

FREEDOM: ON THE CONCEPT AND THE REALITY OF HUMAN AUTONOMY

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I. FREEDOM AS A BASIC CONCEPT IN PRACTICAL PHILOSOPHY

1.1. Introductory remarks

In the first paragraph of my paper I will discuss some aspects of the concept of freedom as a basic concept in practical philosophy. With the term 'practical philosophy' I refer to the part of philosophy which is dealing with the human as an 'acting being' in a proper sense. Additionally it is important to introduce the reflections in practical philosophy from the perspective of 'us' as the actors, that means from our experiences as acting beings. While we are acting we are somehow interacting and sometimes even co-operating with other actors like us. This is the way how Aristotle at first distinguished methodologically practical from theoretical philosophy.¹ In my introduction into 'Ethics'² I explained why this point of departure is necessary for the practical disciplines in philosophy like ethics or political philosophy. But in difference to Aristotle we have to refer, from the very beginnings of practical philosophy, to a 'intersubjective reality' of us as inter-actors, that means as beings who are necessarily and always mediated in our actions which other reasonable actors. This holds true even if a special human interaction is a 'limited one' in following a pure 'strategic' calculation of

¹ Cf. Aristotle, *Nicomachian Ethics*, Book 1, 1094 a 1 ff. and Book 6, 1138 b 20 ff.

² Matthias Lutz-Bachmann, *Grundkurs Philosophie Band 7: Ethik* (Stuttgart: Reclam Verlag, 2013), pp. 13-26.

others without the entire elements which have been analyzed in modern discourse-ethics as the unavoidable ‘consensus’-oriented structures of human inter-action.³

In analyzing human action in that way, practical philosophy is dealing with the condition of human acting which we might call ‘free action’, introduced from the so-called first and second persons-perspective. This is true because we experience as actors our own acting and vice-versa the acting of all the other actors as somehow ‘self-determined’ or ‘self-defined’ if we are not totally obedient to someone else. That experience seems to differ from some of the ongoing debates in theoretical philosophy today, especially in the philosophy of mind. That is why I will shortly refer to this discussion in asking whether or not the framework of theoretical philosophy does allow us to assert that there is something like the reality of ‘human freedom’ in the outer physical world which cannot be denied in the name of scientific knowledge. I will point shortly to the so-called ‘compatibilist’ position which accepts the ‘theoretical’ possibility of something like ‘human freedom’ as human ‘self-determination’.

This debate is not an invention of modern philosophy. We can find an evident analogy to this current debate in the philosophy of Immanuel Kant who accepted in his first ‘Critique’ (the ‘Critique of Pure (Theoretical) Reason’), the idea of human freedom as a necessary concept of reason even if according to the premises of the ‘Physics’ of his days something like ‘freedom’ was not understood as an empirically secured ‘appearance’ in the outer physical world.⁴ Nevertheless argued Kant in his second ‘Critique’, the ‘Critique of Practical Reason’ that from the prospective of practical argumentation – that means as I have already explained from the prospective of ‘us’ as inter-actors who are necessarily raising questions like whether or not a certain way of acting is *morally* right or wrong – we cannot avoid to presuppose reasonably the practical ‘reality’ of human freedom.⁵ But this debate is even much older than Kant’s discussion with David Hume and other philosophers following the principles of Newton’s ‘Physics’ in the 18th century, it has its background in the late antiquity. I mean Augustine’s controversy with Cicero and

³ Cf. Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge, MA: MIT Press, 1990). For the status of consensus-orientation of discourse-ethics see e.g. William Rehg, *Insight and Solidarity. The Discourse ethics of Jürgen Habermas* (Berkeley and Los Angeles: University of California Press, 1994), Chap. III, pp. 56-83.

⁴ Cf. Kant, *Critique of Pure Reason*, Akademie-Ausgabe III, 362 ff.

⁵ Cf. Kant, *Critique of Practical Reason*, Akademie-Ausgabe V, 103 ff.

the Stoic tradition in 'De civitate Dei',⁶ where we find something like a first philosophical debate on the theoretical possibility of human freedom (here: 'freedom of the will') under the conditions of a strict necessity and causality in the outer physical world: a necessity which is drawn from either an inescapable 'fate' or an idea of cosmological determinism which is the case in Cicero and the tradition of Stoic philosophy or from the premise of God's 'foreknowledge' and 'omnipotence' in the case of both some of the pagan ancient philosophers as well as the Christian thinkers. It is interesting to see that even Augustine's discourse is not looking for a pure theoretical solution for this problem even if it is true that he is pointing at the theoretical self-contradictions of the positions of Cicero and the Stoics.⁷ For the philosophical solution of the problem how human freedom can be stated under the epistemological condition of a presupposed strict necessity in the physical world Augustine is aiming at a practical outcome meditated through the insight that a theoretical negation of the free will is leading the speculative thinking into unavoidable self-contradictions. (Here it is not the right place to refer to that very complex discussion in the history of thought which laid the ground for almost endless disputes in medieval schools of theology and philosophy).

1.2. Dimensions of human freedom as a 'practical concept'

Concerning the concept of 'action' in practical philosophy I suggest a first distinction between, on the one hand, actions that are determined externally or even compelled from the outside, that is, actions that are in the basic sense not free and, on the other hand, actions whose source could be traced to us. This is not to say that every action that is not completely compelled from the outside is free in an unlimited sense. That applies probably to only a few actions because actions occur in predetermined situations, that is, in circumstances which we cannot determine or change and as such can only react to in an appropriate manner. This also applies to our co-operation partner whose intentions and strategies we factor into our own actions. This way, we experience

⁶ Cf. Augustine, *De civitate Dei*, V, 8-11, ed. B. Dombart/A. Kalb CCSL 47 (Turnhout: Brepols Publ., 1955).

⁷ Cf. Eleonore Stump, 'Augustine and the Free Will', in *The Cambridge Companion to Augustine*, ed. by E. Stump & N. Kretzmann (Cambridge: Cambridge University Press, 2001), pp. 124-147.

ourselves as agents which are always defined and conditioned by certain constraints which we did not chose and which we aren't able to change in a short time. On the other hand, however, when we are not completely constrained or compelled, we know that outside the sphere of external influence, we act in accordance with our own chosen ends and means and we can thereby follow our intentions, plans, motivation and convictions. In this connection, we can speak of our freedom at the threshold of our practical experience.

