Boris Kapustin

Evil and Freedom

Reflections regarding Kant’s “Religion within the Boundaries of Mere Reason”

© Boris Kapustin 2017

ISSN 0346-6507
ISBN 978-91-513-0087-0

Printed in Sweden by DanagårdLiTHO AB, 2017
To my blue-eyed daughter Sasha
Contents

Acknowledgements...........................................................................................................9

Introduction......................................................................................................................11

Chapter 1. On Religion within the Boundaries of Mere Reason
as an embarrassment .................................................................................................27

Chapter 2. The paradoxical connections between good, evil and
freedom in Kant’s “ethical canon”..............................................................................39

Chapter 3. An attempt to eliminate the paradoxical connections
between good, evil and freedom in the Religion within the
Boundaries of Mere Reason......................................................................................59

Chapter 4. On the “impossibility” of “rebellion against morality”:
ethical arguments ......................................................................................................80

Chapter 5. Suicide as a moral problem, or On the same topic in
the miniature of private life......................................................................................95

Chapter 6. Pure duty in historical context, or On the possibility
of the “impossible” “rebellion against morality”..............................................121

Chapter 7. The disappearance of freedom and its consequences,
or Once again on the paradoxes of Religion within the Boundaries
of Mere Reason.......................................................................................................135

Chapter 8. Revolution as the reality of the “impossible” “rebellion
against morality”: political arguments..............................................................166

By way of a conclusion..............................................................................................194

Bibliography...............................................................................................................207
Acknowledgements

In preparing this book for publication I have been fortunate enough to receive help, encouragement, and support from a number of my colleagues from the Program in Ethics, Politics, and Economic, Yale University and Department of Politics, National Research University Higher School of Economics (Moscow), and now it gives me great pleasure to express my gratitude to all of them. My special thanks go to Ian Shapiro, Seyla Benhabib, John Dunn, Stephan Fuchs, Ruben Apressyan, Alexander Filippov, who at different stages of my academic career made me come to grips with the problems of politics and ethics that either escaped my attention or seemed to be beyond my reach. It is certainly my fault that I failed to fully benefit from my communications with them. My sincere thanks to Alexander Kor-yagin, who masterfully translated the original Russian version of this book into English, and to Megan Case and Konstantin Andreev, who, combining great care with ingenuity, turned the final English-language version of the book into better prose than I was capable of writing myself. Professor Elena Namli of Uppsala University has been something much more than a source of unwavering support, wise advice and penetrating criticism over the entire period of my work on this book. She was inspiration incarnate. Without her, the book would have never materialized.
Introduction

The present book is not a work of Kantian scholarship in the sense of a historical-philosophical project aimed at finding out what Kant “really” said or meant to imply, or at demonstrating the integrity of his philosophy (at least of the “critical” period) and a lack of contradiction in his views. Regarding the former—what Kant “really” said or meant to imply—it seems to me easier and safer to suppose that a thinker of his rank was capable of expressing himself adequately and of saying exactly what he wanted to say and what he meant. In any case, it makes sense to pay at least prima facie heed to Kant’s own exhortation, directed at his “followers” and critics, that his work “is to be understood by considering exactly what it says and that it requires only the common standpoint that any mind sufficiently cultivated in such abstract investigations will bring to it”¹ (my italics). Regarding the latter, the contradictions in his views, the attempts to “reconcile” them or to demonstrate that they are mere appearances would only prevent us from comprehending the creative dynamism of Kant’s thought, of its explosive power, and of its rare quality that impels our thought to move beyond the limits to which Kant himself tried to lead us. These creative contradictions in Kant, or, to be precise, what the author of this book deems as such, act as the fundamental driving force behind the arguments presented here.

The present book deals with the challenges and the possibilities of reflecting upon human freedom. Both these challenges and these possibilities are, to a large extent, defined by freedom’s necessary connection to evil; therefore, the title of this book—Evil and Freedom—reflects the perspective from which freedom is approached in it. The challenges and possibilities of thinking freedom through, to which the book is devoted, refer specifically to human freedom and not the idea of freedom. The latter, presumably, entails its own peculiar challenges

and possibilities, but they—in terms of how they can be overcome or realized—are nothing compared to the challenges and possibilities of comprehending human freedom, which can only exist as a practice of freedom of one kind or another.

Kant, perhaps uniquely, allows us to understand the entire significance of the difference between constructing the idea of freedom and understanding its practice. Already in the Critique of Pure Reason we encounter a whole range of logically impeccable definitions which appear to describe freedom in perfectly sufficient detail. After all those definitions (and after all the other Critiques) we read in a late article from 1796: freedom “is precisely what constitutes the mystery”. Has this mystery not been dispelled by the entire string of precise definitions of freedom embedded in the three Critiques? If in their entirety they could not shed any light on this mystery, what is their purpose, and what is their relation to practical human freedom? This truly is a pertinent question from Kant’s own standpoint as well. For indeed, the impossibility of “bringing [one’s] science to bear on men”—is the first sign of the “pedantry” that Kant so vehemently criticized, pedantry that turns its bearer into a “caricature of the methodical mind”, a formalist who fails to see behind the “the clothing and the shell” through to the “core of things”, the “essence” of which can only be a practical aim, and not “useless exactitude […] in formalities”.

Maurice Merleau-Ponty conveyed the difference (at times becoming a contradiction) between the idea of freedom and the practices of freedom in the following words:

---

2 Thus we find out that “freedom in the transcendental sense” is a “special kind of causality in accordance with which the occurrences of the world could follow”, is “a faculty of absolutely beginning a state, and hence also a series of its consequences”. Further on, “freedom in the practical sense is the independence of the power of choice from necessitation by impulses of sensibility”. In turn, the “greatest human freedom” is the accordence with and obedience to such laws “that permit the freedom of each to exist together with that of others”, and so on and so forth. See Kant, Immanuel: Critique of Pure Reason. Cambridge University Press, Cambridge 1998, pp. 397, 485, 533, also pp. 547, 675-676, et al.


We must remember that liberty becomes a false ensign—a “solemn complement” of violence—as soon as it becomes only an idea and we begin to defend liberty instead of free men. [...] It is the essence of liberty to exist only in the practice of liberty, in the inevitably imperfect movement which joins us to others, to the things of the world, to our jobs, mixed with the hazards of our situation. In isolation, or understood as a principle of discrimination [...] liberty is nothing more than a cruel god demanding his hecatombs.5

In Kant’s Critiques we get precisely the pure idea of freedom, deliberately and meticulously detached from anything “empirical” or “anthropological”.6 Freedom, of course, does not appear in Kant as “a cruel god demanding his hecatombs”, nor could it demand them, being abstracted from any historical concreteness, including those situations where such a thing could take place. However, the reduction of freedom to its idea comes at the price of becoming a puzzle of both a properly moral and a political nature. On the one hand, in this reduced form, freedom, after the fashion of Orwell’s “newspeak”, is indiscernible from subjugation: “a free will and a will under moral laws are one and the same”.7 Or, put differently, “the very concept of duty is al-

6 This, of course, does not extend to the occasionally mentioned “greatest human freedom” within the bounds of the civil community. However, the issue is not only that the discussion of this “human freedom” is marginal to the three Critiques. What is more important is that it has not only nothing to do with “transcendental” and “practical freedom”, but is in fact diametrically contrary to them. For “human freedom” in a civil community consists precisely in that “each may seek his happiness in the way that seems good to him, provided he does not infringe upon that freedom of others to strive for a like end”. (Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, in Mary J. Gregor (ed.): Practical Philosophy. Cambridge University Press, Cambridge 1996, p. 291). In other words, it is a freedom of “rational egoists” and nothing more, whereas the freedom that is the key subject of the three Critiques presupposes spontaneity, which is completely undetermined by anything (including “natural” human inclinations), and “liberation from egoism” in the form of a complete obedience to pure moral law. In the Prolegomena to Any Future Metaphysics Kant draws a straightforward “analogy between the legal relation of human actions and the mechanical relation of moving forces”, thereby directly comparing even the best civil community of “rational egoists” to nature, in which transcendental and moral freedom cannot exist by definition. See Kant, Immanuel: “Prolegomena to any future metaphysics that will be able to come forward as science”, in Henry Allison and Peter Heath (eds.): Theoretical Philosophy after 1781. Cambridge University Press, Cambridge 2004, p. 147 (footnote).
ready the concept of a *necessitation (constraint)* of free choice through the law*, for only in such necessitation do we acquire “freewill” (as independent from “natural inclinations”).

It is, however, true that where human practice is concerned, freedom outside and without the law proves to be mere willfulness and arbitrariness; i.e., it appears as unfreedom, as the tyranny of caprice and of the “passions”. Therefore, overthrowing the necessity of law as such, we merely alter the form of slavery without acquiring freedom. This leads to the first crucial question with respect to the *practices of freedom*: how is it possible for freedom to be “lawlike” without being degraded into compulsion (“necessitation”) by the law (moral or otherwise)? In other words, using Kantian terminology, we need to understand not how “the law of freedom” is possible and what it amounts to—for this law effectively is simply practical reason itself and moral law itself, which is why it has absolutely *nothing* to say about freedom as freedom—but how “free law” is possible and what it amounts to as an organizing principle of the practice of freedom of actual historical persons.

On the other hand, in Kant’s “ethical canon”, freedom is reduced to a mere *instrument* in the service of aims higher than itself, primarily aims of morality, that is, the unconditional obedience to pure duty. Therefore, in the second *Critique* Kant explicitly states: “The idea of freedom as a faculty of absolute spontaneity was not a need but, as far as its possibility is concerned, an analytic principle of pure speculative reason”. Freedom is precisely *not a need*, according to Kant. It is, however, to be conceived as a solution for certain other problems, such as whether reason can attain certainty given the contradictory (antinomian) nature of the notion of the sum total of the synthesis of all appearances, or for the “grounding”—in the sense of *ratio essendi*—of moral law.  

---

11 See Kant, Immanuel: *Critique of Pure Reason*, p. 466 ff.
12 See Kant, Immanuel: “Critique of Practical Reason”, p. 140. This is not the place to discuss Kant’s heroic attempt in the third part of the *Groundwork of the Metaphysics of Morals to deduce* moral law from the necessary presupposition of the idea of freedom, which is almost universally considered to be a failure. See Allison, Henry E.: “Morality and freedom: Kant's reciprocity thesis”, in Paul Guyer (ed.): *Kant's
Nevertheless, in practice, freedom can never act merely as an instrument or as a means. This is the circumstance that Alexis de Tocqueville, observing the first practices of freedom that were formative of Modernity, expressed in his famous aphorism: “Whoever seeks in liberty anything other than liberty itself is born for servitude”. It is not that, Tocqueville explains, freedom cannot bring about any other goods apart from its own “charm” or that it cannot solve vital and even the most mundane problems of human existence. It can, and does accomplish all of those things. But the point is that it cannot be acquired and maintained for long if it is sought for the sake of these distinct goods. In this sense, freedom resembles the highest or the ultimate good (happiness) as Aristotle described it. The ultimate good is ultimate precisely because it is sought after for its own sake and not for the sake of some even higher good, where the good in question serves merely as a means. However, an essential part of the ultimate good is that it acts as a reason for and a condition of the attainment of “lower” goods, which form the “body” of the “ultimate good”.

Freedom in the conditions of Modernity appears as the ultimate and highest good, which then poses a second crucial question: how does freedom appear in this capacity in the most mundane everyday life of people, the “fabric” of which is comprised, and the horizons of which are limited, by the “lower” goods under normal circumstances? In what way can freedom remain in people’s lives in such a capacity when life returns to “normality”, once the solar flares emitted by the magnificent yet fleeting moments of “making of history” fade?

Kant, it seems, gives us a simple answer to both questions, essentially doing away with both of them. Freedom always—i.e., independently of any “empirical” circumstances in which a person may find him- or herself—is discovered as a “something” in human rea-

---

Groundwork of the Metaphysics of Morals: Critical Essays. Rowman & Littlefield Publishers, Lanham (MD) 1998, p. 273 ff. Suffice it to say that even if Kant’s deduction had turned out to be successful, it would only serve to confirm what we said earlier – that the idea of freedom serves a merely instrumental purpose for the sake of achieving a higher goal, namely the “proof” of the necessity of moral law.


14 “This also seems to hold”—Aristotle writes—“because happiness is a starting-point, since it is for the sake of it that we all do all the other actions that we do, and we suppose that the starting-point and cause of what is good is something estimable and divine”. (Aristotle: Nicomachean Ethics. Hackett Publishing Company, Indianapolis (IN) 2014, p. 18).
son, and, therefore, what one could call a Kantian “phenomenology of consciousness” can easily discover freedom as another “fact of pure reason”, or, rather, discover it as the very same “sole fact of pure reason” (my italics — B.K.) that is moral law. However, the problem is precisely that freedom as conceived by the Kantian “phenomenology of consciousness” turns out to be a mere *idea* (or “concept”, as Kant calls it in the *Proclamation*), and we again face the great “mystery” of freedom as soon as we turn our gaze to human practices.

Perhaps in order to clarify the difference and the possible tension between the idea of freedom and practices of freedom we should approach the matter from a historical-philosophical vantage point. Let us briefly examine how Jean-Jacques Rousseau—a thinker who is widely agreed to have had a direct impact on Kant’s ethics—conceptualized the problem of freedom and in what way his conceptualization essentially differs from that of Kant.

Rousseau begins the first chapter of *The Social Contract* with a famous formula: “Man was born free, and everywhere he is in chains”. Incidentally, it is *everyone* who is “in chains” – both the ruled and the rulers (and the latter to an even greater extent than the former). The first part of this formula, “man was born free”, undoubtedly is a normative statement, and could be translated into more ordinary language as “man ought to be free”. It is equally absurd to present this statement as a “metaphysical” one (as if it implied that man had been free in the pre-social state), as is done by the editors of the otherwise splendid Russian edition of Rousseau’s treatises, or to try to disprove this statement in a (quasi)scientific manner, as does Jeremy Bentham,

---

15 See Kant, Immanuel: “Proclamation of the imminent conclusion of a treaty of perpetual peace in philosophy”, in *Theoretical Philosophy after 1781*, p. 455.
16 In accordance with Kant’s own designation of the first section of the theoretical part of his “critical” project as “phenomenology”. See Kant, Immanuel: “To Marcus Herz. February 21, 1772”, in Arnulf Zweig (ed.): *Correspondence*. Cambridge University Press, Cambridge 1999, p. 132.
who points to the obvious fact that humans are born completely helpless and are fully dependent on their parents.\textsuperscript{21}

What is most interesting, however, is what allows Rousseau to make this normative statement, especially considering that it is universal in scope (man in general; i.e., all people are “born free”). After all, Rousseau remains completely within the realm of the “empirical”, and he does not develop anything like Kant’s “phenomenology of consciousness”, which discovers the “fact of freedom” in pure reason itself. The answer to this question is given in the second part of the above formula: man is “everywhere” “in chains”. This means that man (evidently all men) recognizes the unfreedom of his condition, and, furthermore, recognizes it as improper. The recognition of the factual (“empirical”) state as improper is precisely evidence of the fact that man has a certain standard, or yardstick, or criterion of evaluation that allows him to identify this condition as improper.

Let us not pose a question to Rousseau that is inconceivable within his philosophy, namely whence (and how) man acquired this criterion for evaluating reality.\textsuperscript{22} What is more important for us is the reasoning that allows him to tie the normative to the “empirical” and to remain within the latter’s limits. This reasoning may be expressed in the following way: because we are “in chains”; i.e., insofar as we recognize our factual condition as improper, we know that we are “born free”. The recognition of our unfreedom demonstrates that in reality we are not slaves, and therefore the reality of slavery is a false reality (and hence follows all of Rousseau’s criticism of “civilization”), and—in contrast to slaves, for whom the reality of slavery is true—we have the right to discuss freedom and to demand it by claiming that “man is born free”.\textsuperscript{23} Much later, Vladimir Lenin expounds the same idea in the following way:

\textsuperscript{22} To the extent that freedom is understood as “a gift they have from Nature in their capacity as human beings”, the very posing of the question about the historicity of freedom as an idea becomes impossible. See Rousseau, Jean-Jacques: “Discourse on the Origin and Foundations of Inequality among Men or Second Discourse” in \textit{The Discourses and Other Early Political Writings}. Cambridge University Press, Cambridge 1997, p. 179.
\textsuperscript{23} And “it is not for Slaves to reason about freedom” precisely because they are not “in chains”. See Op. cit., p. 177.
The slave who is aware of his slavish condition and fights it is a revolutionary. The slave who is not aware of his slavish condition and vegetates in silent, unenlightened, and wordless slavery, is just a slave. The slave who drools when smugly describing the delights of slavish existence and who goes into ecstasies over his good and kind master is a grovelling boor.24

In his, as it were, “principal” ethical works, Kant does not make a move of this kind. Instead, he makes the opposite move, as a result of which freedom is reduced to an idea and parts ways with the “empirical” world. This Kantian move could be rephrased in Rousseau’s terms thus: we are “born free” to the extent that we are nowhere and never “in chains”. It goes without saying that the only way we can be “in chains” nowhere and never is not as human beings, but rather as the “transcendental I”, which becomes the only, if one may phrase it thus, subject of freedom in the “principal” ethical works of Kant. Accordingly, freedom is also transferred from the “empirical” world into a realm in which nothing ever does “arise or start working”, into pure reason and “intelligible character”,25 that is, where freedom itself does not arise or start working. The freedom that never arises or starts working becomes completely disjoined from liberation, which is, by its very definition, an arising of freedom or its starting to work.

This is precisely the main consequence of reducing freedom to a (pure) idea: it loses any liberating significance; it turns out to be incapable of liberating anyone from anything. It is fated to either denounce all factual existence as something contrary to it, as entirely heteronomous, or, if it nevertheless desires to somehow come into contact with the “empirical” world, it has to dogmatically accept those elements that this world itself declares as its “foundations” and that moral law authorizes on its own behalf.

The way in which both this denunciation and this acceptance take place is described in general terms in chapter 2 of the present book and more specifically in chapter 5, where Kant’s own examples of testing the universalizability of maxims (whether they can be assimilated with the “universal law of nature”) are discussed at length, with special attention given to the first such example: the discussion of suicide from a moral point of view. The thesis that these chapters at-

---

tempt to substantiate is as follows: once freedom “migrates” to the “intelligible world” and becomes a mere idea, it is no longer capable of fulfilling the essential function of any moral philosophy worthy of its name; namely, to distinguish good from evil and to promote the former while opposing the latter.

However, everything said thus far only hints at the character of the present book, which, as already indicated, not being a Kantian study, nevertheless places Kant’s philosophy at its core, and essentially subjects it to relentless questioning. What purpose does this approach serve in a book attempting to uncover the relationship between evil and freedom, a book that has already admitted that we shall not find anything really edifying about this relationship from the “principal” ethical works of Kant?

To give a very brief answer to this question, we can say the following: Kant’s philosophy—as it has developed after the “principal” works on ethics—presents itself as a uniquely interesting, and, in many respects, instructive, attempt to overcome the reduction of freedom to an idea, to arrive at a conception of freedom as embedded in human practices; in other words, an attempt to understand freedom “from the human perspective”, from which it will inevitably appear as essentially different than it does from the “perspective of the transcendental I”, which defined Kant’s approach to freedom in his “principal” ethical works. The elaboration of the theme of freedom “from the human perspective” allows Kant to pose a set of questions—and even to outline the strategies required to answer them—which today remain not merely relevant, but have an undeniable heuristic significance for contemporary moral and political philosophy.

Many such questions, and possibly the most important among them, are related precisely to the relationship between freedom and evil. Certainly, the advance in its elaboration that we observe in Religion within the Boundaries of Mere Reason became possible solely on the basis of the rejection of identifying freedom (free will) with its unconditional subjugation to moral law, which is one of the key themes in Kant’s “principal” ethical works.

The highest point of this advance is arguably the new formula of freedom, which Kant announces already in the first part of Religion:
“evil [...] is possible according to the laws of freedom”,\textsuperscript{26} moreover as he later shows, evil is possible \textit{only} according to the laws of freedom. This formula, of course, needs to be juxtaposed against his other crucial conclusion regarding the relationship between evil and freedom, which he makes in an essay written between the publication of the \textit{Groundwork of the Metaphysics of Morals} and the second \textit{Critique}: “the history of freedom [begins] from evil”.\textsuperscript{27}

This juxtaposition allows us to formulate a third crucial question with respect to human practices of freedom: how can the history of freedom begin from evil if evil itself becomes possible only “according to the laws of freedom”? If one does not discard this question as an expression of an elementary (and flagrant) logical contradiction, and if one treats it in the same fashion as Kant treated the antinomies of reason, then we can see its enormous heuristic significance. This significance will perhaps lie in the discovery that it is \textit{impossible} to find the answer to this question within \textit{reason itself}, no matter how much we “expand” it (in the sense in which pure practical reason presupposes an “expansion” of pure speculative reason), and therefore we shall be forced to refocus our investigation towards human \textit{practices of freedom}, which give \textit{historical} answers to it, fleshing out the notions of both evil and freedom with \textit{appropriate} concrete substance. We discuss how exactly this happens in the practices of freedom and, first of all, in the great revolutions of Modernity, in the eighth and final chapter of this book.

However, the discussion of revolutions that concludes this book, although prompted by Kant, is \textit{not} itself Kantian. Kant himself precisely does \textit{not} correlate “evil possible according to the laws of freedom” with the “history of freedom beginning from evil” that we mentioned above. In other words, he does \textit{not} proceed to examine freedom from the point of view of human \textit{liberating practices}, which, I think, is called for by the antinomian nature of the question posed above.

Indeed, in his \textit{Religion}, Kant introduces freedom into the “human perspective”, and this represents his step forward from the “principal” ethical writings. However, this perspective itself turns out to be locked


within the horizons of reason, which can only be unlocked through *events of practice*, which serve as a new beginning of history each time they reinitiate its making. That’s why it turns out that “evil possible according to the laws of freedom” still remains within the perspective of reason, even though reason does, when encountering evil, overexert its powers and transcend its own boundaries, and, at times—indeed in the most critical moments—is forced to concede its own impotence, acknowledging the impossibility of comprehending evil from its own perspective. At the same time, the “history of freedom beginning from evil” remains in the perspective of “nature”, which can only be thanked “for the incompatibility, for the spiteful competitive vanity, for the insatiable desire to possess or even to dominate”, that is, for all that evil with which it imbued man. That is why from the perspective of (Kantian) reason no justification of revolution is possible, that is, revolution as a rational phenomenon (as opposed to revolution as an “empirical” event) is something incomprehensible. Kant’s categorical indictment of revolutions from the perspective of reason (as opposed to the acknowledgement of their intermittent occurrence as facts from the perspective of “nature”) precisely means the complete and utter refusal to discuss a nexus between evil and freedom in light of the events of human practices of liberation.

Chapter 3 of the present book aims to show how Kant introduces freedom into the “human perspective” in the *Religion within the Boundaries of Mere Reason* and what this implies for our understanding of the problem of good and evil. The results that Kant achieves in this way—with all their significance already obvious from the fact that the problem of evil becomes the center of practical philosophy—turns out to be as ambivalent or contradictory as the method by which these results are achieved, a method that attempts to combine a priori reasoning with “empirical” elements of moral psychology and anthropology.

---

28 Evgenia Cherkasova makes a strong case that Kant’s *Religion* essentially maps out the boundaries of rational ethical discourse; beyond them there are no resources to continue theorizing on moral issues, even though moral problems and dilemmas remain unsolved and unclear. See Cherkasova, Evgenia: “On the Boundary of Intelligibility: Kant’s Conception of Radical Evil and the Limits of Ethical Discourse”, in *The Review of Metaphysics* Vol. 50, No. 3, 2005, p. 580 ff.

29 Kant, Immanuel: “Idea for a universal history with a cosmopolitan aim”, in *Anthropology, History, and Education*, p. 112.

30 Some scholars, not without reason, call such a method “hybrid”. See Muchnik, Pablo: “An alternative proof of the universal propensity to evil”, in Sharon Anderson-
Thus, this ambivalence or contradiction is explained by the fact that freedom, even in the “perspective of man”, while no longer identical (as Willkür) to the unconditional obedience to pure duty (the formalism of “duty to fulfil duty”), nevertheless remains under its “control”, constrained by the boundaries that duty sets for it. The fact that freedom is under the “control” of pure duty, and the inexorable nature of the boundaries into which it is enclosed, is expressed by Kant in the thesis of the impossibility of “exoneration from the moral”, of the inapplicability to man of the notion of “an evil reason” and of “an absolutely evil will”; in short, of the inconceivability of a “rebellion against the moral law”.  

This thesis seems to me to be the crucial moment of the whole of the Religion within the Boundaries of Mere Reason, and, in a sense, a culmination of Kant’s introduction of freedom into the “perspective of man”. Chapter 4 is intended to explain why this thesis has such importance for the Religion within the Boundaries of Mere Reason, as well as why it remains completely theoretically undeveloped in Kant. On the one hand, the thesis of the (human) impossibility of “repudiating the moral law […] in rebellious attitude” delineates the limit of Kant’s ethical discourse (see footnote 28 above), which is focused on moral law and pure duty, and the identification of its fulfilment with unconditional good, which allows evil to be understood only as a violation of this law and a refusal to perform “duty for duty’s sake”.  

However, like any boundary, which, to use Hegel’s terminology, is not merely “external” and “quantitative”, it defines what it bounds as a something which “is what it is”. In other words, Kantian practical philosophy is what it is only insofar as it does not allow for the possibility of human “rebellion” against morality.

On the other hand, a boundary that defines something also ties it with an “other” at the same time. It does not merely point to an “oth-


31 See Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, p. 82.  
32 In later lectures on pedagogy, Kant asserts, “The only cause of evil is this, that nature is not brought under rules” (Kant, Immanuel: “Lectures on pedagogy”, in Anthropology, History, and Education, p. 443.)  
er”, but also posits an “other” as a proper definition of the given something. The boundary is precisely the objectification for a given something of its “other”; it does not separate something and its “other”, but conjoins them, imparting to them a definiteness through one another.34 Keeping this in mind, we may say that the impossible “rebellion against morality”, firstly, makes Kant’s practical philosophy definite, and any definiteness implies finitude, primarily in the sense of belonging to a certain specific historical and cultural world in which it operates, that is, brings about “good results”, in terms of a “goodness” typical of this world. Let us mention in passing that Kant himself was not at all alien to the idea that his philosophy belonged to a specific world, and it is only in relation to this world that the most fundamental ideas of morality, beginning with God, become thinkable (and thinkable as imperatives), of course, without comprehending the objects these ideas point to (fictitious objects, to be precise).35 Only that world to which his philosophy belongs appeared to him to be the only world (as a moral-rational world, and not as a specific cultural-historical manifestation of moral rationality, say, of a late eighteenth-century Prussian variety), something it can no longer be for us just because the notion of multiplicity of the worlds of morality and rationality comprises a significant part of our Weltanschauung.

Secondly, the impossibility of a “rebellion against morality” as a boundary of Kant’s ethical discourse necessarily connects it to “another” ethical discourse, belonging to “another” world of moral-rationality. In this “other” world, moral law and pure duty are also conjoined to the unconditional good, though in relation to the world of Kantian ethics this good may appear to be a “diabolical evil”, that is,

35 In the Prolegomena Kant writes: “If I say that we are compelled to look upon the world as if it were the work of a supreme understanding and will, I actually say nothing more than: in the way that a watch, a ship, and a regiment are related to an artisan, a builder, and a commander, the sensible world (or everything that makes up the basis of this sum total of appearances) is related to the unknown – which I do not thereby cognize according to what it is in itself, but only according to what it is for me, that is, with respect to the world of which I am a part (Kant, Immanuel, “Prolegomena to any future metaphysics that will be able to come forward as science”, p. 146). What is highly notable in this formulation is not only the interpretation of “is for me” as “is for the world of which I am a part”. What is equally important is the analogy between the Creator and Creation on the one hand, and the regiment and the commander on the other. This analogy itself vividly illustrates the historicity of the “world of which Kant is a part” as the world of the absolute monarchies, and not particularly “enlightened” ones.
the evil that is carried out “in accordance with principle”, and not under the influence of “pathological” inclinations. Kant does not work out the thesis of the impossibility of a “rebellion against morality” precisely because its elaboration is possible only as a demonstration of complete equivalence between good and evil on the basis of pure moral philosophy, abstracted from all “empirical” content, however much they may be substantially opposed in particular “empirical” contexts.

Such a demonstration would do no harm to the Kantian notion of pure duty as a universal (transcultural, transhistorical) “principle” which can be found in the most “common understanding”, as Kant himself does in his “phenomenology of consciousness”, demonstrating that such an understanding handles this “principle” much more confidently and reliably than a philosophically refined intellect.36 But this demonstration is incompatible with the educational mission that Kant attached to his moral philosophy,37 after all, the unconditional fulfillment of one’s duty can, as such, result equally in good or evil, and the difference between them has to be determined by the “substance” of a given situation, and not by the degree of rigor with which the duty is carried out. Moreover, this demonstration would render explicit the unfreedom of Kant’s idea of freedom, which abstracts from the “empirical”, and flees from the heteronomous, for, as Hegel wrote, “the one who flees, however, is not yet free, for in fleeing he is still dependent on what he flees”.38

Contrary to Kant’s assertion, a being that merely acts “under the idea of freedom” and “a being that was actually free” are two very different beings.39 The freedom of the latter consists precisely in the fact that it knows how to apply duty (as a universal principle of reason) such that its application would serve freedom and goodness. The

37 This mission precisely lies in the following: “by its principle to move the human will, even when the whole of Nature resists it” (italics mine). (Kant, Immanuel: “On a Recently Prominent Tone of Superiority in Philosophy”, p. 442.)
39 See Kant, Immanuel: “Groundwork of the Metaphysics of Morals”, pp. 95–96. By identifying “in its theoretical respect” a being that acts “under the idea of freedom” with “a being that was actually free”, Kant, as he blatantly writes, escapes “from the burden that weighs upon theory” (See ibid.). It seems to me that that precisely constitutes the “escape” from the theory of freedom as such, which is instead substituted by an idea of freedom.
former is capable of merely dogmatically adhering to the idea of freedom, reduced to the unconditional carrying out of one’s duty, and therefore is not only unfree in its dogmatism, but also can act—depending on the circumstances—as a source or conduit of evil; furthermore, this evil will not be recognized by it as evil because it is defined exclusively in terms of violating one’s duty. Adolph Eichmann—a Kantian and one of the key perpetrators of the Holocaust—is one of many illustrations of what this may imply in practice.

Chapters 6 and 7 develop and substantiate the theses presented above. In chapter 6 we give a general theoretical examination of how duty can—while remaining a pure and formal “principle” of even the most “common understanding”, that is, while remaining a Kantian duty—enter the “substance” of human practices, playing various parts in them and resulting in various outcomes, ranging from conformism to the most radical rebelliousness. This allows us to specify what the “rebellion against morality” can amount to with respect to human practices, with the understanding that it cannot in any way be a “rebellion” against the very idea of duty as such.

Chapter 7 elaborates on what can be called the “paradox of freedom” in Kant’s Religion within the Boundaries of Mere Reason. Having divorced freedom from the unconditional fulfilment of duty, and attempting to arrive at its understanding from “the perspective of man” as irreducible to the idea of freedom, Kant fails to find a place for it in the ethical schema presented in the Religion. The best candidate for the title of freedom—Willkür as the arbitrariness of the “original choice” between good and evil—cannot be real freedom precisely because of its unreasonable character, because of its pure unmotivated “decisionism”.40 Nor is there any freedom in any given chain of consequences of this arbitrary choice, be it concerned with good or with evil maxims of particular actions; their character is already predetermined by the original choice.

Thus, it turns out (even though Kant certainly does not mean to say so) that the only locus of freedom in the schema of the Religion within the Boundaries of Mere Reason is found in the “diabolical evil”; only in this can the will truly determine itself in accordance with the (rational) principle in the capacity of “absolutely evil will”. However,

40 If “savagery”, as Kant defines it, is “independence from laws”, then freedom as the Willkür of the “original choice” is precisely “savagery”. See Kant, Immanuel: “Lectures on pedagogy”, p. 438.
this very self-determination is declared by Kant to be “inapplicable” to man. Abandoning the idea of freedom, Kant does not then take up its practice, and freedom ends up being mere arbitrariness, serving the very same instrumental role of “cognitive grounds”, only no longer of the moral law which was “grounded” by the idea of freedom, but rather of the “cognitive grounds” of the good or evil maxims of our actions.

Chapter 8 advances the substantial conclusion of the book. It transfers the discourse of freedom, evil, good and “rebellion against morality” to the realm of the political. It presents revolution as a practice of freedom, resolving the contradictions of the Kantian philosophy of freedom. This result is achieved by virtue of the fact that it is precisely in the practice of revolution that freedom actually attains the “correspondence to its notion” in the capacity of human self-determination and self-legislation and not merely of creating an “obligation in accordance with the law”, a law of unknown origin and author in the manner in which Kant envisages the nature of autonomy in his “ethical canon”.

Kant considers the question of whether moral law “comes from man himself, out of the absolute authority of his own reason, or whether it proceeds from another being, whose nature is unknown to him” to be of such little importance that “at bottom we should perhaps do better to desist from this inquiry altogether, since it is merely speculative”. The task of chapter 8 is precisely to show that this question is not speculative, but indeed moral-political in nature. The answer to this, no longer theoretical, but a practical question, will determine who will wield the power to prescribe laws to us, we ourselves or other beings, whose nature ceases to be “unknown”, when we—remembering Rousseau—begin to realize that we are “in chains”, but “born free”.

---

41 This is a notion with which, in the Proclamation, Kant denotes all the ideas that are postulated by practical reason and that render possible the presence of morality in the actions that appear in experience. See Kant, Immanuel: “Proclamation of the Imminent Conclusion of a Treaty of Perpetual Peace in Philosophy”, p. 455.

42 Kant, Immanuel: “On a Recently Prominent Tone of Superiority in Philosophy”, p. 444.
Chapter 1. On *Religion within the Boundaries of Mere Reason* as an embarrassment

*Religion within the Boundaries of Mere Reason* has been a cause of confusion and discomfort for the numerous scholars and admirers of Kant, both in his time and in ours. Karl Barth has captured the essence of these emotions precisely: those for whom Kant’s moral philosophy is contained within *The Groundwork of the Metaphysics of Morals* and *The Critique of Practical Reason* would least of all expect the discussion of “radical evil” and freedom that we find in the *Religion within the Boundaries of Mere Reason*.43 If the two former works are considered representative of the “canon” of Kantian ethics, then the *Religion* will look somewhat apocryphal in their light.

In the wake of reading Kant’s *Religion*, Friedrich Schiller conveys a wide range of ambivalent sentiments: “The work has quite enchanted me… One of the very first principles laid down, however, was revolting to my ideas… He [Kant] maintains an inborn propensity of the human mind to evil, which he calls the radical evil, and which is by no means to be confounded with sensual passions. He places it above sensuality in the person of Man, as the seat of liberty. […] It is impossible to refute his arguments, however much one might desire to do so”.44

Today, scholars of Kant treat the *Religion* with significantly less emotional intensity than Schiller did, though they are hardly less confused by it. It is very telling in this respect that in a very thorough

---


article on Kant in *The Routledge Encyclopedia of Philosophy*, which deals at length with the debates surrounding all of Kant’s “major” works, the *Religion* alone is characterized as controversial! It would appear that this label is due primarily to its (real or apparent) “opposition” with respect to the “principal” ethical works of Kant, Kant’s “ethical canon”. The doctrine of “radical evil”, according to the author of the article from *The Encyclopedia of Philosophy*, “hardly follows from Kant's previous argument [on ethical matters], and seems instead to rest on an odd mixture of empirical evidence and the lingering grip of the Christian doctrine of original sin”.45

To be sure, the reasons for the confusion and discomfort of scholars and admirers of Kant with respect to the *Religion within the Boundaries of Mere Reason* are manifold. It is impossible for us to analyze many of them here, including those that came to the forefront at particular stages of the intellectual history of Kant’s philosophy; for instance, the suspicion that in the *Religion* Kant abandoned the ideals of the Enlightenment and conceded too much ground to the religious orthodoxy, or that he quite inexplicably (or explicable, as some maintain, and for very mundane reasons) substituted a theological method

---


46 This abandonment is seen primarily in the doctrine of the “evil nature” of the human being, which occupies a prominent place in the *Religion*. Here, the faith in progress and the power of reason particular to the Enlightenment runs into a seemingly insurmountable obstacle. However, beyond the liberal interpretation of Kant’s philosophy one could see in this “abandonment” of Enlightenment ideals the critique of Enlightenment that an older Kant has embarked upon, which sees the latter as a new source of evil; for instance, as a new dogma and a new set of prejudices that suppress the freedom of thought. For further details, see Copjec, Joan: “Introduction. Evil in the time of the finite world”, in Joan Copjec (ed.): *Radical Evil*. Verso, London 1996, p. viii.
of analysis in place of a philosophical one.⁴⁷ We shall concentrate only on those sources of confusion that have to do with the primary topic of our discussion, namely, the problem of evil and freedom in Kant’s philosophy.

In this respect, many hold that in the *Religion* freedom is presented in a fundamentally different light than in *The Groundwork of the Metaphysics of Morals* and in the second *Critique*. Even this formulation may fail to do justice to the novelty of Kant’s approach to freedom in the *Religion*. Indeed, the question that this novelty raises lies in the following: if, as Kant maintains in the *Religion*, the human being is “evil by nature”,⁴⁸ and if, as we already know from Kant’s “principal” ethical works, freedom (free will) consists in nothing other than obedience to the moral law, then is the freedom of a human being, evil by nature, even conceivable as such? Let us paraphrase this question. How can free will, which is, by definition, good by virtue of its obedience to the moral law, turn out to be “the root of evil”, so that—according to one of the most “shocking” propositions of the *Religion*—“evil […] is possible according to the laws of freedom”?⁴⁹

It should be quite evident that these questions, phrased in such a way, point to inconsistencies that are quite inadmissible even from a purely logical standpoint, inconsistencies which arise from a direct comparison of the definitions of freedom and free will found in the “principal” ethical works of Kant with what we learn about freedom and “the nature of the human being” from the *Religion*. However, it is yet to be shown whether they turn out to be actual inconsistencies,

---

⁴⁷ The critique goes back as far as Johann Wolfgang von Goethe, who wrote that Kant had tainted his philosophical mantle with the “shameful stain of radical evil” (in a letter to Johann Gottfried Herder dated June 7, 1793), explaining this as Kant’s banal desire to become popular with a Christian audience. See Fackenheim, Emil L: “Kant and radical evil”, in *University of Toronto Quarterly* Vol. 23, No. 4, 1954, p. 340 ff. It seems that Prussian censors were more subtle than Goethe in their evaluation of the properly religious component of the *Religion within the Boundaries of Mere Reason* when they prohibited Kant from giving public addresses on religious questions. For further details concerning the censoring of Kant in relation to the *Religion within the Boundaries of Mere Reason*, see Kuehn, Manfred: *Kant: A Biography*. Cambridge University Press, Cambridge 2001, p. 363–378. On the (alleged) substitution of a theological approach for a philosophical one in the *Religion* and on the notion that this work should be interpreted as an attempt to rationalize certain elements of Christian dogma, see Quinn, Philip L.: “Original sin, radical evil and moral identity”, in *Faith and Philosophy* Vol. 1, No. 2, 1984, pp. 188–202.

⁴⁸ Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, p. 104.

that is, mutually exclusive propositions about the same subject, or whether they merely appear so if one interprets Kant “humanistically”, in a manner that has taken shape as a “common front” in Kantian studies, and that strives to “cleanse” Kant’s philosophy from what seems today to be such “unmodern” and even “absurd” metaphysics, from any kind of “things-in-themselves”, “transcendental freedom”, God and immortality, definitions of will “outside of space and time”, etc.. It is this “humanistic” interpretation that endeavors to present Kant's ethics, as offered in the “ethical canon”, in the role of “morality for man’s sake”, which can be peeled away from the metaphysical shell with no detriment to the profundity of his thought, and which can be accommodated in an easily digestible fashion by our contemporary (bourgeois, liberal, digital, global, etc.) world.

Thus, the “humanistic” interpretation of Kant essentially treats everything that Kant has written on morality as a description of the phenomenological experience from the point of view of a human “I” as a first-person-singular pronoun. If one concedes that the description of freedom in the Kantian—not accidentally named—“metaphysics of morals” laid out in his “principal” ethical works refers not to the human being, but to the transcendental “I” (to that very “I-he-it” which appears in the first Critique and acts as its protagonist), then, it

---

50 A kind of standard for dissecting Kant’s philosophy into what is useful/edifying and what is outdated/redundant/misleading was set up by John Rawls’s rejection of “comprehensive doctrines” as the basis of a political conception of justice, with Kant’s doctrine serving as an example of “a comprehensive moral view”. See Rawls, John: Political Liberalism. Columbia University Press, New York, 1993, p. 99, also p. 78. Thus we can easily conclude that Kant’s “Rechtslehre can stand on its own, independently from his moral philosophy and transcendental idealism”. Pogge, Thomas W.: “Is Kant’s Rechtslehre comprehensive?” in The Southern Journal of Philosophy Vol. 36 (Supplement), 1997, pp. 177-178. Some others may prefer to unlink Kant’s moral philosophy (as useful/edifying) from his (outdated/redundant) metaphysical idealism or perform some other operations of this kind.

