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Editorial

Die Herausgeber des Philosophischen Jahrbuchs sind in der Regel um eine Kombination von thematischer Konzentration und Vielfalt bemüht. Diesmal überwiegt die Vielfalt – sowohl in historischer wie auch in systematischer Perspektive: Der Beitrag von Thomas Buchheim (München) befasst sich mit der Frage, wie insbesondere Schelling durch seinen Begriff der intelligiblen Tat Einwänden gegen die Möglichkeit freier Selbstbestimmung entgehen kann. Das bietet einen aussichtsreichen Ausgangspunkt, um in der aktuellen Debatte etwa Galen Strawsons Position entgegenzutreten. Der Beitrag von Steffi Schadow (Bonn) setzt sich kritisch mit Elisabeth Anscombes These auseinander, wonach die Begriffe der moralischen Pflicht und des Sollens aufgegeben werden sollten. Martina Roesner (Wien) untersucht in ihrem Beitrag das Verhältnis von Philosophie und Medizin am Beispiel von Avicenna und Nietzsche.

Oliver Victor (Düsseldorf) diskutiert mit Blick auf die Philosophie Albert Camus' die Frage, inwiefern die Philosophie popularisiert werden kann und soll. Elena Corsi (Berlin) geht in ihrem Diskussionsbeitrag dem philosophischen Verhältnis zwischen Hans Cornelius und Theodor W. Adorno nach und trägt damit zur Erhellung des Verhältnisses der Kritischen Theorie zum Neukantianismus und zum Neopositivismus bei. Klaus Kienzler (Augsburg) diskutiert Bernhard Caspers Interpretationen von Emmanuel Levinas' „Aufzeichnungen aus der Gefangenschaft".

Mit dem Aufsatz „Freiheit. Ein Versuch Gott zu denken" von Hermann Krings wird ein weiterer Jahrbuch-Schatz gehoben. Er ist durch seinen Bezug sowohl zum Freiheits- wie auch zum Gottesproblem von Bedeutung und wird von Matthias Lutz-Bachmann (Frankfurt/M.) kundig eingeführt und kontextualisiert. Mit seinen Repliken auf die kritischen Diskussionsbeiträge vom letzten Heft beschließt Luciano Floridi (Oxford) die sechste Jahrbuch-Kontroverse über „A new political ontology for a mature information society".

Volker Gerhardt

'Ultimate Responsibility' without *causa sui*

Schelling's Intelligible Deed of Freedom contra Galen Strawson's Argument*

Thomas BUCHHEIM (Munich)

Abstract. Since the mid-1980s, Galen Strawson has introduced an argument into the analytic debate about the concept and possibility of freedom. He has repeated and defended it in various formulations, which amounts to an "impossibilism" of freedom in the moral sense, i. e., to the impossibility that we can be called ultimately responsible for the moral quality of our actions based on existing freedom in the full sense. In this paper, I want to explain Strawson's argument, which is supposed to prove this intuitive difficulty as *impossible* to fulfill, and to show the conditions of its persuasiveness. Furthermore, I will make clear how and by what right philosophers like Kant, Fichte and especially Schelling were able to evade this argument *avant la lettre* by introducing the concept of an intelligible self-constituting act of freedom.

Since the mid-1980s, Galen Strawson has introduced an argument into the analytic debate about the concept and possibility of freedom. He has repeated and defended it in various formulations, which amounts to an "impossibilism" of freedom in the moral sense, i. e., to the *impossibility* that we can be called responsible ('truly' or 'ultimately responsible') for the moral quality (right or wrong, good or evil) of our actions based on existing freedom in the full sense. As an example and proof of this, I would like to cite only one typical sentence of Galen Strawson from his paper "The Impossibility of Ultimate Moral Responsibility" summing this up:

> It is exactly as just to punish or reward people for their actions as it is to punish or reward them for the (natural) colour of their hair or the (natural) shape of their faces.[1]

Strawson's argument is eminently suitable, on the one hand, for pointing out an aporetic difficulty in our ordinary conceptions of human freedom and the moral demands we associate with it. On the other hand, it seems to be especially suited for gaining a comparative measure of how classical theories of freedom, particularly from the circle of Kantian and post-Kantian philosophy, have sought to resolve this difficulty before it was even condensed into a denial of our moral ultimate responsibility based on freedom by an argument like the one Strawson puts for-

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1 Strawson (2008), 326.

ward. The intuitive difficulty mentioned above consists in the fact that we can be held (ultimately) responsible for an action only if its execution can be traced back to the agent as the decisive cause. Further, this being the decisive cause must not possibly be traced back to other sources than the ones from which also the action to be answered for originates. This requirement of a closed grounding of responsibility of morally relevant acts in the agent itself is not easy to fulfill for beings like us, who are born and will die.

First, I want to explain Strawson's argument, which is supposed to prove this intuitive difficulty as *impossible* to fulfill, and to show the conditions of its persuasiveness. Secondly, I will make clear how and by what right philosophers like Kant, Fichte and especially Schelling were able to evade this argument *avant la lettre* by introducing an intelligible self-constituting act of freedom.

