

# A Lawful Freedom: Kant's Practical Refutation of Noumenal Chance

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## Abstract

This paper asks how Kant's mature theory of freedom handles an objection pertaining to chance. This question is significant given that Kant raises this criticism against libertarianism in his early writings on freedom before coming to adopt a libertarian view of freedom in the Critical period. After motivating the problem of how Kant can hold that the free actions of human beings *lack* determining grounds while at the same maintain that these are *not* the result of 'blind chance,' I argue that Kant's Critical doctrine of transcendental idealism, while creating the 'conceptual space' for libertarian freedom, is not intended to provide an answer to the problem of chance with respect to our free agency. I go on to show how the resources for a refutation of chance only come about in the practical philosophy. In the 2nd *Critique*, Kant famously argues for the reality of freedom on the basis of our consciousness of the moral law as the law of a free will. However, Kant also comes to build into his account of the will a genuine power of choice, which involves the capacity to deviate from the moral law. I conclude by showing that this apparent tension can be resolved by turning to his argument for the impossibility of a diabolical will. This involves a consideration of the distinct kind of grounding relationship that practical laws have to the human will, as well as the way that transcendental idealism makes this possible.

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KSO 2015: 149-177.

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## 1. Introduction

A recent interpretation of Kant's Critical theory of freedom holds that, having aligned himself with Leibnizian compatibilism in the pre-critical period, Kant comes to adopt a libertarian metaphysics of human agency.<sup>1</sup> This is significant because it would mean that Kant's mature view ends up being extremely close to the position of his contemporary Christian August Crusius (1715-1775), the leading critic of the Leibnizian-Wolffian tradition of the time, and whose view Kant initially rejects. In the *New Elucidation of the first principles of metaphysical cognition* (1755), where we find the earliest of Kant's discussions on freedom, Kant criticizes Crusius's libertarian conception of freedom by claiming that it leaves all human action up to chance; defining freedom in terms of an absence of determining grounds entails that chance is at play with respect to why we act one way rather than another. Call this the Chance objection.<sup>2</sup> The central question of this paper is: how does Kant see his Critical theory of freedom in light of this objection? Irrespective of just how

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<sup>1</sup> Hogan argues for this in several recent papers (2009a); (2009b); (2009c); (2010); (2013). Pereboom (2006) argues that Critical Kant holds to agent-causal libertarianism. Brewer and Watkins (2012) observe: "Kant's acceptance of a libertarian notion of human freedom in the first and second *Critiques* is both controversial as a philosophical claim in its own right and somewhat surprising historically, given that early in his career, in the *New Elucidation* (1755), he had not only explicitly accepted, but even defended at length, a compatibilist notion of freedom. In his mature, Critical period, Kant's primary focus is on transcendental freedom, and there his emphasis is not on the radical contingency entailed by libertarian freedom, but rather on the capacity to initiate a state 'von selbst' (spontaneously or on its own). At the same time, insofar as any violation of the moral law presupposes that one could have acted in accordance with it, Kant is also clearly committed to human freedom involving the capacity to do otherwise" (165fn3).

<sup>2</sup> There is a similar objection made by contemporary critics of libertarianism, who see the indeterminism required for freedom as taking too much control away from the agent, leaving the outcome of deliberation to luck. However, Kant never uses the word 'luck' in a metaphysical context. Rather, he follows the German rationalist tradition in speaking of "blind chance" (*casus*). For this reason, I use 'chance' exclusively in this paper, instead of 'luck.'

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close he moves to Crusius's position, Kant remains concerned with evading the Chance objection into the Critical period. Still, we never get an explicit account from Kant on this point. Since many commentators take Kant to move considerably close to this kind of a view, if not adopting the position wholesale, it is striking that there has yet to be a proper investigation into what happens to his early criticism of libertarianism regarding chance. Indeed, it is likely that Kant has something to say about why his mature view of freedom is not susceptible to such a criticism. My aim here is to sketch out how the story is supposed to go.

I begin by presenting the initial objection that Kant raises against Crusian libertarianism in the *New Elucidation* (§2), and show that Kant remains committed to distinguishing freedom from chance in the 1760s and 1770s, despite shifting to a libertarian conception of freedom sometime during this period (§3). I then argue that Kant's Critical doctrine of trans-cendental idealism – while making 'conceptual space' for freedom – is not intended to provide an answer to the problem of chance with respect to our free agency (§4). I go on to show how the resources for a refutation of chance only come about in the practical philosophy. Kant famously argues for the reality of freedom on the basis of our consciousness of the moral law as the law of a free will. However, Kant also comes to build into his account of the will a genuine power of choice (*Willkür*), which allows for the capacity to deviate from the moral law. On its face, there is a tension between Kant's commitment to both autonomy and the imputability of evil actions (§5). I conclude by showing that the tension can be resolved by appealing to his argument for the impossibility of a diabolical will (§6). This includes a consideration of the distinct kind of grounding relationship that practical laws have to the human will, as well as the way that transcendental idealism makes this possible.

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## 2. Kant's Compatibilism in the *New Elucidation*

I begin by looking at Kant's initial objection to libertarianism in his pre-critical work, the *New Elucidation of the first principles of metaphysical cognition* (1755). In this text, Kant defends a compatibilist account of freedom in the tradition of Leibniz and Wolff. This is, in large part, a result of his shared commitment to the universal application of the principle of the determining ground, otherwise known as the Principle of Sufficient Reason (hereafter the PSR): that nothing is true without a reason, or determining ground.<sup>3</sup> Much of the text is occupied by a debate about this principle, especially its relation to the issue of human freedom.