The interpretation of this experience has led practical philosophy to the distinction between two forms or aspects of freedom: the 'negative freedom' and the 'positive freedom.' 'Negative freedom' manifests itself therein that an action is carried out to a certain extent without external influences or even physical interference. To this end, we define negative freedom as the absence of constraints to actions emanating from other actors. 'Positive freedom' manifests itself therein that, in what an agent does, his conviction, for example the rightness of reasons, follows his self-chosen intentions and plans. The concept of self-legislation or 'auto-nomy' which is central to ethics, although not first influenced by Kant, presents the only possible way by which the idea of a positive and self-determining freedom could be articulated. That means that the semantics of the concept of freedom is somehow larger than the concept of autonomy. Like I will show in the second part of my paper we can define 'autonomy', at least with regard to Kant, as a specific state of *reality* of freedom. With this way of reading practical freedom, we touch on further aspects of the concept of freedom which, in relation to Kant, could be differentiated by means of the concept of freedom of action and freedom of the will.

Through the concept of the freedom of the will in the sense of a negative freedom of an actor from the will of others or freedom from internal compulsion ('hetero-nomy'), we can distinguish the concept of '*arbitrary freedom*' (in Kant: 'Willkürfreiheit') which limits itself to the bounded scope of possible choice between many courses of action or predetermined goals of action. While the concept of 'freedom of action' refers to the capacity of the agent to initiate activities which in the real sense are external activities, the concept of the 'freedom of the will' presupposes the thought of an external being-in-action and a conceptually differentiated capacity of the subject of the will towards internal self-determination by choice and by modification of his/her action plans, intentions, maxims and preferences.

In this history of philosophical ethics, we find an in-depth conception of a positive freedom in the person of Socrates. His idea of freedom peaks therein that he does not offer any resistance to the compulsion of external laws and, by that means, against the compulsion of the state by resisting the unjust verdict through external action to absolve himself, for instance by fleeing, but rather that he demonstrated in a morally practical sense the paradox of his freedom by voluntarily accepting the externally imposed unjust death sentence. In this presentation of Plato we can identify the reality of positive freedom even in the face of an extremely limited negative freedom. Socrates documents in his action a reality of the freedom of the will which reaches far beyond arbitrariness. He presents himself to us as an acting agent who determines himself as a free moral being. The drama of this proof is encapsulated in the fact that he can only be a free moral being by liquidating his physical-natural being through the suicide which was ordered by the authorities of the state.

This example also shows that Socrates' freedom was so extremely constrained by the social-political situation to the extent that we cannot talk of finding in his action a situation of negative freedom, that is, an action carried out without external compulsion even when the external compulsion was not organized in a way that left Socrates no other choice. And in the sense of recent political philosophy, we can say that the freedom of the will demonstrated by Socrates does not contain within it freedom in the sense of external independence from the arbitrariness of others.⁸

The ethics of Aristotle presupposes a concept of practical freedom in the analysis of human actions even if one has to admit that unlike modern ethics Aristotle's ethics is not construed on the basis of a concept of freedom nor on autonomy. Freedom is presented by him implicitly as something like freedom of action in the sense of freedom of choice or freedom from arbitrariness. According to him we are free to develop the virtues of our character which might help us to become morally good human beings and living a good life. In this way, Aristotle does not orient himself towards the concept of freedom as 'autonomy', but rather towards freedom as 'autarchy' or *self-sufficiency* which means towards the quest

⁸ The idea of freedom as 'non-domination' is important for the theory of Philipp Pettit. Cf. e.g. Philipp Pettit, *Republicanism. A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997).

for *self-preservation* in the natural striving of the human actor towards his/her aims like the fulfilment of one's needs and desires. In the tradition of Stoic philosophy the question of human freedom is contradictorily addressed. Here we can identify on the one hand a speculative theory of cosmological determinism which sees everything that happens within the cosmic order as predetermined by eternal laws (in Greek: 'logoi', in Latin: 'leges') which constitutes for good or bad conditions our fate which we cannot avoid. On the other hand Stoic philosophers propagate in their ethics a principle of virtue ethics that stands in opposition to the blind course of fate according to which only those who preserve their internal autarchy in faithfulness to necessarily formulated moral responsibility act morally correctly (cf. Seneca, Marc Aurelius). It is instructing that for this ethical view, a balance of indeterminacy (or of negative freedom) must be presupposed because without it, we would not have any possibility of choice.

Mediated through the theory of freedom of the will by Augustine (he speaks of a true 'liberum arbitrium')⁹ through the discovery of the *internally human will* and later by the invention of the *intention* of each and all actions in Peter Abelard's writings¹⁰ as well as through the theory of morality and the authority of *individual conscience* in Thomas Aquinas (he speaks of a so-called double aspects of conscience, the 'synderesis' designated practical reason und the separate or single conscientious judgement of the 'con-scientia'),¹¹ it has been – among others like Francesco di Vitoria¹² – Immanuel Kant who is grounding a *theory of human freedom* which has at its centre the concept of *autonomy* of a free acting subject which is morally good only if his/her will is determined through the *self-legislation* of the practical reason.¹³

A close reading of Kant reveals however that this practical theory of the autonomy of the will is confronted in Kant's theoretical philosophy with the argument that in the physical world of appearances, there is

⁹ Augustine, *De libero arbitrio*, ed. W. M. Green, CCSL 29 (Turnhout: Brepols Publ., 1970).

¹⁰ Cf. Peter Abelard, 'Scito te ipsum', see: Peter Abelard's *Ethics*, ed. and transl. by D. E. Luscombe (Oxford: Clarendon Press, 1971).

¹¹ Cf. Thomas Aquinas, S.th. I, q.79, a.12 ff.; I-II, q. 104, a. 1.

¹² Cf. Anselm Spindler, *Die Theorie des natürlichen Gesetzes bei Francisco de Vitoria, Politische Philosophie und Rechtslehre des Mittelalters und der Neuzeit II*, 6 (Stuttgart: Frommann-Holzboog Verlag, 2015).