1. Reconstruction of Strawson's argument

Strawson has presented the argument in many slightly modified versions, but always distinguishing a 'basic form' from a more elaborate 'cumbersome' form.[2] The 'basic argument' directly names the core point which is decided in it and which freedom in the moral sense, i. e., the reclamation of moral ultimate responsibility for one's own actions, cannot bypass in his opinion. This core point consists in what Strawson considers the indispensable requirement of being a *causa sui* as a bearer of ultimate responsibility for one's actions. But this, he argues, is impossible, at least for any finite being. I quote a short version of the 'Basic Argument' from "The Impossibility of Ultimate Moral Responsibility":

(1) Nothing can be *causa sui* – nothing can be the cause of itself. (2) In order to be truly morally responsible for one's actions one would have to be *causa sui*, at least in certain crucial mental respects. (3) Therefore nothing can be truly morally responsible.[3]

Immediately, of course, the attention will be directed to the second step of the argument with the question whether, even if only "certain crucial mental respects" of an individual claiming freedom for himself are concerned, the concept of a *causa sui* is to be applied at all and whether this does not rather mean to aim with cannons at sparrows? For example, we do not hesitate to attribute to the human being a radical acquisition of language ability or the self-transformation toward a good gymnast or strong wrestler without using a *causa sui* claim. So why have to be

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[2] For a detailed presentation and contextualization of the argument, drawing on the objections and support it has received in the contemporary discussion of the concept of freedom, see Dettinger (2015), 66–112. However, Dettinger largely refrains from initially precisely highlighting and critically examining the argument's internal premises, on which the argument's (in any case informal) conclusiveness is based. Without this, however, it is not possible to identify sharply enough where alternative views on the matter would have to be hooked in order to deprive it of its persuasive power. Instead, Dettinger accepts it on the whole to make plausible an ultimately theological thesis about only "eschatologically" possible freedom of man.

[3] Strawson (2008), 319.

causa sui in the 'certain respects' of moral responsibility? In another essay[4] Strawson himself writes:

> The claim, then, is not that people cannot change the way they are. They can, in certain respects [...]. The claim is only that people cannot be supposed to change themselves in such a way as to accede to UR with respect to the way they are, and hence with respect to their actions. One can put the point (somewhat contentiously) by saying that in the final analysis the way you are is, in every last detail, a matter of luck – good or bad.[5]

The source of the action for which someone has ultimate responsibility (UR) must not have been produced by a string of fortunate fates, but only on a track that in turn is at the responsible disposition of the agent. The crucial point in the case of moral freedom is thus, according to Strawson, that the self-change cannot lead to the *special* result of a person's being *responsible* for the way she is. For always, according to the argument, what we do follows from the way we are, and consequently what we do *responsibly* follows from the way we are. But if what we do, *as a consequence* of the way we are, is to be something for which we are *responsible,* then we must *also* already be responsible for that from which it followed, i. e., for the way we are. So it seems to be intuitively quite plausible at any rate:

(1) You do what you do because of the way you are.
(2) To be truly morally responsible for what you do you must be truly responsible for the way you are – at least in certain crucial mental respects.[6]

It is important that we grasp more precisely the sense of the derivative or entailment relation between the being of the agent and the action in question, which Strawson's argument must assume in all its versions in order to acquire its compelling force. He refers to this connection himself in various terms. Most often he speaks of "because of" or just "causa sui", but it is clear that this does not mean causality in the ordinary sense. For in the usual understanding a 'cause' is first to be described logically independent of the caused effect and secondly takes place ahead of it. Neither is the case here: the constitution ("the way you are") is one of the *same* subject that commits the action, and it is at the same time with it the cause from which it results.

Yet Strawson also uses different and even stronger expressions for the connection, such as "what one does is a function of how one is"[7] or "flows necessarily from how you are"[8]. However, it is not justified without further ado to recognize in this already a not only clearly functional but a necessary connection ("necessarily"). For, given the same external circumstances, it can probably not be called *impossible* that an agent somehow acts differently[9] than he does in the factually given case.[10]

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[4] "The Unhelpfulness of Indeterminism" (Strawson 2000).
[5] Strawson (2000), 151.
[6] Strawson (2008), 325. The further steps are also quoted from this paper.
[7] Strawson (2008), 319.
[8] Strawson (2008), 325.
[9] It cannot be ruled out, for example, that in another possible world with the same external circumstances the person concerned would take more time to look at the photo more closely.
[10] Here it is neither implied nor excluded that the action someone actually does is subject to determinism or else indeterminism of its occurrence: For, according to the assumption I have made, it is only the

For example, someone *could* recognize his schoolmate on a photo shown to him, if he took more time to focus on the face on which he only casts an all too fleeting glance. Nevertheless, of course, de facto, i.e. in the real world, his statement that he did not know the depicted person resulted from all the individual traits of his constitution when looking at the picture. However, not taking more time for it does not *necessarily* (but only factually) belong to the feature of his engagement with the action. In a later version of his argument, Strawson elaborates on the entailment relation in question:

Consider a particular action or piece of deliberation in which you engage, and consider everything about the way you are when you engage in it that leads you to engage in it in the way you do. I will call the particular action or piece of deliberation that you engage in 'A', and I will call everything about the way you are mentally when you engage in it that leads you to engage in it in the way you do 'N'. [...]

3.1 When you act or deliberate, at t_1 – when A occurs, at t_1 – you do what you do, in the situation in which you find yourself, because of the way you are – because you are N, at t_1.[11]

From this, it becomes quite clear what we observed above that antecedent condition and result state belong to the same subject, i.e., it is an internal derivative relation between real states, which can be of neither a logical nor a causal nature. The former not, because real states do not enter into logical relations. The latter not, because both A, i.e. *actio,* and N, the ontological state from which the *actio* results, do not relate to each other in a time-differentiated way, but simultaneously: Strawson speaks of "the way you are [...], when you engage in"; thus, the so being is precisely when the *actio* is. Strawson seems to link to a scholastic *adagium* of the same content here, namely *actio sequitur esse* for any substance. The latter is an internally asymmetrical derivation relation. As such, it is clear from this that Strawson can assert a direct and unobstructed connection, but not logical or causal-nomological necessity for the entailment relation. For there would be no contradiction if this single subject did not engage in precisely the action in question, but in another one which, under slightly modified external circumstances, could be equally connectable to a given state of being of the agent. Accordingly, the entailment relation can be understood as well-founded emergence of the derived 'engagement' from the assumed antecedent, i.e. the being of the subject, which is here denoted by "N" as in "Nature".