51 For a penetrating critique of such a “humanistic” interpretation of Kant, see Ameriks, Karl: Kant and the Fate of Autonomy: Problems in the Appropriation of the Critical Philosophy. Cambridge University Press, Cambridge 2000, p. 9 ff.


53 Kant writes, in no uncertain terms, that the “transcendental subject” is the “I, of which one cannot even say that it is a concept, but a mere consciousness that accompanies every concept. Through this I, or He, or It (the thing), which thinks, nothing further is represented than a transcendental subject…” (Kant, Immanuel: Critique of Pure Reason, p. 414.) Only an unduly passionate and humanistic liberal imagination
seems, the contradictions pointed out above collapse, because their sides point to different objects: to the transcendental “I” in the former case and to the human “I” in the latter, though admittedly, what Kant implies with the term “human” in the Religion—whether a particular individual identifiable as Peter or Barbara, or a “species being” called “human”—should be considered an open question.

What, then, can we discover about the Kantian philosophy of freedom by comparing its description in Kant’s “principal” ethical works with its presentation in the Religion and by discerning a mismatch (a “contradiction”) between the two? Probably nothing of essence. Those who maintain that Kant’s “true” conception of freedom is expressed in the Groundwork and the second Critique will minimize the mismatch by insisting on the “secondary” status of the Religion and by pointing out the unconvincing and confused nature of the propositions contained in it, attributable to the withering of Kant’s aged intellect, by characterizing the Religion, along with his other later works as, in the words of Arthur Schopenhauer, “the work of an ordinary mortal and not a great man”. To the same effect, as we have already noted, the Religion may be disqualified as a source of significant, or, at any rate, important, ethical content, its meaning and purpose reduced to a discussion of religious questions (in the form of critique of religion, according to some, or in the form of “reconciliation” with religion, according to others).

55 A vivid illustration of the former is given in Ernst Cassirer’s treatment of the Religion. In his opinion, the Religion cannot be regarded as “a fully independent member of the system”, “cannot be measured by the same standards as his fundamental, prin-
The same logic of demonstrating the “secondary” nature of the \textit{Religion} can be discerned in more intellectually nuanced attempts to emphasize the continuity and lack of contradictions in Kant’s views as they are laid out in the “ethical canon” and in the \textit{Religion}. One of the most notable attempts of this kind has been made by Henry Allison. Allison’s claim is that \textit{Wille}—free and good will identical to practical reason, as it appears in the “principal works”—operates as the “legislative will” in relation to \textit{Willkür}, the arbitrary freedom of \textit{Religion} as the “executive will” (Allison also stresses that \textit{Willkür} is already introduced in the second \textit{Critique}, and that fact by itself should indicate the continuity of Kant’s views).\footnote{See Allison, Henry E.: \textit{Kant’s Theory of Freedom}. Cambridge University Press, Cambridge 1990, pp. 130 ff., 147. See also: Myskja, Bjørn K.: \textit{The Sublime in Kant and Beckett: Aesthetic Judgement, Ethics and Literature}. Walter de Gruyter, Berlin 2002, p. 179 ff.} This, however, results in a dilemma which seems to escape Allison’s attention. If \textit{Wille} is indeed that good will which is described in the \textit{Groundwork} and the second \textit{Critique}, then in the \textit{Religion} it acts not as a “legislator” but, at best, an “advisory body” whose recommendations the “executive will” may take into consideration or may equally ignore. Indeed, in the \textit{Religion}, arbitrary freedom “itself produces [a rule] for the exercise of its freedom”.\footnote{Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, p. 70.} However, if the legislation of \textit{Wille}, as Allison maintains, encompasses the prescription of both categorical and hypothetical imperatives, then, firstly, it can no longer be identified with the \textit{Wille} of the “principal” Kantian ethical works, and, secondly, this “legislation” becomes so self-contradictory that it in principle cannot be carried out even by the most obedient “executive body” (for instance, it may command one not to lie under any circumstances, legislating through the categorical imperative, and, at the same time, demand that one lie if lying is expedient, legislating through the hypothetical imperative). Another possible strategy is to show how the description of freedom (in relation to evil) presented in the \textit{Religion} can be incorporated into

\begin{flushleft}
\textit{principal critical works”}. Although Kant does discuss “particular moments… of the concept of freedom”, the \textit{Religion} in general does not contain anything fundamentally novel with respect to the “principal works” and, in general, appears to be not so much a philosophical, but a pedagogical work. See Cassirer, Ernst: \textit{Kant’s Life and Thought}. Yale University Press, New Haven (CT) 1981, pp. 381–390. On the unoriginality of the ethical component in the \textit{Religion} and on the prevalence of the discussions of religious questions in it (in the form of a critique of religion) see Yovel, Yirmiahu: \textit{Kant and the Philosophy of History}. Princeton University Press, Princeton (NJ) 1980, p. 202.
\end{flushleft}
the “more general” notion of freedom expounded in the “ethical can-
on”.58 Such attempts lie beyond my understanding and I cannot com-
ment on them.

At the same time, those (relatively few59) who do not consider the 
Kantian exposition of ethics in the Groundwork or the second Critique 
complete or satisfactory find in the Religion precisely “what might be 
called Kant’s ethical dynamics. […] We… find, in the Religion, in his 
struggle with the problem of evil, Kant’s most explicit and systematic 
account of the will and of human freedom—an account which, in turn, 
clarifies his entire system of ethics”.60 In this reading, the central ten-
ets of the Religion no longer appear as an “incongruous appendage” 
on the stem of Kantian practical philosophy, but as an integral part of 
its core.61 Moreover, it appears necessary to project this interpretation 
of Religion onto the “principal” ethical works of Kant precisely in 
order to decipher and develop, with appropriate precision and depth, 
the insufficiently worked-out notions of Kantian practical philosophy, 
thus making it effective and constructive.62

However, how did Kant himself understand the place and the role 
of the Religion within the Boundaries of Mere Reason in the develop-
ment of his philosophical project as a whole? Did he notice or at least 
suppose that there could be a discrepancy between it and the “princi-
pal” ethical works?

In a well-known paragraph in the first Critique, Kant formulates the 
three principal philosophical questions that unite “all interests of my 
reason”, that is, of human reason as such: “1. What can I know? 2. 
What should I do? 3. What may I hope?”63 He calls these three ques-
tions speculative, practical, and pragmatic, respectively, explaining

58 See Drogalis, Christina: Kant's Change of Heart: Radical Evil and Moral Trans-
formation. Diss. Loyola University, Chicago 2013, p. 42–43.
59 Sharon Anderson-Gold and Pablo Muchnik emphasize that as a result of the “exces-
sive influence” of the Groundwork of the Metaphysics of Morals in the Anglo-
American reception of Kant, his reflections on evil in the Religion have been largely 
ignored in the secondary literature. See Anderson-Gold, Sharon, and Pablo Muchnik 
(eds.): Kant's Anatomy of Evil, p. 2. It seems that the same, with minor modifications, 
can be said about the other national schools of Kantian studies.
60 Silber, John R.: “The ethical significance of Kant's Religion”, in John R. Silber and 
Row, New York 1960, p. lxxx.
the character of each. The two former questions, wholly subsumed under the domain of pure reason, are not specifically human; their force, as well as their cogency and the significance of the answers to them are determined precisely by the fact that they apply to all rational beings, of which the human being is only a particular case. This is the most basic principle of Kantian speculative and practical philosophy. The observance of this principle demands that one approaches these two questions outside of any and all “anthropology”, that is, outside of everything specifically and characteristically human.64 Only the third, pragmatic, question relates to the human being as a human being. This is precisely why the answer to it, which is contained in the notion of “pragmatic law”, has to be invariably based on “empirical principles”, that knowledge about human beings (knowledge of their “inclinations” and means of their satisfaction) which is derived from experience.65

At the same time, the answers to the first two questions given by the “critique of pure reason”—and Kant emphatically stresses this on several occasions—have a solely propaedeutic significance.66 In other words, all the effort directed at answering these two questions comprises merely preparatory work, warranted and meaningful only as a “basis” for the solution of the third, pragmatic, question “what may I hope for?” Thus, Kant’s entire philosophical project is constructed with an eye to answering this pragmatic question, and only thus does it become a philosophy of a “cosmopolitan concept”, that is, not just a “system of cognition”, which, as such, is merely a “scholastic concept” of philosophy. Thus, Kant’s philosophy emerges as “the relation of all cognition to the essential ends of human reason” (italics mine).67

This is precisely how and why Kant makes philosophy mundane, how he brings it down to the “earthly” (which is the principle task of the critique of reason and, accordingly, of the dethroning of traditional metaphysics).68 “At bottom, indeed, all philosophy is prosaic”, Kant concludes.69 Indeed, it cannot be anything but “prosaic” if the human

---

65 See Kant, Immanuel: Critique of Pure Reason, pp. 677-678.
68 See Kant, Immanuel: “On a recently prominent tone of superiority in philosophy”, p. 443.
being and his/her hopes are placed at its core, and all things sublime, and even holy and divine (including God and immortality), operate as mere conditions of these hopes’ (potential) realization.

However, the human being as a human being is not only “the final destination” of Kant’s entire philosophical project, the “destination” that holds the answer to the most pertinent question for the human being, but also “the point of departure” for this project. Indeed, the methodological critique of pure reason can only depart from a particular given. Metaphysics of a pre-Kantian variety cannot provide such a given, with all its pretensions to fathom reason, for due to its dogmatism it is reduced to a wretched state (a state of “old worm-eaten dogmatism”), so much so that “of no metaphysics thus far expounded can it even be said that… it even really exists”. The critique of pure reason has no other given to use as a “point of departure” but the metaphysica naturalis, the human natural inclination to dwell metaphysically on “metaphysical subjects”. Accordingly, the principal question of the critique of pure reason as such, which determines all of its “theoretical logic”, consists in the following: “how is metaphysics as a natural predisposition possible? That is, how do the questions raised by pure reason, and which pure reason is driven by its own need to answer as well as it can, arise from the nature of universal human reason?”. Thus, it appears that, in a literal sense, the critique of pure reason derives from nature (from the sensible experience, the natural givenness of human inclinations) and returns to nature in its final destination, giving “man” the answer to a question crucial for him, what he can hope for.

Therefore, of course, “it is pointless to affect indifference with respect to such inquiries, to whose object human nature cannot be indifferent”. Therefore, philosophical knowledge, in principle alien to all esotericism, is and should be only a systematization and clarification of the contents of common understanding: “in what concerns all human beings without exception nature is not to be blamed for any partiality in the distribution of its gifts, and in regard to the essential ends of human nature even the highest philosophy cannot advance further than the guidance that nature has also conferred on the most common

---

70 Kant, Immanuel: Critique of Pure Reason, p. 100.
71 Op. cit., p 147.
understanding”. But this means precisely that the three main questions of philosophy are unified in its one central question: “What is man?”

Kant very clearly formulates this notion in his later works. It is anthropology, or more precisely, “anthropology from a pragmatic point of view”, and not speculative or practical philosophy, which thus emerges as the completion and the culmination of Kant’s entire philosophical project. Indeed, anthropology fulfils this completion and culmination because, firstly, it is devoted exactly to “the most important object in the world”, which is “man”; secondly, as a pragmatic discipline, it investigates “his” nature, that is, the regular and lawful aspects of “his” activity, and not the various “accidental” manifestations of this activity; thirdly, it examines “man” as the subject, a “freely acting being” who creates “himself”, and not as the object of nature’s creation; and fourthly, examining man in this way anthropology becomes “knowledge of the world”(!), at the center of which there is not some abstract “man”, but rather “the human being as a citizen of the world”.

Everything said up to this point precisely explains the place that Kant allots to *Religion within the Boundaries of Mere Reason* in the general architecture of his philosophical project. “With the enclosed work, *Religion within the Limits [of Reason Alone]*”, Kant writes, “I have tried to complete the third part of my plan”, which is to answer the most significant and a specifically human question “What can I

---

76 Martin Heidegger was the first to show the fundamental significance of anthropology for Kant’s entire philosophy. See Heidegger, Martin: *Kant and the Problem of Metaphysics*. Indiana University Press, Bloomington (IN) 1962, p. 214.
77 See Kant, Immanuel: “Anthropology from a pragmatic point of view”, in Gunter Zolle and Robert B. Louden (eds.): *Anthropology, History, and Education*. Cambridge University Press, Cambridge 2007, pp. 231–232. Of course, in the Anthropology as well, Kant emphasizes the considerable difficulties that stand in the way of arriving at a science of “man” who appears as its object, and these difficulties are such that the success of the entire project can by no means be taken for granted (See Op. cit., pp. 232–233). However, these difficulties are posed by nature itself, and not by reason, with its tendency, which the critique has to restrain, to fall for the “deception of transcendental reflection”, which enters into our conclusions, misleads us, causes us to misinterpret “empirical concepts”, etc. See Kant, Immanuel: *Critique of Pure Reason*, pp. 373-375, 392-393, 512, 559, 564-565, 642 et al.
The solution to this question undoubtedly presupposes the propaedeutic work carried out in the three *Critiques*, but, at the same time, this question signified the turning towards “the most important object in the world”, which was supposed to be directly dealt with in an “anthropology from a pragmatic point of view”, the crown of Kant’s entire philosophical project.

One can argue whether Kant was successful in solving this third and most important question in the *Religion*, or to what extent the propaedeutic work of the three *Critiques* was helpful in doing so, or, finally, what this solution amounted to if it is conceived as the turning of the whole Kantian philosophy towards “man” and towards “anthropology from a pragmatic point of view” as its conclusion. But what appears absolutely unacceptable is treating *Religion* as a secondary work, which, along with the *Anthropology*, “does not constitute a part of his philosophical system in the same sense as his metaphysics of morals or the metaphysical principles of natural philosophy”, in the words of the editors of the sixth volume of the Russian edition of Kant’s *Works*. Indeed, such a formulation, according to which the three *Critiques* allegedly comprise the core of Kant’s “system” (rather than serving as the preparatory stages of its construction), stands in sharp contrast to Kant’s own understanding of the logic of the unfolding of his own philosophical project. Accordingly, what supposedly belongs to this “system” is only that (or only those writings of Kant) which can be interpreted as an “application [sic!] of the principles of transcendental idealism to a particular empirical field of knowledge”.

My strategy for interpreting the *Religion*, focused on its notion of freedom in relation to evil, is aimed at understanding this work precisely as Kant’s attempt to turn his philosophy towards the human being. This strategy is guided by an aspiration to understand Kant’s conjoining of freedom and evil as a daringly bold attempt to truly apply ethics to the human being, relying on the propaedeutics of the “principal” ethical works and, at the same time, resolving certain tensions inherent in the ethical doctrine they expound. One could say that the *Religion’s* task was to fill the gaps in Kant’s ethics that became

---


apparent once it was applied to “man”. These gaps not only rendered the Kantian “metaphysics of morals” incomplete, but, still worse, left it in the position of mere metaphysics; i.e., that which, in Schopenhauer’s words, prevents one from grasping “the true meaning of the ethical content of action”\(^81\), in other words, that which cannot become a moral theory from the human perspective, as opposed to the perspective of the “transcendental I” and nonhuman “rational beings”. This daring attempt has, in my opinion, largely failed, which probably caused Kant to partially retreat to the earlier positions characteristic of his “ethical canon” in his later works, such as *The Metaphysics of Morals*.\(^82\) But the lessons of this bold attempt undertaken by the Religion are so significant as to warrant the closest attention.

\(^{81}\) Schopenhauer, Arthur: *The World as Will and Representation*, p. 558.

\(^{82}\) If we take only the examples that are most vivid and directly pertaining to our discussion, in the *Proclamation* (1796) Kant re-establishes the idea of the derivative nature of the categorical imperative from the notion of freedom, which is not only impossible in the Religion, but which also has essentially been abandoned by him already in the second Critique. In *The Metaphysics of Morals* (1797), Kant re-introduces the direct identification of the will (Wille) with practical reason and re-asserts its ability to determine choice (Willkür). And so on. See Kant, Immanuel: “Proclamation of the imminent conclusion of a treaty of perpetual peace in philosophy”, p. 455; Kant, Immanuel: *The Metaphysics of Morals*, p. 13.
Chapter 2. The paradoxical connections between good, evil and freedom in Kant’s “ethical canon”

Any moral philosophy, since it cannot do without a doctrine of the good (however it can be conceived), has to include (in some form) a doctrine of the evil. Not only are good and evil binary categories that, even on a purely logical level, posit each other (through negation) in such a way that it is impossible to define one without reference to the other. The formal-logical interdependence of good and evil itself has to be explained and presented in a functional manner, i.e., as conditioned by the functions they perform vis-à-vis one another within the conceptual framework of moral philosophy, as well as vis-à-vis the reality that becomes intelligible and susceptible to evaluation and critique only insofar as it is schematized through the notions of good and evil.

Regarding the first issue, the functional connection of good and evil as elements of the conceptual framework of moral philosophy, one can say that the good is a value that, like any value, performs the function of ranking—of assigning degrees of correspondence with itself to the objects compared to it. It is clear that a scale of degrees of goodness arrived at in such a way has to culminate in a certain zero point (whether it could be followed by a succession of negative values is a question we shall not discuss here). Kant’s ethical rigor is correct in its rejection of moral neutrality; the zero point signifies not indifference to good and evil, but indeed the ultimate abolition of good, the annulment of even its marginally small values, and this annulment is evil itself. Before the zero point is reached, evil manifests itself only as a lack, as an increasing reduction of goodness as we move down the scale, the upper limit being set by the category of the good itself.

Undoubtedly, even before the *Religion*, Kant had an understanding of this functional connection, i.e., the ranking function peculiar to the category of the good, which, with logical necessity, presupposes evil as a zero point on the scale of goodness. This is what allows one to outline the scale of degrees of reduction of the good that characterize the various phenomena that make up the “world”. That is why in the *Lectures on the Philosophical Doctrine of Religion*—a course that Kant delivered right before the publication of the *Groundwork of the Metaphysics of Morals*, Kant confidently defines evil as “*incompleteness* in the development of the germ toward the good. Evil has no special germ; for it is mere *negation* and consists only in the *limitation of the good*. " Entirely in the spirit of the Enlightenment’s progressivism, Kant explains such evil as a *lack*, because it manifests itself in people, and in their collective life, as a deficiency of moral and cultural development, which, incidentally, creates the auspicious possibility of the limitless perfectibility of humankind.

If, however, we consider the function of good and evil vis-à-vis reality, the fulfilment of which renders the latter intelligible, then we should note that it is the very category of the good that operates as a tool for the critique of reality. It is the category of the good that carries out the *evaluation* of the various phenomena of the real world, exposes the degrees of their “imperfection” *compared to it* as a standard of value, which is precisely the task of critique. *Evil*, as a general term (appearing at the zero point on the evaluation scale) and as a degree of “imperfection” of various objects of reality revealed through evaluation, is, in itself, a mere derivation of the good. In the language of Lacanian psychoanalysis, the good may be described as a “master signifier” that organizes the discourse (of moral philosophy) by metonymically and metaphorically “attracting” other signifiers (first and foremost, evil) and making them dependent upon it. This organiza-

---

86 On such an organization of discourse by the “master signifier” see Bracher, Mark: *Lacan, Discourse, and Social Change: A Psychoanalytic Cultural Criticism*. Cornell
tion of discourse operates without any regard to the ontological status of the good, because its discursive reality, like the reality of any value, consists precisely in the act of evaluation and, therefore, in the classification of objects of “objective” (in the Kantian sense) reality. Kant’s denial of any ontological status to God as the highest standard of goodness—transforming God into a postulate of reason—only serves to present this organization of discourse in its pure form. In other words, depriving the good of its ontological status transforms the good into a value in the sense characteristically used by contemporary philosophy. The categorical imperative realizes the concept of God”, Kant proclaims. However, this is where a lacuna in Kant’s moral philosophy becomes apparent.

This lacuna lies in the fact that, in the practical philosophy expounded in the *Groundwork* and the second *Critique*, Kant fails to capture evil as a category that is symmetrical with respect to and commensurate with the category of the good, presented in a purely formal way through the categorical imperative, i.e., exclusively as duty without any (even the most “philanthropic”) motivation apart from respect towards lawfulness and with no regard to any consequences, be they most pernicious or most auspicious for humanity.

---

87 In the *Opus Postumum* (Kant’s posthumously published notes composed during the latest period of his life) we find: God “is not existing being outside the judging subject […] but a mere idea of pure reason which examines its own principles”. (Kant, Immanuel: *Opus Postumum*. Cambridge University Press, Cambridge 1993, p. 212.)

88 On such contemporary uses of the notion of value see Schmitt, Carl: *The Tyranny of Values*.


90 Undoubtedly, one constantly finds in Kant the implication that the unconditional fulfilling of one’s moral duty would yield beneficial results for the human being. All of his examples of testing the universalizability of the potential maxims of action that we find, for instance, in the *Groundwork of the Metaphysics of Morals* (some of which we shall closely analyze later on), indicate this. However, one does not, and, in principle, cannot, find the logical and conceptual demonstration of the necessary connection between the unconditional fulfilment of moral duty and its beneficial results for the human being, owing primarily to the deontological character of his ethics. It is rather noteworthy that this “syndrome” of the implicit, yet not demonstrable, good, which results from fulfilling a moral duty, is reproduced in contemporary liberal-deontological conceptions of the “priority of the right over the good”, which, in one way or another (critically or otherwise), follow in John Rawls’ footsteps. For further details, see Sandel, Michael J.: “A Response to John Rawls” in *Liberalism and the Limits of Justice*. Cambridge University Press, Cambridge 1998; Arneson, Richard
In pre-Kantian philosophy and in countless theodicies—i.e., prior to the deontologization of God and the good, which has reduced them to mere values (in the modern sense)—good and evil used to serve as symmetrical and commensurate categories because they referred to the single reality of the “real” world, as characterizing the various links in the chain of being, including its divine origin. Of course, the ontological symmetry and commensurability of good and evil has presented philosophers, ever since they began to attempt to present a rational “worldview”, with logical and conceptual problems of the most challenging kind, chief among them the reconciliation of three propositions: “God exists and he is omnipotent”, “God is all-good” and “evil exists (in the world created and directed by the omnipotent and all-good God)”. Many have supposed, and still suppose, a rational (non-contradictory) solution to this problem to be impossible in principle and, therefore, consider what John Leslie Mackie called “positive irrationality” to be an integral part of any rational theodicy.91

However, even at the price of such “positive irrationality”, pre-Kantian philosophy and theology was capable of presenting good and evil as symmetrical and commensurate categories, performing the aforementioned functions vis-à-vis one another, as well as imbuing reality with meaning. As already noted, in the Lectures on the Philosophical Doctrine of Religion of 1783/84 Kant pays his dues to the logic of traditional theodicies without being particularly original in his presentation of good and evil and the relation between them. The interpretative problem that we face is to understand how, by 1793, when the Religion was published, Kant arrived at a provocatively extraordinary formula: “evil can have originated only from moral evil”.92 In fact, this formula is, strictly speaking, logically impossible! In it a general term (evil) is presented as derivative from a specific term (moral evil), which, of course, can be defined—according to the rule of genus proximum et differentia specifica—only by reference to the general term (evil), which is logically prior to it.


Could it be that we see here a remarkable glimpse of what later becomes embodied in the Hegelian dialectical logic of development of concepts (and of the “real” world), describing how, from a certain particularity (which it used to be in the old system of concepts and of the “real” world), the totality (of the new system of concepts and of the “real” world) emerges, now captured by a new general or, to be more precise, universal concept? But to suppose such a “Hegelian” line of thought in Kant’s Religion would be far too eccentric.

However, we can see an early premonition of Kant’s eventual break with the notions of the good and evil of traditional theodicy already in the same year, when he delivered his Lectures on the Philosophical Doctrine of Religion. Kant’s review of Schulz’s Attempt at an Introduction to a Doctrine of Morals (1783) is concerned for the most part with arguments against determinism, which is incapable of finding, and unwilling to find, a place for freedom in its “worldview”. It becomes evident that the notions of good and evil — based on a scale on which the diminishment of the good is constructed and evil is interpreted as a lack or a certain extent of “deficiency” of the good — constitute a characteristic element of the deterministic philosophy that Kant chastises. Rephrasing Schultz’s views, Kant writes, “Moral good or evil signifies nothing more than a higher or lower degree of perfection. Human beings are vicious in comparison with angels, as are angels in comparison with God”. In this conception, there is no place for freedom (since all degrees of perfection are determined by nature) and, consequently, the notions of responsibility and imputability are impossible. It thus appears, Kant writes, that “all retributive punishments are unjust”.93 However, a moral philosophy that is unable to substantiate the notions of responsibility and imputability demonstrates its untenability as an ethical teaching.

Kant’s verdict regarding the absence of freedom in the classification schema or the scale of perfection/depravity “humans – angels – God” spells a death sentence to all “moral doctrines” akin to that of Schulz. Kant discovers that no moral teaching can exist without establishing a relation between good and evil. The ontological notions of good and evil, which are the only ones that speculative reason can come up with, have nothing to offer a moral philosophy which aims to

---

judge the goodness and evilness in the actions and thoughts of human beings. Kant concludes his review with an ingenious example of a man who is “the most confirmed fatalist” in his speculative reasoning, but who invariably acts “as if he were free”. It is precisely the latter that has to be the subject of a moral philosophy worthy of its name; the actions of a real person in a real world, “as if he were free”. That is why, Kant writes, “it is hard to cease altogether to be human” while doing moral philosophy. Let us remember this highly significant phrase! It should, however, be seen in the context of Kant’s other momentous statement made during the same period of his philosophical career (in the lectures on natural law delivered in the autumn of 1784): “If only rational beings can be ends in themselves, that is not because they have reason, but because they have freedom. Reason is merely a means” (italics mine).

The focus of moral philosophy on the human being and the corresponding transformation of freedom into the center of such a philosophy, which Kant declares in his review of Schulz’s book, obviously fit well with the ideas from the Critique of Pure Reason, published earlier. Let us remember that in the latter, Kant maintains that pure reason, in its practical application, contains the principles of possible experience, understood precisely as performing real actions according to moral imperatives. These principles are capable of generating “free actions”, although not according to the “laws of nature”. What should be understood as intelligible; i.e., as existing exclusively in the form of an idea, is “the moral world”, but only insofar as it is thought of as a systematic unity, analogous to the systematic unity of “nature”, and not as embodied in the actions of people in the real world; and this very idea of the “moral world” is meaningful and justifiable only insofar as it “really can and should have its influence on the sensible world, in order to make it agree as far as possible with this idea”.

However, if the whole project of moral philosophy directed at the human being turns out to be rooted in freedom, then the first step in its realization, as Kant supposed, should be the clarification of the very notion of freedom specifically understood as “practical freedom”. This is what Kant engages with, both in the Groundwork and in the second

---

Critique, but he engages with it metaphysically, through a complete abstraction from everything “empirical”, i.e., from all thinkable conditions and obstacles which may confront or accompany human moral action or which may (in the capacity of goals) even motivate it. What this project resulted in was the abstraction from man himself, the formation of a purely metaphysical notion of freedom, which bears no relation to (“empirical”) “man” and replaces “him” as the referent of freedom (one cannot bring oneself to say “agent of freedom”) with a certain “transcendental I” in “his” place.

Given the orientation of moral philosophy towards “influencing the sensible world”, one can see a paradoxical incompatibility between freedom and (“empirical”) “man”, even though the entire investigation of freedom was allegedly undertaken solely in order to demonstrate how, and in what way, even “the most confirmed fatalist” can, and, at least sometimes, really does, act “as if he were free”.

What is it, then, that appears as evil recognized as a category symmetrical with respect to and commensurate with that of the good, associated with freedom tantamount to the unconditional fulfilment of duty, and congenial to the “transcendental I”? The very formulation of the question leads us to a dead end: by definition, there can be no evil in the intelligible world in which the “transcendental I”, which is in no way “empirically” determined, “dwells”. Therefore, invariably no notion of evil can be found that would be symmetrical with respect to and commensurate with the notion of the good that is congenial to the “transcendental I”.

At bare minimum, what follows from this is that the “free” obedience to duty that we at first accepted as a definition of the good cannot be understood precisely as the good, which is, indeed, in principle undefinable without the reference to evil.97 The impossibility of defin-

---

97 One should not think that such a conclusion is a mere “philosophical trick” which has no bearing on the “real content” of Kant’s moral philosophy, since it is ostensibly self-evident that to fulfil duty even in opposition to sensual inclinations is “right” and “good”. Adolf Eichmann, one of the key perpetrators of the Holocaust (though not the one to have made the crucial decisions about it), during his investigation and trial in Jerusalem in 1961, had on many occasions asserted that he consciously constructed his life in accordance with the commands of Kant’s categorical imperative, primarily referring to the notion of the unconditional fulfilment of duty, without any regard as to the consequences and without any specifically “human” motivation (including the absence of anti-Semitic inclinations and sentiments). See Pearlman, Moshe: The Capture and Trial of Adolf Eichmann. Weidenfeld and Nicholson, London 1963, p. 222. Hannah Arendt, who was present at the trial, found Eichmann’s interpretation of
ing the good that issues from the disappearance of its symmetrical and commensurate category of the evil results in the collapse of the whole range of evaluations of the phenomena of the “world”, ranked according to the presence of a particular degree of goodness in them, which is, naturally, equivalent to the presence in them of corresponding degrees of evil (which has disappeared for us as a notion). Over the rich kaleidoscopic canvas of the “world”, abounding in endless permutations of good and evil, falls the bleakly monotonous grey curtain of Kantian heteronomy. Its only purpose is to show us (for any curtain fulfilling its purpose does not conceal, but rather, reveals something) that the entire world that it conceals is different from pure unconditional duty, the understanding of which as good, though prescribed to us, is essentially impossible in principle.

However, no moral philosophy can exist without the notions of good and evil, and Kant knew this perfectly well. Therefore, in developing his version of moral philosophy he is forced to reinstate these notions, however indefinable or even fictitious they may seem from the standpoint of the “metaphysics of morals”. Kant’s effort to do so can be seen, for the most part, in the second chapter of The Analytic of Practical Reason of the second Critique.

Kant’s ethics generally sound for a non-specialist, though not entirely free from what she believed to be significant flaws. See Arendt, Hannah: Eichmann in Jerusalem: A Report on the Banality of Evil. Viking, New York 1965, p. 136. We shall not dwell here on the character and the seriousness of these supposed flaws, but let us note that the unconditional fulfilment of duty by itself (out of the feeling of respect for lawfulness as such) has no bearing on the moral worth of the actions in question. In order to judge that, we need, at the very least, to know the nature of the source of the prescriptions of duty in a concrete fashion, i.e., substantially (“empirically”). Only then shall we be able to conclude whether the unconditional fulfilment of duty by itself is a good, or whether—if the “empirical” source of the duty’s prescriptions is the Führerprinzip—it is an evil. However, Kant’s philosophy of pure practical reason absolutely prohibits us from following this line of reasoning in our judgments of the good or evil character of the fulfilment of duty. The question of its “empirical” source is closed once and for all: duty does not have an “author” (we shall return later to this crucial point). At the same time, the abstraction from sensual inclination by itself does not guarantee in any way the equivalence between the unconditional fulfilment of duty and the good. One of the commentators has reasonably argued that the problem with Kant’s unconditional duty is that giving it absolute power over desires “inevitably leads to the absolute corruption of reason itself”. (Ranasinghe, Nalin: “Ethics for the little man: Kant, Eichmann, and the banality of evil”, in The Journal of Value Inquiry Vol. 36, Nos. 2-3, 2002, p. 311.)
In it, good and evil are notably declared to be the “only objects of a practical reason” (italics mine)!98 This declaration is, of course, immediately followed by a statement (further elaborated) to the effect that the “empirical” world, concealed by the curtain of heteronomy, plays absolutely no part in the formation of these objects and that no experience is capable of defining good and evil (contrary to the assertions of the various versions of eudaimonic ethics). The definitions in question have to be completely devoid of any content. They have to conceive of good “in itself” without any relation to anything belonging to the sensible world. It is highly significant that Kant says this only about the notion of good. Nowhere does he mention an analogous pure definition of evil “in itself”, which is totally inconceivable, though it begs to be defined, so to speak, not only with respect to all the preceding worldwide history of philosophical investigations of the good, but also with respect to Kant’s own declaration of good and evil as the only objects of practical reason. This declaration, therefore, is misleading: Kant is still incapable of saying anything intelligible about evil, even though he knows that he must say something about it, if he wants to talk about the good, hence the mentioning of both as the “only objects of a practical reason”.

According to Kant, the “true” notions of good and evil (das Gute in contrast with das Wohl and das Böse in contrast with das Übel) refer to the good and evil in actions, and not to the fortunes (goods) and misfortunes (evils) as conditions of human beings.99 Let us immediately note that this means that the Kantian categories of good and evil are in principle not applicable to societal institutions, laws, norms or anything that decisively determines the condition of “men” and upon which it is immediately contingent. Within the logic proposed by Kant, we cannot say, for example, that colonial oppression, or even the Nazi concentration camps or the Gulag, are instances of evil. All they exemplify are merely particular conditions of “men”, whereas we can only speak of good and evil with respect to particular actions that people commit or do not commit, situated in one or another set of conditions. The latter, in the usual manner of Kant’s “metaphysics of morals”, are not taken into account (we shall discuss this point when we examine his examples of testing the universalizability of the possible maxims of our actions).

99 Op.cit., p. 188.
We shall see further that this strategy, this way of operating with these notions of good and evil, will create very peculiar problems for Kant when he turns to the investigation of the macro-phenomena and macro-processes of social life, such as the various forms of government, revolution and counterrevolution and the institutions of property and marriage, etc. But let us note that the Kantian lessons of ethical formalism and the “pure proceduralism” stemming from it were very effectively absorbed by many right-wing theoreticians of subsequent centuries, even if they, while paying their dues to Kant, considered themselves members of other philosophical traditions. For instance, Friedrich von Hayek, in his uncompromising apology for capitalism (of the so-called spontaneous order) and the merciless crusade against the “mirage of social justice”, makes a completely “Kantian” move at a crucial point in his argument: the notions of “the just” and “the unjust” refer only to “human conduct”. They should not be by any means applied to the “state of affairs”, such as the distribution of wealth in society, the functioning of the mechanism of price formation, the state of the labor market (and the extent of unemployment), etc. However, let us return to Kant.

In actions, Kant believes, one can seek the good only as a result of an allegiance to the idea of the good. Let us again note that the analogous search for evil (as a result of the allegiance to the idea of the evil) is characteristically absent. Thus, all of Kant’s speculations on the good (and, one would think, on the evil as well) depend on the definition of this idea, and Kant expresses it in the following way: the “supreme condition of all good” as good “in itself” is the immediate determination of will by the moral law.

What is possibly most shocking about this definition of the idea of the good is that it does not add even a modicum of new content to what was already present in Kant’s definitions of “will”, “free will”, “holy (divine) will”, and so on dealt with not only in the preceding sections of the second Critique, but also in the Groundwork of the Metaphysics of Morals. Kant continues to move in a vicious circle, which is defined by the fact that he cannot in any way distinguish either the will (in its moral manifestations), or the good from “practical

---

101 See Kant, Immanuel: “Critique of Practical Reason”, p. 188.
We already know that “the will is nothing other than practical reason”.\(^{103}\) Kant has already told us that “a free will and a will under moral laws are one and the same”.\(^{104}\) We have already heard him say that the “holy (divine) will” is also a will that is necessarily in agreement with “objective [moral] laws of volition”.\(^{105}\) Now we learn that the good, too, is an immediate determination of will by the moral law. Kant erects a chain of identities that seem not to have an end or a beginning.

It would be more accurate, perhaps, to speak of a chain of “similitudes”, to borrow Michel Foucault’s term. “Similitudes”—as opposed to “resemblances”—do not have a “model”, that is, an “original element that orders and hierarchizes the increasingly less faithful copies that can be struck from it”. “Resemblances”, by virtue of having such a “model”, work according to the logic of representation, whereas “similitudes” serve only the repetition that permeates them. “Similitudes” unfold in series without beginning or end; one can run through them in any direction without changing anything. In our case, one could begin with the “holy will” and end with the “will in general” or “the good” or with anything else that belongs to this series, or one could just as well begin the “run” from any other element and end up anywhere else as well. One “similitude” is related to another through an indefinable and reversible relation, which is nothing other than a simulacrum.\(^{106}\) Such is the Kantian definition of the “idea of the good” that we get in his second Critique. The absolute emptiness of Kant’s definition of the good is matched by the evil, or, more precisely, by its conspicuous absence as a notion, which should have been created according to the principle of “the highest condition of everything evil” as analogous to the “highest principle of everything good” that lies at the root of the idea of the good.

What is it that transcendental philosophy can say, after all, about evil, in spite of its repeated evasions of any definitions (possible within its framework)? Something quite curious, as it turns out. This rather curious reflection on evil is developed by Kant under the very peculiar headline of the “paradox of method”: “the concept of good and evil must not be determined before the moral law (for which, as it would

\(^{103}\) Kant, Immanuel: “Groundwork of the Metaphysics of Morals”, p. 66.
seem, this concept would have to be made the basis) but only (as was done here) after it and by means of it”. It is “the moral law that first determines and makes possible the concept of the good…” and consequently, as one would think (though Kant is again silent on this point), of the evil.107

Literally, this means that phenomena of the sensible world cannot possess any good or evil properties. It is the moral law that by its power “designates” one thing to be “good” and another to be “evil” (and by which it simultaneously imparts meaning to the “worldview”). We are inclined to assume intuitively and automatically that the moral law exists in order to regulate the manifestations of goodness and evil in our lives in a certain way (encouraging the former and resisting the latter). But such a view is simply another “pre-critical” prejudice. The moral law creates both good and evil (and does not regulate either), obviously not in the sense of creating the “substance” of actions, but in the sense of imbuing this “substance” with the appropriate moral form. It is that form that plays the decisive role both in terms of human self-consciousness as a “cultural being” and for communication between such beings. The moral law thus transforms, for instance, destruction into “murder”, but not destruction in general, only certain cases of destruction delimited by the law; it transforms copulation into “adultery”, and again, only certain cases of copulation specially stipulated by law. In essence, the moral law is precisely an operation of the choice, classification and “designation” of things selected to be good or evil. Therefore, Kant writes (with good reason) that good and evil cannot precede the moral law; they are, strictly speaking, its products and, what is more, its most important products, i.e., its “only objects”, created by the law itself. This is what transcendental philosophy can say about evil (it says the same thing about the good, but about the good it can say something else as well), but even the little that it says is extremely important.

Certainly, one cannot say that all of this is entirely and exclusively Kant’s great discovery. As far back as the Epistle to the Romans, Saint Paul writes about the passions revealed as sinful by the law. “What then should we say? That the law is sin?” asks the apostle. “By no means! Yet, if it had not been for the law, I would not have known sin. I would not have known what it is to covet if the law had not said, ‘You shall not covet’. But sin, seizing an opportunity in the com-

mandment, produced in me all kinds of covetousness. Apart from the law sin lies dead.” (Romans 7:5, 7-8). The fact is that, for Apostle Paul, both the law—apart from which “sin lies dead”—and the transformation of (itself innocent) passion into “sin” (as well as “my” temptation by the thus created “sin”, as a result of which “I died”, and the liberation from “sin”/rebirth to a new life through the same law and according to it) takes place within the ontology of a single real world, albeit on its different levels, so to speak, and belongs to it.

This is precisely what changes in Kant. The moral law “designates” something in the real world to be good or evil, while occupying a position “outside the world”, i.e., maintaining its status as purely intelligible.108 This position “outside the world” makes it akin to the monarch of Kant’s “proper” civil society, who “has only rights against his subjects and no duties” and about whose verdicts one “cannot and may not judge otherwise than as the present head of state”.109 This absolute nature of the moral law, as well as of the monarch,110 is ensured only by the fact that both place themselves outside the world, the “empirical” world as a whole or only the social-political world, by appropriating rights detached from any obligations. In political theory, rights without obligations constitutes the formula for tyranny. We shall discuss this matter in the final chapter of the book. For now, let us make two clarifying statements.

