims by the specific use of Wille he calls logical, Silber includes that function under the general description of Wille as the normative aspect of the will. Wille provides the moral norms and hypothetical norms. Second, since for Silber Wille is not free, there is but one kind of freedom or free will (which, however, on his account can express itself autonomously or heteronomously), and one law of freedom (Wille). The dual aspects of free will which Beck delineated have been compressed.

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[24] Ibid. It should be noted, however, that Silber's interpretations of these crucial terms do result in a greater consistency between his terminology and his later explanation of the rationality of irrational choices than Beck's meanings would.

Despite these differences, however, there are fundamental similarities between Beck and Silber. Both interpret Wille as the legislative aspect of volition, providing the normative "ought", and Willkür as the executive faculty, having the power to choose between alternatives. This accounts for their both viewing the ethics and the essay on radical evil as one continuously developed theory. Nevertheless, Beck's formulation being part of a commentary on the second Critique and not a monograph on the problem of will and freedom in Kant, several crucial questions are understandably not touched upon. Beck terms the negative freedom of Willkür spontaneity, and quotes the phrase Kant uses in the Religion, "absolute spontaneity."[25] But he does not explain if and how the Willkür so described is connected to reason. Not having dealt with that problem, he cannot discuss the implications of Willkür's relation to or independence from human rationality. These important problems are fully discussed by Silber in the previously cited article, "The Ethical Significance of Kant's Religion." In the interpretation he there develops, he maintains that a bond even stronger than that indicated by the Wille-Willkür distinction exists between the ethical works and the essay on radical evil.

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[25]Beck, Commentary, p. 204 f, note 83.

As Silber says at the beginning of his article,

> We therefore find in the Religion, in his struggle with the problem of evil, Kant's most explicit and systematic account of the will and of human freedom - an account which, in turn, clarifies his entire system of ethics.[26]

Silber sees the development of Kantian ethics as culminating in the Religion and as focusing upon the question: how is categorical obligation possible? Kant, according to Silber,

> ...sought a rational account of moral obligation while admitting the brute fact that men can disregard it...Since a categorical relation is a necessary one and since obligation presupposes freedom, Kant had to show how necessity can be combined with freedom in a single relationship.[27]

It should be noted that Silber's assertion of Kant's cognizance of the "brute fact" of evil implies an awareness preceding the formulations of the categorical imperative in the Foundations. This is not easily borne out textually. As will be shown in the investigation of primary sources, it is not easy to find sources in the ethical works which readily confirm an awareness of the brute fact of deliberately chosen disregard for the moral law. Certainly this is so in the Foundations, while in the Critique there are but a few statements which intimate such recognition. Silber proceeds by showing how the dynamics of Kantian ethics progressed

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[26] Silber, "The Ethical Significance of Kant's Religion", p. lxxx.

[27] Ibid.

from their beginnings in the Foundations to their apex in the Religion.

The dilemma of the free will in the Foundations, as described by Silber, is similar both to that posed previously by Beck and to the interpretation given by Emil Fackenheim (to be analyzed in Chapter III). According to the definitions given, a free will could only be a will acting according to moral laws, i.e. autonomously. The will acting against the moral law must do so because it is heteronomous i.e. being determined by its inclinations, hence by the laws of nature. The problem of course is that on this account the will cannot be held responsible, and in a sense is not a will at all. Silber, however, is only partially correct in saying that

> Kant did not leave place for the introduction of desires into the will nor for the capacity of the will to act in opposition to the law when he defined the will as practical reason (autonomy).[28]

The first part of his statement must be qualified. In the Foundations, Kant begins to develop the concept of respect or reverence. He talks, for instance of

> ...the paradox that merely the dignity of humanity as rational nature without any end or advantange to be gained by it, and thus respect for a mere idea should serve as the inflexible precept of the will.[29]

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[28] Ibid., p. lxxxii.

[29] I. Kant, Foundations, p. 57.

Kant was not unaware that respect is a feeling, and therefore must be related in some way to desire. This relation is not developed in the Foundations, it seems to me, for two reasons. First, the Foundations is simply what its title states, i.e. foundations, fundamentals, basic groundrules for a metaphysic of morals; all aspects of all questions of necessity cannot be dealt with within a specifically delimited structure.[30] Second, the Foundations puts forth an ideal, the highest ideal toward which man, as a being whose pure reason can be practical, can strive. This doesn't mean ideal in the sense of being unable to evince a theory of how one concretely ought to act; it is that Kant informs us how we ought to act ideally. He answers the question: what is pure moral action? For this reason Kant speaks of holiness of will, of God as a necessarily holy being, and especially relevant here, of the will of every rational being as such. That is, Kant is speaking of a prototype. Even virtue, the abstract ideal of holiness made concrete, remains an ideal. Holiness in finite terms

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[30] Silber may be partially justified in interpreting the Foundations in this way because of the dichotomy Kant seems to draw between actions determined by inclinations, i.e. materially, and those determined formally, a bifurcation implying that a person's moral choices and actions can be totally determined by the formal aspect of moral imperatives. Whether this really was Kant's view is moot. See, for instance, Paul Dietrichson, "What Does Kant Mean by 'Acting From Duty'?" in Kant: A Collection of Critical Essays, ed. R.P. Wolff (Garden City, New York: Doubleday & Co., Anchor Books, 1967), pp. 266-290. Also, Allen Co. Wood, Kant's Moral Religion (Ithaca, New York: Cornell University Press, 1970).

is attainable only through infinite struggling. The archetypal emphasis, then, is a second reason for the lack of development in the Foundations of the relation between will and desire. The Critique, one of whose purposes is an amplification of the Foundations, discusses this problem in detail.