Second, it should be noted that Strawson in the quoted passage explicitly focuses on all "mental" aspects of the ontological constitution of one and the same subject, so that the exhaustive internal and therefore temporally and spatially unseparated ground of the action (or "piece of deliberation") is placed in any *mental* states of being of the agent. Consequently, we have to understand the connection in question

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'external' circumstances of the action that are assumed to be the same, while nothing is said about internal antecedents. Moreover, it became clear from the beginning that Strawson's argument does not concern at all the question of the compatibility or incompatibility of freedom and responsibility with determinism (cf. also Strawson 2000, 151: "Note that the argument is completely independent of any view about whether determinism is true or false.").

[11] Strawson (2002), 444 sq.

as a modern formulation of what one liked to call "psychological determinism" in classical philosophy.

Meanwhile, thirdly, what must certainly be called *subjectively* 'impossible' is that the same subject can escape an internal determination or dependency relation between two simultaneous but asymmetrically coupled aspects of itself. That is, it must be unavailable or *indispensable* for the subject itself that the *actio in* question follows its *esse.*

At this point, the transfer of responsibility from the action to the being of the person becomes plausible also in a logically more stringent, no longer purely intuitive sense. For *if* the subject is supposed to be responsible for her action, and the action at the same time results (in the way explained) from something that this subject cannot possibly prevent, then it follows logically, i. e. it is implied, that the subject must be responsible for that from which for her unescapably her action results. Therefore, we can accept *transfer* as a fixed building block of Strawson's argument. This means that the subject could be responsible for his action *A* only *by being* responsible also for his mental state of being (*N*) at the time of the action.

Thus, by means of the transfer principle, we can now concede and reformulate the first two premises of Strawson's argument, namely:

(*actio sequitur esse*)	(1) You do what you do because of the way you are.[12]
(*Transfer*)	(2) To be truly morally responsible for what you do you must be truly responsible for the way you are — at least in certain crucial mental respects.[13]

Now Strawson's claim is that it is *impossible* for a subject (S) to be ultimately responsible (UR) for any state of being (N) at any time (t_n). However, if this were impossible, then everything for which this is a necessary condition would be impossible. This is stated by proposition (2) of the argument.

In order to prove this impossibility, Strawson assumes the opposite in a follow-up argument, i. e. the *possibility* of being ultimately responsible for one's relevant nature at any time, in order to show in the next steps that this assumption leads to an inevitable infinite regress. Since such a regress is again to be considered inadmissible according to Strawson,[14] but it must follow from the assumption (according to the argument put forward), it cannot be otherwise than that the assumption is to be rejected. This is what we want to follow with due brevity. Therefore, we set as target assertion:

 (3) You cannot be truly responsible for the way you are, so you cannot be truly responsible for what you do.[15]

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[12] Strawson (2008), 325.

[13] Loc. cit.

[14] Such a regress is not per se logically inadmissible or contradictory. However, since the present case is about a foundational context for accountability, it can be said that an infinite regress is incapable of providing a completed foundational context (see, e. g., Schaffer 2010, e. g., 37; 62), and for that very reason the assumption that implies it must be rejected as unsatisfiable.

[15] Strawson (2008), 32.

It is important to note here that Strawson introduces another premise as a justification for impossibility, which apparently only establishes the meaning of what it *minimally* means to be responsible for something. Namely, it means to have intentionally produced that for which one is responsible:

(*N intentionally brought about*) Why can't you be truly responsible for the way you are?

Because (4) To be truly responsible for the way you are,
you must have intentionally brought it about that you are
the way you are, and this is impossible.[16]

What to make of this additional premise? It looks innocent at first sight, but it is not at all. For the intentional production of *N* must have two features according to the additional premise repeatedly mentioned by Strawson. It must both have come to completion in *N* and have taken place prior to *N*: *before* anyone can be responsible for his action, he would have to have intentionally brought forth from himself at an *earlier* time the nature *N* that now constitutes the foundational ground for his responsible action. We saw earlier that the internal and for *S* indispensable, simultaneously and inseparably occurring resulting of the *actio* from the *esse* of the person are only partial, but at the same time asymmetrically interdependent state aspects of an acting subject. According to the premise now introduced, however, they are mutually independently occurring total constitutions or real 'stages' of a person on an assumed path of her development through time. It is now *this* additional assumption that leads with rapid steps into regress. Namely as follows:

Why is it impossible? Well, suppose it is not. Suppose that
(5) You have somehow intentionally brought it about that you are the way you now are, and that you have brought this about in such a way that you can now be said to be truly responsible for being the way you are now.[17]

Now the regress begins, since having any intentions or preferences to do something intentionally, according to Strawson with proposition (1), always presupposes some *already given* being of the same subject, which has or pursues the intentionality in question. But since now the intentional bringing forth of the N-from-S must have come to a conclusion earlier than the bringing of this N into the performance of that action for which a responsibility is asserted, that which should only be given *by* the intentional bringing forth would have to be already presupposed for the intentional bringing forth. Thus proposition (6) of the argument results:

For this to be true
(6) You must already have had a certain nature *N* in the light of which you intentionally brought it about that you are as you now are.[18]

And here we get into the infinite regress. For always, in order to be responsible for any state of being $N(t_n)$, we have to assume, according to proposition (4), its intentionally having been brought about by the same subject (S), which possesses this

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[16] Strawson (2008), 325.
[17] Loc. cit.
[18] Loc. cit.

nature. SN(t_n) is therefore in any case the *result of* an intentional bringing about of S. But in order to be allowed to assume just this intentional bringing about, we must (according to proposition (1): *actio sequitur esse*) at the same time *internally* presuppose that it already possesses a nature exhaustively founding the bringing about. Some *previous* nature N(t_{n-1}) of S is therefore also a necessary precondition of the intentional production of SN(t_n). However, again according to proposition (2) — i.e. by the *transfer* of responsibility — that S can be responsible for an intentional bringing forth only if it is in turn also responsible for the being to be presupposed internally for it or the nature N(t_{n-1}) exhaustively founding the intentional bringing forth. The latter, however, requires again (according to proposition (4)) that *also* the nature N(t_{n-1}), *by virtue of* which the subject intentionally brought forth the nature N(t_n), for which it must be responsible, if it is to be responsible for the action (A) resulting from it, must in turn have been intentionally brought forth by it. Etc. Thus, proven by the individual propositions of the argument, for every existing responsibility of the subject for an intentional action, there must always be switched on by it another nature already previously established by its intentional action, for which it must in turn draw responsible by its intentional action related to it.

