

# ABSOLUTE SPONTANEITY OF CHOICE: THE OTHER SIDE OF KANT'S THEORY OF FREEDOM\*

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*Kant's concept of autonomy promises to solve the problem of the actuality of freedom. The latter has actuality as a practical capacity insofar as the will is objectively determined through the form of law. In later writings, however, Kant situates the actuality of freedom in the "absolute spontaneity" of choice, and connects the reality of autonomy itself to the condition of a "radical" act of free choice. The reason for this resides in the fact that his first solution is marked by a certain defect: it does not contain a sufficient concept of the actuality of a practical capacity. This essay elaborates a revised account of Kant's concept of freedom in light of this insight. The argument is that we need to distinguish force and faculty in order to understand the actuality of a capacity. Only on this basis can we introduce the idea of imagination as a pre-reflexive force of practical reason and the idea of reflective judgment as a power of practical judgment in order to realize how free choice is capable of generating a maxim that has the form of a law spontaneously and of its own accord. In this way, we see that the actuality of freedom necessarily includes the spontaneity of choice, and that human freedom manifests a certain paradoxicality: the universality of the will is bound to a subjective ground of determination, to a pre-reflexive act of "radical" choice.*

The following considerations develop an interpretation of Kant's notion of the free will that maintains that it is the seemingly paradoxical traits of his theory that provide important insights into the structure of freedom of the will. The "paradox" that stands at the centre of this essay arises out of the following two claims. The first can be found in the *Groundwork* and purports that an *autonomous*

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will alone can be called a free will—*i.e.*, a will that relates to itself as law or whose self-determination is guided by the principle of the categorical imperative.<sup>1</sup> This claim thereby amounts to the idea that the practical law “is inseparably connected with, and indeed identical with, consciousness of freedom of the will.”<sup>2</sup> A lawless will, however, would be an “absurdity [*Unding*]” (GMS, 4:446/94), for as a capacity for action, the will describes a causality that must stand under laws to be capable of causing any effect at all. Now, the second claim, from *Religion within the Boundaries of Mere Reason*, seems to affirm exactly such an *Unding*: a rational being cannot but understand itself as the author of its “bad” actions as well; and since a bad action is bad insofar as it stems from a bad maxim, and since maxims are products of the “absolute spontaneity of the power of choice [*Willkür*] (of freedom)”<sup>3</sup>—which thus can be determined neither by heteronomous influences (otherwise it would not be free) nor by autonomous laws (otherwise it would be incapable of originating bad actions)—, it seems that we are confronted with a freedom both beyond laws of nature and beyond laws of freedom. The question underlying the following considerations is the question of how to conceive of this idea of absolute spontaneity of free choice, and how it relates to the idea of autonomy.

Both claims can be understood as diverging elucidations of a well-known thesis from the *Groundwork*: “Every being that cannot act otherwise than *under the idea of freedom* is just because of that really free in a practical respect.” (GMS, 4:448/95) According to the first claim, the inference from the necessity of acting under the idea of freedom to the actuality of a free will (“in a practical respect”) is compelling insofar as the idea of freedom entails the moral law. Kant illustrates the validity of the inference by analogy to the field of

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<sup>1</sup> See Immanuel Kant, *Groundwork of The Metaphysics of Morals*, in *Practical Philosophy*, (tr.) M. J. Gregor (Cambridge: Cambridge University Press, 1996), 94 (4:446–47). Hereafter referred to parenthetically in the text as GMS. Page references, separated by a slash, will be to the relevant volume of *Kant's Gesammelte Schriften*, (ed.) Königlich Preußische Akademie der Wissenschaften (Berlin: Reimer/de Gruyter, 1900–), then to the English text.

<sup>2</sup> Immanuel Kant, *Critique of Practical Reason*, in *Practical Philosophy*, 173 (5:42). Hereafter referred to parenthetically in the text as KpV. Page references, separated by a slash, will be first to the relevant volume of *Kant's Gesammelte Schriften*, then to the English text.

<sup>3</sup> Immanuel Kant, *Religion within the Boundaries of Mere Reason*, in *Religion and Rational Theology*, (tr.) G. di Giovanni (Cambridge: Cambridge University Press, 1996), 73 (6:24). Hereafter referred to parenthetically in the text as REL. Page references, separated by a slash, will be to the relevant volume of *Kant's Gesammelte Schriften*, then to the English text.

theoretical knowledge: the reciprocal implication of freedom and law should be conceived as parallel to the conceptual reciprocity between the objectivity of nature and the “laws” of its cognition (the categories).<sup>4</sup> Knowledge about nature is objective to the extent that it stands under pure principles of the understanding; analogously, we can infer the reality of a free will from the practical consciousness of freedom insofar as this consciousness implies objective determination through the categorical imperative (as the *a priori* law of freedom).

Such objective determination is of course not to be confused with theoretical determination, which implies that the actuality of the consciousness of an object is ontologically dependent upon the actuality of the object in question.<sup>5</sup> Rather, the “practical respect” indicates a relation between representation and object, which has the character of a “making-actual”: the representation (*Vorstellung*) is the cause of the actuality of its object. In this sense, “will” is the name of the practical capacity to cause the actualization of the objects of concepts or judgements through the very representation of these concepts or judgements. Kant’s claim that a rational being necessarily understands its will to be free and that the very actuality of its freedom lies exactly in this self-understanding signifies, therefore, that it is the *self-consciousness* of the freedom of one’s own will that *makes* this very freedom *actual*. Certainly, there is an important distinction between this actuality (of a free will) and the actualization of an action—namely the difference between the actuality of a *capacity itself* and the actuality of its *actualization*. Self-consciousness of one’s own freedom “makes” the will actually free because it *enables* the will to be the free originator of the actuality of the objects of its representations; and self-consciousness has this enabling—or capacity-constituting—effect insofar as it entails the law of pure practical reason, through which alone a free will gains objective determination. Otherwise, the will would not have a determinate object at all, and the idea of freedom would not be capable of being practical—*i.e.*, of enabling the willing subject to determine itself in a free way; the free will would be an *Unding*.<sup>6</sup> Thus, the

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<sup>4</sup> See GMS, 4:446-47/94-95.

<sup>5</sup> See Stephen Engstrom, *The Form of Practical Knowledge: A Study of the Categorical Imperative* (London; Cambridge, MA: Harvard University Press, 2009), 119.

<sup>6</sup> Since only the actualization of actions—and, with it, the consciousness that makes for this actualization in the first place—is essential in “a practical respect,” the possibility of any theoretical cognition of the actuality of freedom is of no matter here: it does not contribute anything to the enabling of a free will.

inference from acting under the idea of freedom to the actuality of this freedom is based on the insight that the idea of freedom necessarily implies the law of practical reason and that, on account of this implication, freedom of the will has *actuality as a practical capacity*.