The second part of Silber's statement above must also be qualified, as well as evaluated in the light of what he is setting out to prove, that from 1785 until 1797 (the date of publication of the Metaphysics of Morals), Kant's works on ethics and religion form one theory progressively unfolded. Silber said that in the Foundations Kant "did not leave place for" the capacity of the will to act against the law. But if this is so, and since Kant does make a place for this capacity in the essay on radical evil, how, one may ask, is Kant's theory a continuous one? Does the later theory, as Fackenheim suggests, require us to give up something in the earlier theory?

In summarizing his critical comments in regard to the Foundations, Silber states that Kant

> ...fails to see that the irrational is a mode of the rational, that heteronomy is a mode of free willing and that the will must be defined in terms of desire as well as in terms of practical reason. He therefore fails to explain how the categorical imperative is possible. [31]

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[31] Silber, "The Ethical Significance of Kant's Religion," p. lxxxii.

This is crucial in understanding both Silber's interpretation of Kant and his side of the debate. For he will attempt to validate these four premises: that for Kant, the irrational is a mode of the rational; heteronomy is a mode of free willing; will must be defined in terms of desire; the categorical imperative does not obligate necessarily under the conditions set out in the Foundations. This latter failure noted by Silber refers to the lack, in the Foundations, of transcendental choice, i.e. Willkür. The third has already been discussed, while the second relates both to the concept of will as expressed in the Foundations (that is, one acts upon heteronomous maxims due to giving in to inclination), as well as to the first premise, which is therefore the essential component of Silber's argument.

Each of these four points is a logical requirement of Silber's argumentation. If Silber can show that the irrational is a mode of the rational, then heteronomous choices would of necessity be as freely chosen as autonomous choices. That is, heteronomy and autonomy would both be aspects of the freedom of the human will. Heteronomy would not be being overcome by inclination, but rather freely choosing to give into inclination. In that case, will could not be defined solely in terms of rationality, as it is in the Foundations. If free will is manifested in heteronomous choices, then that will is necessarily

linked to desire, which is susceptible to sensibility and its pleasures.[32] But if this is so, then the categorical imperative as set out in the Foundations does not succeed in obligating necessarily, for it fails to link will to desire, thus not viewing heteronomy as a mode of free will, thus excluding the irrational from the category of the rational.

According to Silber's first premise, heteronomous choices are as rationally grounded as autonomous choices. This is true, of course, in the sense that reasons can be given for either course of action in specific circumstances. But Silber means more than this. He means that the ultimate ground of all action, and therefore of all maxims, is rational. That is why he must state "that the irrational is a mode of the rational": irrational actions are ultimately rationally grounded. This is a crucial point for him. Before proceeding to examine the evaluation of the Critique, it is important to discuss the philosophic motivations behind this interpretation.

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[32] In the second Critique, Kant defines desire in the following way: "Life is the faculty of a being by which it acts according to the laws of the faculty of desire. The faculty of desire is the faculty such a being has of causing, through its ideas, the reality of the objects of these ideas. Pleasure is the idea of the agreement of an object or an action with the subjective conditions of life, i.e., with the faculty through which an idea causes the reality of its object or the direction of the energies of a subject to such an action as will produce the object." Preface, p. 9.

It should be remembered that spontaneity for Silber is a characteristic of Wille, which by its nature provides the moral law, while it is Willkür that acts autonomously or heteronomously. Willkür,then,similarly to Beck's account, has the power to choose between alternatives. No outside influences determine it; it is completely self-determined. But to say that it is completely self-determined, absolutely, transcendentally free, not having a propensity to subject itself to a specific kind of law, is to say that Willkür is lawless, irrational, unfathomable, incomprehensible. Silber's subsuming the irrational as under the mode of the rational is motivated by this implication. For he wants to walk a philosophical tightrope: he sees the need for transcendental choice, Willkür, but at the same time he sees a danger in such choice being ultimately lawless. He cannot envision Kantian freedom as the pure, absolute existentialist freedom of, for instance, Jean Paul Sartre. Indeed, Sartre encounters the identical philosophic problem, that of the relationship between irrational, and therefore lawless choice, and human responsibility. Silber recognizes the necessity for Willkür, but wants Willkür anchored to reason in some way. Only then, he insists, can imputability and responsibility be maintained. This interpretation demands scrutiny on two accounts: it is philosophically sound and do the Kantian texts support it? And in the

light of these questions, is the possibility of radical evil made more tenable?

Silber's theory is initially implausible, his explanations containing ambivalencies and often being inexact. For instance, he states:

> ...Even heteronomous action involves the use of reason, independent from inclinations, to determine maxims that negate both freedom and rationality by following inclinations. Autonomous action, in turn, expresses the universality of reason which is the sole means whereby the will can positively assert its creative independence. Both heteronomy and autonomy are modes of rationality just as both are modes of freedom; in essence, Kant holds, they are spontaneity itself.[33]

The phrase "involves the use of reason" is equivocal. It may mean choosing a heteronomous action according to a heteronomous principle, or choosing the heteronomous principle itself. That is, if rationality is defined as the capacity to give or to act upon principles, then there is the choice of a general principle, as well as the choice to subsume a specific rule or maxim under the general principle.[34] One chooses a general underlying rule of action, and then chooses on a second, more specific level, by deciding upon particular actions which coincide with the wider, more fundamental principle. Hypothetical imperatives

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[33]Silber,"The Ethical Significance of Kant's Religion," p. xcii.

[34]The Religion deals with the first, i.e. the choice of a general principle, while the Foundations and the second Critique generally emphasize the choice of specific maxims.

are "independent from inclinations" in the sense that they can express objective principles of theoretical reason, i.e. the causal principle: if x is wanted, it can be gotten by doing y. But such an imperative becomes subjective and anchored to sensibility when an individual makes it his own: if I want x, I can get it by doing y. It is not clear that Silber is definitely omitting this latter understanding of hypothetical imperatives.