In Proposition VIII, Kant upholds the PSR for all contingent things: "Nothing which exists contingently can be without a ground which determines its existence antecedently" (*NE* 1:396). This is true, he thinks, even of free actions. In the Scholium to this proposition, Kant distinguishes his view from that of Crusius, who holds that at least some contingent things *lack* antecedent determining grounds – namely, the free acts of human beings: "He thinks that the free will is actually determined by its existence, not antecedently by grounds which are prior to its existence" (*NE* 1:397). Kant argues that any break in

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<sup>3</sup> Kant defines a 'ground' as: "That which determines a subject in respect of any of its predicates" (*NE* 1:391). Notably, Kant takes *all* grounds to be determining: "to determine is to posit in such a way that every opposite is excluded" (*NE* 1:393). This is in contrast to Crusius, who distinguishes between "determining" and "sufficient" grounds, the latter of which does not exclude its opposite. I follow Hogan in referring to the former as *contrary-excluding*. One place that early Kant does agree with Crusius is in distinguishing between real and ideal grounds. He calls the former 'antecedently' determining grounds, and the latter, 'consequently' determining grounds. Roughly, this amounts to a distinction between the reason why something is the case and the reason for knowing that something is the case. Of course, Crusius denies that there are antecedently determining grounds for free acts, while pre-Critical Kant affirms that even the voluntary actions of human beings have antecedently determining grounds.

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the series of determining grounds leading up to an action inevitably makes it “the product of chance” (*NE* 1:402). He develops the Chance objection in a fictional dialogue between Titius (the Kantian spokesman) and Caius (the defender of Crusian libertarianism). Caius declares that freedom consists in the ability to do otherwise up until the moment of action:

Personally, I should think that if you eliminate every-thing which is in the nature of a connected series of reciprocally determining grounds occurring in a fixed order, and if you admit that in any free action whatever a person finds himself in a state of indifference relative to both alternatives, and if that person, even though all the grounds which you have imagined as determining the will in a particular direction have been posited, is nonetheless able to choose one thing over another, no matter what – if all that is conceded, then I should finally admit that the act had been freely performed (*NE* 1:402).

Kant’s view is that a conception of freedom such as this involves a lack of control that ends up taking away freedom rather than accounting for it. If there are no grounds determining my will one way rather than another, then there can be no reason for why I acted as I did. For, if the grounds do not determine, then I can never be certain what the outcome will be – no matter the strength of my inclinations in a particular direction. The possibility of doing otherwise is thus a central mark of the kind of libertarian freedom that Kant rejects in 1755.

Accordingly, Kant upholds a compatibilist account of freedom marked by a commitment to an unrestricted PSR for all contingent things. However, Kant still has to deal with an objection raised against anyone committed to the principle in this way. If there are determining grounds for my actions that stretch back before I was even born, then it would seem that I

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could never be held responsible for what I do.<sup>4</sup> Kant entertains this objection regarding fatalism from Crusius: “[...] he accuses us [...] of restoring to their ancient rights the immutable necessity of all things and the fate of the Stoics, and, furthermore, of impairing all freedom and morality” (*NE* 1:399). In what remains of the dialogue, Kant aims to demonstrate how one can adhere to the PSR while also maintain that human beings are free.

To this end, he provides a positive conception of freedom in terms of *spontaneity*. Free action is “action which issues from an inner principle. When this spontaneity is determined in conformity with the representation of what is best it is called freedom” (*NE* 1:402). Shortly thereafter, a definition more explicitly connected to the PSR appears: “To act freely is to act in conformity with one’s desire, and to do so, indeed, with consciousness. And that is certainly not excluded by the law of the determining ground” (1:403). Since free acts are determined from grounds that lie within the subject – namely, a representation of what the agent takes to be best – what is at issue when considering the problem of human freedom is not *whether* determining grounds are present (as Crusius would have it), but rather the *source* of the grounds: are they internal or external? Says Kant: “What is at issue is the necessitating principle: namely, *whence* the thing is necessary” (*NE* 1:400). If grounds determine me from the outside, then the action is not free.<sup>5</sup> This is Kant’s positive view.

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<sup>4</sup> Indeed, it was on the charge of determinism that Wolff was expelled from his university in Halle. The Prussian King was not particularly pleased by the implication that a soldier who flees from battle cannot be held responsible for his action. The presence of grounds for this action that stretch back before he was born entails that he could not have done otherwise than he did.

<sup>5</sup> Kant considers animal behavior to be of this sort: “necessitated in conformity with external stimuli and impulses...” (*NE* 1:400). For Kant, animals are pathologically *necessitated*, which is to say that they are not only affected but unable to resist being determined by external grounds. By contrast, human beings are only pathologically *affected*. Humans have the capacity to resist necessitation from external grounds, acting instead from grounds that lie within – i.e., motives of the understanding.

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Before moving on, it should be noted that Crusius has something to say about why his libertarian account of freedom is able to refute an objection on the basis of chance. In the *Sketch*'s discussion of ontology, Crusius addresses the "main objection" raised against libertarian freedom: "that blind chance is introduced [into our free actions]" (§83).<sup>6</sup> He handles this objection by distinguishing between "determining" grounds and "sufficient" grounds, and defines the latter as those that determine in a *non-contrary-excluding* way, such that the alternative is still possible. Moreover, Crusius takes free acts to be the kind of "fundamental activities" that "can occur or fail to occur under one and the same circumstances" (§83).<sup>7</sup> It is central to his libertarian view of freedom that the agent has the ability to do otherwise, and this can only be true if there are grounds that can determine in a *non-contrary-excluding* way – i.e., 'sufficient' grounds, in which "nothing is lacking that is necessary for causality," although it is nonetheless possible that the act never takes place or that its opposite occurs (§84).<sup>8</sup>

Kant, however, thinks that the only kinds of grounds are those that are *contrary-excluding*. He recognizes the distinction in usage between 'sufficient' and 'determining' grounds, and rejects the former on the basis that the word 'sufficient' is vague and unhelpful. More to the point: Kant thinks it would be a mistake to suggest that there can be circumstances where 'sufficient' grounds – "requisite conditions" – are present and yet the activity fails to occur. There could never be an explanation for why a particular effect follows from my will instead of

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<sup>6</sup> Christian August Crusius, *Sketch of the Necessary Truths of Reason* [*Entwurf der notwendigen Vernunftwahrheiten*, 1745], in *Kant's Critique of Pure Reason: Background Source Materials*, ed. and trans. Eric Watkins (New York: Cambridge UP, 2009), 159.