In order to understand how it might be possible to read this inference in such a way that it simultaneously locates the actuality of freedom in the absolute spontaneity of choice, a six-step detour is needed. The first step consists in clarifying how to conceive of the actuality of a capacity (and in showing that this actuality has to be seen in light of a difference between force and faculty), while the second step tries to clarify, against this backdrop, the concept of the human faculty of desire (*Begehrungsvermögen*); at the third stage, we will be concerned with a certain tension lying within transcendental argumentation (having to do with the distinction between force and faculty), which we will investigate in a fourth step with respect to the *Critique of Pure Reason* (with reference to the function of transcendental imagination), and in a fifth step with regard to the *Critique of Practical Reason* (with reference to the feeling of respect); eventually, we will arrive at an interpretation of the first chapter of Kant's *Religion within the Boundaries of Mere Reason*, which will show that freedom of *Willkür*, choice, should be conceived as a practical power of reflective judgement, which operates "lawfully without law" (wherein lies the moment of force of a practical capacity).

## I. Two Modes of the Being of Capacity: Force and Faculty

The elucidation of the actuality of freedom at which the first claim arrives—consciousness of freedom (under the law) as practical capacity—is marked by a certain failure: it does not contain a sufficient concept of the actuality of a practical capacity. Which aspect is lacking here can be revealed by way of reviewing Kant's pre-critical lectures on metaphysics. In the passages in which Kant discusses the concept of capacity or faculty, he initially follows the tradition of rational psychology (*i.e.*, Leibniz and Wolff). This tradition conceives of an active ability or capacity as someone's or something's possibility of causing a certain change.<sup>7</sup> As such, however, a capacity is characterized by a certain distance from its actualization, and this is

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<sup>7</sup> See Christian Wolff, *Vernünfftige Gedancken von Gott, der Welt und der Seele des Menschen, auch allen Dingen überhaupt*, in *Gesammelte Werke*, vol. I, no. 2 (Hildesheim: Olms, 1983), § 117, 61 f.

precisely the reason Wolff introduces the concept of *force* to account for the becoming-actual of a capacity. As Kant puts it, "*faculty* [*Vermögen*] and *force* [*Kraft*] must be distinguished from each other. In the case of a faculty we think of the possibility of action, it does not contain the sufficient reason of action—which is the force—but just its mere possibility."<sup>8</sup> Capacities, therefore, are "internally insufficient"<sup>9</sup> since they define merely "the inner principle of the possibility of an action."<sup>10</sup> "But this inner principle of the possibility of an action also requires a ground of determination so that the action becomes actual, and this ground is *force* [*Kraft*]."<sup>11</sup> In the case of inorganic substances, of course, we are dealing with mechanical forces unfolding under laws of nature. The material properties of inanimate beings define a certain capacity (as "the inner principle of possibility") to interact causally with their surroundings; for their actualization, though, they stand in need of an external incentive.<sup>12</sup> The causal powers of *living* beings, by contrast, are not mechanically actualized through external solicitation, since, as Kant writes, "force and faculty are distinguished *within* living beings."<sup>13</sup> So, in opposition to animate substances, inorganic beings do not possess *inner* force; any actualization is for them "externally *dependent* and *enforced*," whereas living beings are "*self-acting* and effective out of inner force."<sup>14</sup> In this sense, force can be identified with an internal aspect of vital capacities: "Power [*Kraft*] is a faculty [*Vermögen*] insofar as it suffices for the actuality of the accident."<sup>15</sup> In other words, the capacities of a living being comprise not only the inner principle of possible actualizations, but also the force of determining themselves to per-

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<sup>8</sup> Immanuel Kant, "Metaphysik Volckmann," in *Gesammelte Schriften*, 28:434; my translation.

<sup>9</sup> Immanuel Kant, "Reflexionen zur Metaphysik," in *Gesammelte Schriften*, 17:75; my translation.

<sup>10</sup> Immanuel Kant, "Metaphysik von Schön. Ontologie," in *Gesammelte Schriften*, 28:515; my translation.

<sup>11</sup> *Ibid.*; my translation.

<sup>12</sup> See Gottfried Wilhelm Leibniz, "Das neue System," in *Philosophische Schriften Bd. 1: Kleine Schriften zur Metaphysik* (Frankfurt am Main: Suhrkamp, 1966), 199.

<sup>13</sup> Kant, "Reflexionen zur Metaphysik," in *Gesammelte Schriften*, 17:76; my translation and emphasis.

<sup>14</sup> Immanuel Kant, *Träume eines Geistersehers, erläutert durch Träume der Metaphysik*, in *Gesammelte Schriften*, 2:327; my translation.

<sup>15</sup> Kant, "Metaphysik Mrongovius," in *Gesammelte Schriften*, 28:823, tr. by K. Ameriks and S. Naragon as "Metaphysik Mrongovius, 1782–1783," in *Lectures on Metaphysics* (Cambridge: Cambridge University Press, 1997), 182.

form these possibilities.<sup>16</sup> To understand the *actuality* of a vital power, then, we cannot be content with the specification of its “inner principle,” which constitutes the very possibility of its activities; we have also to ask if (and in what way) this principle is *at the same time a force* for actualizing these possibilities *of its own accord*.

So therein lies the point of neglect in the *Groundwork*: the elucidation of the inference from practical consciousness of freedom to its actuality—which Kant claimed to have settled by pointing to the internal connection between the law of reason and the freedom of the will—leaves completely open *how the law could be a force of the will*. Kant’s account only reaches as far as the “inner principle” of possibility of freedom: the latter is only *possible* insofar as it has its positive determination in the practical law. However, the account does not arrive at the point whence we can see to what extent this determination also is or could become a force to determine the will actually and effectively (*i.e.*, its own force).<sup>17</sup> The following section is dedicated, then, to an attempt at outlining Kant’s description of the human will in light of the difference between force and capacity.

## II. The Two-in-One of *Wille* and *Willkür*

From the *Critique of Pure Reason* to the *Metaphysics of Morals*, Kant calls “animal choice [*tierische Willkür*]” the basic or paradigmatic type of life power.<sup>18</sup> “Life” is characterized plainly as “the faculty of a being to act in accordance with laws of the faculty of desire” (KpV, 5:9/144), whereas the latter is defined as “the faculty to be by means of its representations the cause of the reality of the objects of these representations.” (*Ibid.*) Hence, animal choice describes a faculty of desire that has the force to actualize itself of its own accord. This

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<sup>16</sup> Regarding this notion of a vital force in contrast to the form of a life, see Thomas Khurana, “Force and Form: An Essay on the Dialectics of the Living,” in *Constellations*, vol. 18, no. 1 (2011), 21–34.

<sup>17</sup> For a more elaborated notion of force in this context, see Dirk Setton, *Unvermögen: Die Potentialität der praktischen Vernunft* (Zürich: Diaphanes, 2012), ch. 5.