In addition, the choice for the heteronomous alternative would be the rational choice to harness the capacity to give principles to something outside those principles. The autonomous, in contrast, would be the rational choice to act solely upon the principles engendered by one's rational capacity. It is clear that heteronomy and autonomy are both modes of the rational after the initial choice of principle is made; what Silber has to show is that the choice of the heteronomous principle itself, as of the autonomous, is also a mode of the rational. In the same way as Kant maintains in so many places the inexplicability of freedom[35], does he assert the incomprehensibility of the ultimate, innate[36] decision to

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[35]See for instance, Critique of Practical Reason, pp. 47, 49, 51, 75, 97, 109, 138.

[36]Innate is used here in the specific sense Kant gives it in the essay on radical evil, i.e. evil is "termed innate only in this sense, that it is posited as the ground antecedent

to every use of freedom in experience (in earliest youth as far back as our birth) and is thus conceived of as present in man at birth - which is not to say that birth is the cause of it." Kant, Religion, p. 17. Another way of explaining this is to say that "the empirical life lived by all of us is of such a nature as to presuppose a decision for evil." Emil Fackenheim, "Kant and Radical Evil," p. 350.

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subvert the maxims of morality to those of self-love.

> But the rational origin of this perversion of our Willkür, whereby it makes lower incentives supreme among its maxims, that is, of the propensity to evil, remains inscrutable to us...[37] (emphasis mine)

Silber, then, is unclear. Precisely how heteronomy "involves the use of reason" and in what way irrationality is a mode of the rational remain unclarified.

He offers, however, an alternative explication of the rationality of irrationality.

> Recognizing that any rejection of reason is irrational and therefore, a mode of the rational (because that which violated or rejects the laws of reason must be subject to them and hence rational),... [38]

This only makes sense if one assumes man's essential rationality, in which case anything man does, even rejecting this essence, must be construed as an expression of that essence. But whether this strengthens Silber's argument is moot. Nevertheless, upon deeper probing of his supportive arguments, Silber is able, it seems to me, to overcome these crucial

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[37] Kant, Religion, p. 38

[38] Silber, "The Ethical Significance of Kant's Religion," p. xciii.

initial implausabilities and to work around these weaknesses.

In the above quotation from the Religion, used to corroborate an ambivalency in Silber's theory, it must be noted that Kant describes the origin of the perversion of incentives as "rational".[39] Kant insisted that this source could not be sought in the temporal origin of man's character, which is contingent. Rather, "this ground (like the determining ground of the free Willkür generally) must be sought in purely rational representations."[40] Kant's meaning is clarified by understanding the connotation of the term "ground". "Ground" is the basis, the premise, the foundation for an argument, a belief, or an action. For Kant, there are two kinds of "grounds". There are subjective grounds, the source of which is in specific, contingent, empirical maxims; and there are objective grounds, laws, which can serve universally as criteria of judgement or standards. Above, Kant had already rejected the former, although subjective maxims are also an expression of man's rationality. The ground of Willkür then, and therefore of the perversion of maxims, must be in a rationality which is pure, which formulates universal laws. Human beings manifest this capacity when they think, in a situation of

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[39]See p. 20.

[40]Kant, Religion, p. 35.

moral choice; "I ought to do x" or "I ought not to do y". The "ought" itself is a rational choice churned out, so to speak, by Wille, which is an expression of that rational power; it results from an assessment of alternatives and a choice based upon them, both rational processes.

Silber's seemingly nebulous statements, that reason can be spontaneous and inscrutable, (and yet remain intrinsically rational), add a great deal to our understanding of the problem in light of the above. He continues:

> ...This aspect of Kant's thought can easily be overlooked since he frequently discusses reason as the canon for the exercise of spontaneity. So considered, reason is merely the structure and form of the sound use of our faculties in logic, science, moral conduct, aesthetic creation, and matters of taste; reason, so regarded appears static. But reason is also dynamic when it functions in understanding as imagination and judgement, in volition as will and judgement, and in artistic creation and appreciation as genius, taste and judgement. In all of these areas reason functions as spontaneity, the inscrutable power of the mind, of the will, and of genius. Reason, in Kant's philosophy, is essentially free; freedom is essentially rational; and both consist ultimately in spontaneity. Inasmuch as spontaneity constitutes the power of both freedom and reason, heteronomy and irrationality no less than autonomy and rationality are possible modes of their expression: heteronomy must not be reduced to complete determination by natural causality, nor should irrationality be confused with the non-rational.[41]

Reason in its static form is pure thinking; it is thinking which results in further thinking, operating totally on an abstract level. The dynamic function of reason is more

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[41]Silber, "The Ethical Significance of Kant's Religion," p. xcii.

closely allied (although not completely so) with thinking which results in action, that is, with practical reason. That is why it involves judgement and artistic creation. Reason operates dynamically as a spontaneous, inscrutable power; that is, Willkür is operative simply as an expression of that rational power.

The sources Silber brings to corroborate this, in his footnote #31, are not unambiguous, but they tend, for the most part, to support his interpretation. He cites, for instance, The Critique of Pure Reason, in which Kant states:

> But since in this way...reason creates for itself the idea of a spontaneity which can begin to act of itself, without requiring to be determined to action by an antecedent cause in accordance with the law of causality.[42]

Also noted is an important footnote in the Religion,[43] in which Kant maintains that since duty commands one unconditionally, one must conclude that one must be able to carry out that duty; therefore Willkür is free. He calls the freedom of Willkür "this inscrutable property", and maintains that the central problem of freedom is to reconcile it with predeterminism. Freedom is that according to which the act as well as its opposite must be

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[42]Kant, Critique of Practical Reason, p. 465.

[43]Kant, Religion, p. 45, note.

within the power of the subject at the moment of its taking place. The "power" referred to here is the rational power of Willkür.