<sup>7</sup> *Ibid.*, 158. cf. §449, 177.

<sup>8</sup> *Ibid.*, 160. This is in contrast to activities that occur, or follow, necessarily whenever certain conditions are present: "[T]hey cannot fail to occur after the circumstances have been posited" (§82, p. 158). Dyck (forthcoming) discusses how, for Crusius, "fundamental free actions constitute the sole exception to the principle of determining ground as, for all other actions, it will be the case that the positing of a sufficient cause will imply that the action or effect could have been omitted or have occurred otherwise" (7).

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another, given that its non-existence is possible. On Kant's early view, then, human beings do not possess the ability to do otherwise, as there are determining grounds for everything they do. From this it follows that there is no threat of chance in human action. That is, Kant understands his own view as evading the Chance objection precisely because it denies that there are ever events in the world that lack antecedently determining grounds, including the free actions of human beings.

### 3. Freedom as Absolute Contingency: A 'Third Thing' between Nature and Chance?

**K**ant remains concerned with avoiding chance in the 1760s and 70s. This is clear from passages in his metaphysics lecture notes, as well as various personal notes and reflections. Yet it is during this same period that Kant begins to shift to a view of freedom that shares many features of the libertarian position held by Crusius. By the mid-1760s, Kant holds that free acts *lack* antecedently determining grounds. Nonetheless, Kant continues to distinguish chance from freedom. It is unclear, at this point, whether Kant has any explanation as to how these can be distinguished, given that both are defined in terms of an absence of determining grounds. I think it is reasonable to read Kant as struggling to form his views during this period.

Kant's notion of chance in the *New Elucidation*, and into the Critical period, is in keeping with his German rationalist predecessors – in particular, Alexander Baumgarten, whose *Metaphysics* (1757) textbook was used by Kant in his metaphysics lectures (cited here as *LM*) in the 1760s and 70s. We find the following definition of 'chance' (*casus*) in Baumgarten's discussion of the concept of a world: "An event in a world whose sufficient ground is unknown is CHANCE. CHANCE whose sufficient ground does not exist would be PURE CHANCE, which is impossible and must not be posited

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in this or in any world” (sec. 383).<sup>9</sup> Kant follows Baumgarten in defining ‘chance’ as an event whose grounds are either unknown or lacking altogether, that is, where there is an absence of either real or ideal grounds. For example, in a passage from the *Metaphysik Herder* (1762-64), Kant writes: “Every ground determines its consequence necessarily: what is not necessary by a sufficient determinate ground is *chance*. = No existence of things, such as the free actions of Crusius, [that] are pure chances <*casus puri*>” (LM 28:41). In short, Kant continues to see the Crusian view as reducing freedom to chance. This is because he sees an absence of contrary-excluding grounds as allowing chance to enter into the production of the consequence.

However, as early as 1764, Kant begins to argue that freedom is incompatible with determining grounds: “[I]n human beings the chain of determining causes is in every case cut off [...]” (R 3855; *NF* 17:313-14). Free actions are identified with the “absolutely contingent” (R 3717; *NF* 17:260). Kant even stresses the point that even determination from *inner* grounds conflicts with freedom: “A substance that is not externally determined to produce something that previously did not exist acts freely, and this freedom is opposed to *internal or external natural necessity*” (R 3857; *NF* 17:316).<sup>10</sup> This is in stark contrast to his 1755 account, according to which free acts are determined from grounds that lie within the acting subject.

In a series of recent papers, Desmond Hogan argues convincingly that Kant displays a “firm commitment” to libertarian

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<sup>9</sup> Alexander Baumgarten, *Metaphysics: A Critical Translation with Kant's Elucidations, Selected Notes, and Related Materials* (1757), trans. and ed. with an Introduction by Courtney D. Fugate and John Hymers (New York: Bloomsbury, 2014), 171. Although there is a distinction between ‘sufficient’ and ‘determining’ grounds in some of the German rationalists at the time (e.g., Crusius), I take it that here Baumgarten uses the term ‘sufficient’ roughly as Kant would use ‘determining.’

<sup>10</sup> Kant will say something similar in the second *Critique* – namely, that appealing to inner rather than outer grounds in defense of freedom is a “wretched subterfuge” (*KpV* 5:96).

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freedom by the mid- to late 1760s.<sup>11</sup> Moreover, Hogan draws attention to Crusius's influence on this shift.<sup>12</sup> In particular, Kant follows Crusius in restricting the PSR to events ('happenings'), while holding that free activity, from which a series of events is begun, is not antecedently determined. That is, Kant now seems to share Crusius's view that free actions cannot be cognized *a priori* since they lack determining grounds.<sup>13</sup> Rather, they can only be cognized *a posteriori*, through their effects or consequences. Kant elaborates on this point in an important reflection written around 1770-71:

One can have no insight into the possibility of freedom, because one can have no insight into a first beginning, whether the necessity in existence in general or in freedom in the origination of events. For our understanding cognizes existence through experience, but reason has insight into it if it cognizes it *a priori*, i.e, through grounds [...] Now there are no grounds for that which is first, thus no insight into it is possible through reason (R 4338; *NF* 17:511).

In short, it is quite clear that Kant now takes an unrestricted PSR for contingent created beings to be destructive of genuine freedom. What's more, it is on fundamentally Crusian grounds that Kant argues for the absolute contingency of free actions. Nonetheless, various notes written in the 1770s show Kant

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<sup>11</sup> Desmond Hogan, "Noumenal Affection," *Philosophical Review* 118 (2009): 517. See also Hogan 2009b; 2009c; 2013. Hogan also draws attention to Kant's "tentative endorsement" of libertarianism as early as 1763, in his work on the proof of God's existence. Here, Kant contrasts natural events, which occur necessarily, with free acts, the latter of which possess "an inadequately understood contingency" (*OPA* 2:110). Still, at this point, Kant holds to his 1755 compatibilist view

<sup>12</sup> cf. Crusius, *Sketch*, §29, §63, §81, §385, §449.