This is how sentence (7) of the argument expresses it, namely:

> But then
> (7) For this to be true you and you alone are truly responsible for how you now are, you must be truly responsible for having had the nature *N* in the light of which you intentionally brought it about that you are the way you now are.
> So
> You must have intentionally brought it about that you had that nature *N*, in which case you must have existed already with a prior nature in the light of which you intentionally brought it about that you had the nature *N* in the light of which you intentionally brought it about that you are the way you now are …
> Here one is setting off on the regress. Nothing can be *causa sui* in the required way.[19]

It is, as one now clearly recognizes, not only the *transfer* of responsibility from the action to the being of the agent, which entails an infinite and insofar erroneous founding regress. Instead, it is the transfer together with the assertion that responsibility always means to have intentionally produced that being to which the transfer refers back, in order to be able to redeem the responsibility implied by the transfer. This, however, will turn out to be a not necessary additional assumption: the intentionality of an action, which we do responsibly, is not that, which, if necessary, would establish our moral ultimate responsibility for the ontological constitution, to which the declared transfer of responsibility leads back. So it will show our look at Schelling's doctrine of man's intelligible deed of self-determination in the *Freedom Essay*. For Schelling does admit the first two premises of Strawson's argument with certain modifications. But his conception of a transcendental constitutional act, by which every human being establishes their moral responsibility and freedom, does not result in an infinite regress, which would prove the impossibility of moral ultimate responsibility.

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[19]　Strawson (2008), 325 f.

2. The idealistic doctrine of the "intelligible deed" as a sufficient foundation of moral ultimate responsibility

The concept of an 'intelligible deed' or transcendental constitutional act of the moral subject, by which an imputability of its free acts over time and thus ultimate responsibility for their moral quality is secured,[20] originated with Kant in his 1793 *Religion.* Kant had first highlighted the difficulty that an 'evil' or morally reproachable action for which we can be held responsible always implies the presupposition that someone must have already adopted a *generally* evil maxim for her actions, which in turn must be imputable and therefore voluntarily adopted. Similarly to Strawson, therefore, the enabling of the imputation or moral responsibility of actions results in a relegated self-supposition of the freely assumed moral quality of the maxim on the basis of which we act, which in turn we must have acquired and justified ourselves out of freedom. But its first reason, because of that self-prerequisite of its moral quality, is according to Kant necessarily "inscrutable",[21] but not therefore already an infinite founding regress, which would convict moral ultimate responsibility as in principle unattainable. According to Kant's argumentation in the *Religion*, it must be admitted:

> In order, then, to call a human being evil, it must be possible to infer a priori from a number of consciously evil actions, or even from a single one, an underlying evil maxim, and, from this, the presence in the subject of a common ground, itself a maxim, of all particular morally evil maxims. [...] But this subjective ground must, in turn, itself always be a deed of freedom (for otherwise the use or abuse of the human being's power of choice with respect to the moral law could not be imputed to him [...]).[22]

Now, according to Kant, it is still true that that reason of the maxims, which "lies generally" in the subject, because it must itself possess a moral quality that is attributable, cannot be anything other than, again, the deed or action of the subject:

> Nothing is, however, morally (i.e. imputably) evil but that which is our own deed. And yet by the concept of a propensity is understood a subjective determining ground of the power of choice *that precedes every deed*, and hence is itself not yet a deed. [...] Now, the term "deed" can in general apply just as well to the use of freedom through which the supreme maxim (either in favor of, or against, the law) is adopted in the power of choice, as to the use by which the actions themselves (materially considered, i.e. as regards the objects of the power of choice) are performed in accordance with that maxim. The propensity to evil is a deed in the first meaning (*peccatum originarium*) and at the same time the formal ground of every deed contrary to law according to the second meaning [...] The former is an intelligible deed, cognizable through reason alone apart from any temporal condition; the latter is sensible, empirical, given in time (*factum phenomenon*).[23]

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[20] Cf. on the development of the concept from Kant to Schelling quite clearly and concisely: Florig (2010), 142–163.

[21] See, e.g., Kant *Rel.* AA VI: 20.

[22] Kant (1998), 46 = AA VI: 20 f.

[23] Kant (1998), 55 = AA VI: 31.