The static-dynamic model of reason constitutes an excellent theoretical basis for clarifying Silber's assertion that heteronomy or irrationality is a mode of the rational. As noted before, when an individual thinks, "I ought to do x", that thought expresses a rational choice. If he then concludes that he nonetheless will not do x, i.e. will act evilly, he necessarily knows he is acting evilly because the choice for evil is founded on a prior rational choice for good. Evil action is possible only for a being who has already chosen good. Human beings in moral situations are inexplicably cognizant of that which they ought to do, this cognizance deriving from the inscrutable power of reason, which makes an initial rational choice for good. Reason inscrutably makes a further choice as well; as Willkür, it decides to act for or against the initial rational choice. The choice for moral action manifests a rational decision to integrate the thinking and acting aspects of practical reason. The choice for evil action, in contrast, evidences a rational decision not to integrate these aspects of practical reason. That is, one knowingly acts against that which one ought to do; one chooses against what one has already chosen. It is

a refusal to activate the choice reason has already made. Silber puts it this way:

> Heteronomous and irrational actions involve the denial and misuse of the power of spontaneity, the failure to actualize its potentialities, and therefore the destruction of the person as a spontaneous being.[44]

> The actualization of heteronomy is not, however, a fulfilling realization of transcendental freedom, on the contrary, heteronomy involves its abnegation... He freely chooses to act just the way he would act if he had no such freedom at all.[45]

His interpretations, then although initially implausible, are philosophically sound and greatly clarify the complex problems Kant tackled.

Despite this greater understanding, however, the difficulty of one or two moral theories remains unresolved. Silber views the Foundations as containing notions which Kant would later drastically alter. Yet he maintains there is, in the Foundations, the second Critique and the Religion, continuity of one moral theory. It is as if Kant had the vision of a structure. Building it in irregular layers, the application of a new layer might have necessitated removing some of the old; but the rest of the old remained firmly in place, a foundation for the new.

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[44]Silber, "The Ethical Significance of Kant's Religion," p. xcii.

[45]Ibid., p. xc.

The second Critique, Silber asserts, advanced toward a solution of the problems evolving out of the Foundations. To restate them briefly, they were: a failure to see the irrational as a mode of the rational; to see heteronomy as a mode of free willing; to define will in terms of desire as well as in terms of practical reason; and therefore a failure to explain how the categorical imperative is possible. The second Critique was a progression toward resolution of these difficulties in the following ways.

First, According to Silber,[46] Kant there views the moral law given as a fact of pure reason, providing the basis for a transcendental deduction of freedom, which is justified by the rational account of the experience of obligation. This is a further development of the Foundations, but it must be kept in mind that the Foundations never purported to offer deductions or theorems. The second advance was an enlargement of the concept of negative freedom. Kant continued to hold the view of the Foundations, that freedom in its positive sense is autonomy. But negative, or transcendental freedom is put forth as involving more than independence of the will from the causal necessity of nature.[47] In addition, it is seen to include absolute

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[46]These are discussed by Silber on ibid., p. lxxxiii-lxxxv.

[47]The view of negative freedom as independence of the will from the causality of time and nature derives, as was earlier noted by Beck, from the Critique of Pure Reason. See for instance, in the N.K. Smith translation previously

cited, p. 634, A-803-B831. Despite this meaning of transcendental freedom, which Kant realizes is required by practical reason, Kant says, "Transcendental freedom is thus, as it would seem, contrary to the law of nature, and therefore to all possible experience; and so remains a problem."

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spontaneity. In this more radical sense of freedom[48], the will can reject the law, that is heteronomy is also a mode of freedom.

Is Silber justified in interpreting the second Critique as encompassing this more radical meaning of freedom? The Critique of Practical Reason doesn't readily lend itself to a presentation of transcendental choice. But Beck also, it will be remembered, adduced this interpretation. An examination of the sources Silber notes as supportive will help clarify the validity of his claim. His statement that "Kant still occasionally qualifies and contradicts many of the ideas he advanced previously, leaving parts of the second Critique in confusion bred of his indecision,"[49] warns us, however, that no clear-cut lines of development will be found. It is a matter of assessing the indications of enlargement of the concept of freedom as against Kant's

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[48]Kant uses the phrase "absolute spontaneity" in the sense in which Beck and Silber use "spontaneity", i.e. an uncaused action. It is radical in that it is not the trivial sense of freedom, which is simply doing what one wants, nor does it include the sense of acting according to one's own nature.

[49]Silber, "The Ethical Significance of Kant's Religion., p. lxxxv.

maintaining the views offered in the Foundations. Silber's contention is that despite lapses into the latter, the former predominates.

CHAPTER III

Before bringing textual evidence from the Critique, it should be noted that in drawing his conclusions, Silber uses the phrase "absolute spontaneity"[1] with a slightly different meaning from that which he ascribed to it previously. Wille was described as spontaneous because it could not but do what it did, i.e. provide the moral law. Its spontaneity was the outgrowth of an intrinsic power, an essential nature. Transcendental freedom similarly involves a power,[2] an innate nature. Its "absolute spontaneity", however, implies a cognizance of Wille, as well as a second level, so to speak, of power; this is the power to reject this awareness. It is not action itself, but the power to act, the power of choice.

One of Silber's corroborative references to the text of the second Critique uses the identical phrase.

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[1] Silber, "The Ethical Significance of Kant's Religion", p. lxxxiii. His exact words are: "...transcendental freedom also involves absolute spontaneity." See above, Chapter II, note #49.

[2] Willkür was previously described and defined as an expression of rational power.