<sup>18</sup> Immanuel Kant, *The Metaphysics of Morals*, in *Practical Philosophy*, (tr.) M. J. Gregor (Cambridge: Cambridge University Press, 1996), 374 (6:213). Hereafter referred to parenthetically in the text as MS. Page references, separated by a slash, will be first to the relevant volume of *Kant’s Gesammelte Schriften*, then to the English text. Cf. Immanuel Kant, *Critique of Pure Reason*, (tr.) P. Guyer and A. W. Wood (Cambridge: Cambridge University Press, 1998), B562, 830. Hereafter referred to parenthetically in the text as KrV. Page references will be here, as usual, to the original A and B editions of the text.

self-acting, however, remains dependent upon (the representation of) the existence of external objects towards which desire is directed. Kant calls this form of self-acting “pathological”: in accordance with the inner principles or dispositions of the very receptivity of the faculty of desire—that is, the capacity for feelings of pleasure and displeasure—(representations of) objects affect a living being in such a way that “incentives” are generated that necessitate or hinder the actualization of the faculty of desire.<sup>19</sup> In contrast to this form of self-acting based on receptivity, human choice is not capable of being determined directly by incentives. It is, to be sure, affected by the representation of objects at any time and hence “influenced” by incentives; however, this influencing does not have the status of an “internally sufficient” force through which the human faculty of desire would pass over into actuality. The reason for this can be found in a peculiar inner doubling of the latter: in the case of human beings, the force of desire does not lie solely in incentives of practical receptivity but also in the spontaneity of desire—in the sense of the capacity to determine itself through reason independent from incentives. “The faculty of desire whose inner determining ground...lies within the subject’s reason is called the *will*. The will is therefore the faculty of desire considered not so much in relation to action (as is choice [*Willkür*]) but rather in relation to the ground determining choice to action. The will itself, strictly speaking, has no determining ground; insofar as it can determine choice, it is instead practical reason itself.” (MS, 6:213/375)<sup>20</sup>

Thus, in the case of the human power of desire, the internal difference between force and faculty becomes more complex because desire stands in reflexive relation to itself. As *Willkür*, human desire is the capacity to be the cause of the actuality of the objects of its conceptual representations: it has the force to realize its concepts (through practical judging). As *Wille*, will, however, human desire is also the capacity to determine the practical efficacy of its representations (*i.e.*, of its power of choice) independently of incentives: the will is the (rational) desire of desire. In this way, the whole faculty of desire turns itself towards itself, and practical reason is the name of that standpoint of desire by virtue of which desire stands in con-

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<sup>19</sup> See KrV, B562.

<sup>20</sup> Kant uses the concept of will in two ways: first, as a generic term for the human faculty of desire and, second, as a particular term for the reflective self-relation that the faculty of desire has to itself as practical reason. Only in connection with this second use does Kant discriminate between *Wille* and *Willkür*—in the sense of two aspects of one and the same capacity of will.



scious relation to itself and thereby maintains itself at a reflexive distance from itself. Yet if the faculty of desire is directed towards itself, the question arises of how to understand the *force* lying within this relation of self-reflexivity. In answering this question, three points should be taken into account. First, we have to conceive of the force of human desire in such a way that the self-reflexive relation enters into the constitution of its practically effective representations. Second, however, choice as an intelligible cause of actions is a finite capacity that demands receptive determinations as “influences” in order to have the force to act. And third, the way in which the will as practical reason determines its power of choice is a form of desire or willing itself, such that it essentially implies—as a genuine *practical* kind of representation—a moment of force. Any actualization of the human power of choice is thereby constituted by two elements—practical reason and feelings of pleasure and displeasure—and (simultaneously) by two “forces”—imperatives of reason and incentives of practical sensibility—which are in themselves “insufficient” to determine the power of choice and its active force.

So how should we conceive of the force lying in the self-determination of the will? Or, in other words, in what way is *Wille* capable of “acting” on its *Willkür*—i.e., on the active force that lies in effectively choosing an action? The answer should be: in the same way in which a vital desire is determined in view of actualization: through affection. With respect to the aspect of force, then, *self-determination* must entail a moment of *auto-affection*. A free will is free insofar as it is capable of “influencing” itself. “Imperatives” must become “feelings,” thus, for otherwise the will would lack the required force to determine its causality according to reason. As we will try to show below, this force of self-affection—by virtue of which the spontaneity of the will is effective within its own receptivity—is not consciously or reflexively engendered, since it does not lie in the self-consciousness of the will’s own causality, which one might be inclined to attribute to rational deliberation<sup>21</sup>; this force corresponds rather to a “preconscious” mode of the actualization of reason.<sup>22</sup>

Kant’s claim that freedom of the will is constituted by its reflexive dimension should be understood against the background of this preconscious character of practical self-receptivity. “That choice

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<sup>21</sup> Regarding the claim that the force or efficacy of free choice lies in self-consciousness, see Engstrom, *The Form of Practical Knowledge*, 28–31.

<sup>22</sup> On this concept of force, see Christoph Menke, *Force: A Fundamental Concept of Aesthetic Anthropology*, (tr.) G. Jackson (New York: Fordham University Press, 2013), ch. 3–4.



which can be determined by *pure reason* is called free choice.” (MS, 6:213/375) It is important to notice that choice is free insofar as it *can be* determined in such a way. Kant does not say that freedom of choice requires *actual* determination by pure reason; the point is rather that choice enjoys freedom because it is characterized by the *possibility* of being determined by pure reason—which is a trait of the very capacity of choice itself. The decisive question is, of course, how to account for such a possibility.

The first thing to consider is that this very possibility of free choice is essentially related to a certain “diremption” or “split” within the human will. It is well known that it is Kant’s main concern in the second *Critique* to account for the practical capacity of pure reason—and to criticize the pretension of an empirically conditioned practical reason to dominate the field of human action.<sup>23</sup> For if the claim of the latter were correct, self-determination of the will would still remain a receptively constituted form of self-acting—and would therefore ultimately lack universal validity. Any genuine achievement of reason within the practical sphere, on the contrary, must comprise universal determination of the very unity of willing. But since the human will is finite, and since its finitude consists in the will’s dependence on receptive “influences,” its autonomy (in accordance with pure practical reason) inevitably splits the will from itself. Due to its reflexive structure, then, freedom essentially contains *a will that wills itself as an other*—a will that relates to itself insofar as it confronts its power of choice with the demand to be a form of desire free from the arbitrariness of its receptivity (*i.e.*, “*Willkür*”). Here we find the unique ambition of Kant’s moral philosophy: to show that pure reason is in fact capable of being practical and of determining choice; that the moral law presents its unconditioned and necessary principle, which is at the same time the principle of freedom and a fact of practical self-consciousness; that it only pertains to the form of maxims and that it is independent of possible objects of the will; and that this formal principle grounds an entire system of moral ends which defines the realm of a free will. The very idea of a categorical imperative, however, already marks the decisive problem: “Actions that are cognized as objectively necessary are subjectively contingent.” (GMS, 4:413/66) In the case of human desire, then, objective necessity and subjective contingency go hand in hand—and it is this trait that describes an essential feature of freedom of the will.

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<sup>23</sup> See KpV, 5:16/148–49.