Firstly, the transcendental position “outside the world”, which the moral law places itself in and from which it “designates” something as

---

108 It is worth stressing once again that the position “outside the world” refers to something transcendental rather than transcendent in accordance with Kant’s differentiation and contrasting of these notions. See Kant, Immanuel: Critique of Pure Reason, pp. 385–386. To be “outside the world” in the transcendental sense does not mean to stand “on the other side” or to stand on “a wholly new territory that recognizes no demarcations anywhere” (demarcation by the “boundary posts” of possible experience). To be “outside the world” in the transcendental sense means to relate to the world (given in experience) as if it did not define the crucial categories, ideas, and schemas of our thinking, but, on the contrary, was defined by them (in the sense in which it appears in experience). It is precisely in this transcendental sense that the position “outside the world”, as we shall discuss later, also defines the relationship of Kant’s monarch to the civil community: the monarch, certainly, does not literally (or transcendentally) stand outside of society, but relates to it in a special (transcendental) way.


110 Our parallel between the moral law and the monarchical despot seems justified, among other things, by Kant’s own direct indication that the formula that “All authority is from God” is an immediate expression of a “practical principle of reason” (italics mine). See Op. cit., p. 462.
good or evil, does not appear to be self-evident or indisputable, let alone natural. This position is constructed, instituted, chosen; we ought to believe in its indisputability and indeed in its (quasi-)naturalness. In one of the brilliant passages in the Critique of Pure Reason, Kant very unequivocally speaks about this matter: “But whether in these actions, through which it prescribes laws, reason is not itself determined by further influences, and whether that which with respect to sensory impulses is called freedom might not in turn with regard to higher and more remote efficient causes be nature — in the practical sphere this does not concern us, since in the first instance we ask of reason only a precept for conduct; it is rather a merely speculative question, which we can set aside as long as our aim is directed to action or omission” (italics mine, except the word “precept”, italicized by Kant). 111 In other words, it is quite possible that pure reason itself with all of its rules, including the moral law, is a natural phenomenon in line with other phenomena. Possibly, a deep-enough philosophical speculation would be capable of showing just that, but we ought not to concern ourselves with this. Better to leave it aside and accept the point of view chosen by Kant (or by pure reason itself?), according to which reason—in the transcendental sense—stands “outside” of nature, promulgates laws that unconditionally bind us, and determines that the good lies precisely in such an unquestioning fulfillment of its injunctions.

The only flaw that stands out in this entire argument is that the search for higher and more remote natural causes, which may precondition pure reason, is declared, without explanation, to be a fortiori futile and uninteresting from the point of view of establishing the rules of our behavior. It is also unclear why this allegedly futile and uninteresting matter is specifically assigned to speculative reason. Possibly, the unearthing of such “higher and more remote causes” could have enormous significance, specifically for our understanding of morality, comparable to the impact that the discovery of the origins of authority may have for political consciousness. Kant famously issues a categorical prohibition of any inquiry (“with any practical aim”) into the origins of authority. 112 Might this prohibition shed light

111 Kant, Immanuel: Critique of Pure Reason, p. 676.
112 Kant writes: “A people should not inquire with any practical aim in view into the origin of the supreme authority to which it is subject, that is, a subject ought not to reason subtly for the sake of action about the origin of this authority, as a right that
on why we ought to believe that pure reason, in the transcendental sense, stands “outside the world”, avoiding the investigation of its “remote” natural causes?

Secondly, some scholars attempting to cope with the difficulties of interpreting Kant’s notion of evil (as it is laid out in Kant’s “principal” ethical works), have come to the peculiar conclusion that evil ultimately connotes, so to speak, a tragic and inevitable rupture of the “human world” between nature and freedom, between the “is” and the “ought”, etc. This rupture constitutes the very core of human experience and, “it means recognizing that we are never, metaphysically, at home in the world. This affirmation requires us to live with the mixture of longing and outrage that few will want to bear”.113 This torment, or, more precisely, the fact that we are doomed to it, is exactly what evil is.

It seems to me that this ingenious and peculiar reading of Kant is produced through a prism of a Hegelian reconciliation of consciousness with reality (by virtue of the realization of the good in this world in such a way that it would be in itself and for itself),114 in the sense of the tragic impossibility of such a reconciliation in Kant’s philosophy. However, I do not want to develop this theme here via the history of philosophy. Instead, I shall dwell on something else. The problem with interpreting Kant’s notion of evil in this way lies in the fact that it is the moral law itself that instituted the rupture of the “human world” when it occupied a dominant position “outside the world”. The rupture is a necessary condition of the unconditionality of its prescriptions and of the absoluteness of their obligatoriness for all (rational beings) to

---


whom it is addressed. Having usurped the good and having identified it with itself, the moral law cannot regard the tragic rupture of the “human world” as evil. Undoubtedly, this rupture is evil from the human point of view. However, the “principal” ethical works of Kant are written not from a human standpoint, but from that of the “transcendental I”. In them, “man” is but a mere object (sic!) of prescriptions, whose “empirical” fortunes and miseries, whose happiness or unhappiness, strictly speaking, have no significance at all from the point of view of the good, identified with the unconditional fulfilment of one’s duty. That is precisely the point!

Let us summarize and take note of the principal incongruities and gaps which render the clarification of relations between good, evil and freedom in the “principal” ethical works of Kant at the very least problematic, which, as we shall see further on, is exactly what the Religion within the Boundaries of Mere Reason tries to rectify.

First. Fundamentally, the entire project of the “critical” rethinking of ethics appears to be a reaction to the failure of traditional theodicies (one could say, of pre-Kantian ethics as a whole) to substantiate the notions of responsibility and imputability of evil, caused by the fact that evil was understood in them merely as an ontological “incompleteness” (“imperfection”) of various phenomena of reality, determined by the very organization of the universe. However, such deontologization of good and evil that we find in Kant’s “ethical canon” inevitably leads to what Lewis White Beck accurately called “Kant’s aporia”. If amoral or immoral actions that ignore the moral law or deviate from its prescriptions are caused by natural human inclinations and impulses—i.e., by nature—then they can no more be attributed to man than any natural disaster can be attributed to the nature that “perpetrates” it. The impossibility of creating a deontological notion of the evil analogous to the deontological notion of the good (though equally empty) discussed above, also essentially entails a total lack of responsibility on the part of human beings for any evils they commit. Therefore, the problem that Kant’s critique of traditional theodicies tried to solve remains unsolved.

At the same time, the good—as long as it is identified with the unconditional fulfilment of the moral law, while our will, in the capacity of “free will”, invariably coincides with this law—appears also as

---

something akin to a natural phenomenon, moral evaluations of which are just as impossible as the evaluations of phenomena of evil (not to mention the impossibility of understanding it in terms of achievement or accomplishment, etc.). Good and evil are dissolved, so to speak, in nature; in the former case, in the “moral nature”; in the latter case, in the “physical” nature, but there is and can be no freedom in either case.\textsuperscript{116} This cannot be called anything but a catastrophe of moral philosophy.

Second. As we discussed above, a crucial function of Kantian moral law is the “designation” of something as good or evil. However, Kantian moral law is incapable of fulfilling this crucial function, and this incapability is due to its very purity and unconditionality, that is, to the features that, in Kant’s eyes, make it the moral law. On the one hand, the completeness of the usurpation of the “idea of the good” by the moral law—that is, the completeness of identification of the good with the unconditional fulfilment of the moral law—even on a purely logical level, demands that we see in everything that is conditioned, i.e., in all of the real world as such, nothing but evil. Kant’s euphemism for this, as we know, is “heteronomy”. It is clear that to view the whole world as entirely evil makes good and evil totally meaningless as moral classifiers of the phenomena of the world. From a religious point of view, in turn, this is truly a supreme blasphemy against the Creator and his Creation.

On the other hand, the completely vacuous moral law that prescribes only that “man” “fulfil duty (purely) for duty’s sake”, and the equally vacuous idea of the good corresponding to it, cannot under any circumstances by themselves classify something in the real world as good or evil. They are too empty for that. Let us clarify this point with the example of murder.

The absolute moral prohibition against murder presupposes the selection of a specific set of cases of destruction of life that are designat-

\textsuperscript{116} Johann Gottlieb Fichte, who, according to Schopenhauer, generally had a tendency to drive Kant’s ideas to their limits, explains this in the following way: to the extent that our will in its highest manifestations identifies itself with the moral law, freedom as human self-determination is destroyed once and for all. It is no longer the individual who lives in accordance with morality, but the moral law lives in the individual and through him. Therefore, the life of such an individual is not freedom, but nature. See Fichte, Johann Gottlieb, and Kroeger, A. E.: “Facts of consciousness”, in The Journal of Speculative Philosophy Vol. 18, No. 1, 1884, p. 66-67. This is precisely what I called “moral nature”, in which the good is dissolved, as opposed to the “physical” nature (our natural inclinations), in which the evil is dissolved.
ed as (prohibited) murder. Cases of destruction of life that fall outside of this set are not considered to be “murder” and, therefore, are not prohibited. On the contrary, ethics may demand the destruction of life in cases that are not taken to be “murder”. A classic example would be *auto-da-fé* and the public (even carnivalesque to an extent) burning of heretics, which is nothing other than an “act of faith”, i.e., the supreme manifestation of morality (as it appeared in particular European cultures). It is entirely unclear why the burning of heretics could not pass the Kantian universalizability test, if only by analogy to the way in which this test, one has to think, is very well passed by the “perishing of all the rogues in the world” (Kantian idiosyncratic version of “Fiat iustitia, pereat mundus”).\(^{117}\)

The real function of the classification of some cases of destruction of life as evil and others as good, of course, presupposes the operation of a mechanism of judgement far subtler and more interesting than the absolute prohibition of murder, which is *in itself* quite empty and insignificant. More precisely, the prohibition of murder acquires real meaning, and is imbued with critically important content, *through the exceptions* that are made to it.

So this is what we get: “generally speaking”, one should not kill, but one may and even *should* kill heretics (Kantian “rogues”, Jews, communists, Roma, and others in Nazi Germany, “enemies of the people” in Stalin’s Russia, etc.). The absolute prohibition of murder, in itself empty, is imbued with content to the extent that it refers to a *particularly characterized* category of “normal and good people”, and this characterization is made precisely *through the exclusion* of those defined as “abnormal and bad people”. Therefore, in order for the prohibition of murder to become meaningful and “effective”, in reality it stands in need of very concrete and substantive criteria for *making exceptions*. Such criteria cannot be derived *in any way* from pure moral law and the vacuous idea of the good. To return to our example, in order to decide whether a given destruction of life constitutes “murder” (evil) or “an act of faith” (good), we have to know not the abstract prohibition of murder, but a *concrete definition of heresy*. If the moral law *already presupposes* (implicitly) a certain definition of heresy (of “rogues”, “enemies of the people”, etc.), then it will easily deal with the rest, and will, of course, issue an indisputably correct

verdict, subject to unconditional execution, as to what pure duty requires in this particular case. If, however, it does not have such a definition, or it has a definition of heresy different from the official one, then the moral law may find itself in a very difficult situation, and even lead the person speaking on its behalf to the stake.

A candid admission of the complete inability of pure moral law to “designate” something as good or evil (which implies the inability of Kantian ethics to say something meaningful about good or evil) is found, for example, in the following passage in Kant: “The real morality of actions (their merit and guilt), even that of our own conduct, therefore remains entirely hidden from us. […] How much of it is to be ascribed to mere nature and innocent defects of temperament or to its happy constitution (merito fortunae) this no one can discover, and hence no one can judge it with complete justice”. But if we can never say anything definite about the moral quality of any given human action, why, then, do the notions of good and evil exist at all (do they even exist?), and in what way do they participate in the constitution of the moral world “familiar” to “man”? In no way. They are simply useless for a person trying to understand his/her world from a moral point of view and desiring to act morally in it.

Third. It is obvious for Kant that responsibility and imputability, without which no moral philosophy is thinkable, can be substantiated only through freedom. Indeed, in the “principal” ethical works, he constantly talks about the conceivability of freedom, but he cannot say anything coherent about the conditions of the practice of freedom. The notion of “practical freedom” itself turns out to be a grandiose example of a misnomer. In Kant’s philosophical world, there is nowhere to practice it. It is understood that in the world of heteronomy, “practical freedom” cannot exist. To speak of the freedom of the “transcendental I” or about freedom in the “intelligible world” is even more absurd than to search for it in the world of heteronomy; how can there be freedom in a place where there is no time, where nothing arises or starts working?! To use Arendt’s aphorism, if reason commands the will, then “the will would no longer be free but would stand under the dictate of reason. Reason can only tell the will [if it remains free]: This is good, in accordance with reason; if you wish to attain it you ought to act accordingly, which, in Kant’s terminology would be a

118 Kant, Immanuel: Critique of Pure Reason, p. 542 (footnote). Versions of this argument are scattered in Kant’s “principal” ethical works.
kind of hypothetical imperative or no imperative at all".\textsuperscript{119} However, a hypothetical imperative is something \textit{alien} to practical reason and the moral law, while their own \textit{categorical} imperative means tyranny rather than freedom.

\textit{Religion within the Boundaries of Mere Reason} became a heroic attempt to escape from these three difficulties, or even traps, into which Kant’s “ethical canon” had forced itself.

\begin{flushright}
\end{flushright}
Chapter 3. An attempt to eliminate the paradoxical connections between good, evil and freedom in the *Religion within the Boundaries of Mere Reason*

Kant’s aspiration to create a moral philosophy “from the human perspective”, as opposed to the “perspective of the transcendental I”, determined the general orientation of the effort to overcome the paradoxical character of the relations between good, evil, and freedom typical of the “ethical canon”, an effort which manifested itself in the *Religion*. The basic condition of the development of moral philosophy “from the human perspective” was the transition from the standpoint of “rational beings” (in general) to a standpoint of the “rational and sensible being”, i.e., the human being proper.¹²⁰ In other words, desires and passions—in their potential opposition to the moral law—have to be taken into account *from the very beginning* in the analysis of the formation of the free will, and not be retrospectively introduced in the capacity of *pseudo-explanations* of why the human “empirical will” deviates from the moral law identified with free will. Let us note that it was precisely owing to this identification that it was deemed possible to present free will *in its pure form*, abstracting from the various passions, which, in its own turn, made it necessary to smuggle

¹²⁰ It is worth stressing that in the “ethical canon” Kant makes the opposite move – he abstracts from *everything human*, from everything that “belongs to anthropology”. Everything that is not applicable to “other rational beings”, i.e., to nonhumans, has no place in “pure moral philosophy”. Thus, nonhuman rational beings become a crucial supposition of Kant’s “ethical canon”, precisely because it is only by orienting itself towards them that the “canon” can make a move that defines the “canon” as such, namely – the move of abandoning “human nature” as the ground of duty and of all the moral laws in general. This is truly something unthinkable and unheard of for all pre-Kantian ethics. See Kant, Immanuel: *The Groundwork of the Metaphysics of Morals*, pp. 44-45, 62, etc. It goes without saying that the questions of whence the knowledge of such nonhuman rational creatures came upon Kant and what exactly they are (what their “nonhuman nature” is) remain a complete mystery.
passions into “pure moral philosophy” (to explain the lack of identity between the “empirical will” and the “pure will”). It is precisely this smuggling that imparted to “pure moral philosophy” some appearance of connection with the real world. Now, since the “human perspective” has been assumed, the very direction of the search for the locus of freedom changes.

The “human perspective” makes it inevitable that (human) freedom can only be found in heteronomy, that heteronomy is not an antithesis or an antipode of freedom, but a form, a mode, a condition of the existence of freedom, to the extent that it can be human freedom.\textsuperscript{121} Compared to what is written in the “principal” ethical works of Kant, this could very well amount to a revolution in Kant’s ethics.

Let us note parenthetically that certain premonitions of this revolution can already be found in the “principal” ethical works. Thus, in the \textit{Critique of Practical Reason}, we find a rather peculiar definition of virtue as a “moral disposition in conflict”.\textsuperscript{122} “His [the human being’s] proper moral condition” appears precisely to be conflict, and not the “supposed possession of a complete purity of dispositions of the will”, the very assumption of the possibility of which (in the form of “holiness”) indicates a fall into a pretentious and pernicious “moral enthusiasm” (sic!).\textsuperscript{123} Therefore, if we suppose that the \textit{Groundwork} is about human morality from the “human perspective”, as this work is perceived by the liberal “humanistic” interpretation of Kant’s ethics, we may come to the conclusion that Kant himself was advocating the repugnant “moral enthusiasm” (not least because “holy will” is not essentially different from “free will”, practical reason and all the other elements of the series of “similitudes” discussed in the previous chapter). However, later he suddenly decides to disavow his own propaganda and starts denouncing “moral enthusiasm”.

Of course, having rejected the “humanistic” interpretation of the \textit{Groundwork}, we shall never make such a supposition, and we shall see in the previously mentioned definition of virtue, on the contrary, a certain early flash of moral philosophy from the “human perspective”, the developed form of which Kant will attempt to present in the \textit{Religion}. However, let us note for now that what this early flash has high-

\footnotesize
\begin{enumerate}
\item Kant, Immanuel: “Critique of Practical Reason”, p. 208.
\item See ibid.
\end{enumerate}
lighted is what is most important for the “human perspective”: moral philosophy about the human being and for the human being (not about “rational beings” and for “rational beings”) can only be a philosophy of conflict. It necessarily appears as a philosophy of accomplishment of difficult acts of choice, and not at all a philosophy of unconditional submission of the will to the moral law.\(^\text{124}\)

Kant’s *Religion within the Boundaries of Mere Reason* can be read as a decisive justification of Creation (and therefore of the Creator). There is nothing inherently “evil” in “natural” human inclinations and impulses as such. It is *not they* who oppose the moral law, and the latter *cannot and has no right* to “designate” them as “evil”. “The ground of evil”, Kant writes, “cannot lie in any object determining the power of choice through inclination, not in any natural impulses, but only in a rule that the power of choice itself produces for the exercise of its freedom, i.e., in a maxim”.\(^\text{125}\) It is not Creation itself, but our *free choice* of attitude towards Creation (attitude manifested in the rule that we accept) that goes against the moral law, which is *evil*. In this sense, we *choose* to be evil.

Of course, this immediately solves the problem of responsibility (for the evil maxims and actions) and imputability, with which Kant’s “principal” ethical works failed to cope. Let us, however, examine the *conditions* that allowed Kant to solve this problem in the *Religion* in order to understand and assess how successful we may consider this proposed solution to be.

The first thing that draws one’s attention is that the moral law ceases to be the absolute monarch unconditionally reigning over free will and becomes, as it were, an elected president. *Only if* we choose the moral law, installing it into the subjective maxim of our actions, will it lead us along the virtuous path. Otherwise, it will have no power over us, for it is not only the sensible inclinations, but also the “purely

\(^{124}\) Of course, this is by far not the only flash of moral philosophy “from the human perspective” in Kant’s “principal” ethical works. Ultimately, the very notion of the *oughtness* of duty necessarily presupposes that the fulfilment of duty confronts resistance from the “empirical” human will, that the human will has enough force to resist it, and that therefore it is completely meaningless from a *practical* standpoint to talk of duty outside the context of struggle.

\(^{125}\) Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, pp. 70–71. Compare this to the description of the conflict of the moral law with the “pathologically” (sensibly) determined will (*Willkür*), only by resisting and subduing which one can carry out the injunctions of the categorical imperative. See Kant, Immanuel: *The Critique of Practical Reason*, pp. 165–166.
moral disposition” that do not affect us “directly”: “We can have ef-
fect [...] with respect to the determination of our physical powers 
through the power of free choice as exhibited in actions, whether in 
opposition to the law or in its favor”.126

However, there is more to it. One gets the impression that in Kant’s 
Religion the moral law has certain power over us even before it is 
elected as our “president”. It has the power to establish the difference 
between good and evil, the power to identify itself with the former and 
the disobedience to itself with the latter. It has the power to determine 
the character of our very choice, and, indeed, this choice truly is “an 
offer one can't refuse”, to paraphrase Mario Puzo’s Godfather. As 
Onora O'Neill demonstrates, the essence of any compulsion, especially 
of skillful compulsion, consists in placing one in a situation of inevita-
able choice, whereas true freedom is marked by the possibility of refusing to choose altogether.127 Kant’s Religion makes it clear that we 
cannot in any way escape the choice determined by moral law. It is 
obvious that free will (Willkür), choosing “the first subjective ground 
of maxims” (Gesinnung) between obeying the moral law (good) and 
abandoning it in favor of sensible inclinations (evil), is not as free as 
Kant makes it out to be. It is inherently subordinate to the moral law 
by the inevitability of choice itself and of its specific character (of 
what we have to choose between). Thus, even without being our duly 
elected “president”, the moral law is already capable of “designating” the 
good (of designating itself as the good) and the evil (as any disob-
 edience to itself). It also makes the choice inevitable, and Kant merely 
acknowledges this point by claiming that “the moral law moved forward [in the situation of choice] in the form of prohibition” (italics mine).128

Scholars have noted that, in those places in the Religion where 
Kant discusses the “antecedence” of the moral law with respect to the 
ostensibly free act of choice in favor of this law, he amply uses images 
and tropes from the Holy Scripture. Gordon Michelson has very fit-

126 Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, p. 190 (foot-
note).
127 See O’Neill, Onora: “Which are the offers you can’t refuse?”, in Raymond Gilles-
pie Frey and Christopher W. Morris (eds.): Violence, Terrorism, and Justice. Cam-
128 Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, p. 87.
tingly called them “pictorial fillers for a conceptual lacuna”. Indeed, Kant has no theoretical resources to explain how we end up being already subordinate to what we still ought to, or, to be precise, can freely choose to be subordinate to, not to mention the explanation of what this (apparently imaginary) freedom of such a choice is worth. Here is where the imagery of Adam comes to the fore, in whom “we have all sinned and still sin” and who in an inexplicable way “began to question the stringency of the command that excludes the influence of every other incentive, and thereupon to rationalize [sic!] downgrading his obedience to the command to the status of the merely conditional obedience as a means […], until, finally, the preponderance of the sensory inducements over the incentive of the law was incorporated into the maxim of action, and thus sin came to be”. Of course, Adam’s “questioning” and “rationalizing”, which he engaged in before he partook of the “tree of knowledge”, turn this argument into a kind of philosophical joke, and only the headlong enlightenment zeal of Kant’s critics could take it to be his “concession” to orthodox religiosity. However, what is much more interesting for us are the philosophical problems that are partly revealed and partly concealed by these biblical metaphors.

Let us ponder over how the choice between good and evil is itself possible, if it is understood as a universal and inescapable problem of humanity as a whole, and not as some special problematic situation, in which an individual of not particularly strong moral principles may find him/herself. In order for this choice to be possible at all, good and evil must appear as binary commensurate notions, either of a transcendental or “empirical” nature. Otherwise, we shall have to return to the schema of Kant’s “principal” ethical works, which was incapable of solving the problem of responsibility for evil and imputability of

---

130 Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, pp. 87-88.
131 In the Lectures on the Philosophical Doctrine of Religion, Kant clearly states that it is only the human inability to explain the existence of evil in the world that has long ago forced humans to presuppose the Tempter, who wrested part of all things from the original source of the good. See Kant, Immanuel: “Lectures on the Philosophical Doctrine of Religion”, p. 410.
evil. However, it is precisely in presenting good and evil as commensurate categories that Kant encounters the greatest difficulties.

On the one hand, it may seem that Kant conceives of the choice between good and evil on the noumenal level and, therefore, that the very categories of good and evil must appear as intelligible. Indeed, Kant writes, “the human being is by nature good”, and at the same time that he is “by nature evil”. But one has to keep in mind that in the *Religion*, the notions of “nature” and of “natural” are radically reconceived with respect to the meanings that they had in Kant’s “principal” ethical works in that they both stop referring to the “empirical”. “By "the nature of a human being”, Kant writes in the *Religion*, “we only understand here the subjective ground—wherever it may lie—of the exercise of the human being’s freedom in general (under objective moral laws) antecedent to every deed that falls within the scope of the senses”. The “natural”, then, is “what follows necessarily according to laws of a certain order of whatever sort, hence also the moral order (hence not always the physical order). Opposed to it is the nonnatural, which can be either supernatural or contranatural”.

We shall not dwell on what led Kant to rework both of these concepts in such a radical fashion. Let us only note the following: their use in the context of the *Religion* points to the *a priori* nature of the objects that they characterize, or, at the very least, to the fact that these objects permit an *a priori* interpretation. Thus, when Kant says that man is “by nature evil” (or “by nature good”), he is no way describing some “empirical” determination of the character of the totality of human beings formerly or presently living on Earth, and still less the character of specific, particularly “evil” (or particularly “good”), individuals. In equal measure, his notion of a *universal* “propensity to evil” is not a description of some “empirical” human propensity for

---

132 For if they are *incommensurate*, for instance, if they belong to different “worlds”, we cannot *choose* between them.


134 See Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, p. 71.

135 Ibid.

wrongdoing, but a characteristic of a potential orientation towards evil, the potential of evil to “attach to the moral faculty of choice”. A different matter is that this potentiality is universal to such a degree that not even the best human being is immune to it. Even “he”, in particular circumstances, may reverse the “correct” moral subordination of motives, and to place the law of self-love above the moral law.

The conclusion regarding the universality of this possibility cannot be an “empirical”, or still less, an inductive generalization. It is impossible to generalize a possibility that is hidden from sight inductively. Moreover, no “empirical” generalization can claim universality. The assertion of a universal “propensity to evil” can only be made a priori, or, more precisely, it resembles the “reflecting judgment” that the third Critique describes and which is essentially regulative and not constitutive. Moreover, Kant emphasizes that by “propensity” one should understand “a subjective determining ground of the power of choice that precedes every deed”. If this determining should at all be called a “deed”, then it would indeed be “an intelligible deed, cognizable through reason alone apart from any temporal condition”. The very origin of evil is “origin according to reason” having no relation to “origin according to time”. And so on and so forth. All this leads one to think that the choice between good and evil is, indeed, conceived of on the noumenal level by Kant, and that good and evil are something purely intelligible.

On the other hand, this interpretation raises a number of questions that are very difficult for Kant and which fall into contradiction with his other lines of argument in the Religion (not to mention the “ethical canon”).

Let us begin with the following. If the choice between good and evil described in the Religion is really conceived as happening outside of time on a noumenal level, then how is it that I—as an “empirical”

---

137 Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, p. 78.
human—can know that this is my choice? Only the “transcendental I” can exist outside of time, and why should I consider its choice to be mine and bear any responsibility for it, should it turn out to be a choice of evil? The accursed questions of responsibility and imputability again, it seems, come forth in full force (and appear insoluble) if one assumes that the choice between good and evil occurs outside of time on a noumenal level.

Moreover, it seems that Kant himself is incapable of conceiving the act of choice as happening outside of time, even the choice of good, not to mention the choice of evil. In the Religion he distinctly declares, “from the fact that a being, [...] has reason does not at all follow that, simply by virtue of representing its maxims as suited to universal legislation, this reason contains a faculty of determining the power of choice unconditionally, and hence to be "practical" on its own [...]. The most rational being of this world might still need certain incentives, coming to him from the objects of inclination, to determine his power of choice”\(^\text{142}\). Of course, this retrospectively confirms our interpretation of Kant’s “principal” ethical works, according to which they are written not about humans, who are in principle incapable, however rational they may be, as Kant now asserts, of obeying the moral law solely out of respect for lawfulness. They always need “empirical” motives, both to be good and to be evil. Where could these motives come from, even for the choice of good, if the choice takes place a priori outside of time? This is an intractable question for Kant’s moral philosophy, insofar as it remains “metaphysical”.

Matters turn out to be even worse (if that is at all possible) if we consider the a priori choice of evil. In order to presume this choice, we have to conceive of not just the presence, but of the triumph of the base “material” motives on the level of pure reason and the “intelligible world”. This is complete nonsense for Kantian philosophy. However, this is exactly where the notion of commensurability of good and evil would necessarily lead us, a notion without which the very idea of “free choice” becomes completely meaningless, a notion on which the entire Religion within the Boundaries of Mere Reason is based, in contrast to the “ethical canon”!

Compared to this nonsense, the following consideration would seem of little significance. Let us, if only for the sake of an experiment, imagine an a priori choice between good and evil in its pure

form, as it apparently should be according to Kant. Such a choice could only be made by pure free will, not clouded by any “empirical influences” (which is why this choice has to happen outside of time). Let us ponder what this will can choose in its a priori choice.

It could choose the good, that is, the moral law, and, therefore, freedom (because it is identified with the fulfilment of the moral law). In other words, a free will can choose its own self as it existed before the act of choice.

Such choice does not change anything. It is not an event, but an empty tautology, devoid of any signs of content or significance. Nonetheless, it is supposed that a free will can also choose evil, which is unfreedom. In other words, it may choose voluntary slavery. This choice evidently happens contrary to the “nature” of free will, that is, contrary to what it has been prior to the frightful choice of voluntary slavery. This choice cannot have any motives, grounds or reasons, because, as we know, it happens outside of time. Such a groundless choice of slavery, violating the “nature” of free will, could only be made by a verily insane will. However, its own insanity makes it by definition unfree. How an insane and unfree will could appear on the noumenal level and come to decide anything a priori, and why Kant calls it “free”—these questions are better left unraised. Which is incidentally what Kant suggests we do: for “a first ground […] for the adoption of good or evil (unlawful) maxims” is “to us inscrutable”.

Thus, the question is closed.

In addition to all of the above, it remains completely unclear what the significance is of the a priori choice of what Kant calls the “supreme maxim” for the freedom of particular actions of an “empirical” human being, for the choice of particular maxims of such actions. Kant’s remark that particular actions “as regards the objects of the power of choice[…] are performed in accordance with that [supreme] maxim” would make one believe, it seems, that the a priori choice predetermines the moral character of all the specific maxims of action chosen by the “empirical” human. In that case, it is inappropriate to speak of his/her “choice”; the “empirical” human plainly has no freedom. Therefore the moral or immoral character of my particular actions is predetermined “for all eternity” by some a priori decisions

---

145 Ibid.
made (by someone) outside of time, to which I as an “empirical” being, of course, don’t have and could not have any relation.\footnote{The question of whether and to what extent the a priori atemporal choice of the “highest maxim” predetermines the actions of the “empirical” human constitutes a special topic of discussion among Kantian scholars. Long ago, Emil Fackenheim, attempting to save the freedom of the “empirical” human, wrote, “Thus the motive behind an individual action may be respect for duty; and it may yet flow from an over-all maxim which includes the deviation from duty on other occasions”. (Fackenheim, Emil L: “Kant and radical evil”, in \textit{University of Toronto Quarterly} Vol. 23, No. 4, 1954, p. 349.) I have to admit that the logic of this argument is not entirely clear to me and, more importantly, it is unclear how exactly it helps us understand in what way the “over-all maxim” influences our “individual actions”. The argument seems to suggest that the motives behind the latter exist by themselves, and, therefore, as Fackenheim further explains, they can be partially good, partially evil or partially morally neutral, while the “over-all maxim” also exists apart and by itself and therefore it \textit{in principle} cannot be partially good or evil, let alone morally neutral. For a further discussion of these issues see Timmons, Mark: “Evil and imputation in Kant's ethics”, in \textit{Jahrbuch für Recht und Ethik/Annual Review of Law and Ethics} Vol. 2. Duncker & Humblot, Berlin 1994, especially p. 135.}

We saw that the interpretation of choice between good and evil as an atemporal a priori decision of a free will runs into great difficulties and, it seems, irresolvable contradictions.\footnote{Let us note as an aside that the post-Kantian transformation of German idealism, pioneered by none other than Karl Leonhard Reinhold, an influential popularizer of Kant, began precisely from the positing of \textit{Willkür} as a basic and fundamental category of philosophy as a system. In Reinhold, it becomes denoted as the “original freedom of the will”, which belongs “to the essence of mankind in general”. It is different from the freedom which is “to be acquired” and which “belongs to the essence of humanity”. The latter presupposes the former since it is the “original freedom” that consists in the capacity to choose in favor of the good or the evil and, as such, is different from both the faculty of reason and the faculty of desire. See “The Fundamental Concepts and Principles of Ethics: Deliberations of Sound Common Sense, for the Purpose of Evaluating Moral, Rightful, Political and Religious Matters, by Karl Leonhard Reinhold”, in Roehr, Sabine: \textit{A Primer on German Enlightenment: With a Translation of Karl Leonhard Reinhold's The Fundamental Concepts and Principles of Ethics}. University of Missouri Press, Columbia (MO) 1995, pp. 181–182. It is clear that all this presupposes a rejection of the identification of freedom with practical reason, which is peculiar to Kant’s “ethical canon”. It is a known fact that Kant vehemently objected to such a “distortion” of his philosophy. See Kant, Immanuel: \textit{The Metaphysics of Morals}, pp. 380–381. Although, if the choice by itself is not freedom, then it is not entirely clear what a \textit{free} will does when it makes an atemporal choice between good and evil in Kant’s \textit{Religion} and in what sense it is \textit{free}. Still, Kant’s refusal to identify choice as such with freedom is based on strong arguments, to which we shall return later on.} But did Kant himself understand this choice in such a way? Can we ignore the fact that \textit{in the very first lines} of the \textit{Religion} he specifies an anthropological (in his sense) point of view on the problem of evil and puts its examina-
tion in the human perspective? The preface to the first edition of the *Religion* begins with a discussion of “the human being's own fault”. This is a very strange “fault”. It does not seem related to what later becomes the subject of the *Religion*, that is, a fault arising from a choice in favor of evil. The human fault, the discussion of which inaugurates the introduction to the *Religion*, lies in that man is always in need “of an incentive other than the law itself” “in order that he… observe it [his duty]”. Let us note: what is meant here is the fault for choosing the good (choosing to fulfil one’s duty), but for a choice of good that is not carried out according to the principles of pure moral philosophy, demanding that duty be done solely on the basis of the respect for law.

Before whom or what is man at fault for not fulfilling his duty out of mere respect for law? Certainly not before himself, other people, or humanity as a whole, for with respect to all of them he is carrying out his duty, i.e., serving the good! He is at fault only and exclusively before “morality”, or to be more precise, before the Kantian metaphysics of morals. His fault lies in the fact that he cannot unconditionally, unreflectively, absolutely obey it. In other words, man is at fault before “morality” in that it cannot rule over him as an absolute despot.

To use the language of Kant’s “principal” ethical works, for the human being as a human being the moral law can in no way be unconditional; even its fulfilment, to say nothing of the deviation from it, is always conditioned by something over and beside the law. This is precisely what constitutes the “basic” human fault (before pure moral philosophy), discussed at the very beginning of Kant’s *Religion*. The “radical evil” that attracted the most attention from those commenting on the *Religion within the Boundaries of Mere Reason* and which is expressed as the “inversion” of subordination of motives (of an action), is only a radical form of the same “basic” human fault. Its non-radical form, “non-radical evil”, would be the good pursued out of motives different from pure respect for duty. From this point of view, even “the best” person turns out to be “evil”. To put it differently, good in the “human perspective” is evil as a “non-radical” ver-

---

149 Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, p. 83.
150 Ibid.
sion of evil, to which “radical evil” is a binary and commensurate category.

Of course, having saved the “unconditionality” of the moral law, and harkening back to his “principal” ethical works, Kant immediately writes that the subordination of motives should be different. The moral law “as the supreme condition of the satisfaction of the former [the incentives of self-love], should have been incorporated into the universal maxim of the power of choice as the sole incentive”.¹⁵¹ To whom, however, is this ‘should’ addressed? Could it really be addressed to human beings? Could they really subordinate the motive of self-love and the motive of duty in any way other than the subordination of which they are really capable? This is the subordination in which self-love is present on both levels, those of the fulfilment of duty and of its violation, so that we get at best a subordination of the selfish fulfilment of duty and its selfish violation? For Kant himself, as we already know, has explained to us that the most rational person will not carry out his duty without some motives that arise from the “objects of inclination”.¹⁵²

Let us grant, however, that moral law is given to us (we ourselves could never have created it), and that it imparts to us the consciousness of freedom from all other motives. Still, the practical question lies elsewhere: can we, in our capacity as human beings, follow the moral law in deed, if it is not upheld by motives entirely independent of it? As we already know, Kant gives a negative answer to this crucial question of moral philosophy (expressed in the notion of “basic” human fault), which is exactly why he needs God (and immortality), without the idea of which a reconciliation of happiness (as an extramoral motive) and duty is impossible. Yet, without this reconciliation, the most rational people will not carry out their duty. We shall later return to this manifestation of God in Kant’s philosophy as a “conciliator” of happiness and duty. For now, let us summarize what is stated above by outlining the character of the problematic situation that becomes the subject of the Religion and which is defined by the admission of the impossibility of absolutely despotic (i.e., unconditional) government of people by the moral law.

The main characteristics of this problematic situation are as follows. Firstly, it is a specifically human situation. It arises precisely

¹⁵¹ Ibid.
due to the impossibility of reducing the human being to the “transcendental I”, which obeys the moral law automatically (which is what creates a chain of identities or “similitudes” of will, free will, “holy will”, practical reason, good, etc., in the “ethical canon”, discussed in the previous chapter). This impossibility is acknowledged by Kant for the first time as a serious problem in its own right. As he plainly puts it, “for it cannot possibly be a matter of indifference to reason” that man—in contrast to the “transcendental I”—needs in order to do good (do one’s duty) a certain end, that would include duty, but would not be reducible to it.\(^\text{153}\) Only, in the *Religion*, the ironic remark directed at Professor Schultz—“it is hard to cease altogether to be human”—is laid into the foundation of Kant’s own ethical-philosophical project.

Secondly, it is a situation of inescapable freedom. Disobedience to the moral law or incomplete obedience to it is freedom, and Kant frankly acknowledges it as such. This acknowledgment, as already discussed, amounts to the notion of choice as free arbitration between good and evil. Let us again note that freedom manifests itself not only through evil as disobedience to the moral law, but also through the good as incomplete obedience to it; and this incompleteness demands reinforcement by extra-moral motivation (motivation of “happiness”), which is specifically human by definition. Owing to the incompleteness of obedience, the good is, as mentioned before, in fact, also evil, though of the “non-radical” variety.

Thirdly, it is a situation of ineradicable evil. It is ineradicable for the same reason that freedom is inescapable. To put it concisely: evil is freedom as disobedience or incomplete obedience to the dictates of the moral law. The universal character of the propensity to evil, in no way theoretically derivable, that is, not derivable from knowledge about nature, including human nature, is an a priori synthetic correlate of the anthropological conclusion about the inescapability of freedom as the impossibility of unconditional obedience to duty. Let us once again stress that the universality of the propensity to evil should not be narrowed and construed as something special, attributing it only to the preference for evil in the sense of disobedience to the moral law. No, this propensity manifests itself also in the preference for good, since it—in the capacity of a preference and not of an unconditional obedi-

ence—becomes possible as a result of the lack of absolute power of moral law over us as human beings.\textsuperscript{154}

It is revealing that of Kant’s three “sources of moral evil”—the frailty of human nature, impurity and depravity—only the last one is strictly speaking a source of evil as “conscious” disobedience to law. The first two (especially impurity) lead only to an “incorrect” acceptance of the good, i.e., its acceptance not in accordance with the demands of pure morality.\textsuperscript{155}

Fourthly, it is a result of the tireless efforts of morality to assert its domination over the irreparably obstinate, constantly resisting, and, therefore, “evil by nature” human being. The main instrument of these efforts is the idea of the “highest good” as the “final end”, and it is precisely here that—within the logic of this work—God (and immortality) appear in Kantian philosophy.

Why does Kant need the “highest good” and everything that “grounds” it, that is, makes it conceivable (God and the rest)? Solely and exclusively in order to subordinate the motive of happiness—without which human obedience to the moral law is impossible—to unconditional duty, which has, however, already admitted its impotence with respect to “empirical humans”. In the third Critique, we find a most peculiar fragment that clarifies what is meant here. There, Kant takes no less an example than Spinoza and “righteous men” like him, who believe that there is no god, but at the same time “unselfishly” do the good that the moral law impels them to do. Kant is certain that their “effort [to establish the good] is limited”. Indeed, could they really constantly strive towards the good in a morally corrupt world, knowing that the aim that propels them to act and which can only consist in happiness, concordant with the laws of morality, is unreachable? Worse still, the recognition of this “idealistic final end” as a “nul-

\textsuperscript{154} In light of this, one could agree with Richard Bernstein’s assessment that Kant does not have a substantial notion of evil; it simply denotes deviation from the moral law: “Presumably, the introduction of the concept of radical evil is intended to explain why from a practical point of view we deviate from following the moral law. We do not always follow the moral law because, as human beings, we have an innate propensity to evil. Our wills are corrupted at their root. But does this “because” really explain anything? Does it do any conceptual work? I do not think so. When stripped down to bare essentials, it simply reiterates the fact that human beings who are conscious of the moral law sometimes freely deviate from it”. (Bernstein, Richard J.: \textit{Radical Evil: A Philosophical Interrogation}. Polity Press, Cambridge 2002, p. 33.)

\textsuperscript{155} Kant, Immanuel: \textit{Religion within the Boundaries of Mere Reason}, p. 77.
lity” may diminish the respect that the moral law should inspire in everyone if it is to be obeyed.\textsuperscript{156}

This argument of Kant’s is based on several psychological, ethical (in contrast to moral) and even political premises, the most important of which we need to explicate in order to understand the logic behind Kant’s introduction of the “highest good” into his moral theory.