Kant states:

> Therefore the idea of freedom, as a faculty of absolute spontaneity, was not just a desideratum but, as far as its possibility was concerned, an analytical principle of pure speculation.[3] (emphasis mine)

This statement occurs at the end of the part of the Analytic of Pure Practical Reason called "Of the Deduction of the Principles of Pure Practical Reason." It necessarily includes a discussion of freedom. To the negative concept of freedom is added the positive concept, which Kant defines in two ways. One is the above, while the second is described as follows:

> The moral law adds to the negative concept a positive definition, that of a reason which determines the will directly through the condition of a universal lawful form of the maxims of the will.[4]

Here are two descriptions of the positive aspect of transcendental freedom, only one of which unequivocally supports Silber's interpretation. The second may be understood in two ways. On the one hand, the positive concept may consist of the will being determined solely by the universal form of law, or not being will at all; this is a regression to the narrower formulations of the Foundations. On the other hand, it may consist of determination of the will through awareness of the universal lawful form

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[3]Kant, Critique of Practical Reason, p. 50.

[4]Ibid., p. 49.

of its maxims. The latter seems more accurate because Kant saw fit to state "...directly through the condition of a universal lawful form" (emphasis mine), rather than "...directly through...the universal lawful form...". The word "condition" allows for the interpretation that the will is determined by its unavoidable cognizance of the moral law, which is not to say that it is determined directly by the moral law. That is, even this description of the positive aspect of transcendental freedom allows a second level of choice. That is to say, it allows for wilful choice for or against the moral law in the sense of the "absolute spontaneity" of the first quotation above.

Transcendental freedom is defined by Kant in this second reference:

> ...for transcendental freedom which must be thought of an independence from everything empirical and hence from nature generally... Without transcendental freedom, which is its proper meaning, and which is alone a priori practical, no moral law and no accountability to it are possible.[5]

That is, this kind of freedom, as an expression of man's rationality and not at all connected to nature, allows not only for the law, which is what has been described as the first level of transcendental freedom, but also for "accountability" which requires the second level. This understanding is corroborated further on in the same passage:

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[5] Ibid., p. 100. CF. Critique of Pure Reason, p. 633-634, B830-B831.

> And if the freedom of our will were nothing else than the latter, i.e. psychological and comparative and not at the same time also transcendental or absolute, it would in essence be no better than the freedom of a turnspit, which when once wound up also carries out its motions of itself.[6]

The following also supports Silber:

> In this existence nothing is antecedent to the determination of his will...From this point of view, a rational being can rightly say of any unlawful action he has done that he could have left it undone...[7]

That is, his will as rational power is absolutely free to choose or not to choose a specific course of action. In the paragraph following, Kant continues to use "freedom" in the sense of "absolute spontaneity". When an individual attempts to justify an unlawful action he has done,

> ...he finds that the advocate who speaks in his behalf cannot silence the accuser in in him when he is conscious that at the time when he committed the wrong he was in his senses, i.e., he was in possession of his freedom.[8]

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[6] Kant, Critique of Practical Reason, p. 100 f.

[7] Ibid., p. 101. It must be noted that the German for "will" here is Wille and not Willkür, which Beck usually translates as "choice". However, that which Beck noted in his A Commentary on Kant's Critique of Practical Reason (see p. 75 note) is also noted by Silber, who says ("The Ethical Significance of Kant's Religion, p. lxxxiii f, note #16): "At the time Kant was writing the second and third Critiques he had not settled upon a distinct technical meaning for either Wille or Willkür, but used them almost interchangeably in certain contexts. The discovery and formulation of meanings for these terms was, moreover, one of Kant's foremost achievements in the Religion and in the Metaphysics of Morals." The importance of this comment is that Kant's usage of the word Wille, as in the above quotation, does not preclude the meaning of will later ascribed specifically to Willkür.

[8] Kant, Critique of Practical Reason, p. 102.

The accuser within him cannot be stilled because he is aware of his power of choice, which is to say, he could have resisted. Similarly,

> For the sensuous life is but a single phenomenon in the view of an intelligible consciousness of its existence (the consciousness of freedom), and this phenomenon, so far as it contains merely manifestations of the disposition which is of concern to the moral law (i.e. appearances of character), must be judged not according to natural necessity which pertains to it as appearance but according to the absolute spontaneity of freedom.[9] (emphasis mine)

The next substantiating passage Silber brings is also noted by Beck. Although the interpretations of the former are more fully developed than those of the latter, the textual support for Silber's views also confirm Beck's. Beck, however, does not acknowledge the possibility of Kant's lapsing back to his earlier formulation. Rather, he views the confusing manner in which the two concepts are brought together in the second Critique simply as a lack of structure.[10] The passage state:

> These actions (i.e. actions against the moral law) by the uniformity of conduct, exhibit a natural connection. But the latter does not render the vicious quality of the will necessary,

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[9]Beck, A Commentary on Kant's Critique of Practical Reason, p. 204.

[10]Beck says: "Kant regrettably did not single out these two conceptions and then formally show their relationship to each other. He deals with them together, without clearly showing, at any moment, which it is that he is talking about. Had he followed a truly synthetic method, he would have set up the two concepts and then related them." Ibid., p. 198.

> for this quality is rather the consequence of the freely assumed evil and unchangeable principles. This fact makes it only the more objectionable and culpable.[11] (emphasis mine)

Certainly in the above Kant does indicate a fairly well formulated concept of will as "absolute spontaneity", one which is made even more explicit in the Religion. However, as Silber noted, there are many instances in the second Critique of Kant's reverting back to the monolithic concept of will as developed in the Foundations.[12]

On the basis of the evidence in the second Critique, one finds oneself drawn towards Beck's and Silber's conclusion of one ethical theory. Silber is at the same time more cautious and more radical than Beck. He fully acknowledges the elements Kant retained from the Foundations, but he also develops the concept of transcendental freedom more fully, viz. Willkür as involving rationality (and therefore heteronomy as well). Certainly, there are manifestations of development in the second Critique, of a bringing together, albeit in a non-integrated, disunified manner, the freedom of the first Critique with that of the Foundations. It is also clear that the two strands of thought are most completely worked out, both individually and cooperatively, in the Religion. This kind of development

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[11]Kant, Critique of Practical Reason, p. 103.