What we are concerned with here is a “split” that Hannah Arendt describes in *The Life of the Mind* as a “two-in-one”<sup>24</sup>: “The split occurs in the will itself; the conflict arises neither out of a split between mind and will nor out of a split between flesh and mind. This is attested by the very fact that the Will always speaks in imperatives: ‘Thou shalt will,’ says the Will to itself. Only the Will itself has the power to issue such commands, and ‘if the will were entire, it would not command itself to be.’ It is in the Will’s nature to double itself, and in this sense, wherever there is a will, there are always ‘two wills neither of which is entire, and what is present to one of them is absent to the other.’”<sup>25</sup> It is important not to forget that the split is immanent to the will (“two-in-one”) and not a variant of the opposition between reason and inclinations<sup>26</sup>, or law and incentives. The true site of the split between objective necessity and subjective contingency is the two-in-one of *Wille* and *Willkür*. The latter marks the irreducibly subjective element in human willing which cannot be formed directly by inclinations or by the law of reason. In other words, the inner force by virtue of which the human faculty of desire determines itself to act should be identified neither with incentives—which are immediately determining only in the case of animal choice—nor with rational imperatives—with which only a holy will conforms completely (and which would lose the status of imperatives if such a will were attainable).

To account for the *actuality* of freedom (as a practical capacity), then, it is not enough to demonstrate that the will possesses objective determination through the form of law, for the force of the imperative “ought” is internally insufficient for actually determining choice. In its subjective contingency, choice must be capable of achieving this *spontaneously*—i.e., of its own accord: *it* must (be able to) generate a maxim that has the form of a law. In other words, self-consciousness of freedom should not merely be conceived as implying the form of law; this implication should also be conceived as involving a force that *enables* choice to generate a maxim that pos-

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<sup>24</sup> See Hannah Arendt, *Willing*, in *The Life of the Mind* (San Diego, New York, London: Harcourt, 1978), 64 ff.; 93 f.

<sup>25</sup> *Ibid.*, 94. The passages in single quotes indicate unrevealed citations from St. Augustine.

<sup>26</sup> In Part Two of the *Religion*, Kant incessantly emphasizes that it would be a misunderstanding to conceive of incentives as the “enemy” (REL, 6:57/101) of morality. As we will see below, Kant locates the problem rather in the absolute spontaneity of choice: “only in that which determines the power of choice as free power of choice (in the first and inmost ground of the maxims which are in agreement with the inclinations).” (REL, 6:59/102)

sesses such a form. Only if we are able to think the force of such an enabling will will we be in a position to appreciate the actuality of a free will. And to think such a force, we need the concept of practical self-affection.

### III. Two Levels of Transcendental Inquiry

The issue of force is anything but external to Kant's transcendental philosophy. With regard to the three *Critiques* one can show that the transcendental endeavour operates in fact at two different levels, which complement each other, on the one hand, but which nevertheless stand in a certain relationship of tension, on the other: the level of an analysis of the conditions of possibility and the level of an analysis of the conditions of actuality.<sup>27</sup> The first level is characterized by the attempt to account for the possibility of something by way of the necessity of *a priori* principles. So, just as Kant grounds the conditions of possibility of cognition in the validity of the categories of the pure understanding, so too he explains the possibility of a good will by reference to the *a priori* validity of the categorical imperative. In this form of argument, transcendental analysis refers to the *faculties* of the subject—as the site of those necessary principles that establish the “inner possibility” of true knowledge and of moral willing.

To prove the possibility of knowledge and morality through the necessity of certain principles, however, does not yet settle the question of the *subjective* actuality of these principles and, with it, that of the *actual* possibility of cognition and moral willing. At this point, then, the second dimension of transcendental accounting applies, which Kant introduced only later: with regard to his theoretical philosophy in the second edition of the *Critique of Pure Reason* (namely, in the second part of the B-Deduction); and with regard to his practical philosophy in the *Critique of Practical Reason* (namely, in the chapter on the incentives of pure practical reason) and in *Religion within the Boundaries of Mere Reason*. It is a matter of complementing the argument for the *necessary* possibility of cognition or morality with an argument for their *actual* possibility. Settling the issue of the conditions of actuality involves proving the “conformity” of *a priori* principles with the sensible or receptive conditions of the subject; and to achieve this, one has to show how they are *effective*

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<sup>27</sup> On this distinction, see Rado Riha, *Reale Geschehnisse der Freiheit: Zur Kritik der Urteilkraft in Lacanscher Absicht* (Wien: Turia & Kant, 1993), 32–36.

under, or rather within, these specific conditions. Hence at the second level, transcendental analysis conceives of the faculties of cognition and willing as *forces*: in the second part of the B-Deduction of the first *Critique*, Kant discovers a transcendental “effect of the understanding on sensibility” (KrV, B152) that shall explain why sensibility not only *must* stand under the conditions of pure understanding but, moreover, why sensibility *in fact* conforms to them—because the conditions of possibility of cognition are always already effective within sensibility. Moreover, in Chapter III of Book I of the *Critique of Practical Reason*, Kant similarly detects in the shape of the feeling of respect a transcendental effect of reason on practical sensibility which explains why choice not only *must* form maxims in accordance with the form of law but why a moral incentive always already *enables* choice actually to do so. Thus, the practical law and the categories are *actually* determining insofar as they possess actuality within the subject, or better, *as* the subject: insofar as the objective ground of determination is simultaneously a subjective ground of determination. And these conditions of possibility are subjective grounds of determination to the extent that they are simultaneously *forces*—*i.e.*, to the extent that the understanding operates simultaneously as a power of imagination and reason acts simultaneously as an incentive.<sup>28</sup>

Now, what matters is that the aims of Kant’s argument shift significantly at the second level of transcendental inquiry. For, here, forms of freedom that remained hidden at the first level become accessible: the freedom of the power of imagination and the “absolute spontaneity” of the power of choice. They describe a form of understanding without the understanding and a form of willing without the will; and they are capable of realizing the conditions of truth (the categorical structure) and the conditions of the good (the structure of law) within sensibility of their own accord, yet without strictly being graspable therein by theoretical understanding or by practical reason. In this sense, the two-in-one of *Wille* and *Willkür* would be a two-in-one of diverging directions of freedom; without their relationship of tension, the freedom of the human faculty of desire would not be thinkable.

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<sup>28</sup> It should be clear that the two claims we presented at the beginning as two diverging variants of the inference from the necessity of the self-consciousness of freedom to its actuality, are essentially connected to these two levels of transcendental accounting: the first claim resides on the first level, whereas the second claim is situated on the second.

#### IV. Imagination as the Force of Understanding

To arrive at a better picture of the complicated course that Kant follows in answering the question of the conditions of actuality of a free will, it appears useful to cast a cursory glance at the first *Critique*. Kant arranges the solutions to the difficulties at the second level of transcendental inquiry in the realms of knowledge and freedom analogously; unfortunately, however, he arranges these solutions in such a way that certain aspects of the “transcendental forces” at stake in these realms remain ambiguous. It makes sense, therefore, to confront the ambiguities in one of those realms by trying to elucidate them with reference to the argument deployed in the other realm.