The first such premise is the presumption of human psychological unsteadiness and moral weakness. Kant cannot conceive of a person who would embark on and persevere in a struggle against evil even without (either illusory or plausible) hope for success. He cannot imagine a feat in the logic of Luther’s (or attributed to Luther) “here I stand, I can do no other” or Hamlet’s rebellion against the world of evil (“to be honest, as this world goes, is to be one man picked out of ten thousand”). Kant’s “well-meaning individual”, by contrast, needs the illusion of the attainability (somewhere in eternity) of the “final end”, without which he is unable to remain “well-meaning”. Still less is he capable of being a fighter who understands Goethe’s “highest wisdom… that mankind ever knew” that “freedom and life are earned by those alone who conquer them each day anew”.

For Goethe’s Faust, happiness and duty are also commensurate. Both, however, are understood completely differently than in Kant: happiness is “life and freedom”, and not “beatitude” as complete independence from inclinations and desires\textsuperscript{157} (owing, one has to think, to their complete satisfaction proportioned to duty), and duty as the liberation of “my people”, and not as unconditional obedience to the moral law. Accordingly, what also differs is how human finitude and immortality are perceived. Faust is prepared to “abide in the moment” at an instant and for the sake of the culmination of unity of happiness and duty as he understands them, whereas for the Kantian “well-meaning individual”, the supposition of his finitude is tantamount to plunging “into the abyss of the purposeless chaos of matter”.\textsuperscript{158} Need we elaborate that this equivalence (of one’s finitude and purposeless chaos) is self-evident only to a fundamentally apolitical person? The characteristic moral estrangement from political association, to which he formally belongs, makes it inconceivable to tie in one’s own individual “immortality” with the life of one’s people that allowed Nicco-

\textsuperscript{157} Kant, Immanuel: “Critique of Practical Reason”, p. 235.
\textsuperscript{158} Kant, Immanuel: \textit{Critique of the Power of Judgment}, p. 318.
lò Machiavelli to write in a very “un-Christian fashion”: “I love my native city more than my own soul”.159

If one can “deserve happiness” in different ways, if the proportionality of happiness to duty – according to their different interpretations – is established in various ways, why then does Kant identify the only correct way of achieving this proportionality? Why does this only correct way consist in tying in the pursuit of happiness with the fulfilment of duty through the “highest good” as the “final end”? The answer is that within the framework of Kantian philosophy of morality the pursuit of happiness can only be tied in with the fulfilment of duty in this way; i.e., only thus can the dictate of the moral law with respect to the “empirical man” be maintained. This maintenance, however, forces Kantian morality to make significant concessions to its obstinate vassal and even to compromise its principles in certain respects.160 What does it mean and how is it achieved?

We find the early appearances of the “highest good” already in Kant’s “principal” ethical works. Thus, in the second Critique its main functions are already described quite concretely. Its chief function is to imagine as rationally conceivable (although, of course, unknowable and unfathomable) the “natural and necessary connection between the consciousness of morality and the expectation of a happiness proportionate to it”.161

Let us direct our attention to the key point: the goal is to show naturalness and necessity as attributes of what Kant intends to pose only as potentially conceivable. Clearly, the notion of “naturalness” here means something different from what is meant by this term in the first

---


160 The modes of establishing the correspondence of happiness to duty, which we have discussed in the previous paragraph and which can be figuratively called the Hamletian mode, the Faustian mode and the civic-political mode (so as not to identify the latter exclusively and directly with Machiavelli), presuppose some version or other of what Max Weber calls the “ethics of responsibility”. See Weber, Max: “Politics as a vocation”, in David S. Owen and Tracy B. Strong (eds.): The Vocation Lectures. Hackett Publishing, Indianapolis 2004, pp. 83–84. To be sure, the “ethics of responsibility” is not equivalent to a lack of principles and it by no means abolishes the “ethics of conviction” as such, but the understanding of happiness and duty and of the correlation between the two is indeed contrary to Kant’s interpretation of them.

Critique; it loses any relation to nature.162 This already forces us to ask the following question: in what sense is “naturalness” brought up here, or so to speak, from what point of view and to what end is something characterized as “natural”? We shall not be able to evade the question by saying that what is implied here is the “naturalness” of “practical reason” itself, let us say, in the same sense in which the “deception of transcendental reflection” was “natural” in “pure theoretical reason” (according to the first Critique163). “Practical reason” itself, since its object is duty along with the concepts that substantiate and explicate it, does not require any notion of an end, “final” or otherwise. Moreover, in the capacity of pure practical reason, it has to abstract itself from any conceivable end, and any such end would cloud its purity were it to enter its sphere.164 Kant’s explanation as to why the idea of the “highest good” as the “final end” should exist depends on the purpose for which “practical reason” uses this idea, and not on the essence of “practical reason” itself.

The argument to the same effect in the second Critique is limited to the indication that, firstly, it is only through the idea of the “highest good” qua the “final end” that morality can affirm itself as the “highest good” in relation to happiness; secondly, practical reason has “to contribute everything possible” (sic!) to the actual “production” of this idea.165 “Everything possible” undoubtedly includes the depiction of something merely conceivably possible as “natural and necessary”.

These themes are further elaborated upon in the latest works. The principal points of this elaboration lie in the following. From the Cri-

---

162 We have already discussed the reinterpretation of the “natural” (and of “nature”) in Kant’s later works above. See footnotes 134 and 135.
163 See Kant, Immanuel: *Critique of Pure Reason*, pp. 373–375, 386, 559, 564–565, 642 etc.
164 In his later works, Kant forcefully advances this notion. “...These laws command absolutely, whatever their consequences; indeed, they even require that we abstract from such consequences entirely whenever a particular action is concerned […] All human beings could sufficiently partake of this incentive too if they just adhered (as they should) to the rule of pure reason in the law. What need have they to know of the outcome of their doings and nondoisings that the world's course will bring about? It suffices for them that they do their duty, even if everything were to end with life in this world, and in this life too happiness and desert perhaps never converge”. (Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, pp. 59–60 (footnote).) But the problem is that human beings are weak and their main weakness lies in that they “seek something that they [human beings] can love” (ibid.) It is on account of this “amorous” weakness of the human being that the moral law has to somehow contrive and concoct in order to make humans obey its commands.
tique of Judgment, we learn that the “highest good” is the product of “practical reason” itself. With its aid, the moral law a priori sets an aim “for us” and obliges us to pursue it. Sure enough, this aim contains within itself a “subjective condition” (happiness), which, strictly speaking, should have no place whatsoever in practical reason (in its pure form it knows only the “objective conditions”). This muddling of pure reason, however, is absolutely necessary so that man as a weak being could “be consistent in his moral thinking”.166

Needless to say, the existence of God is not proven by the introduction of the idea of the “highest good”. About God nothing can be meaningfully said philosophically or theoretically in principle. God is, so to speak, merely a necessary element of “consistent” moral reasoning of the weak human being, who is a fortiori unable to reason correctly in matters of morality, i.e., to reason purely in terms of duty. God may be seen as a fictitious compensation for the weakness of “man’s” moral reasoning. It is a product of a kind of “playing” with ideas (sic!), which is carried out by reason itself and the only meaning of which is that “we have to think of them in behalf of moral principles directed toward the final end of all things (through which, though otherwise they would be entirely empty, acquire objective practical reality)”.167 This is precisely why Kant tirelessly emphasizes in his various works that “morality leads inevitably to religion”.168

However, since we are talking about human beings (and not the “transcendental I”), this statement is not entirely correct. “Morality leads inevitably to religion” only in the logic of Kant’s transition from his “principal” ethical works to those that deal with the range of human moral problems (such as the Religion). For the human being him-

166 Kant, Immanuel: Critique of the Power of Judgment, p 316.
167 Kant, Immanuel: “The end of all things”, pp. 225-226. Alenka Zupančič is right to note the difference of the postulates of practical reason from the transcendental (psychological, cosmological, and theological) regulative ideas and the ethical significance of the former. She also convincingly demonstrates that the postulate of immortality as the condition (of conceivability) of infinite progress toward the complete correspondence of the will to the moral law can refer only to the body, and not to the soul. This is so because, after the latter is freed from the earthly vessel, it can no longer deviate from the moral law (owing to the absence of factors that could cause such a deviation), and therefore with regard to it, the notion of “infinite progress” has absolutely no meaning. See Zupančič, Alenka: Ethics of the Real: Kant, Lacan. Verso, London 2000, pp. 75–77, 80. The postulate of the “immortality of the body” is, in my opinion, one of the clearest indications of the fact that the ethical framework relying upon it is directed precisely at weak humans.
168 Kant, Immanuel: Religion within the Boundaries of Mere Reason, p. 60 (footnote).
self, morality can only be, according to Kant, a kind of religion requiring a compensation of his/her “inconsistent” moral reasoning by the figure of God, produced by the “playing” of practical reason.

In the Lectures on Pedagogy, we find a more precise formulation: “Religion is the law in us, in so far as it receives emphasis from a lawgiver and judge above us; it is morals applied to the knowledge of God”. To the extent that having any “knowledge of God” is inconceivable, the formula in question may be adapted in the following way: religion is morality supported by the idea of God. The important thing is that this idea has to be “a subjective argument, sufficient for moral beings”. The criterion of “subjective sufficiency” is, without doubt, the key characteristic of the political economy of “practical reason”, that is, the political economy of the production of conditions of its domination over a recalcitrant, yet supposedly weak, and, with all its weaknesses, “moral” human being. Being “supported” by God and oriented towards the “highest good” and the “final end”, the “empirical” man is able to choose good and not evil.

We have come, therefore, to an “empirical” analogue of the atemporal a priori choice of free will between good and evil discussed above, which led us into great and seemingly irresolvable difficulties of interpretation. A rather peculiar and noteworthy fact is that in the Religion both versions of “free choice”—“empirical” and a priori—exist side by side, and, moreover, they are not related to one another logically or conceptually. In other words, one can describe the a priori choice in a philosophically consistent manner without reference to the “empirical” one. The contradictions in this description will arise only if we try to “write” the “empirical” man into the moral psychology of such choice (which, however, we are impelled to do by the aim of the entire enterprise: the justification of human moral responsibility for the choice of evil).

In the same fashion, by introducing the notions of the “highest good” and “final end”, one could give a consistent description of the “empirical” choice between good and evil, in no way determined by the notion of the atemporal a priori choice. In essence, the only philosophical price for this “empirical” description of choice would be a loss of the original purity of practical reason, presented in Kant’s “ethical canon”; it would be forced to smear itself by incorporating the

170 See Kant, Immanuel: Critique of the Power of Judgment, p. 316 (footnote).
“subjective condition” of striving for the “final end”, i.e., happiness, into its own sphere. Kant describes this artful operation, which allows morality to retain its dominance over the weak human being, as an “expansion” of practical reason beyond the boundaries of the moral law. This “expansion” amounts to an illegitimate coupling of moral duties with their consequences (of commensurability, unity of happiness and the fulfilment of duty) in order to create the motivation for “good” actions and decisions.¹⁷¹

The presence of these two versions of “free choice” in the Religion creates the impression that, in elevating Kant’s argumentation to a qualitatively different level by focusing for the first time (in the entire “critical period”) on the human being and not on the “transcendental I”, this work leaves Kant at the crossroads between metaphysics, still characteristic of the atemporal a priori choice, and anthropology, prevalent in the “empirical” conception of choice. It is indicative that in the later parts of the Religion, in which Kant concentrates on the social-political side of religious life, the anthropological principle steadily increases in importance and firmly takes center stage.

It is here that we learn that individual good will does not settle anything in terms of resistance to evil, be that will a result of an a priori or an “empirical” free choice. Humans, “as though they were instruments of evil”, “mutually corrupt one another's moral predisposition and, even with the good will of each individual, because of the lack of a principle which unites them”.¹⁷² Without it, they are doomed to “the war of all against all”, even if it takes the form of “public feuding between the principles of virtue” (sic!).¹⁷³ The formulation and the institutionalization of this “principle which unites [human beings]” by means of the state and community, and not by means of the “striving of one individual person for his own moral perfection”, is the key to the realization of the “highest moral good”.¹⁷⁴ In ancient times, it was (Jewish) theocracy that played the role of this key. Now it is played by the church (needless to say, of its Protestant, not its Catholic, variety).

Moreover, individual progress toward moral perfection is impossible in reality without the support of such a state and community. Indeed, the choice of the good is never final; the good, since we are

¹⁷¹ See Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, p. 82 (footnote), p. 60 (footnote).
¹⁷³ Ibid.
talking about the “empirical” man, is never found in isolation from the evil. To be good means to engage in a continuous conflict (thus, the theme of morality as conflict, which was hinted at in the second Critique, as mentioned above, is reintroduced). It means to liberate oneself from the domination of the evil principle, and it is this never-ending struggle for liberation that is the only mode of existence of freedom (from evil).  

In this struggle “they can find protection for their morality” only in a “realm of freedom”, understood as a realm based on the moral principles, where “ruling over minds” is a condition of “controlling things”. In other words, the principle of the good can defend its “rightful claim to dominion over the human being, […] [only] through the establishment of a form of government solely directed to the public and exclusive veneration of its name”. This purely anthropological description of the conditions enabling the dominion of the principle of the good necessarily develops into a historical-political investigation and will define the principal character of Kant’s works in his latest period.

---

175 See Op. cit., p. 129. Of course, such an interpretation of the good as a never-ending struggle casts doubt on the assertion that the atemporal a priori choice of “the first subjective ground of maxims”, which supposedly predetermines all of our “subsequent” “empirical” choices, has any bearing on actual human beings.

176 See Op. cit., pp. 120–121. It goes without saying that such a “free state” should not be confused with “civil society” in the way that it appears in the so-called historical-political works of Kant. The latter is based on legality and not on morality, i.e., precisely on the fine-tuned “dominion of circumstances” (of our “unsociable sociability”, of our character akin to the irreparably “crooked wood”, etc.).

Chapter 4. On the “impossibility” of “rebellion against morality”: ethical arguments

If the arguments presented in the previous chapter are not entirely devoid of substance, then the cornerstone of human morality (in the Kantian sense), i.e., of human obedience to the moral law, appears to be the weakness of man. “Man” has to be weak enough to succumb to the illusion of the unity of happiness and duty for eternity through the idea of the “highest good”; and with the aid of this illusion to accept the “correct” subordination of duty and happiness. Thus “he” will obey the moral law, which he naturally (short of being either a saint or the “transcendental I”) resists. However, this argument runs into a rather obvious problem. What if a person fails to be weak and fails to succumb to this illusion (like the aforementioned Spinoza, to take Kant’s own example)? What if “he” is weak, but succumbs to a different illusion (that, for instance, evil ought to rule the world)? Should we understand the Kantian grounding of the (conditional) triumph of morality in man’s weakness in the sense that this weakness, just as Kant described it, is a generic human trait, such that we are not talking about any specific type of human beings, but of “man” in general, of “man” as a species? Most importantly, does the absence of human weakness or a different manifestation of it not lead to the rejection of morality (in a Kantian sense), to, as it were, “rebellion” against it?

In the Religion, Kant’s discussion of these questions is extremely concise and confined to, literally, several lines. Kant wonders whether man can rebel against morality. Such rebellion, were it possible, would signify a conscious choice, no longer of the “radical evil” as

---

nonfulfillment of the moral duty (for the sake of gratifying “pathological” inclinations), but, specifically, of “diabolical evil”. It could consist only in instituting opposition to the moral law in the capacity of duty, irrespectively of sensual temptations (or, if necessary, even in spite of them). However, for a human, Kant believes, this is impossible. “The human being (even the worst)”, he writes, “does not repudiate the moral law, whatever his maxims, in rebellious attitude (by revoking obedience to it)”. Why? Because man, in rebelling against moral law, would have become a “diabolical being”, but this is not “applicable to the human being”. This is because the moral law “imposes itself on [the human being] irresistibly, because of his moral predisposition”.179

Essentially this is all that Kant has to say on the given question. Let us note that, in Kant’s view, it is not a particular type of “man” who cannot become a “diabolical being”, but “man” in general and as such. Hannah Arendt, among others, points to paradigmatic characters from the works of Shakespeare, Milton, Melville, Dostoyevsky, etc., who appear to be “diabolical” bearers of what Kant calls “evil reason”, the reason that “exonerates itself from the moral law” and posits evil as the universal maxim of action. She also refers to the philosophical analysis of “evil reason” in Kierkegaard, Nietzsche and others meant to explain certain human mental processes and patterns of behavior.180 For Kant, such humans do not exist. In the world, as Kant envisages it, even the most “hardened scoundrel” laments his inability to follow moral exemplars (if they are presented to him),181 and the biggest crimes are committed merely out of “inclinations that weaken reason”.182 Human weakness is indeed deemed to be a generic characteristic, which is exactly what saves Kantian morality in its universal

179 See Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, p. 82.
182 See Kant, Immanuel: “The Metaphysics of Morals”, p. 516. Moreover, the characters of Kant’s narrative are morally weak to such an extent that they break the moral law only “reluctantly”: “there is no human being so depraved as not to feel an opposition to breaking it and an abhorrence of himself in the face of which he has to constrain himself”. (Op. cit., p. 512 (footnote).) It seems that here Kant goes so far that the central propositions of his “principal” ethical works become diametrically reversed. It is no longer the moral duty, but, on the contrary, the wickedness that coerces us into submission without any propensity on our part. The moral duty, it seems, we fulfill out of propensity, i.e. by virtue of natural inclinations.
capacity: were “man” not as weak as Kant describes him the “rebellion against morality” would have been possible.

Of course, one can point out that here Kant is highly unoriginal. This argument is completely in line with a tradition of moral philosophy originating (at least) with Socrates, who did not believe in the possibility of the deliberate human choice of evil, in the desire of evil for the sake of evil. But should we not reflect on the fact that the creator of the “Copernican revolution” in philosophy is so conventional precisely in this element of his moral theory?

Perhaps the simplest way to answer this question is to point out that practical reason could not possibly rule over a deliberate “rebel” against morality, even with the ruses and compromises discussed in the previous chapter, and owing to which it retains control over the weak and therefore moral man (including Kant’s “hardened scoundrel”, lamenting his own moral imperfection). Amidst the “rebellion” against it, morality turns out to be merely one side in the conflict and, therefore, in principle cannot become an arbitrator in it. Such a conflict, inevitably turning into a political confrontation, may be resolved only through force, or, to be more precise, with what Walter Benjamin called “mythic violence” or even “divine violence”183 (the former’s victory materializing in the establishment of a new “objective” reason, i.e., in the shape of a new prevailing ethical and legal system). In the words of Milton’s Satan, of this paradigmatic “rebel” against the prevailing morality, “He [God] Who now is Sov’reign can dispose and bid What shall be right. Farthest from Him is best Whom reason hath equaled, force hath made supreme Above His equals”.184 Therefore, the new battle as a confrontation between two coequal reasons is not only possible, but, in essence, necessary.

This simple answer, even if correct, is clearly insufficient. Indeed, we need to grasp what the “rebellion” against morality—against Kantian morality—may signify (a “rebellion” that Kantian weak people are unable to perform). Indeed, Kantian morality is purely formal in essence; it does not demand anything from us except that our thinking about the maxims of our action be lawful, i.e., that these maxims be

---

183 As Benjamin writes, “a cause, however effective, becomes violent, in the precise sense of the word, only when it enters into moral relations. The sphere of these relations is defined by the concepts of law and justice”. Benjamin, Walter: “Critique of violence”, in Walter Benjamin: Selected Writings. Vol. 1. 1913–1926. The Belknap Press, Harvard (MA) 1996, p. 236.

conceivable as universal law for everyone (including ourselves). Such lawfulness is, in fact, a property of rational thinking, essential to its very existence (as was already shown in the first Critique). Hence, practical reason is nothing but pure reason itself directed to human behavior (and, alas, forced to resort to—in contrast to pure speculative reason—certain tricks in order to keep “man” under its control). How, then, is this “rebellion” against lawful thinking, against reason itself (albeit in its practical application), at all possible? One truly cannot imagine such a thing! One can somehow imagine how those weak Kantian human beings, whose reason is weakened by “pathological” inclinations, fall into evil (choose evil, are tempted into evil, etc.).  But how should we understand the choice of evil by those whose reason is not only not weakened, but, on the contrary elevated, and, moreover, elevated to equipotency with the divine intellect, as with Milton’s Satan, mentioned above?

Have we understood the meaning and the character of the “rebellion against morality” correctly? Is it against the lawfulness of thinking about human behavior, including the demand that the supposed maxim of action has to be thought of as a universal law applicable to everyone without any exceptions, that the staunchest “rebels” against morality revolt?

Let us take the “violent reasoner” from the article on “natural rights”, once attributed to Denis Diderot, from the Encyclopédie of Diderot and d'Alembert. “I am not so unjust”, says the “reasoner”, “as to insist upon a sacrifice from another person that I do not wish to make for him […] If my happiness demands that I destroy the lives of all those who disturb me, it is also necessary for an individual, whom-ever he may be, to be able to destroy mine if he is similarly disturbed;

---

185 Again see Kant, Immanuel: “The Metaphysics of Morals”, p. 516. The connection between the weakness of reason and the preference for evil is usually discussed in Kantian scholarship under the rubric of the “irrationality” of our “evil” decisions and actions, which remain (in the logic of the Religion within the Boundaries of Mere Reason) free. See Timmons, Mark: “Evil and imputation in Kant's ethics”, in Jahrbuch für Recht und Ethik/Annual Review of Law and Ethics Vol. 2. Duncker & Humblot, Berlin 1994, p. 113 ff. However, others assert that evil is the limitation (or boundary) of freedom, so that the “diabolical being”, embodying evil or existing under its power, cannot be regarded as free. See Carnois, Bernard: The Coherence of Kant’s Doctrine of Freedom. University of Chicago Press, Chicago 1987, p. 108 ff.
reason requires this, and I subscribe to it”. It is undeniable that the “violent reasoner” advances a genuinely universal maxim of action, which—in full accordance with the demands of justice laid down by reason—extends to everyone (including himself), and, therefore, as Kant writes in the *Groundwork of the Metaphysics of Morals*, could “become a universal law of nature”. To be sure, Kant will retort by saying (as he indeed does when he tests the universalizability of the suicide maxim, which we shall discuss later on), that a nature whose law it would be to destroy life, “would contradict itself”. From this, it allegedly follows that the “violent reasoner’s” maxim (along with the maxim of suicide) cannot be a “universal law of nature”, because it is pregnant with an internal contradiction.

However, this argument of Kant’s is untenable. It rests on conceptual sleight of hand; namely, it involves a substitution of the concept of nature with the concept of life. “The law of nature”, as it is conceptually and consistently defined in the *Critique of Pure Reason*, cannot be reduced to the “law of preservation of life”, nor does it presuppose the latter, but instead is concerned with an altogether different matter: the necessary forms of *intelligibility* of the phenomenal order. “The law of nature”, Kant writes in the first Critique, “consists just in this, that nothing happens without a cause sufficiently determined a priori”. In a more elaborate form, the “law of nature” is described in the following way: “The law of nature that everything that happens has a cause, that since the causality of this cause, i.e., the action, precedes in time and in respect of an effect that has arisen cannot have been always but must have happened, and so must also have had its cause among appearances, through which it is determined, and consequently that all occurrences are empirically determined in a natural order—this law, through which alone appearances can first constitute one nature and furnish objects of one experience, is a law of the understanding, from which under no pretext can any departure be allowed or any appearance be exempted”.

I have to admit that it is not entirely clear to me why the universal maxim of behavior held by the “violent reasoner” does not comply

---


188 Kant, Immanuel: *Critique of Pure Reason*, p. 484.

189 Op. cit., p. 538. See also p. 543, etc.
with the universal “law of nature” thus understood, which—in contrast to the purely “empirical” and completely non-philosophical “law of preservation of life”—is indeed a fundamental category of Kant’s “critique”. To put it bluntly, it is unclear why nature as a totality of causal events cannot be conceived without animated life and why an event of destruction of life cannot be included in this totality. Even the “common sense” objection that if all animate life is destroyed there will not be anyone to conceive of nature as of a totality of event causation (and, thus, the law of nature will “disappear”) does not work precisely in the context of Kantian metaphysics (including the metaphysics of morals).

The problem is not only that, for Kant, there are “other rational beings” apart from humans for whom all laws of pure reason are also valid, but who—whether for the reasons of their incorporeality, or their extra-terrestrial mode of existence—could be unreachable by the deadly maxim of our “violent reasoner”. What is more significant, from a philosophical point of view, is that nowhere does Kant clearly articulate who the entity that thinks according to the laws of pure reason is.

Of course, the entire project of “critical philosophy” could be interpreted as a “philosophy of the self”. But, as Robert Paul Wolff justifiably notes, the paradox lies in the fact that in Kant’s writings it is very hard to locate a focused and at least somewhat systematic discussion of how the multiple “I’s” are interrelated, of which he speaks in various parts of his works. First and foremost, this pertains to the relationships between the “transcendental I”, “noumenal I”, “practical (or moral) I”, and “empirical I”. The unclear nature of the relationships between them, expressed in their sometimes accentuated separation and sometimes in their surreptitious conjoining, results in immense difficulties in the interpretation of “critical philosophy”, precisely because its entire project, especially its “practical” part, depends on

---

191 One could say that Kant does not recognize the problem that will later become central in the Hegelian tradition and that Alexandre Kojève expresses in the following way: “I think therefore I am; but what am I?”. (Kojève, Alexandre: Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit. Cornell University Press, Ithaca (NY) 1980, p. 33.)
establishing the connections between these “I”s.\(^{192}\) Let us link the aforementioned directly to our topic. The freedom of the “empirical I”, i.e., of the real “man”, cannot be understood without clarifying the mode in which the “moral I” is “present” in “him” and how it affects “him”, and \textit{how exactly} the freedom of the “moral I” follows from the spontaneity of the “transcendental I”. In other words, everything rests on the possibility of the \textit{personification within this “empirical I”} of the universal and “depersonalized” “transcendental I”.

However, it is exactly for such personification that Kantian philosophy provides almost no resources. Their absence is caused by the definition of the “transcendental I” (or the “transcendental subject”), which is \textit{fundamental} for Kant’s entire project, as “I, or He, or It (The thing) which thinks”.\(^{193}\) Wilfred Sellars appropriately calls this thinking “I-He-It” a “noumenal mechanism”, operating in a routine fashion according to its own logical program.\(^{194}\) To call “I-He-It” a subject is to use a euphemism devoid of any conceptual content or philosophical meaning. But if this conceptually inexpressible Something exists for Kant, then why can we not imagine the law of nature as conceivable by this Something \textit{even in the absence} of any thinking “empirical” beings?

However, let us return to our “rebels” against morality. It is not hard to show that they, or at least many of them, obey \textit{duty} (justice) rather than sensual temptations.\(^{195}\) The maxims they maintain are consistently thinkable as “the universal law of nature”.\(^{196}\) It is by no means necessary that they should be destructive of animate life; i.e., in


\(^{195}\) As Nietzsche writes, only “dolts” say that the immoralists “are men without duty”. (Nietzsche, Friedrich Wilhelm: \textit{Beyond Good and Evil}. Vintage Books, New York 1966, p. 155.)

\(^{196}\) Jacques Lacan marvelously shows this with respect to Marquis de Sade’s maxim: “I have the right of enjoyment over your body, anyone can say to me, and I will exercise this right, without any limit stopping me in the capriciousness of the exactions that I might have the taste to satiate”. This maxim, which has every reason to claim the authority of the categorical imperative, actually does not contradict morality (understood formally in a Kantian manner), but contradicts only the positve laws. See Lacan, Jacques and James B. Swenson: “Kant with Sade”, in \textit{October} Vol. 51, 1989, p. 58 ff.
terms of their content, they may be substantially different from the universal maxim of the “violent reasoner”. Moreover, the “rebel’s” “immoralism” may even be aimed at the rejuvenation of morality through its redirection to other substantial goals different from those typical of Christian or Kantian ethics. It is precisely this aim of attacking morality that Nietzsche expressed in his famous aphorism: “Whether we immoralists are harming virtue? Just as little as anarchists harm princes. Only since the latter are shot at do they again sit securely on their thrones. Moral: morality must be shot at”.\textsuperscript{197} If so, what can a “rebellion” against morality possibly involve?

It is indeed impossible to rebel against morality as a totality of principles organized around the central notion of duty, which signifies an essentially formal requirement of fulfilment of duty (i.e., a tautological “duty to fulfil duty”). As Alenka Zupančič emphatically writes, “if the opposition to the moral law were elevated to the maxim or principle, it would no longer be an opposition to the moral law, it would be the moral law itself. At this level, there is no opposition possible. It is not possible to oppose oneself to the moral law at the level of the (moral) law. Nothing can oppose itself to the moral law on principle (i.e., for non-pathological reasons) without itself becoming a moral law”.\textsuperscript{198}

However, this moral law, this tautological “duty to fulfil duty”, because it is directed to an “empirical” human (and not to the “transcendental I”), who is always situated in a certain specific historical situation, has to be submerged in its substance and somehow be related to the problems, circumstances, and regulative mechanisms constitutive of this situation. Nevertheless, the moral law as a tautology not only does not contain any positive prescriptions as to what precisely I should do (of what precisely the duty that I am obliged to follow consists), but also does not specify which of my (potential) actions and deeds should have their maxims tested for universalizability. Clearly, testing my every step and potential action with respect to countless phenomena, circumstances, relations, actions of other people, etc., which comprise the inexhaustible richness of my life situation, is impossible, and indeed meaningless, if I am not impelled to do so. Clear-

ly, the vast majority of my actions are performed, as it were, instinctively and automatically in accordance with the established rituals and rules of existing forms of life, which I take as given and self-evident, without at all questioning them. Least of all do I think about what the maxims of my actions corresponding to these rituals and rules are, and whether they are thinkable as a universal law of nature. Were it not so, I would have lost the ability to act in any way and to do anything.\footnote{However, if we identify the “empirical” human being with the moral subject, if we consider moral consciousness to be a constantly active principle in its soul, then we shall be forced to accept a fantastic image of the “conscientious person”, which, in Karl Leonhard Reinhold, acts as the only adequate vehicle of Kantian morality. “His usual state of mind is careful reflection. He tries to sustain that state through his freedom, and knows how to maintain his use of freedom through such reflection. He asks the verdict of conscience conceiving every free action that has to be performed. And, in his own absolute willingness to act according to the decision of that verdict, the reality of his own freedom is evident to him” (italics mine). Reinhold, K. L. in Roehr, Sabine: A Primer on German Enlightenment: With a Translation of Karl Leonhard Reinhold's The Fundamental Concepts and Principles of Ethics. University of Missouri Press, Columbia (MO) 1995, p. 179–180.}

If so, then we confront the \textit{overriding} question of how the tautological moral law relates to the countless elements of my life situation. The \textit{ethically} unreflective character of my relation to the bulk of them indicates that the moral law does not relate to them \textit{in any way}. In the \textit{normal} state, or, shall we say, in the course of events normal for my life situation, they remain morally “neutral” without causing or calling for a moral reflection. In a normal situation, preparing for my university lecture, I tie my necktie and put on my suit without reflecting on these actions through the moral categories of good and evil. However, I would conceive of these actions in moral terms if I were to deliver my lecture in the context of the “student revolution” of the late 1960s, when my suit and tie could be indicative of my “bourgeois” identity and could have been interpreted as signs of “which side I am on”.

It is not my actions by themselves as a totality of physical manipulations of physical objects that require their possible maxims to be tested for universalizability. Actions by themselves, taken separately, do not require and cannot require anything apart from the material conditions of their realization and the willingness of the actor to carry them out. The moral evaluation of them could only be required by the \textit{situation} in which they take place, because only the situation is capable of imparting a moral significance to actions. Still, this significance can be unproblematic, “merged”, as it were, with the corresponding
actions in a situation that remains normal and familiar. No questions arise regarding the significance that is “merged” with the actions, and neither are any maxims established for these actions in the normal course of events. But in other situations, the significance of our actions may be problematized. Then the automatism of their execution gives way to moral reflection precisely on the possible maxims of the actions. Something may become an object of reflection, i.e., (within the context of the present discussion) become a maxim in the proper sense of the word, only if there is an alternative (at least a conceivable one) to this “something”. The unproblematic significance (“merged” with the action of this kind) is necessarily singular. A maxim as a maxim is never singular; it exists only as a contention between maxims.

In light of the above, we can already make certain conclusions regarding the way in which the tautological moral duty corresponds to the elements of my life situation.

The first conclusion lies in the following: it is not moral law as an active principle (and by extension not the “moral subject” as its supposed bearer) that relates itself to any given elements of the life situation of an “empirical” human being. On the contrary, it is the life situation that, through its specific characteristics—its ruptures, contradictions, conflicts, its “incompleteness”, to use John Dewey’s term—calls for the moral law to be applied to itself; or, more precisely, to particular elements of itself that have become problematic.200 Niklas Luhmann has aphoristically expressed this in the following way: “In normal everyday interaction, after all, morality is not needed anyway; it is always a symptom of the occurrence of pathologies”. 201 Alternatively, one could put it in the following way. “Man”, faced with the problematization of certain elements of “his” life situation—the loss


201 Luhmann, Niklas: The Reality of the Mass Media. Stanford University Press, Stanford (CA) 2000, p. 79. Luhmann also thoroughly demonstrates that the characterization of particular themes as moral (or morally irrelevant) does not depend on ethical principles themselves. What is morally relevant and irrelevant can only be explained through a sociological analysis of a given situation, not through pure moral philosophy. See Luhmann, Niklas: Social Systems. Stanford University Press, Stanford (CA) 1995, p. 238.
of their self-evident character, the emergence of ambivalence of semantic significance—may resort to the moral law, which is always present within reach as an element of the toolkit of the culture at hand, in order to determine his attitude to the elements of his life situation which have become problematic. Such an attempt at determination will consist precisely in moral reflection on the maxims of his potential actions.

The second conclusion: the fact that a “man” faced with the problematic elements of “his” life situation will resort to moral law in order to determine his attitude to them is neither predetermined nor guaranteed by anything. Let us return to the example given above: I could, using some plausible excuse (say, by simulating an illness), not go to the lecture at all, avoiding the manifestation of my political position through my choice of clothing and, thus, to choose not to choose. Of course, my choice not to choose on moral grounds (i.e., to choose one or the other side in a conflict in accordance with my understanding of duty, however I may understand it) will be dictated by something along the lines of what Kant calls “pathological motives”. It can be dictated, let us say, by the motive of fear of causing the dissatisfaction of either side of the conflict. Yet, at the same time, the introduction of duty as a term in the equation that I am trying to solve makes my submission to fear a result of free choice. I really could have decided to overcome fear and transit to a higher order of determining a maxim of my potential action now on moral grounds through a particular understanding of duty.

If Kant’s description, in the *Religion within the Boundaries of Mere Reason*, of the “original” choice between good and evil, in which the “supreme maxim” that then determines all the subsequent choices of maxims of our particular actions is established, has any relation to the “empirical” man, then such a description owes all of its effectiveness to its similarity to the situation of “choosing to choose” described

---

202 Moral law is “always” present in the inventory of the present culture as one of the “truths” that, in the words of Pierre Bourdieu, “history can be made to yield”, but which are “irreducible to history”, i.e., which form the “transhistorical aspect” of history, its “common historical transcendental”. See Bourdieu, Pierre: *Pascalian Meditations*. Polity Press, Cambridge 1998, pp. 109, 114, 175. It goes without saying that this “historical transcendental” exists not in the otherworldly “realm of values”, but only and exclusively as incorporated in the fabric of concrete historical situations, being correlated with their problematic elements; i.e., generally speaking, its proper element of existence is conflict and struggle, which never cease in history and which are inseparable from it.
above. This “original” choice relates to choosing between reflection through the use of the category of duty or through its avoidance.

Of course, along with a certain degree of similarity, there is also a huge difference between Kant’s description of the “original” choice and that of ours. Indeed, our “original” choice, in contrast to that of Kant, happens not “outside of time”, but, on the contrary, at a very specific moment in time and takes place not “within reason” but within a very concrete historical situation in which a given “empirical” human being, through “his” choice, defines “himself” (and not some anonymous will). Through this “original” choice, he abandons the initial moral “neutrality” in which he existed as an unproblematic element of an unproblematic normal life situation. Through it, “he” defines “himself” as either a “natural being” (a being that has chosen to obey “pathological” inclinations) or a “moral being” (a being that is capable of choosing the principles of one’s actions on the moral grounds of understanding one’s duty).

Thus, taking the second step in the analysis of the way in which the moral law relates to the life situation of the “empirical” human being, we discover that the tautological “duty to fulfil duty” in the context of such a situation initially appears in the form of another tautology: “choosing to choose”. However, this tautology (like the “duty to fulfil duty”) is not an empty one. On the contrary, it carries a rich content, which is found not on the level of the operation of pure categories of thought, but on the level of material life, on the level of the moral transformation of “man”, who, by choosing or not choosing to choose, substantially changes “himself” in one or another direction. One could even say that by choosing to choose “man” creates the precondition of becoming a subject/agency (that which exists in free action and through it). In other words, “man” creates the necessary but not sufficient condition of being a subject/agency.

In this sense, and in this sense alone, Kant is right in saying that “the ability to make a choice” does not yet offer a “definition of freedom”. Let us also note that the “choice to not choose” is characteristic precisely of the weak man. It is the weak man, who can ascend to morality (to the choice on the basis of a principle, however understood, rather than a “pathological” motive) indeed only with the help

---

203 See Kant, Immanuel: “The Metaphysics of Morals”, p. 380. We first approached this subject when we discussed Kant’s critique of Reinhold (see footnote 147). Then we promised to return to it later and to analyze it in greater depth.
of some “higher” considerations about the union of duty and happiness, be they of religious or of secular utilitarian character. The “diabolism” of “diabolic beings” lies precisely in the fact that they do not require such “higher” considerations, but instead “choose to choose” on principle, and, again on principle—now on the second level of choice of maxim of action—choose evil as a rejection of what is considered to be good within the status quo.

The third conclusion: the ascension to the level of moral reflection, the level of determining one’s attitude to the problematic element of the situation through recourse to the moral law, does not yet predetermine what exactly I will institute as the maxim of my action, thinkable as the universal law of nature. In other words, I will need to make a choice on this level as well, a choice of how to apply the moral law. This question of “how?” immediately puts us in opposition to Kant. It may be said that the whole essence of Kant’s metaphysics of morals lies in that on this level (as opposed to the level of the “original” choice between good and evil) there is no and could be no freedom. It is so because, supposedly, the choice in favor of the moral law already determines the mode of its application and even the consequences to which it will invariably lead. Kant distinctly expresses his position on this question in the third Critique: “where the moral law speaks there is, objectively, no longer any free choice with regard to what is to be done”. To suppose otherwise “is something very different from expressing one’s moral mode of thinking”.204

Now we can say that the institution of freedom on the level of moral reflection, the defense of freedom of choice against the dictate of Kantian moral law, is precisely the “rebellion” against morality (as the latter is understood by Kant). To a certain extent, this “rebellion” is even predetermine by our serious attitude towards morality. It is predetermine by our understanding of the fact that our decision to be guided by the moral law does not define by itself how, in relation to what, and against what we shall apply the moral law and what results its application shall bring.205 All of this we can and must determine by

---

204 Kant, Immanuel: Critique of the Power of Judgment, p. 96.
205 For instance, one could apply the moral law in a Kantian fashion in such a way that one could derive from it the disqualification from active citizenship of all “operarii”, of persons lacking property and, therefore, forced to engage in wage labor. Alternatively, one could—following Gracchus Babeuf, also speaking on behalf of “pure morality”—consider all private property criminal since it violates the most fundamental moral injunction of equality. Thus, the righteous person will be morally obliged “to
ourselves, without any possibility of avoiding responsibility for our decisions and actions through the reference to the “unconditionality” of following the law, a reference like “sorry, but it's the law…”. The admission of the impossibility of relinquishing our responsibility for the application of the moral law (for we, and not the law itself, determine its application) by reference to the unconditional obedience to the law is already a beginning of the “rebellion against morality” (in Kant’s understanding).

The “rebellion against morality” cannot be a “rebellion” against moral law itself (in its Kantian sense). It could only be a “rebellion” against what this law prescribes or, at any rate, against what it prescribes in Kant. Indeed, the Kantian moral law prescribes what it prescribes as a result of the particular way in which it is used and applied, which is by no means “natural” or the only way to do so. This specific mode of application of the Kantian moral law, as Max Scheler has demonstrated, arguably more persuasively than anyone else, is contingent upon Kant’s “presumptuous” attempt to find pure and universally valid reason in “the roots of the ethnically and historically very limited (although magnificent and excellent) ethos of the people and state of a specific epoch in the history of Prussia”.206 In other words, the Kantian mode of application of the moral law is contingent...
upon its “attaching itself” to particular objects\textsuperscript{207} as parts of this “limited ethos”, preventing those to whom it issues its prescriptions from self-determination in relation to these objects (and their analogues in other historical ethea).