[12]See, for instance, ibid., pp. 18, 28, 43, 57, 64, 81.

in thought does illustrate growth towards one complex theory. Silber's analyses and interpretations tend to convince, and are certainly illuminating. It seems that they overcome the basic philosophic problem proponents of the dual ethical theory encountered, as will be shown shortly in the discussion of Emil Fackenheim's article.

As indicated earlier, the third progression Silber sees in the second Critique does not appear to be a modification and development of the concept of will in the Foundations. Silber maintains that Kant delineated, in the former, the will of a rational and sensible being, rather than that of a rational being as such, a phrase used several times in the latter. As a corollary,

> The will...is now defined both as practical reason and as the faculty of desire - a definition that is neither drawn from, nor applicable to, mere rational beings, the will, under this modified definition, is caught between the commands of reason and the attractions of sensible inclinations; it is obligated but not compelled to subordinate itself as a faculty of desire to its own legislation as pure practical reason.[13]

But Kant says, in the second Critique,"the stage of morality in which man (and, so far as we know, every rational creature) stands is respect for the moral law."[14] And

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[13]Silber, "The Ethical Significance of Kant's Religion," p. lxxxiv,f.

[14]Kant, Critique of Practical Reason, p. 87.

obligation, not compulsion, is the core of the Foundations.

Silber's argument regarding the categorical imperative is as follows. In the Foundations, Kant insisted that the individual's freedom is dependent upon his adherence to the moral law. When the law is rejected, inclinations have been given into, the individual ceases to be free and loses, so to speak, his personality (freedom constituting his personhood). But on this view, as has been seen, imputation of guilt is impossible. The second Critique modifies freedom in so far as heteronomy is now seen as one of its modes. On this account,however,

> Kant faced the dismaying consequence that a person is still a person in possession of his freedom even if he rejects the law. Thus the law no longer appears to be related to the will as a condition of its being. The categorical imperative seems to resolve itself into a hypothetical one: if one wishes to be moral, he must obey the moral law; if, however, one is not dismayed by the disapprobation of the moral law...he can still be a person and indulge his subjective fancies.[15]

That being so, Silber asserts, Kant was unwilling to accept the consequence of transcendental freedom so conceived, and therefore reverted, at times, in the second Critique, to the earlier position which defined freedom as action determined solely by the moral law.[16]

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[15]Silber, "The Ethical Significance of Kant's Religion," p. lxxxiv.

[16]Ibid.

According to Silber, then, what does the Religion achieve in this developmental process? Are the difficulties arising from Kant's irregular building up of a theory of human freedom and volition reconciled in the essay on radical evil? The resolution of these disparate, yet intimately intertwined concepts of freedom, occurs in the Religion, on Silber's view, on three related levels. Wille and Willkür are much more sharply delineated; the concept of Gesinnung, or disposition is formulated; finally, the feasibility of the categorical imperative for a being with both transcendental choice and cognizance of the moral law is philosophically clarified.

Much has already been said regarding Willkür or transcendental freedom; Wille, however, requires further elucidation. As the provider of the moral law, Wille awakens Willkür to its transcendental freedom, to its power as a free faculty of desire.[17] Wille, by necessarily (in Silber's terms, spontaneously) formulating the law, expresses the rational conditions for the existence and realization of transcendental freedom; these conditions are expressed in the form of the categorical imperative. In its expression of the normative "ought", Wille has reference only to the purely rational aspect of the will; Willkür, in contrast, is susceptible to needs and inclinations, i.e.

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[17]See, for example, Critique of Practical Reason, pp. 28-30 and p. 43.

it is included in the faculty of desire. Wille, however, exerts a special influence over Willkür. For even if Willkür freely chooses to abnegate its transcendental freedom, to reject its self-realization, Wille nonetheless makes it feel the obligation of obedience to Wille: Wille causes heteronomous action to be accompanied by moral censure.

The interaction of Wille and Willkür as so delineated is clearly seen in "On the Radical Evil in Human Nature." Willkür is confronted by the demands of man's rational nature in Wille, and by the demands of his sensuous nature; it thus confronts two different kinds of goods.[18] While tempted to act upon its natural desires, "Willkür recognizes the categorical obligation to assert its own personality in the determination of its actions, and therefore to act in accordance with the universal demands of the moral law."[19] The difference between good and evil persons, then, depends on the order of subordination, within their wills, of these two incentives or goods. The evil person chooses to subordinate the demands of the law to those of self-love;

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[18] Man's sensuous nature is included in Kant's first predisposition to good mentioned in the Religion, the predisposition to animality. Of the three predispositions to good in human nature, Kant says: "All of these predispositions are not only good in negative fashion (in that they do not contradict the moral law); they are also predispositions toward good (they enjoin the observance of the law)." Religion, p. 23. See also pp. 21-22.

[19] Silber, "The Ethical Significance of Kant's Religion," p. cxiv.

thus he expresses his freedom by abnegating it. The good person orders his incentives conversely, thus positively expressing in his acts his power as a free being.

Silber regards disposition, or Gesinnung, as

> The most important single contribution of the Religion to Kant's ethical theory, for by means of it he accounts for continuity and responsibility in the free exercise of Willkür and for the possibility of ambivalent volition, as well as the basis for its complex assessment.[20]

His excellent analysis reveals disposition as the lasting aspect of Willkür, as "the enduring pattern of intention that can be inferred from the many discrete acts of Willkür and reveals their ultimate motive."[21] One's disposition, or moral character, is not the present as predetermined by one's past, but the free willing of one's nature at every present moment. It is the enduring of one's volitional commitment. As Silber correctly points out, the concept of disposition enables Kant to astutely analyze the stages of moral decline, or, as Kant terms them, "the propensity to evil in human nature."[22]

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[20] Ibid., p. cxv.