It is easy to see that Kant's consideration aims at thinking a "deed" or action whose result, first, must consistently (transcendentally) underlie all empirically attributable actions of a subject. Second, it would not itself again allow an internal distinction into a stable reason preceding it on the one hand and an actual execution of action based on it on the other. According to this original conception of a transcendental act of justification, such an act cannot itself be empirical, i. e. cannot lie in time, but must be an internal prerequisite in all temporal actions, if these are to be attributed responsibly to their subject. Fichte took up this conception a little later in the concept of the "act of action" of the ego and declared it in an extended and generalized form to be the basic concept for the entire theory of science:

> The *self posits itself*, and by virtue of this mere self-assertion it *exists*; and conversely, the self *exists* and *posits* its own existence by virtue of merely existing. It is at once the agent and the product of action; the active, and what the activity brings about; action and deed are one and the same, and hence the 'I am' expresses an Act [Tathandlung], and the only one possible, as will inevitably appear from the Science of Knowledge as a whole.[24]

"It is at once the agent and the product of action" − similarly as according to the first quotation of Kant the act is supposed to be at the same time reason for act and *actus* itself. However, Fichte considerably expanded the scope of the act from a mere reason for the moral quality of the act attributable to the agent himself to an intelligible constitutional act of the self, encompassing it as a whole as originating from its own activity. Later, in his own new conception of the "intelligible deed"[25] from the *Freedom Essay* of 1809, Schelling explicitly connected both of Kant's and Fichte's ideas, which build on each other. However, Schelling also modified them.[26] Unlike for Kant, the intelligible deed is for Schelling a real accomplished productive or *self-generative activity* of the subject in relation to its moral determination, too.[27] It, however, (unlike for Fichte) takes place on the foil of a nature already laid out from another source, which for its part is not already morally determined (not good or evil) and thus also not attributable to and answerable by the subject. Moreover, differently than with Fichte, it is (similarly to Kant) about the decision of the internal gradient between good and evil − which of both is superior to the other −, i. e., precisely about the self-constitution of the *moral* subject of free and attributable empirical action. A self-constitution that is attributable to him.

As far as human *nature* is concerned − that foil on which the moral self-constitution of the subject can first take place − it is to be understood, according to Schelling, as a "life" or as a "soul" of a special kind, as he explains in a so-called "natural-philosophical deduction"[28] at the beginning of the investigation.[29] The pe-

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[24] Fichte (1982) [*Science of Knowledge*], 97 [FW I, 96 = GA II, 259, 3–9].

[25] See, e. g., Schelling, *Freedom Essay* AA I 17, 156, 15 f. [SW VII, 389]; cf. 154, 13–16 [SW VII, 387].

[26] For the entire doctrine of the intelligent act, see *Freedom Essay* AA I 17, 152–156 [SW VII, 384–389].

[27] For Kant, the deed is not at the same time real activity and does not produce anything additional in the subject, but (because of the self-prerequisite of the evil or good maxim) only in the result as a performed deed a transcendental (thinking) prerequisite of morally attributable actions.

[28] Schelling himself coined this expression as a heading for the aforementioned section of his *Freedom Essay*, see Schelling (1809) [*Jahreskalender*], 14.

[29] Schelling, *Freedom Essay* AA I 17, 128–134 [SW VII, 357–364].

culiarity of this life, according to Schelling, consists in the fact that its "self-will" or "particular will," which man has in common with all creatures, is, unlike in the latter, paired with "understanding" or a "universal will" in such a way[30] that one always 'resonates' within the other or is in "complete consonance" with it.[31] That is, if man wants something for himself and out of self-interest for his self-preservation, then it resonates in this that he pursues this only as one instance of many and in interweaving his existence with all other creatures. And if, conversely, he makes something the matter of his universal will from a universal point of view, then it automatically resonates in it that he can only use his own forces for it and everything that he pursues in general remains tied only to the self-will and the individual forces. This "consonance" of the two wills in his consciousness is, thus far considered, morally neutral and neither to be called good nor evil. Only the act of moral self-determination coordinates both kinds of will into *one single* faculty of good and evil. Man can then exercise this faculty by virtue of his intelligible self-constitution as a morally attributable being either in the manner and inclination for evil or in the manner and bias for good in all actions attributable to him and morally ultimately responsible.

3. *Schelling's preemptive moves to escape Strawson's argument*

Schelling's investigation of human freedom proceeds in two main steps that build on each other, each of which explains different aspects of it more precisely, but only together yields its full concept: the first step deals with the specific difference of *human* freedom,[32] which (in contrast to divine freedom, for instance)[33] is determined as a capacity for good and evil.[34] What is specific is that it is one and the same capacity, which in its exercise can be disposed and employed either for good (contrary to evil) or for evil (contrary to good), but which, according to its *capacity*, always remains related to both.[35] In the introduction, Schelling calls this the "real and vital concept" of human freedom,[36] which has been practically disregarded by the idealistic theory of freedom. Rather, the idealistic theoretical drafts in the past had only dealt with the "formal concept" of freedom (here he aims at Fichte as well

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[30] Schelling, *Freedom Essay* AA I 17, 133 f. [SW VII, 362 f.].

[31] Schelling, *Freedom Essay* AA I 17, 134, 23.

[32] For more details, see Buchheim (2012), 190–201.

[33] According to Schelling, God, if he exists, could not even possess a *capacity for evil,* which is why, if human nature was created by God, man cannot yet be endowed with such a capacity by nature, but must first have consolidated himself as a moral subject with such a *capacity for* evil and good. Cf. on this *Freedom Essay*, introduction AA I 17, 126 [SW VII, 354] and subsequently AA I 17, 154 f. [SW VII, 387 f.].

[34] Schelling (transl. 2006), 23 [SW VII, 352; AA I 17, 125, 6 f.] et passim.

[35] It is important to note that the faculty of human freedom, even when constituted for evil, still remains a faculty for good; and likewise, when constituted for good, a faculty for evil. The moral opposites always gain their respective profile in view of and mindful of the moral opposite. There is always a form of resisting the possible evil in the good and a form of refusing the good in the evil.