<sup>13</sup> cf. Crusius, *On the Use and Limits of the Principle of Sufficient Reason* (1743) [*De Usu et Limitibus Principii Rationis Determinantis vulgo Sufficientis*], §43. This work has not been translated into English, but can be found in a collection of his texts in German: ed., G. Tonelli (Hildesheim: Olms Verlag, 1964).

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continuing to distinguish freedom from ‘blind chance,’ as well as from ‘blind fate.’<sup>14</sup> Consider the following passages:

Free actions happen in accordance with a rule just like natural ones. But they are not therefore determinable *a priori* like the latter; both are thus in conformity with reason, while blind fate and blind chance are [occult qualities] and are contrary to reason (R 4783; *NF* 17:726).

Between nature and chance there is a third thing, namely freedom (R 5369; *NF* 18:163).

Nature is opposed to:   chance  
                                   freedom  
                                   fate (R 5607; *NF* 18:248)

That Kant still sees freedom as distinct from chance is clear. In several places, Kant describes ‘blind chance’ as, in some way, contrary to reason, whereas freedom is “the explanatory ground of everything; [...] nothing but freedom can furnish a ground of origination [...]” (*LM* 28:199-200). What is not clear, though, is the basis for this distinction, given that both freedom and chance are characterized as lacking determining grounds. It is reasonable to read Kant as struggling, throughout this period, with his views about the nature of the relationship between human freedom and natural events. I don’t think that he has settled views here. Indeed, this problem resurfaces in the Third Antinomy of the first *Critique*. I consider this, and transcendental idealism’s resolution to the conflict, in the next section.

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<sup>14</sup> See also: R 5608; R 5970; R 5973 in *NF*. Additionally, Forman (2013) cites the following notes as places where Kant distinguishes freedom from chance, though these cannot be found in *NF*: R 3906; R 4091; R 4161; R 4929.

#### 4. Transcendental Idealism, Noumenal Agency, and the Threat of Chance

**K**ant's Critical account of freedom is constituted by a novel attempt to reconcile a libertarian metaphysics of agency with a thoroughgoing PSR in the natural world.<sup>15</sup> By the time of the publication of the *Critique of Pure Reason* (1781), Kant is committed to securing libertarian freedom for human beings, and he thinks that this is possible only through the doctrine of transcendental idealism and its distinction between appearances and things in themselves. At this point, however, Kant's aim is only to show that strict determinism in the natural world does not preclude the possibility that our actions are also the result of freedom. Nothing prevents us from attributing to human beings an atemporal existence, from which we can act independently of antecedent determination. Kant calls this capacity 'transcendental freedom,' and he defines it as "the faculty of beginning a state *from itself*, the causality of which does not in turn stand under another cause determining it in time [...]" (A533/B561). While there is nothing conceptually incoherent about this notion, Kant's argument here does not amount to a proof of the reality of freedom. This being the case, chance has not yet been ruled out with respect to the determinations of this kind of causality.

The conflict between freedom and determinism appears in the Third Antinomy of the Transcendental Dialectic (A444/B472—A451/B 579). As it is presented, the problem is a cosmological one. The understanding, in order to preserve the unity of experience, demands that every event in the world be explained according to the law of cause and effect and under the

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<sup>15</sup> Kant's Critical account of freedom is notoriously difficult, and it is nearly impossible to discuss it without inviting numerous interpretive challenges. My aim here, though, is not to wade into the various debates surrounding transcendental idealism. In particular, I do not take on the question of whether Kant's distinction between the phenomenal and the noumenal world is to be understood as a metaphysical doctrine rather than an epistemic or methodological distinction between two 'aspects' or 'standpoints.'

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conditions of space and time.<sup>16</sup> At the same time, Reason demands a sufficient explanation of the objects of appearance, which it can never find in the regress of temporal causes. Since any cause in nature is itself an effect, we can never arrive at a temporally first cause. A lack of completeness in the explanation of the series of causes makes it seem necessary also to affirm a spontaneous first cause.

The resolution of this antinomy relies on central tenets of transcendental idealism. Two claims of transcendental idealism are relevant for our purposes. First, there is a distinction between objects as they appear to the senses (*phenomena*) and things in themselves (*noumena*). Second, space and time are merely ideal forms of our intuition of sensible objects, and not properties of things in themselves. What this allows Kant to do is affirm a strict PSR in the phenomenal world while maintaining freedom for human beings insofar as they also have an atemporal existence in the noumenal world. As temporal events, our actions follow necessarily from their prior events and in accordance with the laws of nature. However, we can also think of ourselves as agents who possess transcendental freedom, capable of initiating action apart from antecedently determining grounds.

At issue is whether asserting both causalities is contradictory, requiring us to reject freedom: “Thus the only question is whether, despite this, in regard to the very same effect that is determined by nature, freedom might also take place, or is this entirely excluded through that inviolable rule?” (A536/B564). In resolving the conflict between freedom and determinism in the Third Antinomy, all that Kant aims to show is that there is

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<sup>16</sup> Kant provides a demonstration of the PSR in the Second Analogy of Experience: “If, therefore, we experience that something happens, then we always presuppose that something else precedes it, which it follows in accordance with a rule” (A195/B240). Notably, Kant now restricts the application of this principle to objects of possible experience. For an excellent and thorough treatment of the changes that the PSR undergoes into the Critical period, see chapter 5 of Longuenesse’s *Kant on the Human Standpoint* (Cambridge: Cambridge UP, 2009), 117-142. Initially published as: “Kant’s deconstruction of the principle of sufficient reason,” *Harvard Review of Philosophy*, 9 (2001): 67-87.

no contradiction in holding that our actions are both the effect of natural necessity *and* freedom – that “without the least interruption of its connection with natural causes, [empirical causality] could nevertheless be an effect of a causality that is not empirical, but rather intelligible [...]” (A544/B572). Kant’s argument here is that freedom is not ruled out by a PSR that holds at the level of phenomena. In this sense, Kant’s aim in the theoretical philosophy is rather modest with respect to a potential proof of freedom. He professes not to have proven that freedom is *real*, much less that it is *really possible*:<sup>17</sup>

Do freedom and natural necessity in one and the same action contradict each other? [...] It should be noted that here we have not been trying to establish the *reality* of freedom. [...] [To show] that [...] nature at least *does not conflict with* causality through freedom – that was the one single thing we could accomplish, and it alone was our sole concern (A557/ B585-A558/B586).