[21] Ibid., p. cxvii.

[22] See Kant, Religion, pp. 123-27. I cannot agree with Silber, however, in his statement that "Kant's insistence to the contrary, man's free power to reject the law in defiance is an ineradicable fact of human experience." (Silber, "The Ethical Significance of Kant's Religion," p. cxxix.) Kant's three stages of the propensity to evil seem to

encompass even Ahab and Hitler. Also to be noted is the fact that Silber's discussion of Gesinnung and moral character brings in the whole question of the noumenal self and development in time. Silber does not discuss this aspect, and it is beyond the scope of this thesis.

Finally, the Religion explains the possibility of the categorical imperative, i.e., as Silber interprets it, how the moral law is bound to the will with necessity.[23] In the essay on evil, it is clear that the condition for expressing one's freedom is conformity to the moral law.[24] Will, as seen before, although transcendentally free to reject the moral law, remains dependent upon it, since the normative "ought" does not recede or disappear when heteronomous choices are made. The necessity of the categorical imperative, then, comes about because consistent rejection of it ultimately destroys the individual's personality by eroding the source of his self-respect.

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[23]See Silber, "The Ethical Significance of Kant's Religion," p. cxxiv, note #16.

[24]Silber's exact words are "The necessity of the conformity to law as a condition for the expression of freedom is graphically expressed." Ibid., p. cxxiv f. However, on the basis of Silber's other interpretations, this is inaccurate. For one's freedom, on his premises, is also expressed in non-conformity to the law. The question is whether degrees of freedom are involved. If one chooses to abnegate one's inner self, one's rational personality, it seems as if this choice would be less an expression of freedom than a choice which realizes and actualizes one's rational personality. Even the expression "rational personality" appears to be subject to degrees or levels, for heteronomy, though irrational, is also a rational choice. Silber's language here is not unambiguous.

Silber says:

> Since freedom is a power whose fulfillment depends upon the structure of rationality, its irrational misuse results in impotence. Thus the categorical imperative, grounded in freedom, is necessary.[25]

But this is unclear. For freedom is also a power whose abnegation depends upon the structure of rationality. That is, the Willkür which makes a heteronomous choice is an expression of rational power, which inscrutably, but rationally, decides to go against the purely rational structure of its normative will, the Wille. What Silber means, I believe, is that the highest fulfillment of freedom is in the choice which actualizes Wille. It is the repeated non-actualization which leads to impotence.

How is this different from Silber's explanation of the categorical imperative in the light of the advances put forth in the second Critique? In that case, it will be remembered, Silber construed the categorical imperative as having resolved itself into a hypothetical one: if one desires to be moral, one must obey the moral law; if one decides to go against the law, one can do so and still remain a person. On this formulation, the difference in consequents in the two choices is whether one is moral or immoral; one's essential personhood remains untouched. Silber's interpretation of the categorical imperative in

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[25] Ibid., p. cxxv.

terms of the Religion, however, modifies the consequence of heteronomous choice. If one (rationally) decides heteronomously, one nonetheless is denying one's practical rational capacity. Thus one's personhood is rejected and made impotent. Therefore, the categorical imperative, grounded in human freedom, becomes necessary.

But this necessity, in fact, does not hold. Kant's answer to the question posed in the Foundations - how is the categorical imperative possible? - consisted in his showing that freedom is of such a nature that to disobey the moral law involves the loss of one's freedom. On Silber's own premises, however, (i.e. defining heteronomous choice as Silber has), one is compelled to revert to the hypothetical formulation of the imperative: only if one desires the highest actualization of freedom ought one to obey the moral law. One's essential humanity is realized and furthered by moral obedience. However, one always has, at any moment, the possibility of self-actualization through free submission to the law:

> In the search for the rational origin of evil actions, every such action must be regarded as though the individual had fallen into it directly from a state of innocence.[26]

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[26]Kant, Religion, p. 36.

In that case, the potential for essential personhood remains operative within each individual; its presence can never be obliterated. A qualitative difference, of course, will exist between the individual who consistently or fairly frequently actualizes his potential, and one whose power remains more or less dormant. It does not seem to be possible, however, to deny essential personhood to any human being, even one who has willfully gone against the moral law. The categorical necessity of Kant's ethical imperative, the welding together of human freedom and necessary obligation does not work. In Silber's words:

> The will is free to fulfill itself without the law, for it has a source of free power apart from its observance of the law.[27]

There is then, as Beck and especially Silber describe it, a discernible line of development in the Kantian ethics. The idea of the two different kinds of freedom, the Willkür of the first Critique and the Wille of the Foundations, working toward union, ineptly in the second Critique, successfully in the Religion, is philosophically tenable and appeals to one's common sense. But, as seen in the above analysis of the categorical imperative, their synthesis is tenuous. One almost feels that Kant may have been

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[27] Silber, "The Ethical Significance of Kant's Religion." p. cxxx. See also Beck, A Commentary on Kant's Critique of Practical Reason, p. 227: "Even in an evil man, one who voluntarily embraces other maxims than those conforming to the moral law, the predisposition to personality is not lost; it has only been rendered ineffective by a free choice against the demands of the moral law."

philosophically better off by omitting entirely the Third Section of the Foundations, in which he begins to elucidate freedom, and by adhering to his own frequent admonitions of the impossibility of clearly enunciating the freedom of the human will.[28] He attempted to explicate freedom while maintaining that it is inexplicable. Kant succeeded in explaining what morality is, what good and evil are. But how one is able to act morally, why one chooses morally, i.e. how moral obligation and freedom of the will are related are questions of such depth that even Kant's perspecuity and philosophical astuteness could not overcome the paradox intrinsic to them.