[36] *Freedom Essay* AA I 17, 125.7 f. [SW VII, 352]; Schelling (transl. 2006), 23.

as at Hegel[37] and not least at his own earlier idealistic system writings[38]). This had clarified the formal structure of self-determination or (in Fichte's words) of the self-setting intelligence and had presented it as an idealistic basic pattern of a speculative differentiation or gradual "potentiation" of the intelligible reality.[39]

In the first part of the *Investigations*, a central problem is discussed under the title of a "real and living concept" of human freedom. It consists in how it can be that man, although God does not even possess a capacity for evil,[40] by virtue of her own spirit (i. e. of the "complete consonance" of the two kinds of will explained above) is both exposed to a "possibility of evil" at all,[41] and has to live in constant suggestion or enticement to evil. Both of these facts do not, as God's creation otherwise, go back to the divine will as its first source.[42] Positive evil, the *faculty* of which man appropriates by virtue of her mind, consists, as Schelling explains, in a "false unity"[43] of those two wills or principles of her consciousness. A mistaken order or hierarchy between them endows this false unity. Kant had already made clear that the self-will can be integrated into the generality of a moral law of conduct only under considerable "restrictions" if the moral law is to be the supreme maxim.[44] Conversely, the self-will can be dominant only by *instrumentalizing* the general claim of the law or the universal will at the same time for the most unrestricted and effective pursuit of self-interest. The two wills, according to Schelling's idea (which goes back to Franz von Baader),[45] thus allow *two* diametrically opposed formations of unity between them, one of which realizes the positive good, the other an equally positive evil.

Only after the explanation of the real concept of freedom, Schelling then turns to "formal freedom" in the second main step of the investigation, which now deals with the intelligible deed of self-determination of human freedom by drawing on the conceptual ideas of Kant and Fichte explained above. Here, the "intelligible deed" justifying attribution and moral ultimate responsibility is presented in such a way that, upon close analysis of the wording, it becomes clear why and at which points Galen Strawson's regress argument can no longer be brought into play, thus demonstrating the non-impossibility of "Ultimate Moral Responsibility" under certain, undoubtedly metaphysical presuppositions. We have already pointed out above that the intelligible deed of self-determination, i. e. the "formal freedom" of man, proceeds from human nature. It is already laid out by creation, as a certain

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[37] Cf. e. g. G. W. F. Hegel (1807) [*Phenomenology of Spirit*], Preface (which Schelling had studied attentively shortly after its publication), ThW Vol. 3, 23–31 "the movement of setting oneself" (23) of "self-conscious freedom" (25), which ideally generates the whole stage structure of the system of reality through the movement of the "pure concept" (28).

[38] As an example of this from Schelling's earlier work, we may refer to the 1804 paper *Philosophy and Religion*.

[39] Cf. e. g., Introduction to the *Freedom Essay*, AA I 17, 123 f. [SW VII 350–352].

[40] See AA I 17, 126.20–26 [SW VII, 354].

[41] AA I 17, 134.32 [SW VII 364].

[42] The relevant section extends from AA I 17, 134–150 [SW VII, 364–383].

[43] See *Freedom Essay* A I 17, 140 f. [SW VII, 370 f.].

[44] Cf. e. g. Kant, *Critique of Practical Reason*, AA V, 34 f.

[45] Schelling himself refers to this: *Freedom Essay* AA I 17, 137 [SW VII, 366 f.].

(especially demanding) kind of conscious life, which at this God-created stage, although still morally neutral, is already characterized by "complete consonance" of the two kinds of will. Both kinds of will can achieve *one* certain volition of the individual only if they are integrated into an order common to them. This *one* unified volition fed by both kinds of will is the result of the intelligible deed of self-determination of every human individual. Schelling writes:

> But just how in each individual the decision for good or evil might now proceed – this is still shrouded in complete darkness and seems to demand a specific investigation.
>
> We have generally focused up to this point less on the formal essence of freedom, although insight into it seems to be strapped with no less difficulty than explication of the real concept of freedom.[46]

Here, of course, the whole doctrine of the intelligent act of freedom of the individual human being (i. e. his freedom in the formal sense) cannot be presented in detail.[47] I limit myself rather to the two most important pivots from Strawson's argument, which lead to the occurrence of a foundational regress, by the leveraging of which Schelling can avoid such a regress in his conception.

The *first pivotal point* is Strawson's claim that moral accountability in any case (and minimally) requires not only the *intentionality* of an action in the first place for which I am to be accountable. Rather, this intentionality must also be directed *to that being* (*N* as in "nature") to which the logical transfer of accountability under proposition (2) of Strawson's argument is relegated. However, this view of Strawson does not seem to be supported by any additional reasoning. Rather, counterexamples teach that one can be responsible for many things that were *not* necessarily the focus of my intention when I acted. Consequently, not being in the focus of my intention may also concern that *being* to which the transfer must admittedly relegate responsibility for an intentional action in order to be called responsible for it. Generally speaking, moral ultimate responsibility (imputability) for actions is not grounded in intentionality with respect to the result or object of an action, but – in Kant's line – in the moral-sensitive configuration of their will to act as good or evil. This is a major difference and has the consequence that, according to Schelling, it is precisely not that nature or ontological constitution that is brought into the focus of intentional production, to which, according to Strawson's first (*actio sequitur esse*) and second (*transfer*) premises, the reassignment of possible ultimate responsibility for one's own actions must lead. Rather, for Schelling it is true: Whatever the intentionality of actions may be, for which I bear moral ultimate responsibility, the will with which I pursue them is configured by myself as a radically good or evil one by way of an intelligible deed of justification that can be attributed to me.

Unfortunately, the sentences in which Schelling formulated his view on the justification of ultimate responsibility by the intelligible deed are somewhat difficult and speculatively charged:

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[46] Schelling (2006), 48 [SW VII, 382 = AA I 17, 150].
[47] Cf. with particularly instructive profiling vis-à-vis Kant: Wachsmann (2021).