Only transcendental idealism makes it possible to hold that our actions in the phenomenal world can be the effect of both natural necessity and freedom, insofar as we can think of our actions in the phenomenal world as grounded in the activity of our noumenal will.

It follows from all of this that Kant has not yet dealt with a worry about chance regarding our noumenal agency. The pre-critical Kant rejects a conception of freedom as a lack of determining grounds on the basis that it allows chance. It is natural to wonder how his Critical restriction of the PSR to the appearances does not open him up to the very objection he raises against Crusius in the *New Elucidation*.<sup>18</sup> Kant’s theory

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<sup>17</sup> Here, by ‘possibility,’ Kant means something that can be met with in intuition, as opposed to logical possibility. While no proof of the reality of freedom is possible, neither can it be shown that there is no freedom; that is, its logical *impossibility* cannot be demonstrated either.

<sup>18</sup> Allison, 137; Pereboom, 541.

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of freedom would hardly be an improvement on the Crusian view were it unable to account for the operation of our will without simply pushing back the worry of chance to the noumenal level. Of course, Kant is quite clear that we can have no insight into *why* we chose as we did. Even then, we should want from an account of freedom a story as to why it is *not* the result of chance: that it was made *freely*.<sup>19</sup>

Before going further, I want to address one line of thinking that might be tempting to follow at this point. One could point to Kant's Critical restrictions on theoretical knowledge of things in themselves and say that Kant takes the Chance objection to be *unanswerable* in the context of the Critical philosophy, but also that it does not need to be answered for the very same reason. On this reading, the Critical solution would amount to a dismissal of the objection through a more particular application or extension of the doctrine of the incomprehensibility of free agency. Indeed, there are some compelling reasons to think that this must be what Kant is committed to saying. To be sure, the incomprehensibility of freedom is a central part of Kant's Critical view. For example, in one note, Kant defines freedom as: "the capacity to produce and effect something [original]," and goes on to say: "But how [original causality and an original capacity for efficient causation] obtain in a [derivative entity] is *not to be comprehended at all*" (R 4221; *NF* 17:463). It might be argued that our inability to comprehend freedom extends to an inability to comprehend why a free will chooses to act one way rather than another.<sup>20</sup> Insofar as Kant is committed to the distinction between appearances and things in themselves, it

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<sup>19</sup> Ameriks observes that "to give a proof of our absolute spontaneity is not necessarily to give an explanation of how it operates" (195).

<sup>20</sup> Michalson thinks that this is a serious problem for Kant: "The inability truly to know my own disposition (because it is noumenal) would seem to saddle me with a moral obligation which I am only partially equipped to meet. The Kantian insight that I 'ground' my own act of giving myself a dispositional ground begins to look like the frightening possibility that the choice of a disposition is a hit- or-miss matter of *sheer luck or blind chance*" (68; emphasis mine).

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seems that we cannot have knowledge of our free actions, since they exist in the atemporal world of things in themselves.

I think that this is true in the context of the theoretical philosophy. At the end of the first *Critique*, the idea of a spontaneous causality that stands outside of time is a mere logical possibility, the objective reality of which has yet to be shown. And while this secures the possibility of freedom, it does not rule out the possibility of chance either. So, it would be problematic if the story ended here. In later writings, Kant goes on to argue unequivocally for the reality of freedom from the practical point of view. At the end of the Analytic of the 2nd *Critique*, Kant writes:

Therefore, that unconditioned causality and the capacity for it, freedom, and with it a being (I myself) that belongs to the sensible world but at the same time to the intelligible world, is not merely *thought* indeterminately and problematically (speculative reason could already find this feasible) but is even *determined with respect to the law* of its causality and *cognized* assertorically; and thus the reality of the intelligible world is given to us, and indeed as *determined* from a practical perspective, and this determination, which for theoretical purposes would be *transcendent* (extravagant), is for practical purposes *immanent* (*KpV* 5:105).

It is difficult to downplay the strength of Kant's language in this passage. Kant maintains that freedom can only be secured on the basis of practical reason. This 'practical proof' of freedom is the subject of the next section, and it is where we begin to find the materials for a refutation of chance for noumenal willing.

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## 5. Autonomy and Choice: A Will under Practical Laws

At the beginning of *Groundwork* III, Kant claims that a “lawless” will is an “absurdity” (G 4:446). The notion of a causality brings with it the notion of being law-governed, and so there could not be a will that operates according to no law whatsoever. To be sure, freedom requires independence from determination by the laws of nature; but this is a merely negative definition of freedom. The positive definition of freedom, then, is that of a will that chooses for itself the principle on which it will act, rather than having a principle imposed on it from without. This feature of a free will is none other than its autonomy: “the will’s property of being a law to itself” (G 4:447). Moreover, in the 2nd *Critique*, Kant famously argues for the reality of freedom on the basis of our consciousness of the moral law as the law of a free will. What’s more, in all of this, Kant wants to account for a genuine power of free choice with respect to our duty, *and*, at the same time, maintain that ‘blind chance’ is not involved in the exercise of this choice. To this end, Kant distinguishes between two aspects of the autonomous will: its law-giving side (*Wille*) and its executive side (*Willkür*), and attributes to the latter a capacity to choose whether to make the moral law its principle for action.