¹³ Kant, *Groundwork for the Metaphysics of Morals*, Akademie-Ausgabe IV, 393.

no place for that philosophical ‘idea’ of freedom – in accordance with the Newtonian physics. This situation made it imperative for Kant to limit, on the one hand, the talk about freedom of human beings to the arena of the knowledge of practical reason and, on the other hand, to circumscribe it in the sphere of a world of physicalistic appearance thought of as thoroughly predetermined, to the limited proposition that freedom refers to the capacity of ‘beginning a condition by oneself’.¹⁴

This finding indicates that theoretical philosophy systematically encounters a problem regarding the concept of freedom in the context of law and experiential concept of modern science which cannot be probably solved by adopting the empirical paradigm of research in the natural sciences. It must be treated more comprehensively, as is possible here – for instance in view of the methodological premises of descriptively oriented theoretical philosophy. Hereby I mean a point of view which is avoiding to accept and to integrate the first and second person’s perspective into its epistemological approach.

1.3. *The ‘theoretical approval’ of human freedom*

I would have to limit myself to the following in a rather *meta-ethical* perspective: the theory of the freedom of the will in theoretical philosophy in contemporary time, like for instance in the philosophy of mind, is one of the most controversial questions. Here, the disagreement oscillates, when simplified, between compatibilism which proposes that the endorsement of a practical freedom of human beings can be reconciled with the endorsement of a universal causality – which is definitely controversial in physics – or the predetermination of every occurrence in the world by the law of nature; and incompatibilism which disagrees with exactly this proposition. Some incompatibilists defend the view which proposes that to save the theoretical possibility of freedom, the theory of the universal causal or natural determinism of every occurrence must be denied (this enables chance as a space for freedom). Other incompatibilists however arrive at exactly the opposite conclusion by maintaining that the theoretical endorsement of freedom in the face of natural causality is impossible (that is the position of the so-called impossibilism). The problem of the incompatibilist position consists in the fact that to negate a universalist causal determination on

¹⁴ Kant, *Critique of Pure Reason*, *ibid.* III, 363.

a general level doesn't support the concept of freedom but of chance or coincide in the name of an unclear metaphysical indeterminism.

These debates in theoretical philosophy today suffer from some problematic misunderstandings and some reductionisms which cannot be comprehensively discussed here. In this context, I would like to point at four more general philosophical problems: First we are confronted in these debates with a problem of – at least as defended by a few protagonists – quasi worldview *naturalism* which arises from unexamined philosophical as well as unproved scientific axioms. This is obviously unsatisfactory in the light of general reasonable arguments and not only from a philosophical point of view. Second we can point at the methodological problem which consists in the fact that some protagonists claim the request to answer philosophical questions abruptly by means of the procedure and results of *empirical natural sciences*. It is obvious that such epistemological transfer from the neurosciences to philosophical debates will never contain appropriate arguments for a reflexive and comprehensive philosophical theory of knowledge. Third it strikes one that internal philosophical questions of *ontology* are being solved through contributions of a *philosophy of mind* which does not seem plausible for diverse reasons since it indicates an inner-philosophical reductionism. In these debates, there is very serious need for clarifications, especially but not only, from methodological perspective. Fourth it should be finally pointed out that a sophisticated concept of freedom does not have to be contaminated with the concept of 'chance' or 'coincide' because the two of them, the concept of 'freedom' in the above mentioned meaning as a basic condition of human acting on the one hand and 'chance' as a 'fact' or a 'phenomenon' in a causally closed world on the other hand relate to totally different topics which should not be confused.

In order to refer to the three positions I mentioned before, the 'compatibilist', the 'incompatibilist' and the 'impossibilist' position, I can assume that at least a number of compatibilists and some of the incompatibilists – as long as they do not on their path appropriate the natural science axiom of a universal natural law determinism of the world of appearance so as to deny like the impossibilists, basically and in theoretical perspective the possibility of human freedom of action – are in agreement that a weak reading of freedom of action could be thought about and defended, even when it is done by means of very different arguments. This concept of freedom operates under the label of 'freedom as self-regulation' ('Freiheit als Selbstbestimmung') or alternatively

'freedom as self-determination' ('Freiheit als Selbstdetermination') in contemporary debates. We must in this context still nonetheless differentiate this interpretation of freedom from Kant's practical concept of freedom as autonomy or freedom of the will.

It appears – the in the real sense inconclusive controversy in theoretical philosophy notwithstanding – that against the background of these debates, the concept of freedom as self-determination could be taken to be capable of finding consensus, at least in a theoretically weak reading. This takes into cognizance the two aspects of freedom which we have mentioned with regard to human action, namely, the positive and negative aspects. This is the case because the concept of freedom as self-determination, or rather, self-regulation, defines freedom on the one hand by means of the absence of external influence or compulsion which is observable from a third person perspective. On the other hand, it qualifies the action as an occurrence which is factually positively determined by the actor as the causal originator in accordance with his action plan ('Handlungsplan'), his expressed reasons as well as his articulated intentions. In that sense the fact of an action could be understood as something which is caused by the actor and which could be traced back to him as the causal agent purely from the theoretical third person observer's perspective. For a practical perspective of philosophy this would not yet be a sufficient understanding of freedom, namely from the actor's perspective and his/her partners of cooperation. It is here where the more comprehensive perspective of intersubjectivity comes into consideration reflecting the proper meaning of human action as an intersubjective practice.

The compatibilist position which in theoretical perspective defends an ontology of occurrences of universal causal determination could be deduced from the understanding that the theoretical position of indeterminism does not bring any advantage for the endorsement of the concept of freedom as self-determination or self-regulation. Indeterminism substitutes the theoretically presumed closed determinism with the presumption that instead of a universal causality, chance is what is operational. From this presumption there is no direct way leading to a theoretical rehabilitation of a concept of free action in any sophisticated sense. That is why the proponents of compatibilism accuse incompatibilists that it is first of all through the theoretical position of a causally closed, pre-determined world occurrences, that philosophically the possibility could be imagined that in exactly this physicalistic world

an actor determines quasi him/herself in his/her actions. For proponents of compatibilism, actions are results of practical willing of preferences and goals of actions of the agents whose intention and preferences are to be understood theoretically as causally active determiners of the action even when, besides the preferences and intention of the acting subject, other factors which can never be ascertained from an observer perspective, condition the external action. But this makes not reversible, on the one hand, the ontological understanding of the action totally determined causally, partly by the acting agent himself and partly due to other factors. On the other hand, freedom should be understood in this framework as a way of self-determination, as a sort of causal self-influence. In doing this, it must be conceded in keeping with the conviction of compatibilism that only an incomplete knowledge of all causally active antecedent conditions of actions can be ascertained. Freedom in the sense of self-determination of actions is totally a part of the cause of actions in this understanding of causal determinism of actions.