The “rebellion” against morality can consist only in the attempt to “detach” the moral law from these objects, taken by the “rebels” to be repressive. But it is “only” in the context of the “attachment” of the moral law to particular historical objects that this signifies a “rebellion”. The “rebel” cannot help being immoral as a free human being, for “the free human being is immoral because in all things he is determined to depend upon himself and not upon a tradition”.\textsuperscript{208}

Following the logic of Scheler’s “material ethics”, one can say that by “detaching” from some historical objects, the moral law will necessarily “attach itself” again to other, possibly less repressive ones, at least in terms of the ethos in the name of and for the sake of which this “rebellion” against morality is carried out. For the ahistorical existence of the moral law—in its pure form in the transcendent “realm of values”—is impossible regardless of the outcomes of these “rebellions”. It is, however, important to emphasize that such operations, through which the moral law is “detached” from some historical objects and is “attached” to others without changing anything in the categorical tautological formula of the law itself, are not futile. To an even greater extent than the “initial” “choice of choice”, they alter the substance of historical life, allow the manifestation of different subjects of action, and transform our world after their own fashion. We shall attempt to show this in the last chapter of the present work, in which a more concrete political analysis of “rebellions against morality” will be undertaken. In the meantime, we shall continue to regard them through an ethical prism, but we shall zoom in and focus on as-yet-unnamed details of how the moral law rules over weak people and renders their “rebellion against morality” impossible.

\textsuperscript{207} “Attaching itself” to objects is Kant’s own expression. See Kant, Immanuel: Critique of the Power of Judgment, p. 96. Hegel also, though from a somewhat different standpoint (of the intentional directedness of morality to the action) describes the same phenomenon of attachment of morality to a certain something that is “natural” and “individual”. “Even in the purest rightful, ethical, and religious will, which has only its concept, freedom, as its content”, Hegel writes, “there also lies the individualization into a this, to something natural”. (Hegel, Georg Wilhelm Friedrich: Philosophy of Mind. Clarendon Press, Oxford 2007, p. 213.)

Chapter 5. Suicide as a moral problem, or On the same topic in the miniature of private life

The extremely brief denial of the possibility of human “rebellion” against morality present in the Religion within the Boundaries of Mere Reason, which, even with the most charitable attitude towards Kant, is very difficult to take for an explanation, forces us to look for, if not a detailed elucidation of this denial, then at least for a theoretical clue to it in Kant’s other writings. Such a search is also worthwhile because it allows us to re-examine once again the widely debated relation of the Religion to Kant’s “ethical canon”, to reveal the discrepancies and the continuities between them (discussed in the first chapter of the present book).

Undertaking this search, one very soon encounters a parallel between the “impossibility” of the “rebellion against morality” in the Religion and the “impossibility” of suicide that is dealt with in the Groundwork of the Metaphysics of Morals. Of course, what is implied by the “impossibility” of suicide is by no means the impossibility of the intentional destruction of a human organism as a physical or a biological phenomenon. The issue is the impossibility of committing suicide as a practical action in that strict Kantian sense, which is determined by his definition of practice as “only that effecting of an end which is thought as the observance of certain principles of procedure represented in their generality”. In other words, man cannot commit suicide on principle, in the same way that, according to the Religion, he cannot on principle break free from the moral law, commit evil for the sake of evil, and rise in a “rebellion against morality”. So, how does Kant then demonstrate the “impossibility” of suicide as a practical action?

\[^{209}\text{Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, p. 279.}\]
Let us note that the demonstration of the “impossibility” of suicide is the first example of the application of the moral law to determining the maxim of a potential action, which Kant gives in the *Groundwork of the Metaphysics of Morals*.\(^{210}\) The situation is this: someone is placed in a desperate situation by a multitude of misfortunes. To use the idiom from the previous chapter, we could say that some specific vexatious circumstances of the life situation of the sufferer have made the very continuation of life, which appeared as self-evident and not requiring any moral reflection before these circumstances arose, problematic for him. Not having succumbed to the “pathological” impulse to rid himself of life (out of the newly emerged odium for it), the sufferer chooses moral reflection as a method of establishing the correct maxim for his potential action. How does he, then, reason on this level?

To retrieve the logic of his reasoning, we first have to identify our sufferer as a self-lover. It is only the calculations of his own pleasures and pains, which he reasonably expects to receive from the continuation of life, that make him ponder the possibility of committing suicide. *Nothing* else is taken into account; at least, Kant does not utter a word about anything else that enters the mind of our suicidal ratiocinatoir. In such complete self-centeredness, the Kantian character is undoubtedly a more radical and egocentric utilitarian than the standard-bearers of the utility principle in Jeremy Bentham’s philosophy, who are socialized to a much greater extent.

In Bentham’s analogous example, the calculation of the pleasures and pains of his utilitarian ratiocinatoir includes, at the very least, the account of pains that the suicide will bring to his friends and family. He *does* take “social affections” into account, though they cannot outweigh his selfish “desire to die”.\(^{211}\) Kant’s suicidal ratiocinatoir, however, is completely devoid of any “social affections”; his entire calculation of pleasures and pains is carried out exclusively with respect to himself as an isolated being. It is *this* extremely egoistic maxim that Kant (or his suicidal character) tests in terms of its conceivability as a “universal law of nature”. Unsurprisingly, it fails this test.\(^{212}\)

\(^{210}\) See Kant, Immanuel: *Groundwork of the Metaphysics of Morals*, p. 73-74.


\(^{212}\) Let us note in passing that the absolute prohibition of suicide, which we find in the *Groundwork of the Metaphysics of Morals*, is eventually, if not voided, somewhat attenuated by Kant, because suicide acquires moral connotations and significance
What do we get as a result of this test? Nothing of essence or theoretical significance. It does not reveal anything beyond what should be already known to any student after having taken an introductory course in the history of philosophy: strict deontology and utilitarianism are conceptually incompatible. One cannot take a confirmed utilitarian (even more radical than in Bentham’s example) and try to clothe him in the mantle of the deontological metaphysics of morals. A fortiori nothing will result from this: the mantle will never fit. But the great miracle of Kant’s suicide example is that, after this unsuccessful fitting, his radical utilitarian is suddenly transformed into a Kantian. He discards his utilitarian maxim and resignedly harkens to the voice of Kant’s moral law. Thus, he decides to continue to live.

From a purely logical perspective, however, Kant’s discussion of suicide looks even more startling than this miracle. His point of departure seems to be individuality. It is a certain human being, with a specific set of attitudes (a radical utilitarian), with a rare—even for a society acutely suffering from (Durkheimian) anomie—degree of alienation from other people, “rational” (in the sense of being able to moralize), finding himself in rather peculiar circumstances (a “desperate situation”) and therefore feeling unhappy. And so, this individuality immediately relates itself to the universality, the universal law. Through this immediate relation, the individuality receives from the universality a perfectly clear and concrete proscription of suicide. This proscription—again as something universal—is conceived as binding for any individuality, that is, for any member of humankind (as well as for non-human rational beings, one has to think). While, at the same time, other members of humankind as individualities may be completely devoid of any of the characteristics with which Kant describes his suicidal ratiocinator, and could even (say, on account of being less “rational” than he) refrain from asking moral law about anything and be disinclined to consult it about their problems. However, in its capacity of being universal, the moral law gives prescriptions even to those who do not ask it about anything and are not inclined to listen to

which it completely lacks in the Groundwork. Thus, in the Anthropology from a Pragmatic Point of View, suicide under certain conditions (in Kant’s example — “in times of public and legally declared injustice during a revolutionary state of affairs”) can be a manifestation of honor and dignity (it is precisely the “free human being” that chooses the suicide). See Kant, Immanuel: “Anthropology from a pragmatic point of view”, p. 361.
it. So great its force (or obtrusiveness) in the direct relationship between individuality and universality turns out to be!

We are probably beginning to get the feeling that something is amiss in our reasoning. Indeed, could the “jurisdiction” of the moral law (as opposed to the judicial law) extend to those who do not want to listen to it? After all, the distinctive feature of our suicidal ratiocinator is that he is “reasonable enough to ask himself”, etc. What if another person considering suicide, a certain Mr. S, is not “reasonable enough”? Does the lesser extent of reasonableness exempt him from the “jurisdiction” of the moral law? If it does indeed exempt him, and Mr. S commits suicide, deliberately or accidentally ignoring the moral law, then should we conclude that the extent of the “jurisdiction” of the moral law and the extent of the notion of humankind (or of all rational beings) do not coincide? Does this lack of coincidence between the two not undermine—one shudders to imagine such a thing—the universal character of Kantian moral duty?

Having concerned ourselves with these questions, we have to attend with all due thoroughness to the logical form of Kant’s reasoning about the prohibition of suicide. Indeed, how can the individual be immediately related to the universal? Even the most elementary rules of logic tell us that such a relation must be mediated by the particular, or, since we are discussing the individual, by the specific in the relation of the individual to the genera. Logic demands this precisely because “taken in an abstract sense”—as they are taken by formal logic—“universality, particularity, and individuality are the same as identity, difference, and ground”. The exclusion of the particularity implies the exclusion of the category of difference, without which not only is the concept as a concept impossible, for “the concept [...] makes its appearance in the judgment in the form of the difference”, but also the syllogism itself as a crucial figure of logic.213 It turns out that the categorical prohibition of suicide, declared by Kant’s moral law as pertaining to (allegedly every) individuality, in the absence of mediation by the particular, is, from a logical point of view, something non-conceptual and not following from something worthy of being called a syllogism.

Some may think differently, but I dare not conceive that a thinker of Kant’s caliber could commit such an elementary logical error of immediately relating individuality and universality. The absence, or seeming absence, of the particular/specific from Kant’s discussion of the moral prohibition of suicide has to be explained in terms of deeper reasons rooted not in logic, but in the very core of Kant’s metaphysics of morals, the core that he had to defend by any means necessary. By itself, the immediate relation of the individuality or singularity of the suicidal ratiocinator with generality or universality could reveal in our sufferer only the presence of those generic features—primarily of rationality and mortality—that make suicide possible as a specifically human act. But what can render this act necessary, or, on the contrary, show the lack of such a necessity, are only the particular (specific) circumstances of existence, understood in a certain manner, of the suicidal ratiocinator, circumstances that can be generalized only within a certain class of human beings and can by no means refer “to everyone”.

It is definitely a mistake to conclude from the possibility of suicide, rooted in the generic features of the human being, that only a freely chosen death allegedly amounts to an expression of the full extent of freedom, and, therefore, of the full extent of human existence as such.214 Likewise, it is a mistake to apply to the genera any given moral conclusions regarding suicide that hold only for a given species or class of human beings. If the suicidal self-loving maxim of Kant’s sufferer is declared to be a rule, valid for every radical utilitarian who finds himself in a “desperate situation”, i.e., as valid for the entire given class of human beings, and even if all beings of this class would scrupulously carry out this rule in reality, it would by no means “destroy life” as such. Such a “destruction”, however, is exactly what Kant sees as a result of the attempt to universalize the suicide maxim215. The fact that he sees the result of this attempt precisely in this—contrary to the rules of a logically coherent judgment, which necessarily includes the particular (specific)—is precisely what needs to be

214 See, for example, Améri, Jean: On Suicide: A Discourse on Voluntary Death. Indiana University Press, Bloomington (IN) 1999, p. 149.
215 I have focused thus far exclusively on the logical aspect of the suicide example. It is certainly possible to bring out other limitations and inadequacies of the four examples from Kant’s Groundwork, if they are approached from different perspectives. See Porter, Nelson: “What is wrong with Kant’s four examples”, in Journal of Philosophical Research Vol. 18, 1993, pp. 213-229.
explained with reference to the pivotal elements of Kant’s metaphysics of morals. We shall return to this explanation after analyzing another example of a reflection on suicide, one which resulted in an actual suicide.

On the 16th of January 1969, Jan Palach, a student of Charles University, committed a public self-immolation in Wenceslas Square in Prague. He protested against the invasion of his country by the armies of the Warsaw Pact and the suppression of the reform cycle, known as the Prague Spring, initiated by the previous government, which had been deposed during the occupation. The doctor who cared for Palach in a burn clinic quoted him, saying that the protest “was not so much in opposition to the Soviet occupation, but the demoralization which was setting in; that people were not only giving up, but giving in. And he wanted to stop that demoralization”. Palach’s funeral on the 25th of January 1969 culminated in the first protest demonstration under the occupation regime. Later, Palach’s example was followed by 26 more young people in various corners of the country. Some were saved, some died. Today Palach’s deed is memorialized; he was posthumously awarded an official decoration and he is widely regarded in his country as a national hero.

How should we inscribe Palach’s case in the schema of testing the suicide maxim proposed by Kant (Palach’s self-immolation being undoubtedly a suicide)? One could say that Palach also found himself in a “desperate situation”. Although the desperation of his situation was defined by the desperation of the situation that the entire nation was in, or, more precisely, of all the members of the nation who strived for an independent and reformed Czechoslovakia. Palach belonged to the species of human beings whose differentia specifica was the preservation (to some degree) of the civic ethos. Further, he felt very strong “social affections” toward his fellow citizens, which certainly distinguishes him dramatically from Kant’s suicidal ratiocinator. One has to think that they were so dear to him that it was precisely the danger of their demoralization, evident to him under the conditions of occupation, which made him act in such a resolute manner “here and now”.

---

216 See “Jan Palach—a summary”, History in an Hour. www.historyinanhour.com/2013/01/19/jan-palach-summary/
217 That Palach’s judgment concerning progressive demoralization was not off the mark is confirmed by much evidence, including Václav Havel’s well-known testimony. In his famous essay The Power of the Powerless, Havel describes the Czechoslo-
It is perfectly clear that—contrary to the verdict of the Kantian moral law—Palach conceived of his suicidal maxim as a duty, and his self-immolation was nothing but a fulfillment of this absolute duty. How can this maxim, transformed in to a positive prescription of duty, be formulated in a more or less Kantian way? Probably one could do it this way: “Each, who in a given situation has no other option to protect the independence of one’s homeland, must resolve to sacrifice oneself (including, if necessary, voluntarily accepting one’s death)”. On the one hand, this formulation seemingly appears to be rather Kantian in form; it expresses a universal prescription, addressed to each person in such a situation who has equally limited capacities for resistance, and, at the same time, this prescription is a categorically imperative requirement. Failure to follow it implies that we, finding ourselves in this situation, cease to exist as moral-rational beings and reveal our bondage to “pathological” motives.

On the other hand, this formulation is obviously substantially different from the Kantian notion of the universal law of nature. This difference lies primarily in that both its universality and its categorical imperativeness refer to an absolutely concrete historical situation (as a type and not a singular event), and it is only in the context of that situation that they have meaning and serve the good. In other words, our formulation exemplifies not an abstract, but a concrete universal—as a general principle of transformation of the given form of life—and not an abstract, but a concrete obligation as an imperative moral code of the program of action of a specific group of people (in our example, of those who remain citizens and patriots). Here imperativeness signifies only that, without this code, a given course of action (liberation from oppression) will not be accomplished. Without the accomplishment

vakian society of the 1970s as morally “apathetic”, in the grip of the consumer value system and utilitarian opportunism, which, by definition, precluded the possibility of an “all-or-nothing” struggle, i.e., the only kind of struggle that can transform society in a revolutionary fashion. See Havel, Vaclav: “The power of the powerless”, in John Keane (ed.): The Power of the Powerless: Citizens against the State in Central-Eastern Europe. M.E. Sharpe, Armonk (NY) 1985, pp. 45, 70.

218 For instance, if the matrix of the struggle for liberation is supplied by utilitarianism and, therefore, this matrix would consist in a calculation of whether “the probable mischiefs of resistance are greater than the probable mischiefs of obedience”, then a radical action capable of transforming society, the chances of success of which are never certain, simply cannot take place. Bentham openly acknowledges this and asserts that it is impossible to find an answer to the question of by which “common signal” we shall determine the “juncture” when it becomes conspicuous and perceptible “to all” that the mischief of obedience exceeds the mischief of resistance and,
of this course of action, the members of a given group will no longer be moral-rational beings and will become something less, become “slaves”, depoliticized participants in the “rat race” of consumerism that Havel wrote about with respect to his native Czechoslovakia of the 70s.

In connection with this, we should note the following. Some philosophers, trying to demonstrate that the formality and “emptiness” of the Kantian definition of duty allow it to be bent in any direction required to present any maxim whatsoever as universal, grossly underestimate the alterations that are introduced by the situational contextualization into the understanding of this definition. They overlook the importance of the transformation of universality into a concrete universality, and of imperativeness (as such) into a concrete obligation. Thus, Alasdair MacIntyre wants to illustrate the susceptibility of Kant’s definition of duty to these kinds of manipulations with the following argument. The second example of testing the maxims of actions for universalizability, given in Kant’s Groundwork of the Metaphysics of Morals, is supposed to show that the maxim, “everyone, when he believes himself to be in need, could promise whatever he pleases with the intention of not keeping it”, cannot be conceived as a universal law of nature. But might we not, if we are so inclined, reformulate the maxim under consideration in the following way: “I may break my promises only when…”? The “when” is then followed by a description of the conditions that correspond to my interest and circumstances, thus ensuring my advantage in a situation in which otherwise I could have been cornered.  

But MacIntyre’s “only when” precisely contextualizes the definition of duty, inextricably tying it to the concrete situation to which my specific circumstances and my interest belong. Since such contextualization clearly comes to the fore in MacIntyre’s reformulated definition of duty, the key ethical question becomes whether this definition expresses an actual concrete universal of the given situation or whether it remains on the level of the particular, merely deceptively disguising itself as a universal. (Such a disguise will appear if we formulate, for instance, the “when” condition in the following way:

---

“only when the temptation to seize another’s property would prove stronger than the deterring factors”). Alas, MacIntyre does not consider this crucial question.

However, our argument in its present form may convey the impression that the basic distinction between Kant’s and our formulations of the prescription of duty lies in the difference between the concrete universality of duty tied in with the specific situation and the abstract universality of Kantian duty referring to all people “in general”. This opposition forms the basis of many an invective directed against Kant’s formal or abstract ethics by the (broadly construed) Hegelian tradition of moral philosophy. However, this opposition of the abstract and the concrete presented in so straightforward a fashion is, at the very least, inaccurate or, to put it another way, overlooks something of essence in the Kantian “abstract” notion of the universality of duty.

The criticism stemming from the Hegelian tradition accepts at face value Kant’s direct relation, discussed above, of the individual to the universal, which, as such, produces the impression of the “abstractness” of Kant’s definition of duty. We take Kant’s word for it, as it were, that this direct relation is indeed possible without a mediation by the particular (specific). Accepting all of this on faith, the critique lashes out against the unacceptable result, from its point of view, of establishing an unmediated relation of the singular (individual) to the universal, as if such an operation were indeed possible. Our next goal thus becomes demonstrating that Kant does not engage in the logically impossible operation of directly relating the individual and the universal. We will try to show that the particular and the specific are located in their proper places in his presentation of the universality of duty, even though Kant does not explicate this (for reasons we shall yet have to unravel), and, finally, to make evident that the universality of Kant’s duty is abstract, not in the sense of its formal detachment from everything “empirical”, but precisely in the Hegelian sense of abstractness as one-sidedness.\textsuperscript{220}

\textsuperscript{220} In the sense in which Hegel defines abstractness as “holding on to one-sided thought-determinations in their isolation”, associating it with “dogmatism”. See Hegel, Georg Wilhelm Friedrich: “Science of logic”, p. 72. In a more popular exposition, “this is abstract thinking: to see nothing in the murderer except the abstract fact that he is a murderer, and to annul all other human essence in him with this simple quality” (Hegel, Georg Wilhelm Friedrich: “Who thinks abstractly?” in Walter Kaufman (ed.): Hegel: Texts and Commentary. University of Notre Dame Press, Notre Dame (IN) 1966, p. 117).
Let us return to Kant’s example of the suicidal ratiocinator. The *universality* of the prohibition of suicide presupposes that the corresponding question (“does the maxim of suicide correspond to the universal law of nature?”) is posed to the moral law by a certain “human being in general”, a certain—or any possible—member of humankind. Only in answering the question of such a “human being in general” devoid of any distinguishing properties, characteristics, and particularities apart from those that belong to the “generic human features”, will the verdict proclaimed in the voice of the moral law have a *universal* significance. Of course, had such an exotic creature existed in reality it would not have had the slightest reason even to pose the question of the moral permissibility of suicide. For, its posing, the very contemplation of suicide, is caused by certain *disruptions* of the (normal) course of life, which, in fact, amount to some “special circumstances” (and therefore cannot be included in the generic notion of the human being). Such circumstances already presuppose certain *vulnerabilities* on the part of humans, which are possible only due to certain specific features (of age, sex, social standing, ethnic identity, cultural formation, and so on). It is these features that distinguish humans from one another and, most markedly, from “human beings in general”. Without taking those features into account, the very posing of the question about suicide, however resolved, is nonsensical; still worse, it is incomprehensible.

Undoubtedly, there is no such nonsense in Kant, which is why from the very start he pictures his suicidal ratiocinator as a rather determinate *archetype*. We already discussed his basic attributes—radical-utilitarian views, the completeness of social alienation, “rationality”—in the sense of propensity to moralize, etc.; we have also pointed out the special circumstances (a “desperate situation”), in which the archetypical character finds himself. *This* is the character on whose behalf the question of the moral (im)permissibility of suicide is posed.

However, is it not in this starting point of the argument, in this *social-cultural* sketch of our moralizing inquirer, that Kant constructs the logical chain connecting *individuality and particularity*, which we have *not noticed* before and which only remains to be supplemented with the *universal*—the moral law? *Individuality* arises from the “desperateness of the situation” in which a given Mr. N finds himself and which distinguishes him from other persons, who, along with him, comprise, on the basis of their shared social-cultural attributes de-
scribed by Kant, a certain type Z (or a certain particular species of humans). This type is a particularity that, in the capacity of the concept that expresses difference, mediates the relationship of individuality and universality and makes possible the construction of the syllogism as such. Although, of course, since we are dealing with something that Hegel called the “immediate syllogism”, in which all concepts are abstract and related only through an external connection, the individuality of Mr. N can be associated with, let’s say, his moralizing tendency (or radical-utilitarian orientation). It may single him out from the class of all those who find themselves in a “desperate situation”. But such permutations are of no consequence.

Thus, in the posing of the question as to the moral permissibility of suicide, the logical chain of “individuality–particularity–universality” is rather strictly observed. In accordance with the substance of our example, we may represent it in the following simplified way: “I am a moralist who found himself in a “desperate situation” (here we have a specification of individuality through particularity). All moralists require a rule determined through Kantian moral law (this is a move to subsume our particularity under universality). Hence, I also require a rule and will determine it through Kantian moral law (the conclusion expressing the relation of individuality and universality mediated by particularity)”. So far, everything is perfectly coherent. The irregularities arise when we get the positive answer to the question posed, an answer that is endowed with universal status and is meant to express an unconditional (categorical) prohibition of suicide.

Let us, first of all, note that the answer is given not to the same party that has posed the question. It would be reasonable to expect that the answer will set a rule for moralists who may find themselves in a “desperate situation” and who possess other attributes shared with Kant’s suicidal ratiocinator; that is, it will be a rule whose relevance is confined to this specific class of human beings. Mr. S, mentioned several pages ago, who is not “as rational” as Kant’s suicidal ratiocinator and who does not wish to consult the moral law as to what he should do, does not by any means belong to this class of human beings. However, the answer he did not ask for is, for no apparent reason, addressed to him and to the likes of him, as well, and, moreover, is considered binding on all of them. Who has the right to oblige them to follow this answer and unconditionally obey its instruction?

From a logical point of view, what is most interesting is that in a movement of the answer back to the inquirer—in contrast with the movement of the question in the opposite direction—the moment of particularity disappears entirely. Individuality remains, as it were, head-to-head with universality. However, without the specification through particularity (difference), individuality, cut adrift in the face of universality, loses its distinctiveness; it depersonalizes and dematerializes. It turns into a “human being in general”.

Perhaps this is not a loss from the point of view of Kantian duty itself, for indeed, it asserts its universality precisely through this move. But for those who have asked the question and who now deliberate over whether to commit suicide in their specific circumstances with their concrete attributes as actual people, this is not particularly good. They are simply deprived of a definite answer. For the entire meaning of the answer lies in the fact that through this answer, through the reversion of universality into individuality, they should determine themselves, and not “human beings in general”, who do not need to determine themselves in the first place. Our morally concerned sufferer can determine himself, to use Hegel’s famous phrase, only as “an individual that […] elevates itself into universality”, and this is exactly what is denied to him by the answer he receives from Kant’s moral law, since the latter implies the disappearance of “an individual” rather than its “elevation”.

Another issue is even more interesting: whence does the moral law obtain the positive content of its answer, its verdict of the suicide prohibition, which is merely a negative rephrasing of the assertion that “no matter who you are and what situation you are in, you ought to continue living under any conceivable circumstances”? Is it not the case that the moral law as “duty to fulfil duty” can contain no positive content at all? It has to partake of the fullness of the “empirical” world, to draw on the canvas of world history, infinitely rich in colors and images, in order to borrow some positive content from it. It is not easy, however, to draw on this canvas, not only due to its immense vastness, but also because its different fragments carry different—and

---

222 Ibid.
223 In the Critique of Practical Reason, the verdict that one “ought to live” is very boldly presented as the sole ground, on the basis of which and owing to which human life as such takes place: “He [“upright man”] still lives only from duty, not because he has the least taste for living”. (Kant, Immanuel: “Critique of Practical Reason”, p. 211).
sometimes contrasting—positive contents with respect to murder and self-murder. Such positive contents span not only various laws and cultural norms regulating social attitudes towards diverse forms of murder and self-murder, but also different understandings of what constitutes murder and self-murder. For murder and self-murder are not naked self-evident “facts” that somehow preclude the variety of cultural-historical interpretations (one could say that Kant’s entire “critical philosophy” is aimed at the denial of the possibility of such naked facts existing independent of our reason), but, on the contrary, they always exist as specifically defined cultural constructs.

We shall not consider a fatal outcome of a medical operation, duly performed by a surgeon, to be a murder of the patient, even if we know that on a higher level of development of medicine, an analogous operation would have been guaranteed to produce a favorable result. But were we to alter any element of our description of this case (substitute the surgeon’s diligence and exertion not even with malicious intent, but simply with carelessness; substitute a patient for a prisoner who is being subjected to a medical experiment by his torturers, though without the intention to kill him, etc.), we would end up precisely with murder. The same applies to suicide. Is Achilles committing suicide when he charges into battle knowing full well (from his mother, the goddess Thetis, pleading with him to refrain from doing so) that he will be killed? “A reckless, suicidal deed”, I say as a normal present-day philistine. “The attainment of an undying glory”, probably thought a normal Greek, listening to a bard’s song about Achilles.

Obviously, Kantian moral law, if it wants to categorically prohibit suicide, cannot by any means draw on those fragments of the canvas of world history which depict the worlds of Achilles, Jan Palach, and many, many others. Having drawn on those elements of the canvas, it would likely issue a different verdict. Even such a formulation would not be accurate, however. In these worlds, something else would be identified as the denounced suicide, while the radical-utilitarian understanding of suicide peculiar to Kant’s suicidal ratiocinator would appear as downright base and unessential.224

224 In his later Metaphysics of Morals, Kant somewhat reformulates his prohibition of suicide. What is brought to the forefront is exactly the prohibition to act freely “as if no authorization were needed for this action”. As a free act, self-murder is identified as the annihilation of the “subject of morality” and as rooting out of “the existence of morality itself from the world” (see Kant, Immanuel: The Metaphysics of Morals, p.
What is interesting is that Kantian moral law cannot draw on even some of the worlds, whose moral construal appears to prohibit suicide categorically. Such is, for instance, Albert Camus’ world of the absurd. The moral understanding of this world, i.e., the moral self-determination of the absurd man with respect to it, demands that one conclude that “suicide is a repudiation” (“Le suicide est une méconnaissance”). To be sure, the violation of this rule through the choice of suicide maxim precipitates not the “destruction of life” and the death of humankind, as it does in Kant, but the absurd man’s betrayal of himself. At the same time, observing this rule results not in the reconciliation to “life as it is”, but in the “constant rebellion” against it as the only form of existence in which the human being retains what other philosophers call his “generic features”: consciousness and freedom. Voluntary death is prohibited precisely because it implies the “relinquishing” under the gross dictate of “heteronomy”, under the meaninglessness of the absurd world. Drawing on Camus’s world of the absurd, Kantian moral law seemingly manages to find the requisite positive content in the form of the prohibition of suicide. However, in this specific world this prohibition appears to be merged with such rebellious maxims and with such radical autonomy of the human rebel, that it would, one must suppose, utterly horrify Kant’s well-meaning ratiocinator. It would appear to him to be an even more heinous violation of the moral law than suicide itself.

In surveying the canvas of world history and estimating which of its fragments may yield the requisite positive answer to the hapless ratiocinator’s question, Kantian moral law has to be very careful and

---

177). Thus the prohibition of suicide reveals itself as a special case of Kant’s impossibility of rebellion against morality. However, being identified as a free act, suicide defies its unqualified denunciation as what “debases humanity in one’s person” (see Kant, Immanuel: *ibid*). Suicide, in some circumstances, may prove to be the assertion of the “subject of morality” rather than its annihilation, the rehabilitation of morality rather than its “rooting out”.


226 Certainly, such a dictate—in Camus’ logic—should not be interpreted as the pressure of a purely external force on the human being. The “absurdity” is not an ontological characteristic of the world, which it possesses irrespective of the human being. The world is ontologically merely “unreasonable” and not absurd. Absurdity, strictly speaking, is not the property of the world, but of the relation between the “unreasonable” world and the human being, who demands clarity and the fullness of significance. See Camus, Albert: *Op. Cit.*, p. 21 ff. The dictate, therefore, stems from the relation to the world, which the human being cannot avoid standing in.
selective. How, then, does it make its choice, and what criteria does it use? The answer is simple: it does not choose and does not use any criteria. The relevant fragment of world history is given to it as something self-evident, as an immutable and not in any way questionable fact akin to how the moral law itself (according to the second Critique) is given to our reason as a fact. How is this possible?

Let us once again attend to Kant’s social-cultural sketch of the suicidal ratiocinator. We have before us a self-lover, a utilitarian, a “social atom”, without any significant ties to other people in his view. At the same time, he is a “rational” human who is even enlightened enough to address pure practical reason in his attempt to grapple with moral issues instead of turning to religion, traditions, or prevalent opinions. We have before us a rather familiar archetype, the archetype of “the man of the Enlightenment”, though also bearing a Kantian “insignia”. Do we need to demonstrate specifically that this archetype is the product of its social and cultural milieu? Do we need to explicate that it, in its “individuality” (including the establishing of the limits of the “I” that separate the “I” from the “other” and from the “they”, as well as the formation of the “authentic I” and its suffusion with substantial content), is constituted by a specific process of individualization? This process is not only characteristic of the given historical milieu, but operates as one of its principal mechanisms of reproduction.

---


228 Of course, this archetype is merely a kind of composite picture (with Kantian overtones) of the “men of the Enlightenment”. To imagine a particular singular image of the “man of the Enlightenment” is just as incorrect from a historical-philosophical point of view as it is incorrect to imagine a certain homogenous and monolithic Enlightenment as a historical phenomenon. I find Dan Edelstein’s description of the Enlightenment as a particular “matrix” that encompassed various spiritual and social-political phenomena, a matrix the common denominator of which cannot be found, no matter where one may look for it and however one may try to construe it, rather accurate. See Edelstein, Dan: The Enlightenment: A Genealogy. University of Chicago Press, Chicago 2010, p. 13. On the approaches to the Enlightenment as a series of theoretically and politically heterogeneous “enlightenments”, see Pocock, John G. A.: “Historiography and Enlightenment: A view of their history”, in Modern Intellectual History Vol. 5, No. 1, 2008, p. 83–96; Oz-Salzberger, Fania: “New approaches towards a history of the enlightenment—Can disparate perspectives make a general picture?”, in Shulamit Volkov, and Frank Stern (eds.): Tel Avivier Jahrbuch für Deutsche Geschichte. Bleicher Verlag, Gerlingen 1991, especially p. 171.

229 A vivid and clear explanation of “individuality” as a product of the social-historical process of individualization and a demonstration of the peculiarities of its liberal version, which “defines the individual in austere and minimalist terms”, is
But if so, should we be surprised that the historical context and the fragment of world history that yields the positive content of the answer to the question of Kant’s ratiocinator concerning suicide is not sought after, not chosen, but presents itself as given and self-evident? This precisely is that context in which and by which the archetype of the “enlightened man” is constructed. This human, as “he” is, asks himself and in himself finds the ready answer, but “he” does so in a special way: with the aid of the moral law. Such a mode of inquiry imbues the answer that the human being finds in himself with a categorical character. It translates the answer into the apodictic mode, which makes it entirely different from the hypothetical character (that would be imparted to the answer by the considerations of social desirability, of compassion to fellow beings or of other sorts), not to mention the problematic mode. This is, apparently, what justifies Nietzsche’s ironic comment that “Kant wanted to prove, in a way that would dumfound the common man, that the common man was right: that was the secret joke of this soul. He wrote against the scholars in support of popular prejudice, but for scholars and not for the people.”230 Kant’s suicidal ratiocinator has proven to himself that he—as a man of a particular culture—is right: for his culture the suicide is not only reprehensible, but also punishable231 and, therefore, completely morally inadmissible, and so he ought to (by no means out of fear of punishment or timidity in the face of “public opinion”) refrain from committing it.

This is what I meant when I said—in the context of Scheler’s criticism of Kantian formalism—that the moral law “attaches” or could “attach itself” to certain particular historical objects so that the truths of these objects would appear as the positive content of the verdicts of


231 In many countries of the modern world suicide and attempted suicide have only been recently decriminalized: for instance, in England in 1961 (with the so called “Suicide Act of 1961”), in India only in 2014, etc. Before that, attempted suicide was normally punishable with a prison sentence (in India, up to a year under Article 209 of the Penal Code), by restricting the rights of inheritance for the relatives of the self-murderer, and, in certain cases, by prohibiting the standard cultural practices of burial and funeral services. See “Can it be right to commit suicide?”, in Psychology Today. www.psychologytoday.com/blog/hide-and-seek/201205/can-it-be-right-commit-suicide.
the moral law itself and, thereby, will acquire a categorical and unconditional character. The categorical prohibition of suicide is one such manifestation of the attachment of the moral law to the culture of a particular class of human beings dwelling in a specific area of the world at specific historical time. People of this class not only arrogantly imagined themselves, in their self-conceit, to be the bearers of the “torch of reason” (in general) destined to lead the rest of humanity (trudging along in their prejudice), but actually led it, or a part of it, for a good period of time. Though it must be said that the actuality of this leadership consisted both in the actuality of the “power of arguments” and the actuality of the rapidly growing economic, military, and political might of states and their elites, with which the bearers of the “torch of reason” associated themselves, be it through criticism or through the expert services (often both) that they provided.

One should not think, however, that by turning to “our” culture with a particular question (for instance, as to the moral permissibility of suicide), we can only pose the question in Kant’s way or that we shall invariably get a single possible answer in return (the one given by Kant’s moral law). Let us emphasize that we, as products of “our” culture, can only turn to it with our question, even if, not having been satisfied with its answer, we shall later on search for an answer in different cultures. We shall, nevertheless, regard them through the prism of “our” own culture. What is of principal importance for the purposes of the present argument is that we may pose questions to “our” culture differently than Kant does, even if we want to use a Kantian understanding of duty as “duty to fulfil duty” in our search for the answer. It would be important for us to show that this “differently” will allow a transition from the abstract universality of the prescription of duty to a concrete universality. How is this different way of posing the question possible, and what does it imply?

Let us begin by saying that, in contrast to Kant’s suicidal ratiocinator, we can be aware of our belonging to a particular culture. Moreover, we may understand that we are posing our question to it not just as “rational” beings who found themselves in a “desperate situation”, but as members of this culture. This already yields a considerably more concrete mode of questioning. This questioning would no longer come from the “abstract” or “mere individual” (Hegel), who is not found in any definite relation to the equally “abstract universality” sought after, but from the individual who is “expanded” and concre-
tized by his acknowledged relation to the universality. This questioning would be directed at the universality that is also “expanded” and concretized by the fact that it necessarily encompasses and presupposes the individual; i.e., becomes the “set of all of us”.232 Thus, we overcome the initial abstraction, in the sense of one-sidedness, as abstraction from our cultural determinateness, which leaves in sight only that side of us in which we act as “rational” beings in a “desperate situation”. Accordingly, we also overcome the abstract one-sidedness of universality in which it acts merely as duty as such and not as specific imperative requirements set forth by the concrete universality of our culture.

Before we move forward, let us analyze what it is exactly that we achieve by this concretization of questioning as to the moral permissibility of suicide. In order to do so, let us turn to David Hume’s essay Of Suicide, keeping in mind, of course, that in Hume’s philosophy we shall not find Kant’s formal notion of duty as “duty to fulfil duty”.

Hume, from the very start, poses the question of suicide in moral terms. “If Suicide be criminal”, he writes, “it must be a transgression of our duty…”.233 Human duty can be either to God, other people (society), or to oneself. Therefore, in order to find out whether suicide is a transgression, we have to first analyze whether it violates any of the three types of duty.

The very formulation of the problem is interesting. The inquirer, from the outset, acknowledges the various modes of his existence as well as his relation in these various modes to the corresponding universality. As a believer (a believer in the omnipotent, omniscient and omnibenevolent Creator), he acknowledges his duty to God and desires to find out whether the content of this duty includes the prohibition of suicide. As a social being, “he” analogously poses the question about the content of his duty before society. Finally, as a member of humankind “he” asks whether suicide contradicts the obligations imposed on us by “human nature”, that is, whether the prohibition of suicide is rooted in the duty that the “individual I” owes to the “generic I” (this would, then, be our “duty to ourselves”).234

234 I cannot elaborate here on the way in which Hume integrates these and other selves into the singularity of the “I”, of self-consciousness, or “personal identity” and whether he is successful in his attempt. Hume himself understood very clearly the difficul-
It is important to emphasize that what is to be examined is the contents of the answers to the question posed as given by “our” culture on behalf of God, society and “human nature”. What is thus asserted is the moral independence of the inquirer (I would say his “autonomy”, were this term not so closely associated precisely with Kant’s philosophy and not that of Hume), his right and even his duty—as a rational being—to judge for himself how persuasive are the arguments given by “our” culture. Yet, the rationality of the inquirer in Hume’s empiricist philosophy is, of course, devoid of any attributes of Kant’s “pure reason”. It is itself the flesh of “our” culture’s own flesh, where culture is understood as a particular historical tradition (although this rationality has its own, to use Bourdieu’s term again, “transhistorical aspect”, primarily in the form of the principles of association between ideas).

It appears then that in our questioning “our” culture turns to itself through us ourselves, who are questioning it. Some of its constitutive parts (“enlightened” reason) express doubts regarding the validity and legitimacy of its other parts (religious prohibition of suicide and its criminalization by the established positive law). “Our” culture, as it were, rebels against itself and it is we, the individual inquirers in our specific circumstances, who mediate the said conflict of the universality with itself, i.e., its self-contradiction. Of course, the reverse is equally valid. In trying to determine ourselves by means of problematizing and doubting ourselves (would we be moral beings if we decided to commit suicide?), we want to overcome the “internal” conflict. We aspire to achieve this through mediating the dispute between the “I” that says “yes” to suicide and the “I” that says “no” to it with the help of universality (i.e., certain universal—religious, moral, philosophical—principles given by “our” culture), which is expected to act in the capacity of an impartial arbiter. It is precisely this intention that we cannot realize until we ascertain the moral validity of the univer-

sality, i.e., until we become convinced that the answer given by the universality of “our” culture is “persuasive”.

Thus, both conflicts (of universality with itself and us with ourselves) do not simply intertwine and overlap, but they turn out to be one and the same conflict. This conflict can be resolved only through a reciprocal definition or redefinition of the universality (of the “truth” of “our” culture as “our true culture”) on the one hand and, on the other hand, of the individuality, of ourselves (as instituting our “true morality” through a particular decision regarding suicide). However, we have somewhat strayed away from Hume or, so to speak, transcended the boundaries of his reflection and began taking the next step in understanding what contextualizing the questioning of the permissibility of suicide means and what it implies. Later, we will by all means take this next step, but right now it is worth returning to Hume, if only to try to understand why he does not take this step.