The notion of *Wille* is the idea of a pure will, concerned with objective laws that are valid for all rational beings. Pure reason recognizes the moral law as the only principle fit to govern a free will. By contrast, *Willkür* is the power of choice, which can decide whether to act on the law given by *Wille*. *Willkür* can either conform to the moral law, as given by *Wille*, or deviate from it. As such, *Willkür* is concerned with the subjective aspect of the will, namely, its maxims. Kant defines a ‘maxim’ as an agent’s “*subjective principle of action*” (MM 6:225). We can think of a maxim as expressing what an agent values, or takes to be good or bad. In the *Metaphysics of Morals* (1797), Kant

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presents the contrast as follows: “Laws proceed from the will [*Wille*], maxims from choice [*Willkür*]” (*MM* 6:226). Kant speaks of *Wille* as binding on *Willkür* in the sense that it is sufficient to determine *Willkür* in its adoption of a maxim. However, because the human will is influenced by sensibility and not necessitated by it, no incentive – be it moral or sensuous – is determining on its own. Instead, the agent must always choose whether to make a given incentive the guiding principle of his actions. In a famous passage from the *Religion within the boundaries of mere reason* (1793), Kant puts forward what Allison has deemed the Incorporation Thesis:<sup>21</sup>

[F]reedom of the power of choice [*Willkür*] has the characteristic, entirely peculiar to it, that it cannot be determined to action through any incentive *except so far as the human being has incorporated it into his maxim* (has made it into a universal rule for himself, according to which he wills to conduct himself); only in this way can an incentive, whatever it may be, coexist with the absolute spontaneity of the power of choice (of freedom) (*Rel* 6:23-24).

Whereas Kant’s early view denies that freedom involves the presence of alternative possibilities, he now seems to build into his mature account a certain degree of indifference. *Willkür* has the ability to choose either to obey the moral law or not: the “power to do or to refrain from doing as one pleases” (*MM* 6:213). I can make the objective law my subjective principle of action, and thus realize my autonomy. Or, I can act out of self-love, upon which there “results heteronomy of choice [*Willkur*]” (*KpV* 5:33). As such, it is central to Kant’s account of the will that it possess this spontaneous power of choice.

Yet there appears to be a tension between claiming that the will’s autonomy consists in its being determined by the moral

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<sup>21</sup> cf. Allison (1990: 5-6, 40, 47-8, 151, 189-90).

law and also that a free will can choose to deviate from the moral law in its actions. In what sense is the moral law the law of a free will? Kant needs to explain how free agents are able to exercise this power of choice – which includes the possibility of acting against the moral law (i.e., performing evil actions) – without this ultimately being attributed to ‘blind chance.’ Kant wants to distance himself from Leibniz and Wolff’s intellectualism, according to which the strongest motive always wins out; *Willkür* must be free from determination by *any* antecedent motive. So, does Kant simply adopt Crusius’s view about the determination of the will wholesale? Indeed, the notion of *Willkür* itself seems to imply the same kind of indifference.

Kant is intent on attributing to the will a capacity to operate apart from the strict determination of reason. At the same time, it should maintain a connection to it such that it is not a ‘blind’ power. Moreover, it is incumbent upon him to do this in a way that also renders intelligible our capacity to deviate from the commands of morality. Unlike natural events, whose laws concern what *does* happen, the laws of freedom concern what *ought* to happen.<sup>22</sup> It is for this reason that Kant calls them ‘imperatives,’ or ‘practical’ laws. However, given that the moral law only determines ‘practically,’ there seems to be no explanation for why I choose as I do, especially when I choose to prioritize sensible motives over the moral law. Several commentators have noted that Kant faces a serious challenge in explaining why it is that a purely rational will would choose anything other than the good.<sup>23</sup> Since experience reveals to us that human beings are capable of performing evil actions, it is unclear how Kant can handle the issue of chance in his account of the will’s power of choice – specifically, when it acts contrary to the moral law.

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<sup>22</sup> Cf. A547/B575–A550/B578; G 4:387–88; *KpV* 5:19

<sup>23</sup> See: Christine Korsgaard, “Morality as Freedom,” in *Creating the Kingdom of Ends* (New York: Cambridge University Press, 1996), 159–160; Christopher Insole, *Kant and the Creation of Freedom: A Theological Problem* (Oxford UP: Oxford, 2013), 127–134.

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In sum, Kant casts the relationship between *Wille* and *Willkür* in such a way that seems to commit him to contradictory claims: (1) *Wille* is the ground of *Willkür* in the adoption of its maxims, while (2) *Willkür* is able to form maxims that subordinate *Wille* to sensibility. To make matters worse, Kant needs to uphold both claims. Denying the first would entail that we are not autonomous. Denying the second makes it such that our evil actions are not the product of free choice, which would preclude imputability for our immoral actions. In the next and final section, I show how Kant's distinction between a 'wicked' and 'diabolical' will – in particular, his argument for the impossibility of the latter – makes sense of (1) such that the tension between (1) and (2) is resolved. This, I argue, constitutes his practical refutation of chance.

## 6. Chance, Revisited: Against a Lawless Will

**K**ant is committed to the impossibility of chance at the level of our noumenal will, as suggested by his remarks at the beginning of *Groundwork* III to the effect that a "lawless" will would be an "absurdity" (*G* 4:446). Yet Kant does not argue for this claim there.<sup>24</sup> Instead, it is only in the *Religion* that we find some semblance of an argument against the possibility of a will without a law. Even then, Kant's account remains puzzling, in large part due to the swiftness of his discussion. The context here is a discussion of whether there could be such a thing as a "diabolical" will – one that chooses evil for its own sake, acting apart from the moral law as an incentive altogether (*Rel* 6:35). Kant claims that this kind of will is impossible, and I am going to argue that this constitutes his practical refutation of chance – an argument against the

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<sup>24</sup> Morgan (2005: 73) suggests that Kant simply takes for granted the proof of the Second Analogy in the first *Critique* with respect to the claim that lawfulness is an essential feature of causality. Perhaps Kant is unwarranted in assuming of noumenal causalities a kind of lawfulness akin to that in the phenomenal world.

possibility of a ‘lawless’ causality, which would operate apart from any rule or principle whatsoever. However, to say that the will is law-governed is not to say that it is determinable in the same way as the causality of nature. What will emerge, then, in an effort to elucidate Kant’s claim that a free will is lawful, is a conception of the distinct kind of grounding relationship that practical laws have to the human will, such that this lawfulness applies even when a free will chooses to deviate from its law.