For the status and content of the concept of freedom, it is important to note that the compatibilists as proponents of a physicalistic determinism as well as the proponents of indeterminism agree in a weak concept of freedom as self-determination, although the debate in theoretical philosophy about the possibility and reality of freedom does not arrive at any satisfactory conclusion. It is above all important to note that the concept of self-determination is given here a reading which, in the main, must be differentiated from Kant's concept of practical reason and his freedom of the will.

While Kant takes the non-empirical background, that is, in his language about the intelligible character of human beings morally acting persons – a perspective which, in accordance with our understanding of ethics, could be comprehended only from the perspective of the participating observer of an acting subject concerned about the moral rightness of his actions – the position defended by the compatibilists regarding freedom as self-determination which we have described here focuses on the extension of the theoretical observer's third person perspective. Within that perspective it should be verifiable externally that an actor is the cause of his/her own actions. This obtains in accordance with the methodical prerequisite of such a description when first the actor/agent in question does not act under external influence or compulsion (this should redeem the negative aspect of freedom)

and second when his action plans, wishes or intentions, like mediating instruments or partial causes, become the causal determination of his actions (this should redeem the positive aspect of freedom).

This version of freedom makes it possible to think of a constructive relationship of action execution, the acting agent and his action plan, even within a theory of a causally closed world of pure physical occurrences. But then, one can object that the concept of freedom as self-determination remains methodically closed for the ethical question regarding the morally right central access to the perspective of the actor/agent in the first or second person. One can thus regard this version of the concept of freedom as a theoretically 'weak' theory of freedom in the context of a physicalistic oriented ontology for which – as much as I can tell – there is no compelling philosophical argument. This ontology is neither proven nor likely or probable. But nevertheless, from a moral point of view we can conclude that this ontology (even if unlikely) does not oppose the practical idea of freedom at all nor one can claim the emptiness of a more substantive concept of freedom which goes beyond the elements of causal agency and self-determination.

II. THE REALITY OF FREEDOM AND ITS PHILOSOPHICAL IMPLICATIONS

2.1. Freedom and autonomy: Reflections about an often neglected difference

In the first part of my paper the focus of my interest was directed at the different perspectives of theoretical and practical philosophy concerning the question how to understand basically the *concept* of human freedom and its *possibility*. In reference to the ongoing discussions within philosophy we could state that a minimal concept of negative and positive freedom, understood as a missing of outer compulsion and as a kind of self-determination, is in a certain way agreed by almost all disputing parties (with the exemption of the so-called 'impossibilists'). I argued in addition to this statement that the semantic meaning of the more or less agreed concept of freedom is different concerning the different perspectives of theoretical and practical approaches. In the following second section of my paper I will focus now on the philosophical implications of the understanding of 'freedom' in practical philosophy because it is obvious that only from the perspective of the first and second person's view we may expect an appropriate or at least a more

comprehensive account of what is human freedom about: ‘Human freedom’ interpreted from the experiences of ‘us’ as beings who cannot avoid to interact permanently with others like us while living our life.

In the centre of Immanuel Kant’s practical philosophy we find the philosophical statement of the practical *reality* of human freedom. That means not only that we cannot start to discuss problems of morals or politics if we do not presuppose a state of ontological reality of both: negative freedom *as well as* positive freedom. But additionally we cannot even conceive and describe ‘human acting’ as such if we do not understand ourselves as the ‘free authors’ of our own acting. That does include that the questions concerning ‘intentionality’, the conceptual difference between ‘goals’ and ‘means’, and the idea of a ‘plan’ behind single human acting – these and many other concepts we are accustomed to apply to human behaviour, language and action presuppose the implicit affirmation of human freedom. Here in Kant’s philosophy we learn about the difference between the ‘*concept of freedom*’ and the ‘*concept of autonomy*’. This difference is often ignored with misleading consequences not only with reference to a correct interpretation of Kant’s texts but also to an appropriate understanding of the status of the reality of freedom. Concerning Kant the ‘*concept of freedom*’ is a ‘necessary postulate’ of reason in theoretical philosophy or, in Kant’s words, it is an ‘idea of reason’ which the faculty of human understanding is forced to accept as a reasonable postulate,¹⁵ while practical philosophy is starting with the basic experience of us as practical acting beings.¹⁶ That means that we as actors already know that we are acting free if there are no outer restrictions for our actions, if there is negative freedom. Kant’s practical philosophy is starting from the experience of the reality of freedom. And without this there would be no proper practical philosophy even thinkable. On the other hand does the ‘*concept of autonomy*’ explain how to execute human freedom in a morally correct way. Kant’s answer to that question is referring to the ‘reality of pure practical reason’ (‘*Faktum der Vernunft*’)¹⁷ in us and the necessity to focus all our practical interests on the normative force of ‘pure practical reasoning’, that means to let our practical will be determined by nothing else than our practical reason as its deciding factor: human practical reason giving the human by his/

¹⁵ Kant, *Critique of Pure Reason*, *ibid.* III, 366 ff.

¹⁶ Kant, *Critique of Practical Reason*, *ibid.* V, 19 ff.