The problem of the subjective actuality of the pure concepts of the understanding is the topic of the second part of the transcendental deduction of the B-edition of the *Critique of Pure Reason*.<sup>29</sup> The first part claims to have proven that sensibility necessarily stands under the unity of the “I think” and, thereby, under the categories; the second part follows the task of clarifying how it is possible that this is actually so. Insofar as it is seen from the angle of the categorical apparatus of the understanding, the constitution of human sensibility is subjective and contingent: the actual possibility of its conformity with these conditions of objectivity does not seem to be accessible *a priori*. Kant’s main idea at this second level of transcendental argumentation is to allege the spontaneity of understanding at the site of receptivity in the shape of an effective force. Here, he establishes the thought of a self-transcendence of the faculty of understanding as a twofold structure: first, as a “capacity to judge” (KrV, B94) or “capacity of rules” (KrV, B171) that is exercised self-consciously *qua* apperception—*i.e.*, *qua* conceptual recognition and judgemental determination of sensible manifolds; and, second, as a force, when the understanding enters the stage of knowledge acquisition in the form of a synthesizing imagination, which Kant describes as “a blind though indispensable function ~~of the soul~~ of the understanding.” (KrV, A78)<sup>30</sup> The power of imagination is therefore

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<sup>29</sup> See KrV, §§ 21; 24–26.

<sup>30</sup> In his personal copy of the first *Critique*, Kant replaced “*Seele*” (soul) by “*Verstand*” (understanding), which notoriously aroused Heidegger’s indignation. See Martin Heidegger, *Kant and the Problem of Metaphysics*, (tr.) R. Taft (Bloomington: Indiana University Press, 1997), § 31, 121–26. However, such indignation seems misplaced, since the idea that the imagination is a function of the understanding is more radical—as the following argument will try to show.

not an independent faculty of the mind but the name of a deviant and pre-reflexive form of exercise of the understanding by way of which the latter transcends itself towards sensibility. The understanding appears not as a capacity or self-conscious activity but as a force or a “blind” activity because the subject *affects itself* involuntarily with its own *very form* of self-acting. Such a transcendental self-affection—that causes the effect of a *a priori* schematization—necessarily happens with or in every act of cognition that brings sensible manifolds under the unity of apperception—namely, as an impact that is presupposed in every act of judgement. In other words, as soon as the subject exercises its faculty of understanding by bringing a sensible manifold under the unity of its self-consciousness, a logically *antecedent* efficacy of the form of understanding as blindly synthesizing imagination is required to make this exercise possible—to let the perceivable world appear as if it were always already structured in an intelligible way. What is thus carried out *a priori* by the imagination as a mere “effect of the understanding on sensibility” is a peculiar pre-understanding of objects that necessarily accompanies any formation of knowledge, yet which remains unintelligible to the understanding: for the latter, it appears as “a hidden art in the depths of the human soul” (KrV, B180) that remains hidden to the self-conscious subject. It makes the unity of self-consciousness actually possible, the unity of understanding and sensibility in the “I think,”—yet only insofar as it does not belong to this unity.

So if such a pre-conscious efficacy of the understanding (within receptivity) describes a condition of the actuality of cognition, then we have to reckon with a “transcendentally caused” dimension within the process of cognition: the *imaginary*. For whilst the categories engender their imaginary doppelganger in the shape of schemata of the sensible, they co-constitute a sort of hollow between sensibility and understanding in every act of understanding, which we might call the “nightlife” of imagination.<sup>31</sup> We cannot think any concept of an object without letting this object *appear* “in thought,” as Kant writes. (KrV, B154) In other words, this imaginary appearance becomes—insofar as concepts are empty without intuitions—a discrete condition of understanding itself: we comprehend a concept only insofar as we are capable of imagining its object (at least, and for the most part, involuntarily). This epistemic efficacy of con-

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<sup>31</sup> This corresponds to Kant’s own rhetoric; cf. Immanuel Kant, *Anthropology from a Pragmatic Point of View*, (tr.) R. B. Loudon, in *Anthropology, History, and Education* (Cambridge: Cambridge University Press, 2011), § 33, 290 (7:180–81).

cepts—*i.e.*, their imaginary appearing—, however, should not be confused with an illustration or sensualized reflection of a rule of synthesis. For inasmuch as the imagination is not a faculty but a force that operates immediately within a sensibly apprehended manifold, we are dealing in fact with a *diremption of understanding* that necessarily follows from the conditions of actuality of pure concepts: an understanding *qua* apperception that brings sensible manifolds under the unity of concepts and judgements, on the one hand, and an understanding as the power of imagination that makes concepts imaginarily appear as constitutive aspects of the very presentation of a manifold, on the other.

In the *Critique of the Power of Judgement*, Kant conceives of the imagination as a genuine form of freedom: the analysis of aesthetic judgements discovers the power of imagination as a force that is capable of schematizing the manifold of the sensible *qua* manifold, *qua* form of the sensible *itself*<sup>32</sup>, and without guidance by the understanding; this free activity of the imagination, however, is no arbitrary function because it proves itself to be capable of meeting the conditions of the understanding of its own accord. And this is no coincidence because the power of imagination is nothing but the understanding itself operating as a “blind” (non-self-conscious) force—*i.e.*, as an understanding-without-understanding. In aesthetic judgements, then, a freedom of the imagination is disclosed that is always already presupposed in cognition, but which could not be revealed at the first level of transcendental inquiry: for this insight is a direct consequence of the second part of the B-Deduction of the first *Critique*.

## V. Imagination as the Force of Practical Reason

Kant’s solution to the problem of the actuality of freedom functions analogously: to determine free choice actually, the pure form of law has to be operative at the level of receptivity. Kant elucidates this point in Chapter III of “The Analytic of Pure Practical Reason,” in which he conceives of the subjective actuality of the categorical imperative through the figure of self-affection: the law doubles itself as a force, the pure form of universality as the matter of a singular incentive<sup>33</sup>, which is sensed in the passive part of the will as the

<sup>32</sup> Rado Riha has shown this in *Reale Geschehnisse der Freiheit*, 32–33.

<sup>33</sup> This is Alenka Zupančič’s point in her *Ethics of the Real: Kant, Lacan* (London; New York: Verso, 2000), 143.



feeling of “respect” for the law. This incentive describes an affect composed of a displeasure caused by the rejection of “pathological” interests and which gives rise to a quasi-pleasure beyond the pleasure principle.<sup>34</sup> We can paraphrase Kant’s thought here by saying that practical reason doubles itself as a faculty and a force; in this way, a sort of diremption within the reflexive will is prefigured which unfolds as deliberation, on the one hand, and as the imagination that affects the practical receptivity of the subject, on the other. Not only does the practical law have its actuality, therefore, in the exercise of rational deliberation—which Kant famously formalized in the thought of a test of the universality of maxims—, but, moreover, the subjective actuality of the form of law also lies in the fact that the latter affects the practical sensibility of the subject. Kant’s analysis of the ways in which the principles and maxims of a good will can be deduced from the categorical imperative belongs to the first level of transcendental inquiry. What is at stake at this level is a theoretical reconstruction of the shape that a good (or “holy”) will would have if it were determined completely by the moral law. However, the question of the conditions of the actuality of a categorical imperative at the second level shows that an objective ground of determination must also be a subjective ground of determination (*i.e.*, an incentive) in order to be capable of “influencing” choice by way of a “detour” through sensibility.<sup>35</sup> Yet a law that is effective in the subject as such a force cannot have its actuality in the fact that it “always already” determines the free will.<sup>36</sup> The subjective actuality of the law rather resides in the force and possibility of *disrupting* the “normal” or “natural” functioning of choice—which Kant describes as operating according to the principle of self-love or happiness (the pleasure principle). The moral affect liberates choice from its normal exercise and enables it to perform a “radical” act of freedom.