The clearest account of the way the moral law functions as a determining ground is in Book I of the *Religion*, where Kant distinguishes between a ‘wicked’ and a ‘diabolical’ will. Here, Kant defines an evil will as one that chooses to prioritize self-love to duty. It is important to note that this is a formal definition of evil; Kant conceives of an evil will in terms of the ordering of the incentives in one’s maxim. What makes it evil is that it places respect for duty below self-love, rather than making the moral law its supreme guiding principle. As such, even when we act contrary to the moral law, we never disobey it in such a way that our willing can be considered “diabolical,” choosing evil for its own sake (*Rel* 6:35). This would be a will entirely free of law, which, Kant says, is a contradiction:

To think of oneself as a freely acting being, yet as exempted from the one law commensurate to such a being (the moral law), would amount to the thought of *a cause operating without any law at all* (for the determination according to natural law is abolished on account of freedom): and this is a contradiction (*Rel* 6:35; emphasis mine).

In short, we can never remove the moral law as an incentive; it remains a law that we can never escape. Kant continues: “The human being (even the worst) does not repudiate the moral law, whatever his maxims, in rebellious attitude (by revoking obedience to it). The law rather imposes itself on him irresist-

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ibly, because of his moral predisposition [...]” (*Rel* 6:36). So, what is going on when we choose evil is *not* that we are choosing it *qua* evil. We are aware of the moral law as being binding on us, and so our actions can never be performed apart from its being valid for us.<sup>25</sup> Rather, *Willkür* makes a choice to prefer its own happiness to its duty, which is to say that the most it is capable of is placing the incentive of morality below all others.

It may seem strange to appeal to the determining grounds of the will as a way of responding to the problem of chance, given

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<sup>25</sup> An anonymous reviewer suggests that the crucial difference between a ‘wicked’ and ‘diabolical’ will is not a matter of whether the moral law is valid for such a will, but rather the nature of the incentive to disobey the moral law. That is, rather than seeing the wicked will as bound by the moral law but subordinating it to duty, and the diabolical will as not bound by the moral law at all (and so, as I am arguing, ‘lawless’), one might interpret Kant’s distinction here as one between the kinds of motivation to do evil: either, to prioritize the incentive of one’s own happiness to the incentive of morality, or to take disobedience to the law as a positive incentive. The latter is certainly true of the diabolical will, insofar as Kant conceives of it as choosing evil for its own sake. That said, Kant describes such an act as involving ‘exoneration’ and ‘repudiation,’ and I take this to be the crucial element - namely, that the diabolical will would be one that is (to use Kant’s words) “exempt” from the law altogether. I take Wood (2010) to agree with me on this point, when he writes: “Kant’s view here, especially his rejection of the possibility of a ‘diabolical will,’ is sometimes criticized for not allowing for the possibility – as it is put – that people can do ‘evil for evil’s sake.’ The objectors think that Kant is denying we can choose an action not because it promotes our self-interest or satisfies some contingent desire, but simply *because it is wrong*. But I think they have misunderstood him. Kant’s argument is that it would be incoherent to suppose a being could be responsible for obeying the moral law and yet lack any rational incentive to obey the law, possessing originally *only* a rational incentive to *disobey* it [...] These impossibilities are what Kant rejects under the heading of a ‘diabolical will’ – not because it represents something ‘too evil’ for human nature, but because it would be incoherent to condemn as evil the choices of a being that could recognize no decisive reason to choose in favor of morality. Whatever harm to human or other beings might be caused by the actions of such a being, they could not be considered *evil*” (153-54). Wood highlights that the distinctive mark of a diabolical will is not that it chooses evil for its own sake (though this is certainly part of the notion of it), but rather that it would only possess one incentive. It might be helpful to think of this as a counterpart to the holy will, as a will that is guided solely by the unconditional principle of *immorality*. This being the case, we cannot coherently say that something could be an agent which is both *not* under the moral law and yet responsible for its actions. As Allison (1996) writes: “Kant’s denial of a diabolical will is not a dubious piece of empirical moral psychology, but rather an *a priori* claim about the conditions of the possibility of moral accountability” (176).

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the above passages where Kant maintains that free acts *lack* determining grounds. In other words, seeing as the worry about chance in Kant's Critical account of freedom is motivated by his shift to a libertarian position that *denies* the existence of determining grounds for free acts, the reader may find it puzzling that Kant's response to the objection that this kind of account of freedom amounts to chance could involve an argument for there, in fact, being grounds of the will. The first thing to note, towards dissolving this apparent tension, is that Kant's claim that free acts lack determining grounds is made from the theoretical point of view, whereas the claim that the will possesses grounds comes from within the practical philosophy. But more needs to be said about why it is that holding these claims from two different points of view allows them to be held without contradiction.<sup>26</sup> In particular, what is a 'determining ground' in the practical setting? Unfortunately, Kant does not explicitly address his use of this term in the practical philosophy. More specifically, since Kant never suggests that he is using the term differently than he did in the pre-critical period, one might ask why we should think that the term 'determining ground' comes to be used in a way that means anything other than a ground that determines an effect to the exclusion of its opposite. That is, one might wonder why we should think that there exist these different kinds of grounds in the case of the will.

Recall the way that Kant's resolution of the Third Antinomy involves showing that we can at least *think* of there being both a causality from nature and a causality from freedom. In the Canon of the first *Critique*, Kant defines 'practical laws' as

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<sup>26</sup> In speaking of 'standpoints' and 'points of view,' I do not mean to commit myself to a particular interpretation of transcendental idealism. Despite the similarity in language to a 'one object, two aspect' view, I am merely referring to Kant's distinction between the 'theoretical' and 'practical' use of the faculty of reason. And, as I see it, nothing I say here precludes a particular reading of transcendental idealism, though this is not to say that certain readings might not have a more difficult time than others in reconciling aspects of my account with their own views.