¹⁷ *Ibid.* V, 31.

her proper authority alone (*'autonomously'*) the rules for her/his moral acting ('the norms' or 'laws', in Greek: *'nomoi'*). Only insofar as this constellation is *realized* Kant is talking about *'human autonomy'*.¹⁸

We can therefore conclude that the concept of autonomy is part of Kant's answer concerning the specific problem of morality, while the reality of freedom is already presupposed as essential for human practice at all. It has its general function to explain the specific character of human acting in difference from other occurrences in the world. We therefore can learn that the meaning of the term 'autonomy' does not simply coincide with the concept of 'freedom' in Kant, but the concept of 'autonomy' indicates the two specific dimensions: first the *reality of freedom* (in the above defined double meaning of negative freedom as 'non-domination' and the positive understanding of freedom as 'self-determination') and second *the reality of the effective moral orientation* of a human actor. Therefore the concept of 'autonomy' in Kant is not only pointing at the reality of moral freedom in us but does articulate that nothing else than 'reason' in its practical application, that means human reason concerning our specific *moral* acting and its principals. Reason is thought to be the only source of insight for morally correct acting. As a measure for moral orientation or a proof whether or not 'we' as human individuals are defined by pure reason alone in our moral orientation Kant offers the regulation by the so-called 'categorical imperative' and its rule of generalization concerning the maxims of our acting. Within the philosophical debates this argument of Kant was often criticized as a pure *formalist* criterion for ethically correct behaviour and acting. But a more comprehensive reading of Kant's texts allows to acknowledge that we can identify in the Kant systematic 'Metaphysics of Morals' are much more versions of the categorical imperative. Even in the earliest version of the 'categorical imperative' in the 'Groundwork for the Metaphysics of Morals' we are confronted with the Kant's postulate that we should never act in a way that we treat a human as a pure instrument. This postulate is thought to be a version of Kant's 'categorical imperative' and it seems to me that this postulate is one of the prominent and important formulas of Kant's 'categorical imperative'. The prohibition of a pure instrumental treatment of other humans does content not only a pure formal but a *material* dimension of Kant's concept of morality insofar as Kant's argument is referring to the concept of human dignity and

¹⁸ Ibid., V. 33.

the statement that the human is an 'end in itself'. This formula of the 'categorical imperative' is obviously stating a universal, but substantive and *material*, although *negative* criterion for morality. In my above mentioned introduction into philosophical ethics I argued that it is this aspect which does allow to refer Kant's ethics today to a concept of basic and universal, 'negative' or 'prohibiting' human rights.¹⁹

2.2. 'Real freedom' and its conditions concerning human practice

On this background of a first clearance of the basic concepts in Kant's contribution to the questions concerning human freedom and moral autonomy I would like to refer now to the question how to develop a deeper understanding of the reality of human freedom in general. In this final part of my paper my considerations are obviously inspired by Herman Krings. In his essay 'Freiheit. Ein Versuch Gott zu denken'²⁰ we can find the suggestion first to widen the Kantian analysis of freedom into an intersubjective concept and second to take into consideration that the way how we realize the intersubjective structure of our freedom together with all the others is always in various ways qualified as a relative, contingent or even limited form of freedom. The insight in the 'relative' or 'contingent' way how we realize freedom in our practice does lead Hermann Krings to the postulate of a 'not relative' or 'not contingent' manner how freedom might be realized. This idea of a not contingent way to realize freedom enables us to reflect about the possibility of an 'infinite subject' of freedom by which the finite versions of freedom we are representing in our human practice are ultimately made possible.

As I have already shown in my previous argumentation the concept of practical freedom is not only an element of an ethical reflection but expresses more comprehensively 'the condition of being human as such'.²¹ In the approach of Herman Krings, the practical concept of freedom takes the center stage in a philosophical anthropology which conceives the whole of humanity as rational beings capable of morality. From this

¹⁹ Ibid., p.87.

²⁰ Hermann Krings, 'Freiheit. Ein Versuch Gott zu denken', in *Krings, System und Freiheit* (München/Freiburg: Alber Verlag, 1980), pp. 161-184. The translation of all texts of Hermann Krings quoted in this article are mine.

²¹ Cf. Hermann Krings, Art. Gott, in *Handbuch philosophischer Grundbegriffe* (München: Kösel Verlag, 1973), Band III, pp. 614-641 (p. 634).

background, Herman Krings develops his extended analysis of freedom as 'autonomy' or 'self-determination'. Understood in this fundamental sense, the proposition that human beings autonomously determine themselves is, at least from a logical point of view, in a *contrary* opposition to external 'determination' (heteronomy) and compulsion and at the same time in a *contradictory* opposition to 'non-determination'.²² Put differently: the autonomy of human beings which Krings conceives as the necessary condition for human beings to be in an unlimited sense humans, contains within it fundamental observations on two counts. *Firstly*, it implies negatively, that the self-determining person is free from external compulsion, be it of natural or social form. One can speak here of a concept of '*negative freedom*' in Krings' work. *Secondly*, it implies positively that the person has the capacity to give his free will a proper content or an individual entry which makes it a specific kind of that will. That represents the positive will and that will is coherent with the concept of '*positive freedom*'.²³

It is the concept of positive freedom that helps Krings to distinguish the concept of freedom of the human will clearly from the concept of 'liberum arbitrium' of the tradition which does express just an *arbitrary freedom* which is indifferent with regard to all further agency content of the will. This differentiation is important with regard to the progression of the further analysis by Krings. In his argumentation the expression of autonomy as a self-determination of the human will means thus that 'the will gives itself its content'. In order to avoid misunderstandings Hermann Krings explains that the expression 'the concept of "self" is referring to a pure reflective determination, not a metaphysical claim'.²⁴ With this explanation, Krings draws attention on his own part to the epistemological status of his expositions. For him, they do not present any empirical oriented sociological or psychological 'description' of freedom in the outer world of physics or society neither do they present any 'ontological theory' of human beings and their 'proper nature'. They are rather to be understood as a *structural analysis of human freedom* in the sense of conceptual analytically proceeding reconstruction of the implications which are necessarily connected to the expression that human beings are autonomous acting beings or in my language 'free

²² Ibid., p. 635.

²³ Cf. Hermann Krings, *Freiheit*, *ibid.*, pp. 171 ff.