There is, however, no transition from the absolutely undetermined to the determined. That, for instance, the intelligible being should determine itself out of pure, utter indeterminacy without any reason leads back to the system of the equilibrium [*Gleichgültigkeit*] of free will discussed above. In order to be able to determine itself, it would already have to be determined in itself, [...] itself as its essence, that is, as its own nature would have to be its determination. This is of course not an undetermined generality, but rather determines the intelligible being of this individual; the saying determinatio est negatio holds in no way for such determinateness since the latter is itself one with the position and the concept of its being, therefore it really is the essence in its being.[48]

Despite some remaining ambiguity, three things can be made sufficiently clear: (1) The act of self-determination of the intelligible being does not proceed from "indeterminacy", but recurs to an already presupposed being or "own nature", which, as explained above, goes back to an act of creation, which is not in the hand and responsibility of the person. (2) This "own nature" of the individual being ("*this* person") "would have to be its determination" again. – This means, what the being already is by nature would have to be able to be made to him that determination which the being has to give to itself only in the course of the intelligible deed. But from this description it follows that the category of determination under which one's own nature is determined by itself cannot belong to the *same* category of determinations as those which determine its created nature as such.[49] Indeed, we have seen above that, according to Schelling, moral valence as good or evil comes about only through the *formation of unity* between the two kinds of will in their nature-given consonance, which is to be organized by the individual. The determinations of the "own nature" are put into use by the subject in a characteristic way and thus (through this use) first raised *to* moral valence and evaluability. (3) With this reading of the preceding point, thirdly, it also becomes clear why Schelling says that a (self-)determination of such kind would not be subject to Spinoza's statement *determinatio est negatio*. For the determinateness of the essence is thereby only primed internally to a certain point, which alone gains moral quality as thus primed. But it is not demarcated by negation as determinate from a determination contrasting with it. Such an 'inner pointedness' of the essence brings forth only "the essence in its being" *as a moral one.* While contrasting determinations according to the scheme *determinatio est negatio* always imply that on both sides of the transition to determinateness there are predicates of the *same* category. However, this is not the case here with Schelling: Goal-determinacy moves the subject or being into a *new* categorial dimension (namely, a *morally* determinate one between good and evil) that its own initial nature does not yet possess. The being does not change from a presupposed basic determinateness to another of the same category, but it *emerges*

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[48] Schelling (2006), 49 f. [SW VII, 384 = AA I 17, 151 f.].

[49] So here we have exactly the case that Strawson wants to exclude from occurring: "The claim is only that people cannot be supposed to change themselves in such a way as to accede to UR with respect to the way they are, and hence with respect to their actions." (Strawson 2000, 151) – That this 'cannot be' presupposes, of course, that Strawson's *argument* is considered valid, which, as we now see, Schelling would not do for good reasons if he had known it.

anew as a moral subject from a merely natural one – in the act of self-determination.

Let us map this deviation of Schelling's train of thought from what Strawson understands by self-production of the 'nature' of *S* onto the necessary transfer of responsibility from the morally determined act to the internally presupposed ontological constitution *N*. We are then to say that the morally constituted (i.e. newly arisen) subject possesses a moral determinateness produced by itself, which is the same (good or evil) as that of all its empirical acts for which it is responsible. However, the *earlier* initial nature to the act of self-determination to be presupposed for the intentional *production* of this moral determinateness of being according to Strawson does not take place again "in the light" of another *similar* (namely morally determined) intentionality. The intentionality of the intelligent act rather aims only at the *unification* of the two by nature consonant wills into a unified "primal and fundamental willing" with respect to whatever is at stage for being willed by the respective subject;[50] it does *not* aim at the moral constitution *N* of the subject as good or evil. It rather incurs it as a result.

The significance of this deviation from Strawson's pattern of argumentation becomes clear when we also consider the *second pivot* of Schelling's new conception of the intelligible deed. It consists in the fact that the subject considers the self-production act of the morally determined ontological constitution (what was called $N(t_n)$ in Strawson) neither as antecedent to his responsible acts nor as an act of his own right completed with respect to them. For the first (not to precede in time) the following text passage can be cited as evidence:

> The act, whereby his life is determined in time, does not itself belong to time but rather to eternity: it also does not temporally precede life but goes through time (unhampered by it) as an act which is eternal by nature.[51]

Thus, while man empirically living in time is ultimately responsible for his individual free acts, which are done as likewise empirically determined by him in time, the permanent self-production of that constitution *N* of this man, to which the responsibility must be transferred according to Strawson's argument, is *not* already completed ahead of time to the individual act, but only simultaneous with it.

Furthermore, according to Schelling the said non-temporally preceding origin of responsibility is not in turn a doing in such a way that it would have to be distinguished from again a presupposed earlier *being*-of-the-doer, which the one would have to have already had before any such doing, which could have stemmed from it:

> Were this being a dead sort of Being [*ein totes Sein*] and a merely given one with respect to man, then, because all action resulting from it could do so only with necessity [cf. Strawson: a *function* of it], responsibility and all freedom would be abolished.[52]

This means – now with regard to the regress arising in Strawson's argument – that according to Schelling the acting self-production is not distinguished and set

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[50] Schelling (2006), 50 f. [SW VII, 385 = AA I 17, 152, 33].
[51] Schelling (2006), 51 [SW VII, 385 f. = AA I 17, 153, 11–13].
[52] Schelling (2006), 50 [SW VII, 385 = AA I 17, 152].

off from the basic moral constitution of being as its result, which result for its part, however, must very well be an internally distinguishable moment in every empirical action for which *S* is responsible. The transfer of ultimate responsibility, according to Schelling, only goes back to an internal presupposition of undoubtedly transcendental or metaphysical nature inscribed *at the same time* in the real constitution of the subject of action responsible for its actions, i. e. one that cannot itself be empirically identified. But this is not followed by a further founding regress via infinitely repeated stages of production of the state of being achieved by the transcendental action in again preceding stages of action of the same subject.