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“imperatives, i.e., objective *laws of freedom*, and that say *what ought to happen*, even though perhaps it never does happen, and that are thereby distinguished from *laws of nature*, which deal only with that *which does happen*, on which account the former are also called practical laws” (A802/B830). Central to Kant’s project, then, is an explanation of how there can be more than one kind of lawfulness, as well as in what sense practical laws can be grounds.

So, as an unconditioned causality, the will lacks determining grounds. And yet, as a causality, its operation is lawful and not random. Its connection to laws cannot be the same as that between natural events and the laws of nature, for this would be to say that: in all circumstances in which a representation of the moral law were present, its effect (i.e., morally good action) would follow to the exclusion of any other.<sup>27</sup> And we know that this is not the case. Kant describes the relationship between a will and the moral law as follows: the will has “grounds of reason” for its actions, and yet these are “grounds to which this will is not by its nature necessarily obedient” (G 4:413). So, whatever Kant’s argument is for the claim that the moral law grounds free acts, it must be able *also* to explain action contrary to this law.

For an imperative to be a ‘ground’ is for my action to be initiated under a representation of the moral law: “Now this ‘ought’ expresses a possible action, the ground of which is nothing other than a mere concept, whereas the ground of a merely natural action must always be an appearance” (A547/B575). In making room for freedom, then, transcendental idealism also made room for a distinction between different *kinds* of determining grounds. ‘Material’ determining grounds are always appearances, natural events that are causally conditioned. But there are also ‘formal’ determining grounds

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<sup>27</sup> This is true for God, who is perfectly free. Moreover, this helps to explain the difference between a virtuous will and a holy will, the latter being fully determined in a contrary-excluding way.



are representations of the “universal lawgiving form” of a maxim (*KpV* 5:28-29).<sup>28</sup> This distinction here is between types of necessity: “The ought expresses a species of necessity and a connection with grounds which does not occur anywhere else in the whole of nature” (A547/B575). Practical laws, says Kant, are ‘objectively’ necessary, which is to say that they hold for all rational beings. By contrast, laws of nature necessitate ‘subjectively,’ as is the case with animal choice, where sensible stimuli determine every action.

What’s more, Kant comes to hold that only transcendental idealism has the resources to justify the distinction between ‘natural’ and ‘practical’ laws, and, hence, a distinction between freedom and chance. In short, Kant thinks that free acts maintain a connection to grounds that – once we can prove its reality – can secure it against a worry about chance. What Kant hopes to show is that Crusius’s account is impoverished when it comes to accounting for the possibility of practical laws. If there are to be grounds that are not fully determining, they cannot exist within the transcendental realist framework.<sup>29</sup> Instead, they must exist in the noumenal world, where they are not subject to the conditions of space and time. This not only makes possible practical laws, but also explains why action governed by them is not susceptible to a worry about chance. Chance occurrences lack a connection to any kind of grounds whatsoever, whereas free acts are governed by practical laws. That

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<sup>28</sup> This is true for God, who is perfectly free. Moreover, this helps to explain the difference between a virtuous will and a holy will, the latter being fully determined in a contrary-excluding way.

<sup>29</sup> Kant makes this point in the Analytic of the 2nd *Critique*: “If, then, one wants to attribute freedom to a being whose existence is determined in time, one cannot, so far at least, exempt this being from the law of natural necessity as to all events in its existence and consequently as to its actions as well; for, *that would be tantamount to handing it over to blind chance*. But since this law unavoidably concerns all causality of things so far as *their existence in time* is determinable, if this were the way in which one had to represent also the *existence of these things in themselves* then freedom would have to be rejected as a null and impossible concept” (*KpV* 5:95; boldfaced mine). This is one of the only passages in the practical philosophy where Kant explicitly discusses ‘blind chance,’ and in it he explains how he sees transcendental idealism securing freedom and ruling out chance.

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Kant takes the notion of a causality operating without a law to be a contradiction in terms is something he is committed to in both the practical and theoretical realms. If it has no law, it is not a will, nor is it a causality.<sup>30</sup>

The dialectic, then, has taken the following shape: Kant starts off holding a Leibnizian view of freedom in 1755, but moves towards a Crusian conception of the will by the mid-1760s, construed as a capacity to initiate action apart from being determined by grounds. However, Kant does not adopt the Crusian position wholesale precisely because he comes to hold that only transcendental idealism has the resources to account for the possibility of grounds that determine in a non-contrary-excluding way while still providing a connection to their consequences in such a way that evades a worry about chance in human action. Moreover, to totally vindicate Kant's argument for the possibility of freedom in the first *Critique*, it was necessary to follow his remarks about the autonomous will into his discussion of radical evil in the *Religion*, where the distinction between a 'wicked' and 'diabolical' will illuminates the way in which practically necessary laws ground all human actions.<sup>31</sup>

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<sup>30</sup> In a theoretical context, a chance occurrence is one that happens, so to speak, for no reason. Likewise, a diabolical agent would be one who *acts* for no reason. Korsgaard (2009: 72-76) argues against the possibility of what she calls 'particularistic' willing, which is in similar respects a will which would act without universality in its willing. Even a will that makes it its maxim to only act on inclinations would still meet the minimal amount of universality required to qualify as an agent. See also: Tognazzini (2014), who discusses the way in which a chance objection is a worry about our actions being ungrounded in this kind of way.

<sup>31</sup> I am grateful to Emily Carson, Rosalind Chaplin, George di Giovanni, Dai Heide, Stephen Palmquist, Lisa Shapiro, Evan Tiffany, and Owen Ware for helpful conversations on various drafts of this paper. This paper was presented at a joint conference of the UK Kant Society (UKKS) and North American Kant Society (NAKS) at Keele University; I thank participants for their feedback. Finally, I thank two anonymous reviewers from this journal for very beneficial comments and criticism.

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