²⁴ Ibid., p. 173.

agents'. Krings himself speaks of a non-metaphysical and 'transcendental-reductive analysis of the structure of freedom.'²⁵

The crucial and central point of the subsequent analysis of the structure of practical freedom as autonomy is its double or ambiguous character of the reality of freedom including with necessity both dimension: the negative and positive dimension of freedom. Otherwise freedom is according to Krings not conceived as 'real' in the comprehensive or full practical meaning of the word. This implies that according to Hermann Krings analysis the reality of freedom of an agent is conceptually defined, on the one hand, by the absence of heteronomous or external determination of the subject of freedom. On the other hand, real freedom is qualified through the further requirement of a real self-determination namely that the will gives itself its proper content. Otherwise we couldn't speak of human 'autonomy' in an unconditioned way. Exactly because the human will should not be misunderstood as arbitrariness, the question of this level of the analysis is focusing an understanding that the will does not choose, say, a specific object of desire, pursuit or arbitrariness. Hermann Krings is mainly concerned with ensuring that the will, without losing its autonomy in the situation of its practical application, 'opens' itself up 'initially' and 'decides' primarily for its own materiality or determinacy: 'The will must determine itself to itself as willing something specific.'²⁶

This therefore qualifies the positive moment of freedom as autonomy or self-determination, that is, that the human will is to be thought in the reality of human acting not only 'independent from' every form of external determination, but 'the will' must also, beyond that, 'give itself a specific content'. The concept 'proposes that willing originally affirms itself as *willing something specific*'. Here we can see that a basic relationality of the human will and a dimension of self-reflexivity of freedom are identified as necessary elements of the reality of human freedom. And it becomes explicit but also an element of self-affirmation and positive recognition of the will. In the tradition of Kant and Schelling Hermann Krings describes that structure how the human will becomes real like an act of a 'transcendental self-determination'. It fortifies the empirical freedom of human beings in the contingent context of action *against* losing itself in limited conditions of external actions. In this sense,

²⁵ Hermann Krings, *Gott*, *ibid.*, p. 639.

²⁶ Hermann Krings, *Freiheit*, *ibid.*, p. 173.

Herman Krings is able to propose that ‘transcendental freedom is *grounding* empirical freedom.’²⁷ In other words: Krings states that a comprehensive philosophical theory of the *reality* of human freedom (that means: a theory which is referring to the analysis of concrete actions and interactions of free human actors) is aware of and pointing at the double structure of negative and positive freedom and its conditions or prerequisites which are expressed conceptually by the basically relational and self-reflexive structure of human autonomy.

It is important to recognize that these conceptual elements of human autonomy are not ontologically ‘just given’ or are ‘there’ by nature or by the social order of human life, instead they have to be *realized* by ourselves *practically* in our concrete actions. Only if human autonomy is preserved in the practice of human acting, human freedom is real and is more than a possible thought. Therefore the important question has to be answered which proper content of the freedom can be identified that would help to avoid the always existing possibility (or ‘danger’) that the condition of ‘human autonomy’ is practically giving up itself in becoming an ‘arbitrary will’. To put it in this way: By which of our decisions our ‘free will’ is ‘opening itself’ towards its ‘specific content’ and in doing so not giving up its identity as an autonomous or self-determining capacity of us? What content is of such state that it does not, like random object of knowledge or desire, contingently reduce human freedom and – in the best case – make it an arbitrary freedom? That is the decisive question of Hermann Krings. Kant’s answer to this question on which he also reflected is well known as I mentioned above: For Kant, the so-called ‘pure’ and practical reason ‘a priori’ is the only candidate which the free will of human beings can chose without losing its autonomous status. Former interpreters of Kant argued that Kant’s moral theory is able to avoid the problem to minimize human autonomy by reducing the content of moral decisions to a pure formal categorical decision making. But we have to recognize that this statement is not complete and is insofar incorrect as Kant is claiming too a material criterion for his ethics. This expressed in the imperative of the ‘Groundwork’ to avoid everything in human acting which might treat other humans as instrument. But nevertheless according to Kant each of us has to become obedient without exception to his or her personal practical reason and

²⁷ Ibid., p. 174.

it is this orientation alone by which autonomy of the will is reached and morality is made possible.

Compared with Kant, Hermann Krings puts the same question differently when he asks: Which ‘content’ is appropriate to the ‘form’ of the unconditioned and insofar ‘transcendental’ freedom? The will is not indifferently opposed to its content; but which content of the empirical autonomy in the sphere of concrete human acting – without limiting or conditioning its autonomy and in doing so minimizing or even destroying human autonomy? Hermann Krings answer to this challenge consists in the discovery of the freedom of the others: ‘The satisfying content of freedom cannot, as long as it lives up to its form and dignity, be any other thing but freedom. This freedom is not, unlike we find in Kant, a monological personal freedom but rather the “freedom of the other”.’²⁸ With this argument Hermann Krings does not only go beyond Kant’s alleged ‘empty formalism’ but also determines an ‘intersubjective content’ of freedom. In another essay he expresses this thought as follows: ‘It belongs to the condition of freedom, as long as it is understood as freedom oriented towards freedom, that it is originally affirmative and open to the freedom of the other. Only in such a resolve can it realize its necessary self-opening and self-determination implicitly and explicitly.’²⁹

This intersubjective grounding of the necessary conditions for human autonomy and its logically necessary implications led Herman Krings also to a discussion of the discourse-theory, especially the outline of universal pragmatism by Jürgen Habermas and the concept of transcendental philosophical motive incorporating linguistic pragmatism of Karl-Otto Apel at the end of the 1970s. In that debate, Krings focused on the claims of freedom to necessary application or transcendental non-circumvention. In this time, Habermas connected this idea to the ‘ideal communicative situation’³⁰ and Apel to ‘a priori of the communicative community’.³¹ Krings, in his analysis, agreed with the argument of Habermas which proposes that the idea of the ideal communicative community which is

²⁸ Ibid., p. 174.

²⁹ Hermann Krings, *Gott*, ibid., p. 636.

³⁰ Cf. Jürgen Habermas, ‘Wahrheitstheorien’, in Habermas, *Vorstudien und Ergänzungen zur Theorie des kommunikativen Handelns* (Frankfurt: Suhrkamp Verlag, 1986), pp. 127-183.