Strawson, on the other hand, had obviously understood the chain of regress steps according to the model of a gradual change of the "already existing" subject towards the respective state in which a responsible action is done. For this, *before* each step taken, the full existence of the subject in question with an already completed nature was already required – which just led into an interminable regress. Much more plausible, on the other hand, is Schelling's view that, if, after all, his *constitution as a moral being* is brought forth, it is a question of a *genesis* or re-emergence of *the very* (moral) subject, which only *with its existence* is also responsible for its actions. Now, of course, it is clear that it cannot be a genesis in the common empirical sense, because that from which something comes into being then exists distinct and separate from that which is the product of the genesis. But this empirical condition is purposefully invalidated by Schelling in that he declares the genetic constitution of the moral subject to be the *result*, but not also the already presupposed *carrier* of the transcendental act of freedom. Its carrier is rather the same living subject in its created nature.

If one now asks oneself whether this is at all consistent and permissible: how can a transcendental act of freedom, which is attributed to *S*, occur in reality without having *S* in its presupposed being already as carrier? – This is less absurd than it may sound at first. For always only there, where an empirical subject commits free actions in the empirical sense, the transcendental action bringing forth (giving rise to) him as moral subject is an internally embedded, but nevertheless *real* component of his empirical actions. Of course, this has also made it clear that such doing or intelligible deed, which is as much doing as being, is not an action of a human being in the empirical sense to which, taken by itself, predicates of freedom and responsibility could be assigned. It is rather an action or doing in the transcendental or metaphysical sense, which must be presupposed in all empirically responsible actions, and which, as shown, first *constitutes the intelligible* character or moral self-definition of a human being. But its transcendental or metaphysical status makes such an assumption neither contradictory nor necessarily loaded with infinite regress.

Thus, a constitutive act is not an *instance of doing* that can be equated with all other acts that fulfill certain predicates. One defect of Strawson's argument is not to admit a distinction between 'doing' in the empirical sense and 'doing' in the transcendental sense of a constitutive act. Rather, he pretends that the two can and should be regarded as *similar* cases of action, to which the same conditions apply, and where one occurs as 'completed' as episodes of human life as the other. But this

is not the case. Rather, a constitutional act occurs only as an *internal* and *stable component* of all its empirical acts across the span of a human life, insofar as (the empirical) predicates of freedom and responsibility are to be accorded to them.[53] This stability across all empirical acts constitutes at the same time the real distinctness of this component of all empirical acts of a subject to which freedom and responsibility are ascribed. An illustrative image of the act of constitution in this respect is the internal piling up of any wave that breaks as it hits a beach: in a given swell, the piling up is a stable, internal constitutional condition of the breaking of any wave. It can take very different forms and shapes at different points along the shores, although they all have the same degree of piling up in them. This is not an independently occurring wave, but a stable component of each one, which reaches the breaking.

It is correct to attribute the moral constitutional action of a human being to it and to consider it as intentional. However, as already explained in the first pivot of Schelling's conception, it is intentional in a *different* sense than any empirical action that would justify the predicate of freedom. Whereas, according to Schelling, we can regard the constituent action as intentional in relation to a due formation of *unity* between two nature-given wills in human consciousness – the self-will with the universal will. The morally constituted will or the morally re-arisen subject is not only engaged in achieving unity but 'decided' to a certain moral pattern (good or evil) of its use in each concrete intention of action.[54]

Finally, let us look again at Strawson's argument and see how Schelling relates to the individual propositions and premises therein. Schelling would affirm the first proposition (*actio sequitur esse*: "you do what you do because of the way you are") as long as it is about empirical actions of the same subject. He would not, however, regard the transcendental self-constitution as an independently occurring action and its subject as categorically the same (although numerically one) as its result, namely the morally constituted subject of empirical actions. The second proposition (*transfer*: "to be truly morally responsible for what you do you must be truly responsible for the way you are"), which involves the transfer principle, would also be conceded by Schelling, although according to Schelling moral ultimate responsibility for actions is constructed in a much more complex way than Strawson seems to imply. Indeed, it is only given and possible for actions in the empirical sense if it also makes the moral constitution of the subject in question – to which the transfer of responsibility is always relegated –the result of a transcendental or metaphysical act of moral self-production to be attributed to the numerically identical but not likewise already morally determined subject.[55]

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[53] Abe (2021), 319, also points this out with desirable clarity.

[54] Schelling has also given a (non-necessitating) reason for the fact that every human being who is born has a certain, namely radically *evil* formation of unity (and not the opposite radically good one). This reason is "the fear of life", which any finite spiritually endowed being cannot avoid to feel (Schelling 2006, 47 [SW VII, 381 AA I 17, 149.26]), if it sees itself exposed to an "above the creaturely" claim. This question does not need to be treated further here (see Buchheim 2021, 271 ff. for more details), because it plays no role for Strawson's argument as well as for its undermining by Schelling.

[55] For more details, see Buchheim (2021), 273–277.

  This moral self-production and its subject is not itself a cause, but at any time only a embedded *component* of real causes of free actions, namely of free persons. In this respect, if it is not itself a cause, then it is also not a *causa sui.* Rather, according to Schelling's conception, man is a *natural being* created by God, but licensed to bring herself forth as a *moral* being. It is clear, therefore, that Schelling can confidently reject all the other propositions ((3) to (7)) of Strawson's argument without arguing inconsistently or contradictorily. The fact that he cannot do without certain metaphysical additional assumptions[56] (which Strawson would probably not share) can then – in the interest of freedom – no longer be considered a mere fantastic move of Schelling to enthusiasm.

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[56] More recently, Thomas Oehl (2021) has also proposed, in his view against Strawson's argument, an immune conception of the inner-temporal development of a moral character, which gets by with fewer additional metaphysical assumptions than Schelling's conception of the intelligible deed has claimed. Only further discussion can reveal whether this attempt is also successful. In any case, the analysis presented here has made it clear that *Schelling's* more metaphysically demanding conception of the justification of moral ultimate responsibility for free acts can indeed escape Strawson's argument in a consistent way.

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