So how does Kant conceive of the moral affect? According to the second *Critique*, we know *a priori* that the form of law is capable of affecting the passivity of the will.<sup>37</sup> With regard to the practical situation—*e.g.*, the representation of an end or a course of action—, the subject is supposed to be less receptive to the content (or object) of its representation than to its very form—*i.e.*, to its universality.

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<sup>34</sup> See KpV, 5:72–89/198–211, and also Zupančič, *Ethics of the Real*, 140–69.

<sup>35</sup> Cf. MS, 6:218/383, where Kant takes “law” and “incentive” as the necessary elements of any successful “legislation.”

<sup>36</sup> This would result in the shape of a holy will that would be a transcendental fiction at the first level.

<sup>37</sup> See KpV, 5:72/198–99.

But how is this shift of emphasis in receptivity possible? It seems natural to think that the subject must first recognize the lawfulness of its representation—and that this recognition then causes the affect of respect. Yet we might still ask how such a practical judgement could be capable of affecting the power to feel pleasure and displeasure (which is naturally guided by the principle of self-love)—if the recognition of lawfulness implies total indifference to the “pathological” as such. Therefore, we should search for a kind of awareness of lawfulness that is capable of accounting for its subjective actuality as an enabling force—*i.e.*, as an affect. For what distinguishes the form of universality subjectively is not so much the rational insight that a maxim passes the test of universality, but just the fact that it is presented in such a way so that the affect of respect emerges. This subjective effect is therefore an essential moment that enters the constitution of an “unconditioned” willing. The practical self-consciousness according to which the subject knows that the representation of a certain maxim possesses the form of law would not be what it is without this subjective moment of force.

This thought might become more plausible if we remind ourselves of the limited status of Kant’s thesis that the rule of logical consistency suffices as a criterion for universality—namely, in the application of the so-called formula of natural law of the categorical imperative. For this thesis is part of a philosophical programme of foundation—and not so much an account of what actors know or do in acting. At the second level of transcendental inquiry, however, the question of consistency has a different accent. What difference does the categorical imperative make in the two-in-one of *Wille* and *Willkür*? As Hannah Arendt puts it: “Underlying the imperative, ‘Act only on that maxim through which you can at the same time *will* that it should become a universal law,’ is the command ‘Do not contradict yourself.’”<sup>38</sup> And this corresponds exactly to what Kant says: “I ought to act in such a way that it is as though I willed nothing else [*ob ich gleich nichts anderes wollte*].” (GMS, 4:441/89; trans. mod.)<sup>39</sup> No

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<sup>38</sup> Hannah Arendt, *Thinking*, in *The Life of the Mind*, 188.

<sup>39</sup> I modified the translation of the second half of the sentence, which Mary Gregor rendered as “even though I have not willed anything else” (a translation that was emended in the recent revised translation by Jens Timmermann to “even if I did not want anything else”). Even though it is possible to understand the German “*ob*” as an elliptical expression for “*obwohl*” or “*auch wenn*” and hence translate it with “even though” or “even if,” to my mind it is rather to be taken as an elliptical expression for “*als ob*.” Hence, I would suggest the translation given above. For an instructive reading of this line, see Rado Riha, “Handeln, ‘ob ich gleich nichts anderes wollte’: Kants praktische Philosophie als

finite subject acts because of an insight into the universalizability of its maxim, and no finite will is motivated to act because it submitted its maxim to the test of the formula of natural law. Therefore, we have to revisit the subjective actuality of the categorical imperative, that is, the question of how a finite will is capable of willing in such a way that it is “as though it willed nothing else”: an unconditioned will has its actual possibility in the *affect* of lawfulness or, in other words, in the actuality of the pure form of law *qua* force or *self-affection*. On the basis of such a doubling of the form of law as a force, the subject first becomes capable of constructing a practical argument that might verify the universality of its maxim.

The difficulty in Kant’s conception of the moral affect, however, resides in the fact that he does not really demonstrate its quality as a *feeling*. How is it possible “to ensure the essential sensible character of the moral feeling once it is purified of any pathological-empirical element”?<sup>40</sup> Thus, Rado Riha has suggested turning to Kant’s mature conception of sensibility in the third *Critique* in order to make sense of the moral affect *qua* affect. In the following, I will try to sketch out how this could be accomplished in our context.

In order to “double” itself into a force of auto-affection, the pure form of law—which is radically distinguished from any possible object of representation—must take on a “material” quality, since it is essentially the “matter” of objective representation that affects the capacity to feel pleasure and displeasure. As we know from the analytic of the sublime in the third *Critique*, it is the *power of the imagination* alone that could be capable of such a transfiguration—that is, of turning something unrepresentable (like the pure form of law) with “consideration of presentability” (Freud) into something which can be experienced in a (practical) object.<sup>41</sup> By analogy to the pure understanding, which unfolds as transcendental imagination, we could conceive of pure practical reason as being capable of actualizing itself as a practical power of imagination—*i.e.*, of actualizing itself in an alienated manner—so that the practical sensibility of a

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Theorie des subjektivierenden Handelns,” in *Willkür: Freiheit und Gesetz II*, (ed.) Rebentisch and Setton, 29–49.

<sup>40</sup> Riha, *Reale Geschehnisse der Freiheit*, 53; Rado Riha here refers to Louis Guillermit, *L’élucidation critique du jugement de goût selon Kant* (Paris: Éditions du Centre national de la recherche scientifique, 1986), 79–81.

<sup>41</sup> As Sartre has shown, the primary way in which a subject gains consciousness of its affects consists in the activity of productive imagination. See Jean-Paul Sartre, *The Imaginary: A Phenomenological Psychology of the Imagination*, (tr.) J Webber (London, New York: Routledge, 2004), 68–73. We can assume that an affect that materializes the law of a free will is no exception to this.

subject becomes receptive to the pure form of law. Such an activity of imagination would therefore be presupposed by the acts of the power of choice, which forms maxims about a specific course of action with regard to a practical situation: for the point of practical imagination would precisely consist in singling out a certain action-related feature of this situation and *providing it with a peculiar power*. We might think, for example—in keeping with Kant's preference for exemplary existential predicaments<sup>42</sup>—, of emphatic presentations of acts that stand under the threat of a symbolic or real death: the act of burying a dead brother (like Sophocles' *Antigone*), the act of supporting an ambitious stranger (like Ovid's *Medea*), or the sacrifice of a loved person (like Stella Martin in King Vidor's movie, *Stella Dallas*). The power that the imagination gives to these representations does not reside in these acts as objects of representations, for as objects they only arouse aversion; rather, the power lies in the *force* that their very presentation ascribes to them through the imagination—namely, the force of placing other practical aspects of a given situation in the background. This power is connected to a feeling beyond the principle of happiness insofar as it is rooted in a *reflective* judgement that conceives of the presentation of these acts as “subjectively purposive”—as complying with an indefinite practical idea of reason—namely, the idea of a law of a free will. This is the reason why this pleasure-without-pleasure does not correspond to an uninterested delight, for it is dependent on an interest of practical reason: its will to freedom. And since the pure form of law (in which this will of reason resides) leaves open, or indeterminate, *what* such a freedom of the will consists in, the contribution of practical imagination can be characterized as distinguishing emphatically, without guidance by a presupposed conception of the good (*i.e.*, in a *free* fashion), an aspect of a practical situation such that the power of reflective judgement is capable of perceiving this aspect in accordance with the law of a free will. Of course, from the perspective of practical reason, this spontaneity of the imagination is incomprehensible: it cannot be represented as the conclusion of higher premises, and so presents itself only as a “a hidden art in the depths of the human soul.” (KrV, B180)

The point of this joint activity of the powers of imagination and judgement is hence to generate a *universal* and at the same time *singular* incentive<sup>43</sup> that is equivalent to a non-pathological influence

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<sup>42</sup> For instance, see KpV, 5:30/163.