³¹ Cf. Karl-Otto Apel, ‘Das Apriori der Kommunikationsgemeinschaft und die Grundlagen der Ethik’, in Apel, *Transformation der Philosophie II* (Frankfurt: Suhrkamp Verlag, 1973), pp. 358-435.

contra-factually embedded in factual discourses should neither be misunderstood as an 'empirical phenomenon' nor as a 'mere construct'. But Krings objected to the assumption that effectually operative communicative process in Habermas is already enough to ground the demands of universal validity claim of, for instance, basic moral norms like we can identify with regard to the unconditioned normative claims of the human rights. Against Habermas, he argued that this analysis does not go beyond the insights bound to the factually occurring discourse. This holds true insofar as even within the later developed position of Habermas in his version of discourse-ethics there are finally no other criteria given for moral reasoning and the justification of moral norms than the 'interests' of the participating individuals.³² 'Against the idea', Krings wrote, 'that there is no objection to the thought that the validity claim in relation to the factum of the communicative speech act to be identified and reconstructed; it could be objected that with it validity as such should be justified.'³³ In his argument Herman Krings was pointing at the manifest problem of an unsatisfactory circularity of argumentation in Habermas and Apel. This consists in the fact that the authors of discourse theory tie the conviction of the necessity of moral norms to the success of a communicative practice in which these norms already apply. This claim of linguistic pragmatics leads to error when it tries 'to a certain extent to be itself in its own meta-system.'³⁴

Even if not all comments of Hermann Krings concerning the position of Habermas and Apel are convincing, the main argument of Krings is according to my understanding nonetheless still interesting. The reason for this consists in the fact that he clearly gives here to understanding and justifies with his so-called 'transcendental analysis' of human freedom and its necessary conditions for its implementation in our morally correct practice also the demand for necessary validity of morality. This is so because the affirmation of one's and other's freedom receives in Hermann Krings's analysis the necessary practical validity claim which Kant claims for pure practical rational insight and his understanding of what he called 'the good will'. According to Krings, it is first from this, clearly in opposition to Kant, extended transcendental insight,

³² See in my introduction into ethics, *ibid.*, pp. 94-113.

³³ Cf. Hermann Krings, 'Reale Freiheit. Praktische Freiheit. Transzendente Freiheit', in Krings, *System und Freiheit*, *ibid.*, pp. 40-68 (p. 64).

³⁴ *Ibid.*, p. 65.

that, in reality, proceeding from freedom, it should be possible to ask the fundamental moral question regarding moral difference (*sittliche Differenz*), that is, the question regarding good and bad. For Krings, this understanding is tied to his analysis of the concept of transcendental freedom: ‘The transcendental philosophical meaning of the concept of necessity as justificatory instance for the moral character of actions points to the structural unity of real freedom, practical freedom and transcendental freedom. It serves mainly the function of making conceivable the profound structure of the problem of freedom.’³⁵

*2.3. The inner ambivalences of ‘real freedom’
and its positive relation to an ‘idea of God’*

The invention of the necessary intersubjective structure of real freedom is an important contribution to the philosophical debate on freedom. It contains a correction of Kant intuitions who defined moral autonomy in terms of an inner-subjective reflection with the consequence that political autonomy was seen as a matter of legal obligation of agents and their outer interaction, that means as a matter not of their inner will and conscience but of coercion by a legitimate law which Kant defined by the expression of the common will of all in a given political or societal community. In opposition to Kant Hermann Krings is arguing in favour of a concept of *intersubjective freedom* claiming the necessity to recognize the other agents as equally free and in their autonomy unconditioned other beings. The affirmation of the real freedom of others with whom we cannot avoid to interact is not any longer, like in Kant’s Philosophy, a matter organized by the system of a legal order of coercion and focusing on the outer behaviour but a necessary postulate without which no single person is able to preserve his or her own autonomy and free will in the reality of its concrete personal acting.

With this argument Krings is able on the one hand to overcome the peculiar difference between the moral philosophy and political philosophy in Kant which is a final consequence of his epistemological distinction among the realm of the ‘appearances’ and the so-called ‘thing in itself’ as well as his talk of the human as a ‘civic of two (separated) kingdoms’. On the other hand Krings has to address the problem that the logical necessity for ‘us’ humans to realize our freedom by acts of

³⁵ Ibid., p. 67.

an unconditioned recognition of the freedom of the others is never realized in practice without severe limitations. Here we can learn about an inner tension between the claim for an unconditioned preservation of freedom by an unlimited form of recognition of other freedom and the structurally always limited mode how this claim is realized each time given the practical circumstances and conditions of our practical lives. Not to speak about those environments or situations in which the freedom of others is not only structurally limited, but even intentionally harmed or the humans as the subjects of their freedom are themselves attacked, injured or destroyed by others. All these experiences of realities and facts are the reason for Krings to admit that his idea of 'real freedom' or 'human autonomy' is never fully realized in human practical life; but this insight doesn't change the unconditioned demand and postulate to acknowledge the freedom of others without restriction and vice versa. Insofar as we know the history of mankind and the practice of our given societies and political systems we can therefore conclude that the postulate of real freedom is something which entails a never ending program for political reform and societal change and the demand for each of us to orient our moral intuitions accordingly.

But from here it becomes clear that the content of real freedom as part of human practice is something we should talk about in the comparative way of 'more' or 'less'. This was taken into account by Herman Krings when, regarding the material aspect of the freedom of the will, he underscored: Freedom as the original determination of content has so much *relationality* and dignity like every terminal content to which it opens itself up. Freedom is therefore realized in human history and practice in different ranks, even if understood unconditioned in its form as the pure figure of autonomous self-determination and self-opening in reality. This qualifies the freedom of human willing and action always as a '*finite freedom*' which I want to refer to as freedom which remains in a certain way fundamentally *incomplete* in the practice of its self-realization. It receives on the one hand normative unconditionality and additionally logical necessity in keeping with the concept of transcendental logical analysis of its components and on the other hand factual finitude and subsisting imperfection in keeping with the degree of its realization. The two perspectives constitute a deep ambivalence or inner ambiguity of human autonomy. The reason for this consists in the fact that real freedom of human beings is realized under contingent conditions with the consequence that no structure of

realization of freedom can ever resolve or fully realize the normative idea of an unlimited necessity affiliated to the transcendental analysis of its unconditionality. This leads the philosopher Hermann Krings to the following reflection: 'But in whichever degree it [freedom – LB] choses to realize itself, no (human) realization ever exhausts the form of self-opening which is unconditioned or limited by nothing. From this unconditionality of the form, it follows that no content, not even the adequate content [=the other freedom], can ultimately set a limit to freedom which could to a certain extent disrupt the act of self-opening and resolve.'³⁶

From this double structure of human freedom as '*unconditioned freedom*', in accordance with its concept and its normative necessity on the one hand, and as '*contingent freedom*', in accordance with the realization of its content on the other hand, Krings derives the idea that finite freedom is always *internally oriented* towards the shape of an unlimited realization of unconditioned freedom if it does not want to lose itself and give up the normative claim to unconditioned autonomy. Krings is stating that human freedom is in all stages of its realization 'already directed' towards the structure of realized *absolute freedom* in the mode of a dynamic practice of 'anticipation'. One could speak here of an argument which makes both the internal tension of freedom as an unconditioned postulate and its always conditioned way of realization explicit and in doing so is pointing at a dynamic process of the '*transcendence from within*'³⁷ which means nothing else than the practical human search for real freedom in our daily practice.