Hume’s skeptical inquirer, to be sure, turns his marvelously ironic and acute intellect against the banalities that his culture tries to palm off upon him as an answer to his question. He exposes its internal contradiction between its “enlightened” pretenses and its dogmatic—religiously doctrinal, socially paternalistic and anthropologically and psychologically false (in the sense of the falsity of its notion of “human nature”—prohibition of suicide. From the point of view of “enlightened” reason, this prohibition, presented as a violation of duty, a transgression, is precisely “the modern European superstition”. It is no better than the old Roman superstition prohibiting the diversion of rivers from their course, so as not to violate the “prerogatives of nature”, or Hume’s contemporary “French superstition” prohibiting inoculation for smallpox so as not to usurp “the business of providence”.235

However, the Humean inquirer does not, by considering the unconditional prohibition of suicide to be a superstition, draw the opposite conclusion, to the effect that suicide is a duty or an unconditional good. The whole essence of his argument is that, under a rational approach, the question of suicide should be transferred from the sphere of the (unconditional) duty, however one understands it—in the form of prohibiting suicide or prescribing it—to the sphere of prudence. Each person faced with this problem could solve it independently and with reference to his specific circumstances and his

own understanding of whose good and which good his suicide may or may not serve.

Let us take, for instance, a malefactor, justly condemned to a shameful death, languishing in its anticipation. Is it not expedient for him to take his own life, ridding himself of the agony of apprehension? Would it not also be profitable for society, which would thereby rid itself of the “pernicious member” and, let us suppose, of the need to hold a laborious and expensive execution procedure?236

As for the prohibition of suicide on God’s behalf, it was already voided by Hume, since an omnibenevolent God cannot prohibit the voluntary nature of man’s actions, and human death can do as little to “disturb the order of the world” (incidentally, in which nothing, including suicide, can happen without the consent of Providence) as the death of an oyster.237 But here is Hume’s other, more “heroic” example constructed in the same logic of prudence: a member of “a conspiracy for the public interest” is captured upon suspicion. He is threatened with the rack. He “knows, from his own weakness, that the secret will be extorted from him”. Hume asks the rhetorical question, “Could such a one consult the public interest better than by putting a quick period to a miserable life?”238 In this “political-heroic” argument about suicide, the “duty in general” is not mentioned and is not in any way present.

The Humean inquirer, critically engaging with his own culture, does indeed expose its contradictions. However, firstly, he does not expose any contradictions within himself. He does not need to overcome any internal dissonance. His “I” is not split between the two sides of an argument, the resolution of which requires a recourse to universality. In effect, he knows beforehand the answer to the question that he poses to his culture, and, hence, this answer does not transform him or lead him to a new self-definition. Nothing new emerges in him as a result of this inquiry and the answer to it; the

---

236 As a joke, an additional argument may lie in the fact that in such a case there would be no need for executioners. Hume could not have foreseen that in particular situations, like the one that happened in Zimbabwe in the beginning of 2016 when the government was unable to find a willing candidate for the position of a hangman, the social utility of the criminal’s suicide may drastically increase. See Hungwe, Brian: “Lack of hangman stalls Zimbabwe executions”, on BBC News, www.bbc.com/news/live/world-africa-35231598.


whole procedure is entirely devoid of creativity. Rather, it is a procedure of confirmation, of the initially clear and self-evident truth of “enlightened” reason and of the equally self-evident imperfection of the “outside world”, teeming with various “superstitions”, one of which is precisely the unconditional prohibition of suicide. This is a rather standard disposition of “enlightened” reason, or of a “philosophe”, in the sense that the Enlightenment imparted to this notion.239

Secondly, the Humean critical inquirer, having exposed the unconditional prohibition of suicide as a “superstition”, in no way exhibits a resolution to combat or eradicate it. He does not want to transform the universality or, at any rate, to do so with respect to the problem at hand. He merely, as it were, says to it, “Stop fooling me (and other equally “enlightened” people) with your unconditional prohibitions, which I know for a fact to be mere superstitions”. Whether other less “enlightened” people should continue to be fooled is a separate question that Hume does not specifically deal with in Of Suicide. In his other works, however, he plainly says that not all “prejudices” are always harmful; nor do they all warrant combat and eradication.240 Moreover, the attack of self-proclaimed champions of wisdom and free thought on particular “prejudices and errors”, “Byasses and Instincts”, which belong to “the most endearing sentiments of the heart”, is socially dangerous; it threatens to break all the bonds of society and make way for licentiousness and indulgence.241


240 I shall not elaborate here on the nuances of a distinction between “prejudice” and “superstition”, which Hume incidentally does make. “Prejudices” are “general rules” that we derive “unphilosophically”, i.e., without independent and critical reflection (such as a rule stating that “an Irishman cannot have wit, and a Frenchman cannot have solidity”). See Hume, David: A Treatise of Human Nature, p. 146. “Superstition”, on the other hand, is a “prejudice” that arises from terror that manifests itself in the creation of imaginary objects of unlimited power and malevolence. Thus, it appears to be “an enemy to civil liberty”. See Hume, David: “On Superstition”, in Essays: Moral, Political, and Literary, pp. 73–74, 78. In light of this, the unconditional prohibition of suicide (especially if it is construed as issuing from God) could be called a “superstition” as a “prejudice” of a particular kind.

In the political sphere, such careful and selective treatment of “prejudices” (or even “superstitions”? ) acquires a special significance, and indiscretion in dealing with them may lead to most fateful consequences. For example, let us ponder “whether the people, in any case, [are] entitled to judge and to punish their sovereign”.242 “If ever, on any occasion, it were laudable to conceal truth from the populace”, Hume writes, “it must be confessed, that the doctrine of resistance affords such an example; and that all speculative reasoners ought to observe, with regard to this principle, the same cautious silence which the laws, in every species of government, have ever prescribed to themselves”243 (italics mine). “The doctrine of obedience ought alone to be inculcated…”244

Should we equally observe silence about the fact that the unconditional prohibition of suicide is a superstition, should we conceal this truth from the populace—these are the questions that a reasonable and “enlightened” person will resolve depending on the particularities of a given situation and on the possible political consequences of the promulgation of this truth. Certainly, the (supposed) cognitive virtues of this truth and its epistemological plausibility will be of much less importance to him.

We know that Kant, who proclaimed “Sapere aude!” (“Have courage to make use of your own understanding!”) as his motto, was by no means alien to such arguments and was, apparently, more ardent than Hume in his recommendation not to search after the roots of such vital and dangerous things as power (see footnote 112). For both of these thinkers, some truths, or more precisely some manifestations of the “will to truth”, are more evil than some prejudices, which, after all, turn out not only to be useful (expedient) in certain situations, but also prove to be absolutely and universally pivotal to the very existence of government authority. Without the latter, the “empirical” world would be devoid not only of law, but also of morality.

242 And while thinking about this question, let us keep in mind that “we must necessarily allow, that nothing but their [people’s] own consent could, at first, associate them together, and subject them to any authority. The people … are the source of all power and jurisdiction…”. However, this should not be mistaken for a purposefully concluded (and, in fact, totally fictitious) “social contract”. (Hume, David: “Of the Original Contract”, in Essays: Moral, Political, and Literary, p. 468).


244 Ibid.
We now need to take the second step in our understanding of what the contextualization of the inquiry as to the maxims of our actions achieves and to what it leads. Hume does not take this step (whereas Kant does not even take the first step) precisely because his inquirer does not problematize himself. He does not attempt to transform the universality (of his culture and society) in order to overcome his “internal” conflict through such transformed universality, if the universality in its given form is acknowledged to be morally invalid and unsuitable for the resolution of his “internal” conflict.

But what if, let us say, I or a particular side of my “self” is outraged by particular manifestations of my culture and of my society to such an extent that the customary conformism of my former “self” or of the conformist side of my “self” appear to me to be disgraceful and immoral? What if all the answers to the question “What, then, should I do?” that I can get from my culture, as it exists, whether they are announced to me by the imaginary lips of Kant’s moral law, which demands that I “obey authority!”, or by the writings of Hume’s prudent and “enlightened” mentors in moral and political affairs, boil down to one and the same: “keep silence!”? Does it mean that I have a choice only between the various versions of “keeping silence”, between the active and outspoken support of the government and the escapist “inner emigration”? We shall deal with these questions, that is, with the second step in the understanding of what the contextualization of the inquiry as to the maxims of our actions achieves and what it leads to, in the next chapter. For now, let us summarize our discussion of suicide as a moral problem.

Kant’s moral prohibition of suicide demonstrated the “impossibility” of suicide as a practical act. As such, it is “impossible” because it presupposes as its ground an evil maxim. The evil character of this maxim is directly revealed in that its universalization leads to the “destruction of life” (or “rooting out the existence of morality itself from the world”, as Kant specifies in his later *Metaphysics of Morals*. See footnote 224). Evil thus acquires a straightforwardly utilitarian meaning of being contrary to utility, which itself self-evidently lies in the continuation and preservation of life. However, in Kant, the meaning of evil is immediately doubled: apart from the utilitarian contrariness to utility, and in the necessary connection with it, evil also acquires the meaning of a violation of what the absolute moral law prescribes. This doubling achieves a crucial result. It consists in binding the ful-
filment of the moral law to the acquisition of benefit (in our case, to the preservation and continuation of life), i.e., the *union of duty and happiness*. It is precisely this union that Kant, as we have seen, considers necessary to stabilize with the help of the notion of the “highest good” (and the postulates of practical reason “serving” it) for situations, in which, in his opinion, the union of duty and happiness is far from being as obvious or direct as in his suicide example.

The “impossibility” of suicide as a practical act indeed appears in parallel to the “impossibility” of “rebellion against morality”. Human beings are incapable of such a “rebellion” primarily because they are utilitarian. They cannot avoid seeking happiness and, therefore, cannot commit “evil for evil’s sake” on principle. Moral law then—either in a *self-evident* manner, as in the consideration of the possibility of suicide (as well as in the three other examples in the *Groundwork of the Metaphysics of Morals*) or owing to the illusory belief in the reality of the “highest good”—appears (or presents itself) to be the surest guide on this path to happiness. Therefore, a human being cannot even imagine his own “liberation” from this law. Naturally, the law shall be this guide *only* on the condition of the human being’s absolute submission to it.

Finally, in the suicide example, Kant (in contrast to *Religion*) gives a rather clear social-cultural sketch of the *type* of person of whom all of the above is true. As we saw, from the logical point of view the construction of Kant’s absolute prohibition of suicide is defective in that the generalization that is valid for the particularity, i.e., for a given type of people, is presented as valid for all, as a universality. This logical defect is an absolutely necessary payment for rendering the positive prescriptions of the moral law (the prohibition of suicide is a positive prescription to continue living despite everything) as universal as the law itself, i.e., as what immediately ensues from the pure formalism of “duty to fulfil duty”.

It is clear that no positive prescription, always necessarily related to some particularity, can possess such universality. Therefore, Kant is

---

245 Such a *utilitarian-deontological* duality of prescriptions of Kant’s moral law has been long noted by scholars. Some suppose (analyzing the same examples testing the universalizability of maxims of actions from the *Groundwork of the Metaphysics of Morals*, one of which we have turned to ourselves) that the authority of the Kantian moral law rests *exclusively* on its (supposed) capacity to ensure the well-being of those who resort to it. See Henry, F. A.: “The Futility of the Kantian Doctrine of Ethics”, in *The International Journal of Ethics* Vol. 10, No. 1, 1899, pp. 73–89.
then forced to conceal the fact that the unconditional prohibition of suicide—even on a purely logical level—can only refer to that archetypal type of people whom he describes in his example and who inquire as to the moral permissibility of suicide.

Hume’s treatment of the question of suicide is different from Kant’s primarily in that the Scottish philosopher never loses sight of the particularity. The particularity is central both on the level of asking the question (who it is that inquires) and on the level of getting an answer (to whom it is addressed and by what it is given, meaning “our” dominant religion, the moral-legal conventions of our society, or the common-sense notions of “human nature”). Therefore, Hume cannot universalize his answer to the question if suicide is admissible, nor can he endow it with an attribute of unconditionality. For him, both the form and the very substance of answers that we get to the question as to the permissibility of suicide are conditioned by the character of “our” culture, to which our question is actually addressed and which (through its various ideological and spiritual components) answers it. The discovery of the historically conditioned nature of morality or, more precisely, of its historicity, is one of the strongest points of Hume’s philosophy. Is Kant’s formalism of “duty for the sake of duty” amenable to historicization? If it is, then what can this imply for the possibility of the “impossible” “rebellion against morality”? 

120
Chapter 6. Pure duty in historical context, or On the possibility of the “impossible” “rebellion against morality”

As we begin our discussion of (Kantian) pure duty in its historical context, we need to keep in mind two points that we have touched upon in previous chapters. Firstly, recall Luhmann’s idea (cast in a mold of aphorism) that in normal everyday life, morality is not needed and that a recourse to morality is itself a symptom of emerging “pathologies”. Secondly, recall the observation that Hume’s historicization of morality\textsuperscript{246} fell short of rising to the level on which moral agency’s self-reflection could result in self-criticism as an existentially and morally necessary mode of overcoming that agency’s own (“internal”) contradictions, so that this mode of self-criticism would eventuate in the agency’s real self-transformation.

The following discussion of the way in which (Kantian) pure duty becomes immersed in its historical context and operates within it is guided by these two moments. We shall attempt to show that, firstly, its immersion and operation within the historical context takes place in “abnormal” life situations, which, from the point of view of the everyday course of life, appear to be “pathological”. Secondly, the immersion into the historical context and the operation of pure duty within it manifest themselves in the criticism of a given culture and in the self-criticism of the inquiring and reflecting subject, leading to the transformation of both one and the other, of the culture and of the subject. Both functions—of criticism and of transformation—are fulfilled by

pure duty through its “attachment” to some historical objects (characteristic of the life situation at hand) and its “detachment” from others. Precisely as a result of this, it becomes able to give positive prescriptions as to what ought to be done “here and now”.

I have no use for Kant’s formal “duty to fulfil duty” insofar as my “empirical self” remains “un-divided” by a specific life situation and while that “self” does not specifically realize that the recourse to the given universality of my lifeworld yields nothing but the aggravation of my torment. Only thus may I discover that this universality (the “basic” rules, principles, commandments, etc.) of my lifeworld is itself the cause of my torment, that to rid myself of it means to change it, and that, therefore, I have nothing to choose among the maxims of action that the universality presents to me through its predefined and universal menu. I realize that in reality I am forced to choose between this universality as it exists now, the status quo, and its alternative, which is, so far, no more than an object of my aspiration. But by defining myself through an alternative, and not through the present reality, I both reconstruct myself and, albeit in a “preliminary” fashion, also in some way resolve the “internal” conflict that has tormented me. I begin to define myself in a different moral capacity from the one that has characterized me hitherto. It is precisely in this context and at this moment that Kant’s formal duty takes “center stage”.

One could say that in this context and at this moment the vacuousness, peculiar to the Kantian “duty to fulfil duty”, reaches its apogee; formal duty not only does not carry any content within itself, but also has nothing to apply itself to. By rejecting the present reality of the universality of my lifeworld, I reject all the possible maxims of my action presented by it for my consideration, even suicide (con-

---

247 Stressing the completeness of such a rejection of the present reality, we, of course, need to make a provision for what Karl Manheim has called the conceptions that “enmesh” and “transcend” this reality, which are either inscribed on a “world-view” corresponding to the existent reality (“ideology”, as Manheim understands the term), or on an alternative “world-view” oppositional to it (“utopia”). What is important is that such conceptions consist of “ideas and values in which are contained in condensed form the unrealized and the unfulfilled tendencies which represent the needs of each age. These intellectual elements then become the explosive material for bursting the limits of the existing order”. (Manheim, Karl: Ideology and Utopia. Routledge & Kegan Paul, London 1960, pp. 175, 179.) Certainly, the negation of the present reality is impossible without a reliance on such “transcending” conceptions, which are an articulation of the “unfulfilled tendencies” of the negated reality itself. Such a negation is impossible unless it appears to be an attempt to actualize the “unfulfilled tendencies” and, therefore, it will appear as the existent reality’s self-abnegation.
demned by it), which also could be, in particular circumstances, a way to relinquish one’s freedom that is acceptable for the society of unfreedom (let us remember Camus’ “absurd man”). What we have just said should remind us once again about that which we discussed earlier: unfreedom is a “choice which one cannot refuse”. The instrument through which we make a choice within this imposed situation of choice, be it Kantian moral law or the most pedestrian prudence, cannot change anything by itself. It cannot turn unfreedom into freedom.

The only circumstance that can change anything is that my choice is formed by me, though I am prompted to do this by my torment and never by the imaginary freedom from everything “empirical” that can really exist only as absolute determinism. But my choice could only be a choice between certain elements of the status quo and their alternative that exists as my aspiration. Thus, the notion of testing the universalizability of already given maxims, one of which I ought to choose as a maxim of my action, through the moral law has absolutely nothing to do with freedom.

What will have a bearing on freedom is only my creation of the maxims of my actions through the aid of “duty for duty’s sake” in the context of my self-determination, which is equivalent to my decision to choose against the “predefined” maxims that the present reality forces upon me, in favor of my self-created maxims. I myself bear the entire responsibility both for this choice as well as for all its consequences. I shall be responsible for all the pain and suffering that my choice can bring about, for it is I who have applied “duty for duty’s sake” in the creation of a maxim for my action in such a way that

---

248 As John Holloway eloquently writes, “The starting point of theoretical reflection is opposition, negativity, struggle. It is from rage that thought is born, not from the pose of reason, not from the reasoned-sitting-back-and-reflecting-on-the mysteries-of-existence that is the conventional image of “the thinker””. Holloway, John: Change the World without Taking Power. Pluto Press, London 2002, p. 1.

249 We equally cannot choose if the things between which we are expected to choose leave us similarly unaffected or draw us with equal force. Thus, the so-called freedom from everything “empirical”, and our equal enchainment to the elements that comprise the “empirical”, are but two versions of absolute determinism whose absolute-ness consists precisely in making us totally incapable of choosing and acting.
caused me or someone else to suffer. What, then, does the role of “duty for duty’s sake” amount to in the decision to redefine oneself and to create new maxims of action claiming universal significance?

It acts as a form or mode of neutralization of the necessity that is rooted in my “empirical” situation, which forces me to choose from a predefined menu of maxims. It transforms this imposed necessity into the free duty to determine myself, a duty to fulfill my duty to myself, by ignoring all “pathological” inclinations that induce me to choose something from a predefined menu. The necessity of choosing belongs entirely to my “empirical” situation, and indeterminacy follows from its concrete content and cannot be eliminated by factoring in all of the “empirical” reasons I may conceive in favor of one decision or another. In other words, I am “empirically” compelled to choose, but the indeterminacy inherent in this compulsion cannot be disposed of by prudent weighing of all the material objects that can make me lean towards one decision or another regarding the “best” maxim of my potential action. Outside the situation and irrespective of the pain it causes me, reflection following the logic of duty would never be “initiated”. I can overcome the torment of indeterminacy only if I, by “transcending” it as if suspending the effect of all the “empirical” causes pertaining to this situation, could find a certain position “outside” of it or “above” it and could approach its contradictions (as well as the conflict within my own “self” as an inherent element of the said situation) with a certain “objective” criterion. “Duty for duty's sake” is an instrument of my culture, ready to use and always available, through which I can find the said position, occupy it and, from its “height”, “objectively” relate to the contradictions of my situation. The essence of this position is as follows: “I must determine myself”, “I must fulfill my duty to myself”, no matter what my “empirical” circumstances incline me to do and regardless of the consequences of this self-determination.

To avoid possible confusion, let us clarify one particular point. Pure “decisionism”, a pure “I will”, which does not require any transcendence of the situation through “duty for duty's sake” for its formation, could also appear to offer a solution. But this appearance is

---

250 This argument is broadly congenial to the “Lacanian” interpretation of Kantian duty and responsibility of the person who “applies” this duty to himself and his environment proposed by Slavoj Žižek. See Žižek, Slavoj: The Plague of Fantasies. Verso, London 1997, p. 221–241.
misleading. Since the “I” of the “I will” always belongs to the situation in which it expresses its will to act through a “decisionist” decision (if we are not dealing with a blatantly mystified “I”), then its “will” always expresses a prevalence of a particular “empirical” motive or an “empirical” cause present in the given situation. Hence, in pure “decisionism” we will not encounter the situation of indeterminacy that currently preoccupies us and which can be overcome, as we are attempting to argue, only through its transcendence with the aid of “duty for duty's sake”.

Pure “duty for duty's sake” plays a crucial role in the redefinition of the universality of the situation in question as a necessary moment of my self-determination, and in this capacity, it acts as a “vanishing mediator”, to use Fredric Jameson’s notion.251 This role likely requires a more substantial explanation.

We have already noted that in attempting to determine myself, and having occupied an “otherworldly” position with respect to my “empirical” situation, I require an “objective” criterion with which I can approach it. “Duty for duty's sake”—precisely by virtue of its vacuousness and apparent lack of relation to any particular positive content—looks like the best candidate for the role of such a criterion. I begin to reflect within the logic of this duty and immediately discover that it constantly tries to sell to me, by way of the positive prescriptions as to what I ought to do in my situation, certain specific rules characteristic of the form of present reality, the lifeworld, that caused my protest in the first place. This selling may, of course, not necessarily be as straightforward and crude as in the case of Adolf Eichmann as described by Hannah Arendt, in which the exemplary fulfillment of “duty for duty's sake”, free from “pathological” motivation, was steadfastly tied, through the Führerprinzip, to the particular “good” of “Germany above all else”, immune to any questioning regarding its universality.252

In more liberal lifeworlds, such a selling would likely take the form of limiting the set of maxims admissible for testing by the moral law. This limit would be established by their “compatibility” with the status quo, by whether the maxims “fit” into it or not.

Let us take Kant’s second example from the *Groundwork of the Metaphysics of Morals*, which shows how maxims are tested for their universalizability. The following maxims are supposed to be tested in this case: 1) “[W]hen I believe myself to be in need of money I shall borrow money and promise to repay it, even though I know that this will never happen”[^253] and 2) “When I believe myself to be in need of money I shall borrow money only if I am certain that shall repay the debt regardless of all circumstances” (as the opposite of the former and as formulated by me, hopefully without distorting Kant’s logic). The first maxim fails the test because, when it is universalized, it renders promises impossible, according to Kant. Certainly, this is a gross exaggeration, for even when it is universalized, what becomes impossible is trust in the sphere of credit, and not promises as such. For example, in intending not to keep my promise to pay my debt, I can remain fully committed to my promise to help the poor with all the means at my disposal and can conceive of this maxim as of a universal law of nature without falling into any contradictions. What is truly telling in its own right is that the specific promise of the debtor is conceived by Kant as the universal model of promise.

However, the point lies elsewhere. Only those maxims that have to do with the debtor’s behavior and that are meaningful only in relation to him are tested for universalizability. Maxims that refer to the creditor’s behavior are completely excluded from the analysis. Kant does not impel the latter to choose between, for instance, the following maxims: 1) “Lend money to the one who needs it only if you are absolutely certain that the money will be returned with interest” and 2) “Give money to anyone who needs it according to his need, without expecting it to be paid back”. The universalization of the first maxim perfectly corresponds to the real mechanism of usury and commercial credit, but it is flagrantly at odds with the Gospel morality. Arguably, it cannot be conceived as a universal law of nature because, at the very least, it contravenes the dictum not to treat people “merely as a means”[^254] (and the debtor, in his capacity as a source of monetary interest, is unequivocally instrumentalized by the lender). The second maxim is a universal prescription of the moral law regarding the relation between the “giver” and the “taker”, which the New Testament expresses as “Give to everyone who begs from you; and if anyone

takes away your goods, do not ask for them again” (Luke 6:30). Undoubtedly, the enactment of this prescription would ruin the entire system of commercial credit and capitalism—which is, after all, the universal lifeworld of contemporary humanity—along with it. This is precisely why the maxims of action that are crucial for our real world, but which are a fortiori incapable of passing the universalizability test, have to be unconditionally shielded from moral inspection, if morality wants to remain within the status quo.

This is exactly what I earlier called limiting the set of maxims admissible for testing by the moral law through their “compatibility” with the status quo. This limitation works automatically by virtue of the “attachment” of the moral law, immersed in a particular “lifeworld”, to the “historical objects” (primarily those of systemic significance) that are peculiar to this world. However, the moral law “in itself” as given by my lifeworld as it exists in my culture, is empty. It has to be presented by my lifeworld as empty, otherwise all of its functional usefulness for a given lifeworld will be lost. The overt nature of the “attachment” of the moral law to certain “historical objects” of this world discredits and disavows all its effective work aimed at selling me only the maxims of action that are acceptable for this world. The positive substance of the moral law, which is defined by this “attachment” and which guides the moral law’s work and which is useful for the perpetuation of the lifeworld in question, must fade away or, to use a psychoanalytic term, be repressed precisely so that it may continue its effective work. The moral law can perform its societally useful work only by pretending to be completely “objective”, i.e., “unsullied” by any specific historical content, by pretending to be a purely formal “duty to do one’s duty”. Otherwise, even such a man as Eichmann, incapable of reflection (his inability to reflect rather convincingly documented by Arendt), will discover that he no longer lives “according to Kant's moral precepts”, fulfilling “duty for duty’s sake”, as he earlier supposed, but instead submits to a specific “historical object” (in Eichmann’s case, to the Führer).255 After all, are not “historical objects” much more vulnerable to interrogation and criticism, even if deified, than the pure moral law and what it can try to sell us as unconditionally binding prescriptions?

The vacuousness of the moral law, brought about by the necessity to empty it out keenly felt by any modern lifeworld in which this law

finds itself, is truly a double-edged weapon. Yes, in its direct application, as it were, in accordance with its, so to say, primary purpose, this emptiness serves to reconcile the inquirer, who asks “what should I do (from the moral point of view)?”, with the present reality as it is, selling off for his analysis the maxims of action that conform to this reality. In this respect, and only in this respect, MacIntyre is right in saying that moral reflection of the Kantian variety turns a human into a conformist, a “conformist servant of the social order”.

However, the same vacuousness of the moral law, the application of which is mediated by a protest against the status quo, may even turn into a total negation of all given “historical objects”, into the most radical kind of anarchism, because it uncovers their “illegitimate” attachment to “duty for duty’s sake”, their “corrupting” effect on the latter. Our inquirer asking, “what should I do?” may reason, for instance, thus: “every man has a fundamental duty to be autonomous, in Kant's sense of the term. Each of us must make himself the author of his actions and take responsibility for them by refusing to act save on the basis of reasons he can see for himself to be good. Autonomy, thus understood, is in direct opposition to obedience, which is submission to the will of another, irrespective of reasons. Following Kant's usage, [we have to admit that] political obedience is heteronomy of the will”. Being heteronomous, the obedience should be unconditionally rejected, even in the case of obedience in the context of a democracy.

At the same time, the total revolt against the entire world of heteronomy, its “mere” and “abstract” negation, to use Hegel’s words, is a special kind of obedience to the “historical objects” against which I am protesting. By causing my outrage, they have so completely en-

slaved me that I am unable to discern their weaknesses, to see the incompleteness of their dominion over the present reality. I identify with them all of my lifeworld, which appears to me as a total heteronomy, and I rebel against the whole of it. The total revolt, with the “mere” and “abstract” negation peculiar to it, is, of course, doomed to failure, and its hopelessness is a specific manifestation of the complete dominion over me of the “historical objects” causing my outrage. In order for the revolt to have at least a slim chance of success, it should not be total. Consequently, I need to learn to differentiate between the elements of my lifeworld, even if it exists under the auspices of those “historical objects” that ignite my indignation.

Such a differential approach to a given lifeworld requires a reliable criterion of distinction between “good” and “evil”. I cannot take it from my lifeworld as it is; much of what it calls “good” is “evil” for me, and, as I may suspect, at least something that it calls “evil” may “in reality” (from my point of view) turn out not to be so. I have no choice but to create this criterion myself.

The first step to be taken in this direction will be to cleanse my evaluation matrix from the presence of the “historical objects” that outrage me. But in order not to reduce such cleansing to “mere” and “abstract” negation, I must immediately take the second step, which is to allow the imagined objects, which I believe to be an alternative of the purged ones, to enter the evaluation matrix. Finally, I must take the third step by bringing into the equation the universality requirement: it must be satisfied by the objects that I imagine as alternatives of the “historical objects” I renounce. Short of satisfying this requirement, they will not have the emancipatory significance that is already implicated in the very first step I have taken toward formulating my criterion (liberation from the existing structures of oppression).

259 It is the hopelessness of Georg Lukács’s Promethean rising of the proletarian total “subject of history” against the “totality of capitalism” which saturated (nearly) all of Western Marxism with despair, so that this theoretical tradition as a whole can, according to Perry Anderson, be seen as a “product of defeat” (see Anderson, Perry: Considerations on Western Marxism. New Left Books, London 1976, p. 42). It does make sense, however, to wonder if the capitalistic “system of alienation” is less totalistic than it is sometimes thought to be and if some non-totalized resistances to it can be effective in its interstices. This less-holistic vision of capitalism does not necessarily turn into the much more tolerant approach (to say the least) to the changed nature of “postmodern” capitalism (as “more energetic, more cynical, less tragic”) that we find in Jean-Francois Lyotard’s critique of Theodor Adorno’s pessimism and despair. See Lyotard, Jean-François: “Adorno as the devil”, in Telos Vol. 19, 1974, p. 128 ff.
I shall not specifically elaborate on a point that should be obvious enough: the forming of such criteria cannot be a purely intellectual process, a pure “thought experiment” along the lines of John Rawls’ discussion of justice under the “veil of ignorance” in the “original position”. On the contrary, my embeddedness as a concrete historical being in a concrete historical situation is absolutely essential. Only it can explain what I want to liberate myself from, how my imagination works (however free its flight may be, it is still held by an unbreakable thread that ties it to the present reality), and what constitutes the limits of that universality, by which or on behalf of which I morally test the “institutions of freedom” that I conceive to replace the “institutions of oppression”. Universality is never an abstract “sum of all”; it can only be “everyone”, capable of manifesting their “agency” in the given historical situation. Moreover, these notions cannot remain static; the unfolding practical struggles will inevitably transform them, as they will transform me, so that I may end up with substantially different notions from the ones I harbored at the outset. Nevertheless, the intellectual process utilizing the criteria described above is an essential constituent of the struggles for liberation that do not degenerate into a hopeless revolt.

“Duty for duty’s sake”, as the “vanishing mediator”, appears in its purity at the moment its “attachment” to the “historical objects” of the given lifeworld (such as the institution of credit in Kant’s example discussed earlier, where the moral duty to test one’s maxims unilaterally addresses itself to the debtor and never to the lender) is “unmasked” and at the moment of liberation from them as something “improper”. At this moment “duty for duty’s sake” mediates the transition (through my imagination) from old to new, supposedly proper, “historical objects” and, thus, “attaches” itself to them. In this “attachment” it again loses its purity, which usually goes unnoticed and is not supposed to be noticed by the rebels, because they posit these

---

261 Which is why, for instance, Franz Fanon, who was considered by Hannah Arendt and some other critics to be an unapologetic advocate of “unrestrained violence”, confidently asserted: if the “primitive Manichaeism” of the early stages of the struggle is not superseded by a “social and economic awareness”, if the “unmixed and total brutality” is “not immediately combated”, then the defeat of a liberation movement will be inevitable. See Fanon, Frantz, Jean-Paul Sartre, and Constance Farrington: The Wretched of the Earth. Grove Press, New York 1963, pp. 144, 147.
“proper” objects as the aims of their practical actions. Having done its job as a “vanishing mediator”, pure “duty for duty's sake” disappears and dissolves in a new (historical matter-bound) image of the universal with the specific “ought” it implies. This “ought” obliges me and “us” with respect to the movement, in which we partake and which aspires to usher a “genuine” universal in our world, and defines a historical “agenda” that negates and alters a given lifeworld.

“Duty for duty's sake” can also play the role of the mediator in the transition from decision to action, from the determination of will to the deed in which the will strives to materialize. It is precisely in this situation of high risk caused by the self-determination of the “I” and by its collision with a given lifeworld, that this mediating role becomes especially significant and, at times, decisive.

Of course, the transition of will from decision to deed is never easy, smooth, or “natural”. There is always a rift between them, formed not only by post factum reflection, but also by the anticipation that the deed will acquire independence with respect to the will that “produces” it, through its unforeseen consequences, through its entry into the web of “real-world” circumstances, which will challenge and defile the actor’s authorship of the deed, and through its susceptibility to be “co-opted” by other people. Strictly speaking, if freedom, in Hegel’s words, “is precisely this: to be at home with oneself in one's other”, then the will that considers itself free is never entirely “at home with itself” even in its freest act. The act is always to a certain degree opposed to it as an object, in which the will not only finds (if it is lucky enough), but also loses, itself.

This loss of oneself in one’s deed is conveyed in Lacanian psychoanalysis by the notion of aphanisis. Probably aphanisis is known to every “I” that has ever tried to achieve anything in the course of social and historical life, and on this basis alone, we can already conclude that this “I” has, at least to some extent, transcended a naïve identification of itself with its deed. It is precisely this knowledge of aphanisis that has to be overcome in order for the deed to occur. It is absolutely impossible, however great the expansion of human knowledge, to overcome the “empirically” true knowledge of the “objectivation” of the deed, which is necessary for the deed to be per-

---

formed. It can only be overcome by something opposite to knowledge and acknowledged, in contrast to it, to be something imperative. For some extremely rare cases, it could be (“absurd”) “faith”, in the way that Kierkegaard described it in *Fear and Trembling*; for far more typical and widespread cases, it would be Kant’s “duty for duty's sake”.

Dwelling on virtuous actions, Kant writes, “one still cannot show with certainty in any example that the will is here determined merely through the law, without another incentive, although it seems to be so; for it is always possible that covert fear of disgrace, perhaps also obscure apprehension of other dangers, may have had an influence on the will”. Sometimes this is used as an easy target for the most superficial (pseudo) “Freudian” criticism of Kant; in any virtuous action, they say, the fulfilling of duty is merely a “rationalization” of some prosaic motivation, of self-serving inclinations. Nevertheless, perhaps we can discern a much more profound thought in the cited fragment. Though no single “empirical” act can be accomplished without involving “another incentive” distinct from, if not opposite to, duty, many such acts would not have been carried out at all without being propped up by “respect” towards duty as such. “Other incentives” may turn out to be insufficiently powerful and “persuasive” for the performance of such actions; aphanesis, as potential performers are well aware, may preclude their taking place. Sometimes to act we need an admixture of that “steel” to our will, that relentless resolution to persevere against all odds that can only be imparted to ordinary people by the awareness of “duty to fulfil duty”, and which can be imparted to absolutely exceptional people, akin to Kierkegaard’s Abraham, by “faith”, which turns them into its selfless “knights”.

However, in emphasizing the significance of “duty for duty's sake” in overcoming the rift between will and deed, we should not lose sight of the fact that “pure duty” is able to play any role in human practice only to the extent that it is combined with the “pathological” motivation of action. We saw that Kant himself (in his discussion of the necessity of supplementing the motive of duty with the motive of the “highest good”) realizes perfectly well that an act out of “pure respect

---

264 Such faith makes its “knight’s” footing “sturdy, belonging entirely to the finitude”, and it bestows “greatness” upon his actions, which has nothing to do with “a function of the outcome”. See Kierkegaard, Søren: *Fear and Trembling*. Cambridge University Press, Cambridge 2006, pp. 32, 55.

for the law” is a metaphysical phantom. We should add that this phantom carries within itself an *insult* to my human “I”. This I, capable of self-determination and of conceiving humankind in my person as an end in itself, is turned by this phantom into its *instrument*, into a pathetic and docile servant of the moral law. Schopenhauer had every reason to deride Fichte’s habit of carrying the logic of Kant’s “metaphysics of morals” to extremes, but there is little doubt that in his “extremism”, Fichte brought to fruition certain tendencies inherent in Kant’s philosophy: “I am only an instrument, a mere tool of the moral law, and not in any way an end. […] Everyone is an end as a means to realizing reason: this is the ultimate final end of his existence” (italics mine).266 Certainly, this instrumentalization of the “I” amounts to a complete destruction of morality as human morality.

The historicization of (Kantian) pure duty, therefore, allows for outlining certain approaches to the understanding of how the “impossible”, as Kant believes, “rebellion against morality” is possible after all and what it amounts to. In light of such historicization, the “impossibility” of a “rebellion against morality” is nothing but a preclusion by the present lifeworld of the critical interrogation of its moral and legal foundations, brought about by the attachment of the pivotal institutions of a given lifeworld to the moral law. As a result of this attachment, these institutions acquire a legitimating status as manifestations of Reason (as such), and the moral law acquires the positive content of its prescriptions. In terms of human emancipation, or, more precisely, in terms of its obstruction, this amounts to what Barrington Moore calls “the expropriation of the moral outrage [of the underprivileged classes] in analogy to the expropriation of the means of production”, which is part of the life experience of the dominated in all “organized societies” and which is largely responsible for the fact that uprisings and revolutions are so rare a phenomenon in the course of history.267


267 See Moore, Barrington, Jr.: *Injustice: The Social Bases of Obedience and Revolt*. M.E. Sharpe, White Plains (NY) 1978, p. 502 ff. This is brilliantly illustrated by John Rawls’s explanation of the “due restraint” with which civil disobedience should be used. In a long list of considerations calling for curbing the (otherwise perfectly justifiable) zeal for civilly disobedient protests, there is one which looks most perplexing: “It is conceivable…that there should be many groups with an equally sound case (in the sense just defined) for being civilly disobedient; but that, if they were all to act in this way, serious disorder would follow which might well undermine the efficacy of
The possibility of the “impossible rebellion against morality” begins with the critique of these moral and legal foundations of the present lifeworld from the standpoint of its alternative and is realized in the form of a “rebellion” against the moral law’s “attachment” to them, i.e., in the form of the intellectual and “material” practices aimed at “detaching” the moral law from the “historical objects” that constitute the status quo.

Pure duty—in its three roles, described earlier—appears to be a key weapon in the hands of the “rebels”. Their struggles against the “defenders” of the status quo, to a large extent, focus precisely on who will take control of the moral law, how it will be used, and against which and in support of which “historical objects” it will be deployed. Neither side in the conflict can afford the luxury of immoralism, understood as “repudiation of the moral law”, to use Kant’s expression, in general. This is, of course, not only due to the political expediency of presenting one’s cause as moral. Grand politics—as opposed to petty politicking—readily exposes mendacity and fraud, simply by virtue of the fact that its stakes are too high to be won through such cheap tricks. One cannot enter grand politics driven by petty “empirical”, as Kant might have said, motives. Usually, however strange this may sound in a world dominated by “cynical reason” (to use Peter Sloterdijk’s term), the service of duty (variously understood) is not a disguise of the reality of grand politics, but its effective impetus. Perhaps this is why grand politics worthy of the name is so rare in this world of ours.

the just constitution. I assume here that there is a limit on the extent to which civil disobedience can be engaged in without leading to a breakdown in the respect for law and constitution” (Rawls, John: *A Theory of Justice*, p. 374). What makes it necessary to limit the extent to which civil disobedience can be engaged in is exactly Rawls’s assumption that the “society in question is one that is nearly just” (*Op. cit.*, p. 382), so that its disruption will serve nobody’s interests. However, the very “conceivability” of widespread morally justifiable resentment and the preparedness of “many groups” to engage in civil disobedience cast doubt on the nearness of the society in question to justice. This is not to mention that if such disgruntled groups remain politically passive, and, consequently, if the injustices they suffer from persist unaddressed, the overall amount of injustice typical of the society in question will certainly disqualify it from being “nearly just”. However, if those many disgruntled groups, for whatever reasons, do share Rawls’s fundamental assumption, they are very unlikely to rise up, and their moral outrage will remain “expropriated” by the status quo.

Chapter 7. The disappearance of freedom and its consequences, or Once again on the paradoxes of *Religion within the Boundaries of Mere Reason*

In our analysis of the triangle of “good-evil-freedom” and its presentation in the *Religion within the Boundaries of Mere Reason*, we have basically limited our attention thus far to the paradoxical nature of Kant’s description of the relation between good and evil. Now we have to approach this triangle from the side of freedom and to see whether it has—in its relation to good and evil—its own specific paradoxes. We need to do so precisely because without its examination we shall neither be able to adequately understand the logic of Kant’s reasoning as to the “impossibility” of the “rebellion against morality” nor to construct our own arguments in support of its possibility.

Let us begin with the following. The *Religion* leaves the impression that “diabolical evil”, even though it is inapplicable to human beings, is *easy to understand*. Kant, as we already know, directly identifies it with “exoneration from the moral law”. “Evil reason”, the essence of which lies precisely in the repudiation of the moral law (or which is constituted by such a repudiation), is thus declared to be *free*, or “exonerated”, reason. Here already we discover a profound paradox. Up until now (in Kant’s “ethical canon”), we have been told that freedom is *unconditional obedience* to the moral law and that it is possible *only* as obedience. Let us again recall the chain of identities or series of similitudes of will, free will, “holy will”, practical reason, the good, etc., which we have touched upon several times, particularly in Chapter 2. Now, in the *Religion*, Kant, tells us that freedom is possible *despite* the moral law, that one can be “liberated” from it.