<sup>43</sup> Such an incentive should be conceived by analogy with new interpretations of Kant's theory of enthusiasm. See Jean-François Lyotard, *Enthusiasm: The Kantian*

of the will on itself. For the immediate cause of this incentive does not reside in the represented object (an action), but in the will of the subject itself—namely, in the shape of practical imagination, which presents the object in question such that it can be synthesized with the form of law in reflecting judgement. In other words, this interplay of both powers enables the subject to form a maxim, or a practical syllogism, in which this incentive is represented as the immediate (though formally incomprehensible) consequence of the mere idea of the law of a free will.

## VI. Radical Acts of Choice

Even if this rather speculative attempt to revisit Kant's conception of a moral incentive seems to be at odds with the basic ideas of the *Groundwork* and the *Critique of Practical Reason*, it finds support in the idea of an absolute spontaneity of free choice that Kant develops in Part One of the *Religion* book. The interplay of the practical powers of imagination and reflective judging outlined above describes something that we might call a "radical" act of free choice in the Kantian sense.<sup>44</sup> The task of this last section shall be to offer a provisional sketch of this thought.

As a reminder: we are trying to read Kant's inference of the actuality of freedom from the necessity of acting under the idea of freedom against the grain of the argument presented in the *Groundwork*. The idea of the moral law as the idea of the objective determination of freedom is unable to make this inference intelligible. Practical self-consciousness of one's own freedom should rather be understood as *enabling* the power of choice to form maxims in which the pure form of law is *effective*—i.e., subjectively actual—as the force of an incentive. And therein lies the subjective reality-effect of the consciousness of freedom: in the enabling of choice to be informed and determined by pure practical reason—namely, in such a way that objective necessity and subjective contingency agree in a free manner. This interpretation becomes accessible only at the second level of transcendental inquiry: the actuality of freedom *necessarily includes*

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*Critique of History*, (tr.) G. van den Abbeele (Stanford, CA: Stanford University Press, 2009), 21–42; and also Riha, *Reale Geschehnisse der Freiheit*, 76–94.

<sup>44</sup> The "radicality" of such an act does not signify an "extreme" kind of action. Rather, we should understand it by way of analogy with the expression "radical evil" (REL, 6:32/80): an act of the will is radical insofar as it pertains to "the ground of all maxims" (REL, 6:37/83) and thereby to the entire "disposition [*Gesinnung*]" as the "subjective principle of maxims." (REL, 6:37/84)

the spontaneity of choice; and human freedom manifests a certain paradoxicality in the fact that the universality of will is bound to a subjective ground of determination.

To be capable of realizing this, however, it is important to understand the peculiar “lawlessness” of free choice—its negative freedom from both laws of nature and laws of freedom. Part One of the *Religion* is especially relevant in this regard. There, Kant examines the conclusion a theory of freedom must draw in order to remain committed to two insights: first, that self-consciousness “under the idea of freedom” is constitutive for action of any kind; and, second, that “bad” acts are nevertheless actions and therefore rooted in the responsibility and the freedom of the subject. To remain committed to these insights, and thereby to understand irrational or immoral actions as standing under the idea of freedom, involves tracing them back to reasons (or maxims)—and not to the causality of sensible incentives, which would undermine the exercise of freedom.<sup>45</sup> Kant maintains that no incentives are capable of determining a free will directly; they can become actual, or effective, determinations of the human faculty of desire only to the extent that they have been “*incorporated...into his maxim*” (REL, 6:24/73) by a free act of choice. According to Kant, a concrete subject is fully responsible for its actions only if this condition applies. Now, it is decisive to understand that the inner force of the human will resides in precisely this act of choice that adopts (or “incorporates”) an incentive into a maxim: for through this very act, a maxim becomes a practical representation that can operate as the cause of the actuality of its object.

But how should we understand this “incorporation” of incentives into maxims? What kind of act are we dealing with? Kant conceives of the exercise of choice as the activity of a practical power of judgement; in its activity, the practical force of a maxim is generated in such a way that an incentive is represented as being “incorporated” into it. In substance, Kant’s portrayal of this act of choice corresponds to Aristotle’s conception of the practical syllogism: by inferentially connecting an affective perception of a situation (an incentive) and a general judgement (a maxim), a practical reason is actualized. According to Kant, however, these acts of choice require (normative) determination, which is achieved by reference to another reason—that is, ultimately by reference to an already existing order of reasons that accounts for the determinateness of acts of incorporating incentives into maxims. Thus, judgements of *Willkür* depend upon an order of practical reason—*i.e.*, an order of *Wille* in

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<sup>45</sup> See REL, 6:23–24/73.

its narrow meaning. At the second level of transcendental inquiry, though, we discover that this order of reasons or of the will itself depends upon acts of choice. Why is this so? If we understand Kant's dictum that choice stands under the idea of freedom on the basis of this second standpoint, then the dictum simply says that the practical subject is responsible for the reasons it acts upon—while we must notice that the responsibility in question primarily relates to the very efficacy of these reasons—*i.e.*, *that* the subject in fact acts (or acted) upon them.<sup>46</sup> In other words, we are talking about the practical force that accompanies the subject's reasons (or judgements) by "applying" them in a free act of choice. Hence, with regard to the constitution of such a practical force, the exercise of choice needs both an order of reasons and (a disorder of) incentives. To be subjectively effective and actual, then, choice requires such a double orientation. But since it is dependent on *both*, it cannot be determined *directly or solely* by only one of them—which is why it must be characterized as being slightly *distanced* from the order of its will as well as from its incentives. And this generates the singular and seemingly paradoxical form of its act: in composing a syllogistic reason and thereby referring both to affective perceptions and to reasons, choice retains a moment of *indeterminateness*, as it were. Such indeterminacy describes the irreducible moment of subjective contingency that must be implicit in every true act of freedom. And since this contingency characteristic of subjective responsibility essentially belongs to the self-consciousness of freedom, Kant argues that a free act of choice refers to another reason only insofar as the subject implicitly understands this reason as having been adopted freely—namely, by way of another act of synthesizing spontaneously receptive and spontaneous determinations: the act of "incorporating" an incentive into a maxim.