The finite freedom of human beings realizes itself in accordance to its structure, as Krings attempted to show, in affirming other's freedom and this affirmation takes on an unconditioned claim which cannot be invalidated by anyone. But this freedom does not realize itself other than 'in anticipation of unconditioned freedom' because, for other human beings as subjects or bearers of freedom, it also applies, as was determined for the realization of freedom, that they also can only realize their freedom in an imperfect, contingent and never exhaustive way. To this end Krings'

³⁶ Krings, *Freiheit*, *ibid.*, p. 175.

³⁷ Cf. the Habermasian use of this term in his articles: 'Einen unbedingten Sinn zu retten ohne Gott, ist eitel', firstly published in: Matthias Lutz-Bachmann/Gunzelin Schmid Noerr (eds.), *Kritischer Materialismus* (München: Hanser Verlag, 1991), pp. 125-142 and 'Exkurs: Transzendenz von Innen, Transzendenz ins Diesseits', in Habermas, *Texte und Kontexte* (Frankfurt: Suhrkamp Verlag, 1991), pp. 127-156.

expressed ‘*anticipation of unconditioned freedom*’³⁸ aims at the *idea of a bearer of freedom* who realizes by himself/herself the normative idea of freedom as autonomy in an unlimited and insofar ‘absolute’ way. Should other people in their freedom therefore, as philosophically demanded, be affirmed in an unconditioned way, that would make it according to Krings in no other way possible and realizable besides in the form of the anticipation an ‘absolute realization of freedom’: This is named by Krings in the tradition of philosophical theology with the concept of ‘God’. It is this kind of an unconditioned and unlimited way to realize freedom by which the limited and conditioned way how humans realize their freedom is only made possible. Otherwise the idea of autonomy would be an empty postulate and human practice would fail in its attempt to realize intersubjective freedom under the factual conditions.

Hermann Krings makes haste to add the following explanation in order to prevent possible or, in fact, very related misunderstanding. He does not wish to imply that the concept of an absolute freedom or God should be thought of and affirmed here as anticipation reaching out for an amplification of the concept of freedom neither is it an emphatic idealization or a lavish use of concept because, by absolute freedom, he does not mean an *object* which could be thought of as objective and as such conceivable in the mode of ‘*via eminentiae*’. Instead, the concept of an absolute freedom refers for Hermann Krings to real relation or actual relation of necessarily required realization of the freedom of human will to a necessary anticipation of the finite freedom of the human beings to another subject of freedom, which, not being itself outside the dynamics of freedom and its realization, cannot be thought of outside of this relation.

The concept of absolute freedom results – like the entire discussion – this way for Krings strictly from the conceptual-reductive method of his transcendental-logical analysis: from the ‘return to the formal unconditioned character of finite freedom’. For Krings, the idea of an absolute freedom – thought of as that content which alone has the capacity to fulfil and make possible the unconditioned claim of self-opening of finite freedom to other’s freedom – necessarily results from the tension of the unconditioned form of self-opening of freedom as well as the required affirmation of other’s freedom on the one hand and the always contingent and conditioned way to realize freedom for all bearers of finite freedom on the other hand. When alone such an idea

³⁸ Krings, *Freiheit*, p. 176.

of absolute freedom of the required unconditioned openness of all freedom to other freedoms is adequate, according to Hermann Krings, whether we know it explicitly or not, every other factual openness and affirmation of the other's finite and imperfect freedoms in the mode of anticipation of perfect freedom follows likewise. The presupposition of this begins the conceptual development of Krings' closing thought in alignment to Augustine: 'Augustine's *cor inquietum* does not lead to the thought of absolute rest but rather to the concept of that which satisfies *cor inquietum* and brings it to *requiescere*.'

The notion of God expressed through the concept of an absolute freedom makes it possible, according to Krings, 'to think of God' *without* making recourse to his ontological state as a first 'being' or his 'attributes' in an approach within theoretical philosophy. In analogy to Anselm of Canterbury's introduction of the concept of God in the mode of a logical-relational progression as a '*quo maius cogitari non potest*' in his 'Proslogion',³⁹ Hermann Krings points out that his concept of God in addition should be thought of within a practical relation in which freedom becomes real alone. This is called by Hermann Krings a practical '*relation quo maius cogitari non potest*'.⁴⁰ And he adds the remark: 'Important is that especially not a concept of unparalleled being should be thought about, but rather simply the *fulfilment* of the original meaning of freedom.' In this sense the idea of an absolute freedom is '*as much as freedom can be a necessary thought*'.⁴¹

In other words: The philosophical concept of God is thought of by Hermann Krings as the necessary idea of the *absolute realization of freedom* without which the finite history of our human freedom and its practice cannot be thought of – even though it is imperative and an unconditioned postulate of our practical reasoning – as the necessary requirement of an unconditioned mutual recognition of external freedom by human beings. Without the philosophical affirmation of the idea of God as the absolute realization of freedom the finite actors like us could not continue to preserve the imperatives of a relational concept of freedom as autonomy since one could not see that anyone could fulfil its demands. This negative insight would lead to the statement that the practical concept of freedom must necessarily fail.

³⁹ Cf. Anselm of Canterbury, *Proslogion*, ed. F. S. Schmitt (Stuttgart: Frommann-Holzboog Verlag, 1984), pp. 84-89.

⁴⁰ Krings, *Freiheit*, *ibid.*, p. 177.

⁴¹ *Ibid.*