Is what is implied here some completely novel notion of freedom, which apparently has nothing to do with the familiar notion of freedom as obedience to the moral law? Or are they both different mani-
festations of some common “essential” freedom, perhaps of that very freedom realized in the “original” choice between good and evil, between the submission to the moral law and the preference for self-love? However, even this hypothesis hardly gives us anything edifying. Indeed, the “original” choice, as it is presented in the Religion, confronts us with the dichotomy of the good and the merely “radical evil”, rather than “diabolical” evil. This choice implies an alternative between “duty and its infringement”, and not an alternative between “good duty and evil duty”, while only the latter would signify the choice between the two opposite forms of reason, “good reason” and “evil reason”.

Unfortunately, it is impossible to find in Kant any conceptual definitions of either this new freedom peculiar to “evil reason”, or of this supposed “essential freedom” perceived as the common root of “evil freedom” and “good freedom” (consisting in obedience to the moral law). In the absence of Kant’s clarifications on this point, and in the presence of wide discrepancies in the interpretation of Kant’s notion of freedom on the part of commentators, we have to resort to our own devices.

Many scholars are quite outspoken about their puzzlement, bordering on perplexity, over Kant’s conception of freedom. Thus, as early as the 19th century, Henry Sidgwick expressly wrote that he did not see a way, within the limits of Kantian philosophy, to reconcile or reduce to some common denominator the two principal forms of freedom that he found in Kant. He called them “Good” or the “Rational” freedom, on the one hand, and “Neutral” (with respect to the moral law) freedom, on the other. They can be reconciled, in his view, only at the price of a complete reconstruction of Kant’s entire philosophy. See Sidgwick, Henry: “The Kantian conception of free will”, in Mind Vol. 13, No. 51, 1888, especially. pp. 405–407, 412. (I do not find Christine Korsgaard's objections to this Sidgwick’s line of reasoning particularly convincing. See Korsgaard, Christine M.: Creating the Kingdom of Ends. Cambridge University Press, Cambridge 1996, p. 162 ff.). Let us recall that the approach of Karl Leonhard Reinhold to the multiple forms of freedom in Kant is different from Sidgwick’s interpretation of this problem, primarily in that the former considers it possible to establish a particular logical and conceptual relation between Kantian forms of freedom, i.e., to derive “moral freedom” from “original freedom” (see footnote 147). It is a known fact that Kant himself objected to such a treatment of his conception of freedom. In the beginning of the 20th century, the prominent French Kantian scholar Victor Delbos “took stock” of the forms of freedom in Kant and acutely posited the question of whether they can (or cannot) be subsumed under a single comprehensive system. Naturally, at the same time this question involves the problem of the cohesiveness of Kant’s ethical doctrine as such (see Delbos, Victor: La philosophie pratique de Kant. Presses Universitaires de France, Paris 1969). For a further discussion of this topic, see Carnois Bernard: The Coherence of Kant’s Doctrine of Freedom. University of Chicago Press, Chicago 1987. Another original approach to the problem
The whole issue is complicated further by the fact that it is not entirely clear whether Kant is speaking seriously when he speaks of “evil reason”, of its freedom and of all the rest. Kant calls the reason that he discusses with respect to “diabolical evil” “as it were [gleichsam] evil”.270 “As it were” is an expression, widely used in Kant’s works, that indicates that object that it refers to does not really exist or does not really exist in the form, which the “as it were” description implies. Does this mean that this “as-it-were-evil-reason” and its freedom, which are mysterious from the standpoint of Kant’s philosophy, do not exist, or that this designation points to something different from that to which it apparently applies? This supposition does not give us much either, and one begins to wonder why Kant writes about it in the Religion at all in that case. What is interesting is that in other cases the “as it were”, or, in other instances “as if” (als ob) as parallels to the former, refer to something that does not exist in reality, but which is necessarily presupposed by reason.

A paradigmatic case exemplifying this is the original social contract and the “general”, or “united”, “will of a whole people” related to it. This contract never existed in historical reality (according to Kant), but it—as an idea—necessarily exists in practical legal reason and must be presupposed by the lawmaker, for only in this case can one produce laws as if [als ob] they proceed from the “the united will of a whole people”. At the same time, the subjects must treat these laws in such a way as if they—in the capacity of the parties to the original contract (or their legal successors?)—granted their effective consent to these laws.271

Thus, the “as it were” or the “as if”, in the way that Kant uses them, are highly, or, indeed, uniquely important. They combine the indication of the fictitious nature of that to which they refer and, at the same time, of its necessity, in the direct sense, in which the fictitious imposes a particular duty on us. Could it be that the “as it were” carries the

---

270 Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, p. 82.
271 Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, p. 296.
**same meaning** with respect to evil reason? Could it be that we *should* maintain that even though this “evil reason” is a fiction, or *because* it is a fiction, the “normal”, i.e., the “good” reason *must* presuppose it, and everything related to it, as “diabolical evil”? But *what*—in the positive respect—does this “must” amount to, what does it imply, if we can pose this question by drawing an analogy between the as-it-were-evil reason and the “as if” real original social contract and the “united will of a whole people”? The latter, in their capacity of necessary ideas of reason, in the positive respect, provide just laws and determine the obedience of their subjects. What do “evil reason” and “diabolic evil” provide and determine?

The impression of the paradoxical character of freedom, peculiar to or ascribed to the as-it-were-evil reason, will only increase if we attend to the fact that this freedom can *in no way* proceed from the “exoneration from the moral law”, if the latter is interpreted *precisely in the Kantian fashion*, i.e., as a pure and formal “duty to fulfil duty”. On the one hand, as we have already mentioned, particularly in our discussion of the “violent ratiocinato” from Diderot and D’Alembert’s *Encyclopédie* (see Chapter 4), it is only by applying the moral law to itself, and, thereby, through emptying itself from everything “empirical” and accidental, that *evil* can institute itself as a *universal* principle. Evil, or the as-it-were-evil reason, emerges *not* by virtue of its exoneration from the moral law but, on the contrary, by virtue of transforming the moral law into *its own principle*.

On the other hand, repudiation of the moral law would destroy the last hopes of the forces of evil to triumph over the good. Recall, for instance, the “fallen angels”, the companions and associates of Milton’s Satan, after their banishment to hell. In their “original contract” about the attempt to take revenge against the host of Heaven, they seemingly follow all the examples from *Groundwork of the Metaphysics of Morals* with respect to testing the maxims of their actions as to their compatibility with the “universal law of nature”. They give promises to each other (to stand until the end in their struggle) and firmly intend to keep them against all odds. They are undoubtedly ready to use all their talents in their struggle against God and would, under no circumstances, allow them to rust on account of idleness and indulgence in sensual pleasures. Finally, they are filled with sympathy and compassion towards their brethren, who suffered bitterly at the hands of the angelic host. It is only the maxim of suicide that remains
outside their purview, but only because their inherent immortality renders reflection upon it superfluous. If they repudiated the moral law, if they made a choice in favor of individual self-love, then their entire project would be doomed before it even started, and with it, all evil in the world would be irreparably derailed.

Of course, it is also wrong to suppose that these “diabolical beings” somehow repudiate the moral law in the sense of not taking responsibility for their decisions and actions.\(^{272}\) Both the “violent ratiocinator” of the *Encyclopédie* and Milton’s Satan, as well as any other probable candidate for the role of a “diabolical being”, do not by any means evade responsibility for their decisions and actions. They all are completely prepared—in accordance with their duty before Reason—to pay most dearly for their actions, to face any punishment that they may be subjected to in conformity with *universal* justice, fully acknowledged by them. They only reject responsibility according to the rules of the society (or that universe) against which they rebel and within which the law that constitutes this society (or universe) is identified with the moral law as such. *Such a law* can have significance for them and, accordingly, will be acknowledged by them only as *force* (which can or cannot be overpowered). But according to their own, *alternatively universal*, law, they, undoubtedly, acknowledge full responsibility for whatever they do, including the *severest and virtually unbounded responsibility* (extended even to the *unintended* consequences of their actions), which Kant’s pedestrian moral inquirer cannot even imagine.\(^{273}\)

\(^{272}\) Robert Louden tends to justify Kant’s refusal to discuss seriously “diabolical evil” in the *Religion* by explaining that its bearer (or perpetrator) cannot be thought of as a “moral personality” and, therefore, cannot be responsible for the perpetrated evil. This means that “diabolical evil” cannot be a “free action” or a result of free choice, which, allegedly, is applicable only to a “moral personality” existing under the authority of the moral law. See Louden, Robert B.: “Evil everywhere: the ordinarness of Kantian radical evil”, in Sharon Anderson-Gold and Pablo Muchnik (eds.), *Kant's Anatomy of Evil*. Cambridge University Press, Cambridge 2009, p. 107. See also Anderson-Gold, Sharon: “Kant’s rejection of devilishness: The limits of human volition”, in *Idealistic Studies* Vol. 14, No. 1, 1984, pp. 36, 40 ff. However, Milton’s Satan not only meticulously explains his choice to rebel against God (thus demonstrating excellent cognitive and communicative competence), but also expresses a willingness to accept a full measure of retaliation for his rebellion, the justice of which, however, is the justice of *overwhelming force* and not of *superior reason*.

\(^{273}\) One could recall, for instance, that unforgettable passage from the essay, “On a supposed right to lie from philanthropy”, in which Kant reinforces the *duty* to truthfully disclose a location of an innocent victim to an out-and-out miscreant with the following prudent argument: “[I]f you have by a lie prevented someone just now bent on
Here we come to a decisive explanation of why Kant is *forced to mention*, in the *Religion within the Boundaries of Mere Reason*, the as-it-were-evil reason, the “absolutely evil will” (italics mine) and other components of “devilry” and, immediately afterwards, to *repress* them, to forgo any detailed discussion of these notions and themes. Kant is forced to mention the as-it-were-evil reason because pure practical reason, by virtue of being pure, *must* abstract itself from *any* possible consequences of its application, must be *free* from any positive content, good or evil, which may be “attached” to it in a given society. Without such abstraction and without such freedom, there can be no deontology, which is the core of Kant’s entire “metaphysics of morals”. However, such abstraction and such freedom amount to the acknowledgement that pure practical reason, left to its own devices, and contrary to its own pretensions (discussed in Chapter 2), *cannot* declare anything to be good or evil *by itself*. It can only place the seal of unconditionality, imperativeness, and incontestability on that which is *already* considered to be good or evil, be it the continuation of life as opposed to its voluntary termination, the preservation of the institution of credit as opposed to its dismantling, philanthropy as opposed to stinginess and hard-heartedness or something else. With respect to all such positive contents, the moral law is more like a notary rather than a lawmaker. But by insisting on its *freedom* precisely as pure reason, it cannot, if only purely “theoretically”, avoid considering that it has the capability to be evil; i.e., *it has to* consider its capacity to “detach” itself from *any* content, even that which is regarded as “good” (perhaps in all known societies). Holding itself to be free, it cannot avoid conceiving of itself as *something more* than a notary. It cannot avoid conceiving of its own potential of becoming as-it-were-evil reason, and Kant *candidly*, albeit in passing, mentions that. Here is where the crucial feature of the relation between *freedom and evil* lies: it is impossible to think oneself free, without thinking oneself (at least in the “as it were” mode) evil, i.e., in the capacity of “evil reason”.

murder from committing the deed, then you are legally accountable for all the consequences that might arise from it. But if you have kept strictly to the truth, then public justice can hold nothing against you, whatever the unforeseen consequences might be”, as well as, let us add, a *foreseen* consequence of the truthfulness of the performer of Kant’s duty in the form of a slaughter of an innocent victim. See Kant, Immanuel: “On a supposed right to lie from philanthropy” in Mary J. Gregor (ed.): *Practical Philosophy*. Cambridge University Press, Cambridge 1996, p. 612.
Nevertheless, such a thing can only be mentioned in passing within Kant’s philosophy. It can only be done in this way, since any other, i.e., more systematic, development of this topic would have necessarily revealed that on the level of pure moral theory, which deals only with the pure “duty to fulfil duty”, it is in principle impossible to distinguish between “evil reason” and “good reason”.

All distinctions between them dissipate in the notion of pure reason. In truth, the as-it-were-evil reason has, as its opposite, not the “good reason”, but the as-it-were-good reason. However, one cannot even utter such a notion in the idiom of Kant’s moral philosophy, mainly because Kant’s “good reason” is in fact the as-it-were-good reason, having nothing inherently good about it. In their symmetry, the as-it-were-evil reason and the as-it-were-good reason would reveal pure practical reason as merely some mechanism for making or confirming decisions, i.e., as something that Wilfrid Sellars has called the “noumenal mechanism” (extensively discussed in Chapter 4 in application to Kant’s speculative pure reason). Certainly, the exposition of practical reason in its role as the “noumenal mechanism” would allow one to show the vital importance of this mechanism for our moral (and political) life. But this, undoubtedly, would have neutralized all of the moral (or moralizing) pathos that Kant sought to impart to his ethical doctrine and, possibly, this would have been at odds with the array of pedagogical aims that Kant set and hoped to achieve through his doctrine.274

Nevertheless, it may seem to us that we have found the “locus” of freedom (or one of its “loci”) in the moral schema presented in the Religion within the Boundaries of Mere Reason. This “locus” is pure reason itself in its equivalence of as-it-were-evil and as-it-were-good reason. However, we feel that something is amiss here, since with all the equivalence of the as-it-were-evil and as-it-were-good reason, the distinctions between them do not disappear entirely. Something inex-

---

orably forces them to re-merge, which is precisely what made the study of the equivalence of the as-it-were-evil and the as-it-were-good reason necessary, alongside the remaining distinctions between them that we engaged in earlier.

In our reflection upon this “something”, we discover that pure reason, constituted by the equivalence of the as-it-were-evil and the as-it-were-good reason, cannot by itself posit and define itself in the capacity of the as-it-were-evil or the as-it-were-good reason. It has to be capable of conceiving both one and the other in their equivalence, but its definiteness as either one or the other is imparted to it by something else, something that does not belong to it. Something or someone applies pure practical reason in a particular way, and it is precisely this application that defines reason as evil (now without the “as it were”) or as good (also without the “as it were”). In such applications, pure practical reason plays a passive role and cannot resist the way in which it is applied. Therefore, even if the discussion of the as-it-were-evil and the as-it-were-good reason somehow could point to the “locus” of freedom, this locus would be found not in pure reason itself. It would be found in the action of its application, and it would be the freedom of the subject or the agency of this action of the application and not of pure reason itself. To put it another way, the freedom of pure reason to think of itself in the capacity of the as-it-were-evil or the as-it-were-good is merely a condition of the freedom of its application as either evil or good reason.

Nevertheless, we shall not find a word about all this in Kant. Why? Probably because the development of the subject of the as-it-were-evil and the as-it-were-good reason in this direction is incompatible with the very architecture and pathos of Kant’s ethical doctrine. Its development in this direction would have shown the subordination of the normative moral philosophy, which Kant’s “metaphysics of morals” is an instantiation of, to what can be called the “ethics of action”. More precisely, it would have shown the inclusion of the former into the latter as its element, similarly to the way the Moralität appears as an element included in the Sittlichkeit in Hegel’s philosophy.275 At the

---

275 More broadly, this move would have implied a transition from the paradigm of “political moralism” to that of “political realism” with a respective rethinking of whether morality or politics should be recognized as “primary” in their interaction. For more on this, see Galston, William A.: “Realism in political theory”, in European Journal of Political Theory, Vol. 9, No. 4, 2010, p. 387 ff.; Williams, Bernard: In the...
same time, the freedom of the agent who would apply reason in one way or another needs to be derived from something, to be explained somehow. Freedom cannot be attributed to the historical and “empirical” subject-agency of action in the same fashion in which Kant attributes it to transcendental pure reason, on the level of which freedom may be portrayed—and it would suffice on this level—as a ratio essendi of the moral law.276

The necessity of explaining the freedom of the subject-agency of action who one way or another applies pure practical reason decisively inverts that relation between evil and freedom that we have discovered on the level of pure reason itself.277 On this level, as we have seen, the freedom of reason necessarily presupposes its ability to think itself (as-it-were-) evil. Freedom retains its capacity of being the ratio essendi of the moral law even in reason’s conception of itself as evil. But the very necessity of explaining freedom shows its dependence on a particular evil, on something that has caused it to appear, on something that thrust the human being into a “state of freedom” by depriving him of that “innocent happiness”, or the happiness in that “inno-

277 Equally, their “application” by the acting subject-agency determines the moral worth of our “pathological” inclinations. To “give in to them” or to “choose them over the law” by itself says nothing either about us (who “give in to them” or who “choose them over the law”) or about the result of such giving in to inclinations or choosing them. A subtle observation made by Arendt in her book about the trial of Eichmann is highly instructive in this respect: “Evil in the Third Reich had lost the quality by which most people recognize it—the quality of temptation. Many Germans and many Nazis, probably an overwhelming majority of them, must have been tempted not to murder, not to rob, not to let their neighbors go off to their doom… But, God knows, they had learned how to resist temptation” (Arendt, Hannah: Eichmann in Jerusalem, p. 150). In such circumstances, undoubtedly, the choice in favor of inclinations and the consequent violation of the unconditional “duty to fulfil duty” “despite everything” was practically the only option available to the “common man” to do and to be good. Admittedly, the decisive role of the application of duty in attaining “good results” was already well understood by the ancient Stoics, and looks like something new, if not like something heretical, only after Kant. At least dispassionateness, what can pass for Kant’s laudable liberation from “pathological motivation”, was not unre-
cence”, that he possessed before the emergence of evil. That “innocent happiness” was complete to such an extent that it did not allow any application of any moral categories to itself, whether this could lead to its approval or denunciation.

The derivation of freedom from evil is something that cannot be found in Kant’s “ethical canon”. However, in a short essay, which he characterized as “a mere pleasure trip”, Kant posed the question of derivation of freedom from evil in earnest: “The history of nature… begins from good, for that is the work of God; the history of freedom from evil, for it is the work of the human being”.278 Three ideas that are crucial for our purposes are encompassed in this lapidary formulation. First, freedom is the “work” of “empirical” humans, i.e., of solely and exclusively their experience. Second, freedom has a history, which squarely places it outside of any apriority (everything related to apriority, everything having something to do with pure practical reason’s “existence” only outside of time). Third, freedom is inseparable from evil, at least because evil is its necessary origin.

If we cannot, within pure practical reason itself, find freedom translatable into the freedom of human actions, then where can we find it in Kant? The overview of the ethical schema presented in the Religion within the Boundaries of Mere Reason seemingly gives us a ready solution: freedom is found first of all in the original choice between obedience to the moral law and the preference for self-love, which (pre)determines all the other manifestations of our moral infirmity. Earlier we discussed at length this choice, which takes place on the a priori level, outside of time, and gives rise to irresolvable paradoxes (or what looks that way from our point of view) when one attempts to think it through conceptually. Now, however, let us attend to a different matter: can this choice be considered free at all, if, at any rate, we continue to think together with Kant?

First of all, we should remember that Kant himself considered it impossible to identify freedom of choice as such with freedom. In the Metaphysics of Morals, he explicitly writes, “But freedom of choice cannot be defined—as some have tried to define it—as the ability to make a choice for or against the law, even though choice as a phenomenon provides frequent examples of this in experience”.279 Ac-

279 Kant, Immanuel: “The Metaphysics of Morals”, p. 380. In his later writings, published under the title Opus Postumum, Kant even more decisively declares the impos-
According to Kant, we attain freedom and realize our rationality only through a choice *in favor of the law*, which defines us as (a kind of) rational beings. Even without this characteristically Kantian understanding of freedom, we should be able to understand that choice may be imposed on us (similar to an “offer one can’t refuse”) and that the choice is made free *not* by the act of choosing between A or B, but only by our *self-determination* in this choice. The choice can be free only when in the making of it I develop, enrich, and renew my own “I” and acknowledge the choice as an element of this development, enrichment, and renewal. Any other choice *at best* has no bearing on freedom, and *at worst* suppresses it, and Kant, it seems, understood this perfectly and expressed it in his own way.

Indeed, in order to understand whether a given choice is free, is suppressive of freedom, or is neutral in relation to it, I have to know and relate to something over and above those A and B between which I immediately choose and which immediately constitute my “choice”. At the very least, I need to know my “I” and what constitutes it and how my “I” can, or cannot, extend itself as far as “my homeland” or even “humanity”, depending on the richness of my “I” and the social environment that has formed it and in which it functions. But if all such knowledge and all such relations are extinguished, if what is implied by my choice is the pure and immediate act of choosing between A and B as such, then the choice *cannot take place in principle*, because I have no grounds for preferring A to B or vice versa. Such a choice obviously has no bearing on freedom. This is exactly what the “original” choice between the moral law and self-love looks like as Kant describes it in the *Religion*. Therefore, it can be neither choice nor freedom. Kant uses both terms in this case, without any right to do so, and he has relinquished this right precisely by presenting this

*sibility* of defining the “freedom of free choice”, for it is “a condition of totally subjective anarchy independent of every determining motive, and [therefore] no action could arise from it”. Cited in Carnois Bernard: *The Coherence of Kant’s Doctrine of Freedom*. University of Chicago Press, Chicago 1987, p. 92. Many Kantian scholars accept the differentiation between free choice and freedom, though few are bold enough to assert, as Christine Korsgaard does, that the choice between good and evil is, strictly speaking, not a choice at all. This is (supposedly) so because, choosing evil, we relinquish freedom while, in making the choice in favor of the moral law, the free will, which is necessarily presupposed by the idea of choice, merely “reaffirms itself”, i.e., its independence of everything except the moral law. See Korsgaard, Christine M.: *Creating the Kingdom of Ends*. Cambridge University Press, Cambridge 1996, p. 166.
choice as happening \textit{a priori} outside of time. Thus, in this allegedly free purported choice, we shall also fail to find freedom.

Here, however, we need to make a clarification. The altogether justified refusal to identify free choice with freedom does not mean that the former has nothing to do with the latter. The choice as such contains that element of freedom which is sometimes called “negative freedom” or “freedom from”. Indeed, the choice as such \textit{already} presupposes the absence of particular limitations and impediments that would eliminate the very possibility of choosing between A and B. Such an absence by itself says nothing as to whether I shall realize my “I” in this choice. On the level of pure choice we shall never be able to distinguish free choice even from such a flagrant form of manipulation and suppression as “consumer choice”, which presents itself as the syndrome of “obsessive consumption”, as something that has already found its way into a contemporary argot as the “obsessive consumption disorder”.280

It is equally obvious that “negative freedom” has never existed and could never exist as a separate form of freedom that could enter or not enter into some particular interaction with so-called “positive freedom” (or “freedom to”) in its capacity of a different form of freedom (as it is described, for instance, in Isaiah Berlin’s “Two concepts of liberty”).281 But for any action that deserves to be called free, free choice or “negative freedom” acts as a necessary element that acquires the meaning of freedom precisely as it is subsumed under the whole (of the free action). Therefore, as already stated, Kant’s unconditional obedience to the moral law, which eliminates free choice precisely through its unconditionality, is the elimination of freedom.282

\begin{footnotesize}
\begin{enumerate}
\item I cannot go into a detailed discussion of the point of view that neither “negative” nor “positive” freedom exist in the “pure form”, that they are always necessary aspects and characteristics of one and the same “free action”. The action can be free \textit{from} something only \textit{for} the sake of doing (or not doing) something, and vice versa, that the “for” in the formula of freedom presupposes the “from” (from what I should be free, if I desire to perform a particular action or to have the capacity to refrain from performing it). A vivid, and, one could even say, classical, example of this point of view is given by the “triadic” model of freedom of Gerald MacCallum. See MacCallum, Gerald C.: “Negative and positive freedom”, in \textit{The Philosophical Review}
\end{enumerate}
\end{footnotesize}
Thus, we do not find freedom as human freedom either in the “original” choice between the moral law and self-love or in any of its potential results: the choice in favor of self-love is obedience to heteronomy, whereas the choice in favor of the law is submission to what Kant himself designates as the “autocracy of practical reason”. 283

Thus, trying to find the “locus” of freedom in the moral scheme of the Religion within the Boundaries of Mere Reason, we come face to face with something scandalous in the fullest sense of the word: a philosophy that allegedly posits freedom, or promises to posit freedom, at its foundation cannot find a place for it anywhere. Freedom appears to be something akin to the Cheshire Cat’s smile from Alice in Wonderland: it is hinted at everywhere, but, as a “tangible” practice, it is nowhere to be found. One could consider the “locus” of civil society (that appears in Religion as a rather marginal topic) the only exception. There freedom, undoubtedly, appears as human freedom, but now it is “freedom in the external relation of people to one another”, freedom as subjection to the duty of man-made positive law, 284 and, if only because of this, it is something different in principle from what the no-

---

284 Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, p. 290.
tions of “transcendental freedom” and “practical (moral) freedom” were supposed to mean.  

If “freedom in the external relation”, freedom as subjection to the man-made law has any connection to the two previously mentioned forms of freedom, on which Kant’s entire “metaphysics of morals” apparently rests, then this connection lies precisely in the fact that the impossibility of human moral freedom reveals itself as the necessity of human subjection to the law. This is the raison d’être of the institution of the liberal-patronizing regime that Kant describes in his “political” works. Under such a regime, the ruler-patron gives the law to the people, who are invariably incapable of ruling themselves (and who have no right whatsoever to challenge the law or even to question its validity). This law allocates to them the protected plots of social space, within the boundaries of which they can indulge in their egotistic inclinations without causing too much harm to one another. The construction and the very idea of civil society thus presupposes (to use the terminology of Religion within the Boundaries of Mere Reason) the indubitable victory of the principle of evil over the principle of good, as well as that the “original” choice between the moral law and self-love is invariably and universally made in favor of the latter.  

In light of everything discussed above, we may be prompted to a verily “diabolical” suspicion that the only “locus” of freedom in the scheme of the Religion within the Boundaries of Mere Reason appears to be “diabolical evil”. For in choosing it, we institute ourselves in the capacity of lawmakers—we provide, or attempt to provide, the world with a “universal law of nature” laid down by us and different from the one that held previously. Therefore, we choose not what to obey—

286 Admittedly, as we have already noted, Kant has enough political sense to understand that even if on the individual level the “original” choice universally led to a preference in favor of the moral law, and thus each individual was “good”, it would still accomplish absolutely nothing in terms of human communal life. “The ethical state of nature”, in which “good people” who choose the moral law find themselves, would still remain a situation of “war of all against all”. It would be permeated by “a public feuding between the principles of virtue” (sic!), which, as Carl Schmitt explains to us about 150 years later, is more terrifying and cruel than any “conflict of material interest”. See Kant, Immanuel: Religion within the Boundaries of Mere Reason, p. 132. This subtle argument on Kant’s part leads us to a conclusion concerning the ontological primacy of politics with respect to morality, though Kant does not draw such a conclusion in any coherent way.
whether the already existing moral law (in its real historical attachment to particular “historical objects”) or “pathological” inclinations—but what we and our world should become. This is freedom in its classical and, broadly speaking, only true sense of autonomy. Again, it is important to make a clarification in order to avoid a misconception common among Kantian scholars.

The core of Kant’s moral philosophy as a philosophy of freedom is usually seen in the notion of moral self-legislation as autonomy, classically expressed in the *Groundwork of the Metaphysics of Morals*, though different versions thereof can be found in other works of Kant. This notion should be interpreted, of course, in light of a very significant qualification, or clarification, that Kant makes in the *Metaphysics of Morals* (but which we could make ourselves if we carefully read Kant’s works that precede the *Metaphysics of Morals*): “A (morally practical) law is a proposition that contains a categorical imperative (a command). One who commands (imperans) through a law is the lawgiver (legislator). He is the author (autor) of the obligation in accordance with the law, but not always the author of the law. In the latter case the law would be a positive (contingent) and chosen law”. But this is something that Kant cannot allow with regard to the moral law.

The essence of this qualification/clarification lies in the fact that the moral (self-) legislator is not himself the author of the moral law. He merely creates (for himself) an obligation in accordance with the law. Kantian autonomy, therefore, has absolutely no relation to lawmaking. Rather, it describes merely the “voluntary obedience” to that which is (as it were) given and, moreover, given simply as a “fact” (“fact of reason”), according to the second *Critique*.

It is this—the reduction of autonomy to “voluntary obedience” and its decisive divorce from lawmaking—that constitutes Kant’s principal innovation in the understanding of autonomy compared to its interpretation in both ancient classical philosophy and in medieval theology. This innovation proved to be crucial for the establishment of

---

287 This conception is formulated in the *Groundwork* in the following way: “It was seen that the human being is bound to laws by his duty, but it never occurred to them that he is subject only to laws given by himself but still universal and that he is bound only to act in conformity with his own will, which, however, in accordance with nature's ends is a will giving universal law”. (Kant, Immanuel: *Groundwork of the Metaphysics of Morals*, p. 82).

one of the peculiarly liberal readings of freedom, inasmuch as “autonomy” has been made dissolvable in it.

Perhaps one should be reminded at this point that the ability to make laws is the principal ground on which Aristotle distinguishes between parts of the soul, the higher of which “has reason… having it fully and within itself”, whereas the other, the lower one, is “able to listen to it as to a father”.

Only the “full” possession of reason makes possible and amounts to self-legislation, and only the higher part of the soul is capable of it in “itself”, can exercise it, i.e., be autonomous.

The lot of the lower part of the soul is merely to “listen to” the pronouncements made by the self-legislating higher part of the soul. Perhaps the most quick-witted, dexterous and careful bearers of the lower part of the soul from the population of “slaves by nature” can attain something not dissimilar from Kant’s autonomy; that is, they can become the authors of the obligation in accordance with the law prescribed by their fully rational and self-legislating masters. In this light, we can say that all Kantian morality is concerned with the lower part of the (Aristotelian) soul, which is unable to even imagine the autonomy that is peculiar to the higher part.

Medieval theology’s conception of “autonomy” concerns us only inasmuch as it can shed light on Kant’s distinction between the authorship of the obligation in accordance with the law and the authorship of law as such. What should interest us in this respect in the first place is what Aquinas calls “eternal law”. “Natural law” is nothing

---


290 This “Greek” understanding of self-legislation as autonomy is very well explained by Cornelius Castoriadis. Autonomy cannot consist in “acting according to a law discovered in an immutable Reason and given once and for all. It is the unlimited self-questioning about the law and its foundations as well as the capacity, in light of this interrogation, to make, to do and to institute (therefore also, to say). Autonomy is the reflective activity of a reason creating itself in an endless movement, both as individual and social reason” (Castoriadis, Cornelius: *Philosophy, Politics, Autonomy*. Oxford University Press, New York 1991, p. 164). Castoriadis firmly opposes this classical conception of self-legislation as autonomy to the one that we find in Kant. Among the many distinctions between the two, two are of particular interest for us. The first is that the “Greek” autonomy is the capacity to do something that is developed in the process of doing, rather than just to “think” and to “reason properly”. The second distinction is that the “Greek” autonomy is not only unthinkable as “independence from the empirical”, but, on the contrary, appears as a particular form of interacting with it, in which and owing to which the self-constitution of the community that practices autonomy takes place. See Castoriadis, Cornelius: “The Greek Polis and the Creation of Democracy”, in ibid., p. 121.
other than a specific way in which rational creatures partake in “eternal law”, while “human laws” are just to the extent to which they are derived from “natural law” and, proportionately, deserve to be recognized as laws rather than perversions thereof. Now, “eternal law” is fundamentally defined as “nothing else than the type of divine wisdom, as directing all actions and movements” (in the entire universe). To explain this, Aquinas draws a telling parallel between how God “directs all actions and movements” through “eternal law” and how “in every artificer there pre-exists a type of the things that are made by his art” in the form of the “exemplar of the products of that art”. Can we say, then, that God has “made” “eternal law”, akin to how “every artificer” makes/conceives of the “exemplar of the products of his art”? An affirmative answer to this question would mean that God is the true author of “eternal law”. Additionally, if this law is addressed not only to (subordinate) creatures, but also to the author himself, then God should be seen as truly autonomous, that is, as a true self-legislator.

Apparently, Aquinas is somewhat elusive on this point. To begin with, how can something “eternal” be “made” at all? “Making” necessarily temporalizes the “eternal”. Then, how can binding law, which necessarily sets limits on what can be done, even if the law in question is the product of self-legislation, be compatible with God’s boundless creativity and omnipotence? Aquinas’s solution to these problems is that “eternal law” is not, strictly speaking, “made” by God. Rather, “the divine government [based on and embodying “eternal law”] is God Himself, and His law is not distinct from Himself”. Thus, the law becomes, literally, identical with the lawmaker and both, in their identity, retreat into eternity from the hustle and bustle of Greek political autonomy, in which self-legislation/true authorship of laws is inseparable from the endless learning and unlearning of who we are and from the making and unmaking of what we live by and through.

292 See ibid., p. 34.
293 Ibid., p. 19.
294 In light of this, is it surprising to learn that Aquinas firmly identifies democracy with a “wicked rule by many” in which “the whole of the people will be, as it were, one tyrant”? See Aquinas, Thomas St., “On Kingship. To the King of Cyprus”, in ibid., p. 266.
Let us not concentrate on how this direct identification of the law and lawmaker affects a (rather convoluted) account of the relationship between reason and will. What is essential for us is that, in Kant, “the author of the law” is nothing other than a name for a void. It is not enough to say that this void could not be filled by Kant’s God, who is “not existing being outside the judging subject” (see footnote 87). Kant could not even fall back on the available resources of classical metaphysics (recognized by him as “worm-eaten dogmatism”), because the authorship of moral (“eternal”) laws is equally inconceivable within its framework.

Kant, however, badly needed this void as a logically necessary source of the “obligation” around which he could construct his notion of autonomy as the authorship (of the “obligation”) mirroring the foundational, albeit theoretically indefensible and plainly impossible, authorship of the law itself. The voiding of the author of the law, who still must be assumed to make the authorship of the “obligation” possible, allows for the establishment of two pivotal elements of Kant’s moral philosophy. Firstly, it gives the green light to the deontologization of moral laws, which is unfeasible as long as the law remains “not distinct from God”. Secondly, it becomes possible to present obedience to “obligation” as freedom, as uncompromised “autonomy” or voluntary authorship of the “obligation”, thus sublimating (in the psychoanalytic meaning of the term) that top-down scheme of the transmission of authorship that the ontological reading of the moral laws envisions. It is unsurprising that a more robust notion of autonomy than the one we find in Kant, particularly in its political contextualiza-

---

295 Briefly, reason is said to have power from the will, but will is said to will what reason prescribes it to will. See ibid., p. 13. Much later, Leibniz tries to resolve a paradox inherent in Aquinas’s account of the divine (pseudo)lawmaking by means of expunging the will from lawmaking altogether and, perfectly rationalistically, reducing the latter to the effects of “understanding”. For Leibniz, God creates the laws of nature not “by willing but by understanding”, “for every ratio… is not from the will but the nature of God, or, which is the same, they originate from the idea of things” (Leibniz, Gottfried Wilhelm: Confessio philosophi: Papers Concerning the Problem of Evil, 1671–1678. Yale University Press, New Haven, CT 2005, p. 43).

296 As Aquinas writes, “the plan of government is derived by secondary governors from the governor-in-chief; thus the plan of what is to be done in a political community flows from the king’s command to his inferior administrators… Since, then, the eternal law is the plan of government in the Chief Governor, all the plans of government in the inferior governors must be derived from the eternal law” (Aquinas, Thomas St.: “Summa Theologiae” (ST) I-II, Q. 93, AA. 1-6, in Aquinas, Thomas St.: On Law, Morality, and Politics, p. 37).
tion, has migrated in modernity from liberalism to other currents of ethical and political thought, such as republicanism. 297

Conversely, the “diabolical beings”, by choosing “evil reason”, undoubtedly engage in the most autonomous lawmaking by asserting principles alternative to the ones on which “good reason” insists, since we know that their will, which strives to realize these alternative principles, is “absolutely evil”; i.e., it is “pure” in the sense of freedom from dependence on the “pathological” motivation. “Diabolical beings” thus appear as pure morally evil beings, already surpassing the purity of morally good beings by virtue of the fact that, unlike the latter, they strive to purify the moral law from the “empirical” historical content attached to it. 298 Are they the only beings that are really free? Is it that the “locus” of freedom can be found only in that ele-

---

297 In republicanism (Quentin Skinner prefers to call it “neo-Roman” political theory), the “real” sovereignty of the people as a source of all authority and of all laws becomes its central topic. In the context of this philosophy, Skinner gives a nuanced explanation of why “free obedience” to the law, which we do not create ourselves, and which is given to us as a “fact”, could be regarded in principle as “freedom” by liberalism. This explanation has Hobbes’ philosophy as its immediate reference: “We can now see the sense in which you remain free according to Hobbes when you act in obedience to law. When the law coerces you into obeying by activating your fears about the consequences of disobedience, it does not do so by causing you to act against your will, thereby causing you to act less than freely. It always does so by inducing you to deliberate in such a way that you give up your will to disobey, acquire a will to obey, and thereafter act freely in the light of the will you have acquired” (Skinner, Quentin: Liberty before Liberalism. Cambridge University Press, Cambridge 1998, p. 8.) If we change just one element of this description by replacing “activation of fear” with “activation of respect”, we get an excellent explication of Kantian autonomy as “free obedience” to the moral law.

298 The first thing that comes to mind in this context is the archetypical image of Maximillian Robespierre, who was unconditionally committed to the establishment of morality as “the sole foundation of civil society” (italics mine). See Robespierre, Maximilien de: “On the Cult of the Supreme Being”, in George Rudé (ed.): Robespierre. Prentice-Hall, Englewood Cliffs (NJ) 1967, p. 70. He intended to attain this goal by a symbiotic deployment of virtue and terror, the explanation of the purely moral, and simultaneously politically expedient, character of which Robespierre has reiterated on numerous occasions in his speeches. Robespierre and his entourage are the exemplary purifiers of morality from historical “attachments”. However, to Robespierre’s dismay, his commitment to moral purity was shared only by a handful of similarly “incorruptible” enthusiasts. They were guillotined together with him for their excessive moral fervor. Adam Michnik aptly called such revolutionary troublemakers “the ultras of moral revolution” and showed how subversive they could be of the “well-ordered” liberal society (and even of the prospects of its establishment). See Michnik, Adam: “The ultras of moral revolution”, in Michnik, Adam: The Trouble with History. Yale University Press, New Haven (CT) 2014.
ment of the conceptual scheme of Kant’s *Religion* that is devoted to the “impossible” rebellion against morality?

In essence, all that is required to demystify “diabolical evil”, in order to ascertain its applicability or inapplicability to human beings, is to rid “diabolical beings” of the always-somewhat-tawdry association of them with “demonic characters”, like Professor Moriarty of Arthur Conan Doyle’s detective novels. (Moriarty was famously “the first brains of Europe” with “all the powers of darkness at his back”). Such “demonic characters” are mere narcissists fascinated by their own uniqueness and emphasizing it through the “aesthetics of evil”. Arguably, they present no *ethical* interest whatsoever. They are entirely enthralled by their “pathological” (in the Kantian sense) inclinations and, therefore, perpetrate the most ordinary evil, which falls completely in line with the logic of the status quo, save for the fact that the magnitude of the evil committed by them is perhaps somewhat larger than in the case of “non-demonic characters”.

The truly terrifying “diabolical beings” are the most ordinary people, who, by virtue of particular life circumstances, begin to suspect that something is amiss in the morality that their society presents as “true”. In other words, they begin to suspect its “impurity” and, therefore, begin to approach the understanding of its “historical truth”. This perception that something is “amiss” could give rise to the most politically diverse ethical phenomena. They could range from their most pacifist variant, represented by the Quakers or the followers of Leo Tolstoy, to the most militant Anabaptism and the audaciously bold statement (which inevitably had to cast humanity into a bloody maelstrom of wars and revolutions) that “all men are born equal”. What was common to all of them was that they all strived to “purify” morality. The “impure morality” which they decried was deemed as such precisely because it deviated from the “uncreated” Law (of God, of “Nature”, of “universal morality” or anything else) and because this morality turned out to be the work of certain very mundane forces. It does not really matter if such forces are conceived of, in their capacity

---

299 Prudent people, like Bentham, very clearly understood the enormous explosive potential of this statement and tried to defuse it by demonstrating the complete theoretical unsoundness of the idea of the “inherent equality” of people. See Bentham, Jeremy: “A critical examination of the Declaration of Rights”, in Bhikhu Parekh (ed.): *Bentham’s Political Thought*. Croom Helm, London 1973, p. 262. From a theoretical standpoint, their critique is quite convincing, but in the political respect, as we know from history, it proved to be a total failure.
as “authors” of the “false” moral law, as naïvely as they are depicted in the once famous “atheistic apocryphon” of The Three Impostors (Moses, Jesus and Muhammad).³⁰⁰

Such a “purification” of morality in poststructuralist terms can be relayed by the notion of the deconstruction of the Law, the historical construction of which has come to light in a particular way. At the same time, the “pure” moral law does not only remain undeconstructed; it is the deconstruction itself, i.e., that which deconstructs, that through which the deconstruction is carried out, that which acts as its “intermediary result” (in the sense of Jameson’s “vanishing mediator”).³⁰¹ The latter is in particular needs to be emphasized because the undeconstructible “pure” moral law exists only as an element of the deconstruction process of the old “impure” law, immediately becoming “attached” to some new specific “historical objects”, once again becoming historical. However, those who carry out the deconstruction of the old moral law in real life, first and foremost in the sphere of politics, cannot and probably should not realize either the historicity of the new moral law or their own authorship of it if they are to perform their historical part. For them, the new law has to be “pure” and they will assert it as such. This has happened in history countless times. Why then—seemingly contrary to all the historical evidence of both spiritual and political variety—does Kant assert the impossibility of human “rebellion” against the moral law?