However, this argument apparently leads into a circle—namely, the circle of self-determination that expresses the paradox of autonomy in the Kantian idiom.<sup>47</sup> Kant asks for the "subjective ground...of the exercise" (REL, 6:21/70) of the freedom of choice that guides its activity—*i.e.*, for "the first subjective ground of the adoption" (REL, 6:21/71 n.) of maxims. "But this subjective ground must, in turn,

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<sup>46</sup> This is why the subject is not responsible in the sense of being a "creator" of reasons. For what is at stake here is not so much their normative validity but their subjective force: it is the subject itself that provides its reasons with practical force (by making these reasons *its own* reasons and thereby choosing actions according to them).

<sup>47</sup> See GMS, 4:450/97–98.



itself always be a deed [*Actus*] of freedom (for otherwise the use or abuse of the human being's power of choice...could not be imputed to him...)” (REL, 6:21/70) Hence, we can pursue this question of the subjective ground of adopting maxims *ad infinitum*, insofar as every ground of adoption refers to another act of free choice, etc. Now, how does Kant go about finding a way out of this conundrum? Surprisingly, instead of searching for a disruption of the circle, he derives from it the very *inscrutability* of free choice—*i.e.*, a first and groundless act of freedom.<sup>48</sup> For Kant, this consequence appears as necessary since it is based on the practical self-consciousness that implicitly accompanies acts of choice: for a practical subject, the order of its will is its own insofar as it is capable of maintaining it as *freely chosen*.

Correspondingly, Kant conceives of such a “radical”—first and groundless—act of freedom as the foundation of an entire order of maxims—that is, as the appropriation of a supreme principle of practical judging.<sup>49</sup> At the second level of transcendental analysis, then, such an organizing principle does not have the status of a fact of reason, which always already characterizes the nature of the free will; rather, Kant identifies its adoption with “a *revolution* in the disposition [*Gesinnung*] of the human being.” (REL, 6:47/92) Only in this way are we able to explain Kant's impressive reaction to the problem of an “excessive” freedom of choice—due to its very moment of indeterminacy, or contingency—as expressed in the claim that a first and groundless act of freedom is an actual possibility for choice not in the sense of a presupposed beginning of an order of reasons, but *only as a repetition* of such a beginning.<sup>50</sup> A revolution of this kind certainly cannot be grasped as an act of determining judgement; rather, we are concerned with an act of the *reflective* power of judgement, which judges without a presupposed rule (without a presupposed ground)—, and which is precisely therefore dependent upon practical imagination. Against this background, then, we are in a position to identify the “radical” activity of free

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<sup>48</sup> See REL, 6:21/71.

<sup>49</sup> See REL, 6:36/82–83.

<sup>50</sup> Our reformulation of Kant's claim is of course not quite correct. In Part One of the *Religion*, Kant is actually concerned about the idea that man is (radically) evil by nature. However, this idea is hardly comprehensible. For what is at stake is an evil nature that man (not as an individual, but) as a species always already brought upon himself in an act of free choice. (Cf. REL, 6:26–39/74–85) But as soon as Kant starts to think how it is possible that a human being (not regarded as a species anymore but as an individual subject) could be in the position to acquire a moral disposition on such a basis, he phrases the claim of the iterability of a first and groundless act of freedom. (Cf. REL, 6:44–52/89–96)

choice with those reflective judgements that show that a certain presentation of the practical imagination stands in free compliance with the indefinite idea of the law of a free will. The auto-affective production of a moral affect that we understood as a pre-conscious or pre-reflexive actualization of practical reason, then, corresponds to the moment in which the will enables its choice to repeat a radical act of freedom. Since this constitutes a new “influence” of the will on itself, it disrupts the established determinateness of the practical subject—and makes choice capable of relating its order of reasons to a new foundation: by “incorporating” this influence into a maxim and forcing a reorganization of the space of reasons. In essence, what happens in such a radical act is the subjective becoming-actual and becoming-effective of a renewed practical capacity. (Such an act may of course require further differentiation and modification—*i.e.*, the work of retrospectively justifying one’s radical act of choice.)

In this context, it is astonishing how Kant describes the temporality of this revolutionary act. Initially he claims that the repetition of the inscrutable first act of freedom does not happen in time.<sup>51</sup> It cannot be made accessible for self-observation; on the contrary, it resides only within practical self-consciousness. But how should we conceive of this self-consciousness? It seems wrong to identify it with reflexive consciousness—*i.e.*, with the capacity to apprehend and evaluate inclinations, incentives, or wishes. Reflexive consciousness is rooted in an organized “space” of practical reasons (a “conception of how one wants to live”) that the subject already acknowledges. And insofar as the subject knows of this order practically, it is capable of deliberation. However, a revolution in one’s practical way of thinking is only possible if the force or subjective efficacy of this order of reasons suffers a disruption; and this happens necessarily—according to Kant’s arguments at the second level of transcendental inquiry—by way of auto-affection: through a singular and at the same time universal incentive that strips the will of the subject and *makes it determinable* anew. For this reason, it is structurally impossible for the reflexive subject to casually adopt the “position” of a radical act of choice, from which standpoint a radical act of freedom would be possible—precisely because there is no way for the subject to stand outside its order of reasons without sabotaging its reflexive self-consciousness.

With regard to this point, we should recall Kant’s remark that a radical act of choice does not happen in time. However, it is a question not of “noumenal” timelessness, but of a quasi-transcendental

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<sup>51</sup> See REL, 6:25/74.

*pre-timeliness* according to which a first act of free choice always already forestalls the exercise of deliberative reason. This does not mean that such an act would be independent from time (for it is internally connected to practical auto-affection that is always a moment in time and from which the incentive arises). Rather, the repetition of a first act of choice is *pre-timely* in the sense that the deliberative subject is inevitably deferred with regard to its advent. This is also why Kant takes up the analogy of “nature” to describe the relation between the reflexive will and its radical act of free choice: although the result of an act of freedom, the choice “appears” to the self-conscious subject as a natural determination of its will that is essentially deprived of rational reconstruction before the fact.<sup>52</sup> So what is at stake here is a self-consciousness that has a *pre-reflexive* character. The subject knows, on the basis of its own radical act of choice, that it attributes the “nature” of its practical identity to itself and feels responsible for it. Its practical self-consciousness, according to which it stands under the idea of freedom, relates the subject to an inscrutable act of choice whereby it knows its will as its own. A transcendental act of freedom could thus be described in terms of what Derrida calls an “impossible possibility”<sup>53</sup>: such acts are possible for the (practical) subject insofar as they are impossible for the (deliberative) subject. Therein resides the paradox of autonomy: autonomy rests upon an act of freedom (an act of choice that subjectivizes without being the act of an already constituted subject) accessible to the subject only retrospectively.

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<sup>52</sup> See REL, 6:20–21/70–71; 6:25/74.

<sup>53</sup> See Jacques Derrida, “A Certain Impossible Possibility of Saying the Event,” in *The Late Derrida*, (ed.) W. J. T. Mitchell and A. I. Davidson (Chicago: The University of Chicago Press, 2007), especially 226–27; 230–33; 235–37.