The side of the debate that maintains, contrary to Beck and Silber's interpretations, the implicit presence of two different moral theories in Kant, must now be briefly mentioned. Emil Fackenheim, in an essay entitled, "Kant and Radical Evil,"[29] correctly understands the concept of freedom as put forth in the Foundations as lacking any dimension of what Kant later came to term Willkür.

> To the degree to which man wills, he wills the good; and to the degree to which he is driven toward anything but the good,

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[28] For sources, see note #35 p. 45, Chapter II.

[29] See note #2, Chapter II, for exact reference. The dilemma Fackenheim poses is identical to that put forth hypothetically by Beck. See p. 22 of text.

> he does not will at all. He is the will-less victim of his inclinations.[30]

According to Fackenheim, this account of freedom is not enlarged in any significant way in the Critique of Practical Reason. The second Critique merely reiterates that there cannot be moral obligation without corresponding moral freedom, but it does not further develop or amplify the autonomy with which the Foundations made freedom synonymous. Fackenheim maintains that Kant came to realize the serious objections inherent in his account, viz., that there is no such thing as evil will, that there is no evil, and that imputability and culpability are meaningless concepts. In order to justify moral responsibility, Kant came to reject his earlier understanding of freedom; in order to accomplish the former, the latter rejection was required. A new

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[30] Fackenheim, "Kant and Radical Evil," p. 345. The Foundations amply corroborate this. See, for instance, Kant, Foundations, p. 29: "...the will is a faculty of choosing only that which reason, independently of inclination, recognizes as practically necessary, i.e. as good." p. 31; p. 38. "...whereas the unconditional command leaves the will no freedom to choose the opposite." p. 45; p. 52; p. 59; p. 65; p. 68; p. 71; p. 73; p. 74; p. 78: "...will, i. e. of a faculty of determining itself to act as intelligence and thus according to laws of reason independently of natural instincts." On occasion, even here where Kant's conception of freedom as autonomy is so clear-cut, an ambiguity presents itself. On p. 58, Kant states: "Morality is thus the relation of actions to the autonomy of the will, i.e., to possible universal lawgiving by maxims of the will." That is, the will may fail. The over-riding conception of the Foundations leads to the interpretation that such failure is due solely to the giving in to one's inclinations. But the possibility of deliberate choice is not explicitly excluded.

conception of freedom was necessitated by the understanding that man is genuinely free to choose both for and against the moral law, and is responsible for his choices.

Fackenheim's view of two moral theories in Kant does not come about solely from his seeing the second Critique as totally committed to the principles of the Foundations, although his perception of it is a significant factor. Rather, it seems to me that Fackenheim perceives a fundamental philosophic incongruity between the conception of freedom as Wille, and that of freedom as Willkür. If the latter is to be philosophically intelligible, then the former must be rejected. There exists an intrinsic difficulty in holding the two together; there is a rigorous either-or.

Silber, on the one hand, sees an attempt at integration which, while it illuminates and greatly clarifies the paradoxical condition of human ethics, ultimately failed to resolve the paradox because the two elements remained disparate and disunified. Kant, according to Silber, groped toward synthesis, although intellectually aware of the inarticulateness of that which he tried to clearly articulate. Fackenheim, on the other hand, intimates that Kant recognized the non-integrative character of the two concepts of freedom he had perceived. The Foundations eliminated the element of Willkür from human volition.

Aware of the fundamental antithesis between Wille and Willkür, Kant ultimately rejected Wille, while elevating Willkür as the essential component in human freedom; he did this in order to philosophically justify the possibility of genuine transcendental choice and therefore of human responsibility for action.

Fackenheim uses the terms "abandon" and "reject"[31] in relation to Wille with the full realization that by doing so he is implying that freedom's connection to rationality is thereby severed. For he does not develop in any way Silber's concept of heteronomy as a mode of the rational. To Fackenheim, the Willkür of the Religion, despite Kant's own words which leave open another understanding,[32] is totally free, in no way allied to the reason characteristic of freedom as autonomy. Either one is determined by reason or one is free to choose whether one will determine oneself rationally or not:

> But if man chooses freely, either for or against the moral law, then there can be no higher determining principle. Then each decision of each man is a metaphysical ultimate; and whichever choice is made, it is an ultimate irrationality.[33]

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[31] Fackenheim, "Kant and Radical Evil," pp. 345,346, respectively.

[32] See Kant, Religion, p. 36: "In the search for the rational origin of evil actions...", also p. 38: "But the rational origin of this perversion of our will[W]...reamins inscrutable to us..." (emphasis in both cases is mine). These quotations are discussed above on pp. 20, 47, 48.

[33] Fackenheim, "Kant and Radical Evil," p. 350.

"Irrationality" here unambiguously means irrationality. Kantian transcendental freedom for Fackenheim implies an ultimate lawlessness. Silber walks a philosophic tightrope; Fackenheim has decided on which side he wants to jump.

The fundamental dilemma of ethics, human freedom, remains unresolved in Kantian terms. Wille and Willkür are but tenuously reconcilable. There are philosophic problems in their mutuality and philosophic problems in the exclusive acceptance of either one. It may be that Fackenheim, in his daring, is simply philosophically more courageous. It may be that Silber, even in the tentative reconciliation at which he arrives, is engaging in philosophic wishful thinking. Both alternatives allow for the possibility of radical evil, though they arrive at the possibility through different routes. Recognizing the problems implicit to each interpretation, I would tend to attempt to maintain my balance, however precariously, on the tightrope. To have Willkür without Wille would be to have freedom without any connection to reason; but to have Wille without Willkür would be to have reason and autonomy without any real transcendental choice.

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