This assertion appears all the more puzzling given that Kant’s own practical (as well as speculative) philosophy is itself a “rebellion” against the moral law as humanity knew it before Kant. Heinrich Heine was certainly justified when he wrote not only of Kant’s revolutionary break with the past and traditions (comparable in its world-historical significance to the French revolution), but also of his “terrorism”, which surpassed in its radicalness the terrorism of Robes-
pierre. To wit, consider Kant’s detachment of the moral law from “happiness” (in any sense), the purification of “religion of reason” from “what is historical in revelation”, or a rather unconventional justification of the inviolability of sovereign power, which completely breaks with the “divine right” of the kings. In Kant’s motto, “Sapere aude!”—“Have courage to make use of your own understanding!”—we can see an early formula of deconstruction peculiar to the Enlightenment, while its practical implementation presupposes an uncompromising struggle against “prejudices”.

It is precisely the struggle against “prejudice” that gives us a new (with respect to our previous discussions) point of view on the problem of freedom in Kant, which allows to clarify the consequences of the disappearance of freedom (save for the “locus” of “diabolical evil”) in the Kantian moral schema.

In accordance with the spirit of the Enlightenment, Kant appears as a steadfast denouncer of “prejudice”. Freedom is, naturally, impossible without liberation from “prejudice”, because it is “the slavery of intellect” and, therefore, it is the common source of all human unfreedom. However, what is essential is not to “resolutely” struggle against prejudices but to discern what they are. This question can be unpacked into a series of the following questions. How, on the basis of which criteria, are some phenomena comprising a given culture, rather than others, deemed to be “prejudice”? Why, for example, are all manifestations of “monastic asceticism”, inherited privileges, or various forms of divination indubitably “prejudices” or even “superstitions”, while the “natural” superiority of men to women, the inability of wage-laborers to responsibly and rationally participate in politics, or even blatant racism against black people—are not?

303 See Kant, Immanuel: Religion within the Boundaries of Mere Reason, p. 64.
305 On the nature of these as obvious “superstitions”, see Kant, Immanuel: The Metaphysics of Morals, pp. 597–598; Kant, Immanuel: “Toward perpetual peace”, p. 323 (footnote); Kant, Immanuel: “Anthropology from a pragmatic point of view”, pp. 300-301.
306 As Kant writes (in the “pre-critical” period), “the Negroes of Africa have by nature no feeling that rises above the ridiculous” (Kant, Immanuel: “Observations on the
What is crucial is that we do not find in Kant’s philosophy (as well as in the Enlightenment philosophy in general) an answer to the most important question, namely, that concerning the criteria by which we would be able to distinguish “prejudice” from “non-prejudice”. On the level of the general philosophical definition, “prejudice” for Kant is how we think and not what we think, i.e., a distorted or chimerical presentation of some particular objects. In this logic, Kant writes that “the tendency toward the [passivity of reason], hence toward heteronomy of reason, is called prejudice”.307

However, neither the passivity nor the activity of reason is something self-evident and uncontroversial; even the most active thinking cannot begin ab ovo and always relies on something taken as given and, therefore, on the “authority” that transmits and sanctions this givenness. At the same time, even very passive reason cannot completely eschew the “spontaneity” and “autonomy” that Kant himself considered to be a defining characteristic of reason as such. Consequently, the problem of differentiating passive reason from active reason becomes reduced to the practice of measuring activity and passivity and their directedness on various objects. In other words, only passivity that has reached a certain degree, and only passivity with respect to particular objects (worthy of active reflection), should be considered “prejudice”.

Who, however, institutes these measures and defines the range of objects worthy of active reflection and by what right do they do so? Any discussion of “prejudice” appears to be bereft of any meaning unless this question is appropriately addressed.308 Those who by some right decide these issues thereby also decide what freedom is in substantial terms, who is free and who is not, and how the free should treat the unfree.

Let us now ponder over who the intended addressee of the “Sapere aude!” appeal is and who should struggle against “prejudice”. With all

---

308 The gravity of this question becomes even more obvious if we notice Kant’s remarks that “prejudices” may be “true (sic!) provisional judgments”, and that the “prejudices of prestige” are by no means always “bad” and detrimental to understanding (especially when we consider the spheres in which “we cannot experience everything ourselves and comprehend it with our own understanding”) and so on. See Kant, Immanuel: “The Jäsche logic”, pp. 579-580 et al.
its apparent universality, the appeal is far from being directed towards everyone, and it certainly is not intended for the ears of the demos. Kant positively knows that “the people want (sic!) to be led”, that they “naturally adhere most to doctrines which demand the least self-exertion and the least use of their own reason”, and that “agreeing that these subleties are not their affair, they feel obliged to be content with what the government officials, appointed for this purpose, announce to them”, and so on.309

If “prejudice”, as we have already learned, is a “tendency towards the passivity of reason”, then people, who want to be led, are entirely in the grip of “prejudice”, and it is simply nonsensical to address to them the injunction to “make use of your own understanding”. Kant never does so.310 He addresses the others, those very “few who have succeeded, by their own cultivation of their spirit, in extricating themselves from minority and yet walking confidently”.311 Whence and by virtue of what they have managed to accomplish this feat, how they managed to break free from the bondage of the condition that has become (and still remains) “almost nature” to all the rest is a great mystery, on which not only Kant, but the philosophy of the Enlightenment in general, cannot shed any light.312

309 See Kant, Immanuel: “The conflict of the faculties”, in Religion and Rational Theology, pp. 258, 256 ff.
310 This is highly characteristic of Enlightenment thought in general. Peter Gay in his classical work on the Enlightenment calls the “question of the lower orders” “the great unexamined political question of the Enlightenment”. The “enlighteners”, of course, wrote a lot about the “lower orders”, but their writings on this subject are permeated by a spirit of snobbery and hopelessness that made it impossible to approach the condition of the “lower orders” as a serious (let alone central) moral and political problem. See Gay, P.: The Enlightenment, Vol. II. Alfred A. Knopf, New York 1969, p. 517 ff.
312 With his peculiar playfulness, Voltaire severs the Gordian knot of this problem by likening enlightened philosophers (personified by himself), who have grown up in the world of “prejudice”, but are free from it, to extraterrestrials. They descended to Earth (as if) “from the globe of Mars or Jupiter”, “not being in human form” albeit retaining the same “faculty of thought and sensation” with which normal inhabitants of Earth are born. It is this combination of extraterrestrial origin and human faculties
How, then—given all that we have said earlier—should the struggle against “prejudice” be carried out? In essence, this is a question of how “the established guardians of the great masses” should proceed.\textsuperscript{313} It is a question about the character, technologies, and principal aims of the \textit{patronage} of the “great masses” (or the people) on the part of a group of rather unique individuals who have monopolized the “activity of reason”, or in other words, moral and intellectual freedom understood as a capacity for ethical reflection and independence from “prejudice”. Which principles, then, should these individuals be guided by in their guardianship of the masses, and in virtue of what can their guardianship be effective?

First of all, Kant considers it necessary to draw the line between what is said to the public as to “civil society”, on the one hand, and what the “learned community” discusses among the narrow circle of the elect, on the other. What is discussed among the circle of the elect should on no account be brought “before the judgment seat of the people”. Only under such a condition can “enlightened discourse”, discussion among the elect, retain its \textit{political innocence}, and not impair the government in any way. This condition proves to be crucial and decisive both in terms of the efficacy of the technologies of guardianship over the masses \textit{and} in terms of the practice of freedom: in the narrow circle of the “learned community”, the discussion may proceed freely precisely because it always remains completely \textit{harmless} to the government. The government, as Kant emphasizes, should not interfere with this discussion, for such an intrusion would be \textit{beneath its own dignity}. The government should not \textit{lower itself} to “playing the role of scholar”, which it would have to assume had it intervened in the discussion of the “learned community”.\textsuperscript{314} In advancing such argumentation, the unique bearers of the “activity of reason” prostrate themselves before the throne as “most obedient servants”.

\begin{footnotesize}
\footnotesize
\begin{itemize}
\item of thinking and sensing which enables the enlightened prodigies to “get rid of all the prejudices” and to cast a glance “across all centuries, all countries”, thereby perceiving “the nonsense of this little globe” (Voltaire, “Introduction. Doubts on Man”, in Voltaire: \textit{A Treatise on Metaphysics}. Kindle Edition, 2016). It is likely that the feeling of being aliens is what many Enlightenment rationalists shared, and it nicely corresponds to what psychoanalysts call “rationalization”—in this case, the rationalization of the Enlightenment thinkers’ relationship with their social milieu.
\item\textsuperscript{313} Kant, Immanuel: “An answer to the question: What is enlightenment?”, p. 17.
\item\textsuperscript{314} See Kant, Immanuel: “The conflict of the faculties”, pp. 260-261.
\end{itemize}
\end{footnotesize}
The bearers of the “activity of reason” engage in the enlightened discussion with “civil society” precisely from this position of prostration before the throne. It is obvious to them that in their capacity as guardians of the masses they bear full responsibility before the government for the contents and the consequences of their conversations with the people. They readily acknowledge that they are entirely “subject to [the government’s] sanction” and that they say anything at all to the people only in accordance with instructions and directives received from the government. Therefore, even though the “enlightenment of the minds” is, generally speaking, rather desirable, it can only take place as a public phenomenon within the limits and to the extent that it is approved by the government “for the sake of its own advantage”. These are the main principles which should guide the guardians of the people and define the methods through which the “enlightenment of the minds” should be carried out in practice. Evidently, we are talking about the principles and methods of an educational (in the broadest sense) policy of state patronage.

However, the part that Kant allots to the guardian-enlighteners is not limited to a purely executive function in which they merely realize the instructions and directives passed down from above. A significant element of Kant’s view of the “Enlightenment” consists precisely in the fact that a discussion, held within a narrow circle of the “learned community”, is somehow linked to the censored, administratively organized and directed “enlightenment” of civil society. How is this link achieved? Let us note that the issue reminds one of how Kant, as early as the first Critique, set before the “moral world” the task of having “influence on the sensible world” and only in that sense saw the justification of the “moral world”.

The link between the free discussion of the “learned community” and the enlightenment of “civil society” is attained by the philosopher assuming the role (or having it imposed on him from above) of the privy councilor of the ruler. In this capacity, and without presenting his truths “before the judgment seat of the people”, the philosopher

315 See op. cit., p. 260.
316 Ibid.
may submit what has been worked out in the narrow circle of the “learned community” to the ruler and, in so doing, try to “educate” the latter. If he is successful, then the philosophical truth may take the guise of “the greatest wisdom” of the sovereign power itself, for whom it is humiliating to seek instructions openly from its subjects (including the philosophers). By taking the guise of the “greatest wisdom”, the philosophical truth may come to lay at the foundation of those very instructions and directives that the philosopher will later follow—now in the capacity of the guardian of the people—in the task of enlightening “civil society”. This scheme is expressed, perhaps most bluntly, in the Secret Article for Perpetual Peace of Kant’s treatise Toward Perpetual Peace, although versions of it can be found elsewhere as well.

It is no accident that the theme of the “philosopher king” appears towards the end of the Secret Article. Naturally, Kant considers such a figure impossible and perhaps even unnecessary (in his contemporary circumstances), but he certainly has in mind the image of the “philosopher king” as a specific personality: the “philosophizing king” or a “philosopher become king” whom Plato depicts in the Republic. Kant remains completely silent regarding a more complicated arrangement of the “philosopher-king” as an alliance between the ruler and the wise man (as two separate individuals), which we find in the Laws and which Plato himself tried to put into practice in his failed Sicilian ventures. This is telling in its own right. Admittedly, it is also telling that Plato’s wise man, in his alliance with the ruler (in contrast to Kant’s model), did not reduce himself entirely to the role of the privy councilor. He retained a certain measure of publicity, and his aim was still to effectually morally transform the government (leading directly to Plato’s failure in Syracuse), and not to sell philosophical truths to

---

319 Kant, Immanuel: “Toward perpetual peace”, p. 337.
320 Thus, in “An answer to the question: What is enlightenment?” Kant writes that the “introduced order” of public life must be maintained until the “union of [scholars’] voices (even if not all of them) […] could submit a proposal to the crown” to alter this order. It is highly significant that it is not the propagation of opinions about the necessity of change itself, but precisely the articulation of such opinions by “scholars” and their submission of the corresponding proposal to the crown that is depicted as a moral-rational ground for the implementation of reform. See Kant, Immanuel: “An answer to the question: What is enlightenment?” P. 20.
the government officials in the guise of their own “greatest wisdom” in order to thus “smuggle” these truths into civil society.

The three questions discussed above—how to distinguish “prejudice” from “non-prejudice”, who can and should struggle against them, and by what method this struggle should and can be carried out—precisely delimit the three dimensions in which the “pure” moral law, extracted through the deconstruction of the old, criticized, “impure” law, immediately, in the very process of deconstruction, becomes enveloped with the historical flesh of the new “impure” law. The Kantian assertion of the “impossibility” of rising in “rebellion” against the moral law should be interpreted in a historically concrete fashion. Being himself a “rebel” against the (old) moral law (not to mention his theological understanding of the significance of this “rebellion” in the transition from the Old to the New Testament), he prohibits a new “rebellion” against the moral law instituted by him. After all, every revolution has to claim to be the “final” one. The “purity” of Kant’s moral law is supposed to be guaranteed by its (allegedly) complete accordance with the absolute formalism of the categorical imperative as “duty for duty’s sake”. The Groundwork and the second Critique, from this point of view, appear to be the stage on which the old moral law is deconstructed, a stage on which pure “duty for duty’s sake” shows up in the capacity of the very activity of deconstruction. If so, then the Metaphysics of Morals and its accompanying works are the stage on which pure “duty for duty's sake” acquires its new historical flesh. This acquisition, however, should not appear as such, but should pretend to be something merely directly derivable from pure moral law.322

322 What appears rather naïve in the light of the aforesaid is a lingering belief in the historical possibility of “pure morality”. This belief lets itself be known in accusing Kant of inconsistency, which allegedly shows itself in his endorsement of many things that today offend our liberal-progressive sensibility. Amongst such things one can recall the treatment of wage-laborers as “auxiliaries” in Kant’s liberal-paternalistic state, the flagrantly patriarchal family, the principle of capital punishment, the conflation of illegitimate children with contraband merchandise, and so on (see Kant, Immanuel: The Metaphysics of Morals, pp. 428–429, 458–459, 474, 477 ff.). Kant’s accusers apparently think that had he not been (sometimes?) careless, he would have been able to come up with a moral theory completely shielded from the encroachments of the pivotal elements of his age and culture. Accordingly, they aspire to “correct” Kant and to fit him into the Procrustean bed of the “true Kant”, the image we have ourselves created in conformity with our contemporary needs, standards and ideological biases (see Riedel, Manfred: “Transcendental politics? Political legitimacy and the concept of civil society in Kant”, in Social Research Vol. 48, No. 3, 1981, pp.
If this operation is successful and the “impure” new moral law with all of its historical flesh is taken to be *the same* pure moral law, which was revealed “for an instant” as the “vanishing mediator” in the transition from one moral “impurity” to the other, then “rebellion” against the moral law indeed becomes impossible. This is equivalent to the following statement: the “rebellion” against the (new) status quo is impossible.

It is crucial to realize that this “impossibility” organically reconciles the description and the prescription, the ‘is’ and the ‘ought’, and its entire essence lies in this reconciliation. We are not talking about an absolute impossibility, that which is humanly impossible under any conceivable circumstances. Rather, we confront an impossibility created by *our belief in the impossibility*, and this belief has its roots in our notions of right and wrong. For it is *wrong* to resist the moral law, and if what exists before our eyes is prescribed by it, or is in conformity with it—patriarchal family, the institution of credit, the exclusion of wage-laborers from the ranks of “active citizens”, the death penalty, etc.—then it is wrong to resist all these things as well. The “empirical” impossibility of “rebellion” is (partly) determined by the normative determination of its impossibility.323 Hegel is right: *“ought is being as well”*.324

---

588–613). It may be worthwhile to recall Kant’s own admonition to his contemporary “correctors”, urging them to understand his philosophy “by considering exactly what it says” (see footnote 1). Even abstracting ourselves from Kant’s own advice / reproach, we have the right to ask wherein lies the *inconsistency* of, for instance, such a maxim, declared as the “universal law of nature”: “Treat every child born out of wedlock as contraband merchandise”? Incidentally, it is completely logically equivalent to Kant’s own maxim - “The last murderer remaining in prison would first have to be executed” (see Kant, Immanuel: *The Metaphysics of Morals*, pp. 477, 474). The problem of the *necessary* attachment of certain “historical objects” to the moral law is formidable enough to preclude its frivolous dissolution through something as trivial as “inconsistency”. Robespierre paid with his life for his failure to comprehend the gravity of this problem (see footnote 298).

323 This is so because the moral indignation against the status quo, the sense of its moral unacceptability have always been one of the primary movers of revolutionary protests. As Jorge Castañeda eloquently put it, “The most powerful argument in the hands of the left in Latin America – or anywhere else – has never been, and in all likelihood will never be, exclusively the intrinsic merit or viability of the alternative proposed. Its strong suit is the morally unacceptable character of life as the overwhelming majority of the region’s inhabitants live it”. Castañeda, Jorge: *Utopia Unarmed: The Latin American Left after the Cold War*. Vintage, New York, 1993, p. 254.

A final thought: guardianship over the people and the experts’ whispering in the ruler’s ear become the formula of the “Enlightenment” precisely as a result of the disappearance of the freedom of human beings as human beings from Kant’s moral philosophy, discussed earlier. By projecting this philosophical disappearance of freedom onto the practice of political life, we cannot help arriving at a conclusion about the impossibility of the moral self-determination of the vast majority of humans, i.e., of demos in the proper sense of the term. Hence we have to ascribe freedom—now in the form of a privilege of the “enlightened” elite—to the narrow circle of the elect. Moral philosophy does not give us any ground for such an ascription, which is precisely why the very appearance of the “enlightened” elite remains, both in Kant and in the philosophy of the Enlightenment in general, an unsolved and in principle unsolvable mystery. This ascription, however, is absolutely necessary if we want to somehow justify the “moral world” as Kant wanted to justify it. It is only possible to achieve this by somehow showing its “influence on the sensible world”. Without the “enlightened” elite as a practical agent of such “influence”, the justification of the “moral world” vis-à-vis the “sensible world” becomes completely impossible, other than on the level of empty moralistic rhetoric.

However, this justification of the “moral world” renders democratic political thinking impossible in principle. Nor can it be found in Kant. His disaffection with democracy cannot be ascribed either to its ill reputation as an inherently unstable regime (based on the capricious and transient opinions of the masses instead of the solid and true philosophical knowledge), or to the doubts (by virtue of a lack of sufficient historical experience) as to the suitability of democracy to the new “large” states and societies of Modernity (in contrast to the tiny poleis of antiquity). Instead, the sources of Kant’s antidemocratic

---

325 Kant’s very few, and far too short, remarks on democracy basically boil down to its identification with despotism exactly in its capacity of majority rule. Democracy is found based on “a contradiction of the general will with itself and with freedom”. See Kant, Immanuel: “Toward Perpetual Peace”, p. 324. Modern commentators typically find Kant’s conception of democracy unsatisfying. Some believe, however, that Kant’s philosophy as a whole contains certain elements, such as normative limits put on politics, individual rights and so on, that present “a promising way to overcome problems concerning the idea of democratic authority”. See, for example, Hanisch, Christoph: “Kant on democracy”, in Kant-Studien Vol. 107, No. 1, 2016.
stance lie much deeper, as it seems to be squarely rooted in his moral philosophy and in the disappearance of freedom peculiar to it.

For the *essence* of democratic statesmanship—as Protagoras explains to his listeners, telling them the great myth of Epimetheus and Prometheus—lies precisely in that *each* is endowed with the capacity to judge about justice. This is why matters of the greatest national importance, which concern everyone, are decided *not* by the experts, who, in any case, have to be relied upon in all the *technical* questions arising from handling such matters, but by the council of *the citizens themselves*, in which “they accept advice from anyone”, “or there wouldn’t be any cities”.326 This clearly returns us to a robust notion of freedom as rational and discursive self-legislation. The very idea of *democracy* is inconceivable without the presupposition of human autonomy. The individual’s autonomy is as much fed by the collective autonomy as the collective absorbs into itself the autonomy of the individuals that comprise it. The name for this reciprocity is the “people’s assembly”. Kant’s dismissal of democracy is determined, in the end, by his disavowal of this “empirical”-political reciprocity, and his truncated image of autonomy as “the obligation in accordance with the law” (already given by someone to us) arises precisely from this.

In light of this, and from a properly political angle, we should once again glance at the “impossibility” of “rebellion against morality” asserted by Kant. By looking at it from this angle, we shall see that it turns into another of Kant’s assertions: the “impossibility” of revolution.

---

Chapter 8. Revolution as the reality of the “impossible” “rebellion against morality”: political arguments

Any discussion of Kant’s attitude towards revolution will remain unfocused unless it is clearly stated which kind of revolution is being discussed. It is essential to differentiate between at least two kinds of revolution that Kant explores in his writings. One of them is what Kant calls “a revolution in the disposition of the human being” or a revolution “in the mode of thought”. This is opposed to the other kind of revolution, which Kant dubs “an external revolution”. Let us take the liberty of calling a revolution “in the mode of thought” “internal revolution”.

The “external revolution” is described by Kant as not only prohibitively dangerous (producing “turbulence and violence”) and unpredictable, being fully dependent on “fortuitous circumstances” rather than reason, but which also cannot be expected to yield the salutary spiritual outcomes the “internal revolution” is bound to deliver. Kant does not specify whether the two are somehow interconnected (positively or negatively), but it seems that, at least for analytical purposes, they should be treated as unrelated to each other.

329 See ibid.
It is noteworthy that, while the “internal revolution” is not just highly desirable and morally laudable, but necessary if human depravity is to be rectified, it is also something humans cannot accomplish. “[I]f a human being is so corrupt in the very ground of his maxims”, grieves Kant over human infirmity, “how can he possibly bring about this revolution by his own forces and become a good man on his own?” Still worse, the badly needed upgrade of the foundation of the maxims of the human being “cannot be effected through gradual reform but must rather be effected through a revolution in the disposition of the human being”. It follows from this that reform can by no means be thought of as a practicable substitute for the “internal revolution” while the latter appears to be impossible. This “impossibility”, however, is rendered not quite absolute by referencing the “ought implies can” formula: “Yet duty commands that he [human being] be good, and duty commands nothing but what we can do”. This reference brings us back to the topic, already discussed in Chapter 3, of the (alleged) power of choice, which manifests itself out of time and which is capable of reversing the “supreme ground” of our maxims, so that, at least for God, we can become “actually good human beings” (pleasing to him). One is left to wonder what all this has to do with the life of “empirical” human beings in this world, and until the mystery of the atemporal reversal of the “supreme ground” of our maxims is resolved, we can safely consider “internal revolution” to be impossible.

On the contrary, the “external revolution”, however unadvisable, unruly, and morally unpromising, occurs in reality seemingly spontaneously; that is, it appears to be, regrettably, too possible. People carried away by the “external revolution” seem to be deaf to Kant’s exhortation that “the basis for the transition to the new order of things must lie in the principle of the pure religion of reason”. It must, but it does not. The “internal revolution” and the “external revolution” seem to be inverse images of each other; the former is morally necessary but impossible in reality, whereas the latter is morally undesirable, to say the least, but quite workable in reality. Moreover, it is prone to pop up without being purposefully planned. But what if we,

---

331 Kant, Immanuel: “Religion within the boundaries of mere reason”, p. 92.
332 Ibid.
in a thought experiment, superimpose one of them on the other? What if we try to gauge the “external revolution” with a yardstick modelled after the image of “internal revolution”? Let us keep these questions in mind while moving on to what is usually regarded as Kant’s theory of revolution *per se*, which is certainly a theory of “external revolution”.

First of all, let us outline the range of problems with which Kant’s theory of revolution struggles. Discussing the trial of Louis XVI, by that time reduced to Louis Capet, and his public execution (these events could be considered the culmination of the French revolution), Kant comes to the following conclusion: these events resemble a misdeed committed “on a maxim [a human being] has taken as an objective rule (as holding universally)”. In that case, it *is* an instance of “diabolical evil”, which is impossible for a human being. The trial and execution of the (former) king are instances of such evil, for they bear witness to the fact that their perpetrators reject “the authority of the law itself, whose validity [a human being] still cannot deny before his own reason”. On the other hand, we already know (from Kant’s *Religion*) that “it is impossible for a human being to commit a crime of this kind, a formally evil (wholly pointless) crime; and yet it is not to be ignored in a system of morals (although it is only the idea of the most extreme evil)”.

A “wholly pointless” evil is precisely a characteristic of crystal purity, devoid of any “pathological” motivations whatsoever, which equates “extreme evil” with the most perfect good of the purest moral law. A “system of morals” cannot allow such an equation. It also cannot, by virtue of its claims to universality, leave out (and leave without an evaluation) this *unthinkable* but *perfectly real* historical fact of what Kant claims to be the rejection of the authority of law itself, denying which is also *impossible* for a human being (in virtue of his possession of practical reason). Thus, the trial and execution of Louis XVI lock us inside a vicious circle of *impossibility* (of a series of impossibilities that fuse into a circle). An *unthinkable* deed, *incomprehensible* within the “system of morals”, has occurred for humanly *impossible* reasons, and this deed *unnaturally* annihilates *all grounds* on which human life can rest: “violence is elevated above the most sacred rights brazenly and *in accordance with principle*. Like a chasm that *irretrievably swallows everything…” (italics mine).  

335 Kant, Immanuel: *The Metaphysics of Morals*, p. 244 (footnote).
prisingly, Kant directly likens this deed to suicide (“state suicide”), which, as we know from the *Groundwork of the Metaphysics of Morals*, is impossible, as something that destroys life and (or?) morality itself.

What can the “system of morals” do in such circumstances? Only one thing: it can try to morally devalue the revolution, hoping thus to break out of the circle of impossibility. The revolution has to be reduced to the level of a crime, ordinary in character, committed out of base “pathological” motives. Only as such can it be accommodated by the “system of morals”. “There is, accordingly”, Kant writes, “reason for assuming that the agreement to execute the monarch actually originates not from what is supposed to be a rightful principle but from fear of the state’s vengeance upon the people if it revives at some future time, and that these formalities [king’s trial] are undertaken only to give that deed the appearance of punishment, and so of a rightful procedure (such as murder would not be).”

Kant’s assumption makes the revolutionaries, in contrast to selfless “diabolical beings”, into cowards and scoundrels who can fit into his “system of morals” and find their appropriate place within it. Turning the revolution, as an ordinary crime (albeit a “very big” one), into a banality abolishes the revolution as such and makes it “impossible”. Yet, its specific character lies, of course, not in the collision of law and lawlessness (as a crime), but in a conflict of the two kinds of reason made equal by the very nature of the conflict which pits them against each other. Such a conflict cannot be resolved through an appeal to any “supreme authority” regarded as an unbiased arbiter standing above the conflict precisely because each of the competing parties has laid an equally “valid” claim to being that “supreme authority”. Thus, the specific nature of revolution as revolution, in contrast to ordinary crime, however “big”, consists precisely in the elimination of any moral and political position extraneous to the conflict. Nothing can be placed “above” the revolutionary conflict. Whatever else revolution can be, it is, in its “core”, what Charles Tilly calls the phenomenon of “multiple sovereignty”.

This is why Kant’s reduction of revolution to an extraordinarily “big crime” deprives it of its unique and defining character, thereby

---

making revolution literally “impossible”. This operation of the devaluation and reduction of revolution is absolutely indispensable for the self-preservation of the “system of morality” in question, which is determined to uphold its universalistic pretensions in the face of that (revolution) which threatens to unsettle and deny them, or show their context-dependence, by the very fact of its occurrence. In other words, the operation of removing the revolutionary character from revolution and the attempt to demonstrate that even it does not fit the idea of “diabolic evil” are meant to preserve a rigid distinction between the “internal revolution” and the “external revolution”. For Kant, the two cannot mingle or overlap, so that the purposes of the former can be attained by the ways of the latter while the latter can become victorious through the appropriation of the “idealistic” motivation believed to be typical of the former.339

Probably the least interesting and least theoretically productive way to react to Kant’s arguments as to the “impossibility” of the revolution would be to try to pit them against what may be called “historical facts”. One could point, for instance, to the fact that the beheading of the former monarch had by no means led to “state suicide” and to plunging every foundation of society into “the chasm that irretrievably swallows everything”. On the contrary, it should have become obvious to everyone by 1797, when the Metaphysics of Morals came out with its passage on “state suicide”, that the regicidal revolution led to a dramatic surge in the efficiency, energy and fighting power of the French state. Any possible doubts about that were swept aside by the invincibility of its armies on the European battlefields. Kant’s awareness of the fact that the French state by no means rested at the bottom of the “the chasm that irretrievably swallows everything” could have been helped, at least, by the decisive French victory over the forces of the first coalition, a part of which was his native Prussia before it withdrew in 1795 (after the defeat at Weissenbourg).

Likewise, it is obvious that perhaps the only things that the inspirers and the organizers of Louis Capet’s trial and his subsequent execution cannot be charged with in any way are cowardice and hypocrisy. On the contrary, whatever they did was done perfectly openly, public-

ly and with great pride in accomplishing what they believed to be their mission. There was even in their actions an element of audacious bravado in the face of both the “sacred traditions” of the past and all of royalist Europe. Fear—to the extent that it was present during the trial of the former king—was rather characteristic of opponents from the “moderate” camp (at least fear before European “public opinion”). It is very hard to imagine that Kant, with his close attention to the French revolution, knew nothing of this.

Pointing out all such facts is useless, since it would amount to trying to prove something that Kant in all likelihood knows quite well. There is every reason to believe that Kant himself did not take the “empirical” side of his argument as to the “impossibility” of revolution seriously. Is it not telling that Kant, in his descriptions of some other revolutions, including regicidal ones, such as the English revolution, readily admits that they yielded most positive results in terms of statecraft and even in terms of approaching the true “rightful condition”, instead of irretrievably plunging the respective societies into a terrible “chasm”? Kant is also eager to admit that the highest aims of nature with respect to humanity are realized through “transforming revolutions”, and that in particular cases there is no way to effect the transition to the “constitution that is perfectly rightful” other than through a “violent revolution”.

Our task, therefore, cannot be to try to disprove Kant’s assertion of the “impossibility” of the revolution (as something other than a common crime) by pointing to historical facts purportedly unknown to

---

340 Ample evidence of this is given by the speeches of the principal participants of the trial, which are presented in an excellent collection, Regicide and Revolution. See Walzer, Michael (ed.): Regicide and Revolution: Speeches at the Trial of Louis XVI. Columbia University Press, New York 2010.

341 Thus, Kant gives the examples of Switzerland, the United Netherlands and Great Britain as countries with “constitution, now considered so fortunate” (italics mine). See Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, p. 300. Let us recall that in addition to the bloody revolutions, through which all of these countries went, Great Britain also was the site of the first public regicide (which the French revolutionaries of the eighteenth century cited as a precedent). Moreover, later it emerged as the site of an overthrow of another rightful monarch (in 1688-1689) known under the euphemism of the “Glorious revolution”.

342 See Kant, Immanuel: “Idea for a universal history with a cosmopolitan aim”, p. 118.

343 See Kant, Immanuel: “Toward perpetual peace”, p. 325. In the cited passage, Kant stresses that a democracy can transition to a “rightful constitution” only by way of a “violent revolution”.
him. Kant is well informed about the “facts” of the actual events of revolutions (not reducible to a crime) and needs no evidence of their “possibility”, because he does not doubt it for a moment. The task of our investigation lies elsewhere. We need to understand why Kant, despite his knowledge of the “facts” of actual revolutions—which were not merely “possible”, but also even necessary from the point of view of his own philosophy of history—nevertheless uncompromisingly maintained the thesis of the “impossibility” of revolutions (as something other than an ordinary crime). We shall attempt to show how the task of saving his moral philosophy that declares itself to be “pure” necessitates the uncompromising assertion of the “impossibility” of revolution despite Kant’s knowledge of history as well as his own philosophy of history.

The linking of Kant’s thesis as to the “impossibility” of revolution to his moral philosophy brings me closer to commentators who attempt to present Kant’s prohibition of any resistance to the powers that be as an absolute one and as directly dictated by the categorical imperative, something like the prohibition of lying. However, I

344 Nicholson, Peter: “Kant on the duty never to resist the sovereign”, in Ethics Vol. 86, No. 3, 1976, p. 215 ff. The bulk of the commentaries on the topic of “Kant and revolution” focus on the question of whether it is somehow possible to reconcile the substantively different and at times seemingly mutually exclusive assertions of Kant concerning revolution in a coherent fashion. The majority of authors consider it possible to do so, though they arrive at completely different interpretations of precisely how and through which devices such reconciliation can be achieved, and even more so, of what this reconciliation ultimately signifies: Kant’s categorical (moral) rejection of revolutions or their acceptance and approval. For possibly the best arguments in favor of the “acceptance and approval”, see Korsgaard, Christine M.: “Taking the law into our own hands: Kant on the right to revolution”, in Andrews Reath, et al. (eds.): Reclaiming the History of Ethics: Essays for John Rawls. Cambridge University Press, Cambridge 1997; Hill, Thomas E., Jr.: “Questions about Kant's opposition to revolution” in The Journal of Value Inquiry Vol. 36, Nos. 2-3, 2002, p. 283–298. A classical exposition of the arguments in favor of the “moral rejection” of revolution can be found in a well-known article by Lewis Beck, Kant and the Right of Revolution. In it, Beck offers a nuanced analysis of the irreconcilable (within the framework of Kantian philosophy) contradiction between the prescriptions of morality, which prohibit the resistance to authority, and the urge, emerging from the teleology of history, to facilitate the progress of humanity in the direction of the “rightful condition”. Since, for Kant, the former is a “perfect duty” and the latter is only an “imperfect” one, and since Kant has no resources to conceptualize the “conflict of obligations”, the “moral denial” of revolution wins out and becomes absolute. See Beck, Lewis W: “Kant and the right of revolution”, in Journal of the History of Ideas Vol. 32, No. 3, 1971, especially pp. 419–420. Essentially, I agree with this conclusion on Beck’s part. Certainly, there are “compromise” solutions, which stress that Kant made certain exceptions from the prohibition of the resistance to the wielders of power,
must immediately make the following clarification. Even though I do maintain that Kant’s moral philosophy is incompatible with the notion of the possibility of revolution (as something other than a crime), this incompatibility is not determined by “duty for duty’s sake” itself, because it actually remains an empty formalism. We have already argued that in the capacity of pure formalism it can equally well fit into both the logic of the most radical anarchism as well as the logic of unconditional conformism (which Kant presents in the *Metaphysics of Morals* and the smaller works that accompany it). The notion of the possibility of revolution is incompatible with Kant’s actual moral philosophy, in which, like in any other moral philosophy, “pure” duty serves only as a mediating moment in the development of “impure” ethics (which does its best to retain the appearances of “purity”). In order to clarify this point, let us look at Kant’s chief arguments invoked to demonstrate and prove the “impossibility” of revolution.

Let us begin with a more general discussion and take as its starting point Kant’s rather remarkable reaction to one of his students’ attempts to employ Kant’s “pure” moral philosophy as the foundation of revolutionary anarchism. The issue concerns Kant’s reaction to August Wilhelm Rehberg’s article, which was published in the same journal (*Berlinische Monatsschrift*) in which Kant himself used to publish some of his most important essays. In this article, Rehberg writes, “If a system of *a priori* demonstrated positive specifications of natural law is applied to the world of men, nothing less than a complete dissolution of present civil constitutions would follow. For according to such a system, only that constitution is valid which accords with the determination of the ideal of reason. In this case, no one of the existing constitutions could stand”.

---

whether in the form of “passive civil disobedience” on the part of the subjects or the counterrevolutionary revolt aiming to restore the previous order, on behalf of the (former) rulers. See Hancock, Roger: “Kant and civil disobedience”, in *Idealistic Studies* Vol. 5, No. 2, 1975, especially pp. 166–167; Reiss, H.S.: “Kant and the right to rebellion”, in *Journal of the History of Ideas* Vol. 17, No. 2, 1956, especially. p. 183. Besides, we can choose to assign Kant’s rejection of revolution to his “metaphysics of law” while his acceptance of revolution to “pragmatic anthropology” as separate domains, so that the tension between Kant’s rejection and acceptance of revolution, which troubles so many commentators, will vanish altogether. See Seebohm, Thomas: “Kant’s theory of revolution”, in *Social Research* Vol. 48, No. 3, 1981, especially p. 585.

In a letter to the journal’s publisher, Kant scornfully attacks Rehberg’s article. Two points from Kant’s criticism of his (disloyal?) disciple deserve special mention from the standpoint of our theme. First: it is wrong to ground the principle of justice in power as its highest source. Kant refuses to develop this idea further as it is “too dangerous” (sic!). Second: it is wrong to amalgamate (as Rehberg does) the “lawyer”, who puts a sword on the scales of justice to balance the side of “rational arguments”, and the “philosopher of law”. The inevitable result of such a co-mingling is that the application of theory to practice turns out to be trickery; the application substitutes for theory per se. Both these moments should remind us of the alliance between the ruler and his privy philosophical councilor, discussed in the previous chapter. A different point, however, is of greater importance to us now. According to Kant, the principle of justice has or always must have a higher source than power, and this source could be only “pure reason”. Furthermore, since the power (a “lawyer” with a sword in his hand) in one way or another is guided by “pure reason” (a privy philosophical councilor), to that extent the present “civil constitutions”, or at any rate those most “rational” and “enlightened” amongst them, could “stand” according to the “ideal of reason”. The Prussia of Frederick the Great could serve as an historical example of the truth of Kant’s inference. Rehberg’s radical anarchism is wrong; “pure reason” is attached to the present reality or, at any rate, does “sanction” certain portions of it. This is the most general explanation of how and in what way Kant’s “pure reason”

347 In the essay “Toward perpetual peace”, Kant gives a broader formulation of the reconciliation of “practical reason” with “heteronomous” reality. “Since the severing of a bond of civil or cosmopolitan union even before a better constitution is ready to take its place is contrary to all political prudence, which agrees with morals in this, it would indeed be absurd to require that those defects be altered at once and violently” (italics mine). (Kant, Immanuel: “Toward perpetual peace”, p. 340).
348 I agree with the commentators, who conclude that Kant’s philosophy is a philosophy of approval of the “enlightened absolutism”. The very “republicanism”, i.e., what Kant implies by this term, is an aspect, a product, a form of the evolution of “enlightened absolutism”. In other words, as one scholar wittily puts it, Kant’s “republicanism” appears within and from “enlightened absolutism” as the result of an “immaculate conception” not sullied by revolutionary violence or its monarchical suppression. See Taylor, Robert S.: “The progress of absolutism in Kant’s essay ‘What is enlightenment?’”, in Elisabeth Ellis (ed.): Kant’s Political Theory: Interpretations and Applications. The Pennsylvania State University Press, University Park (PA) 2012, especially pp. 140, 148.
ends up on the side of the status quo, not that of the revolution, and why the letter is impossible as a “reasonable enterprise”, i.e., is possible only as a crime.  

Now, let us move on to what appears to be Kant’s chief argument in support of the “impossibility” of revolution. From his early (“pre-critical”) fascination with Rousseau until his last days, Kant maintained that reason may be present in human affairs only as a “general will”. A well-known difference between Kant and Rousseau (and Rousseau’s followers), which scarcely needs to be once again explained, lies in the fact that, for Kant, the “general will” is not a real act, in which it is formed and through which it is manifested. At this stage, I cannot afford to examine the discussions concerning whether Rousseau himself conceived of the “general will” as a real act that took place in history or could take place in it, or if his vision of it amounts to what can be called a thought experiment through which the present reality could be subjected to a scathing critique.

A different point is important for us: Rousseau envisages the “general will”, even if only as a thought experiment, precisely as an act, and what is even more essential is that those practitioners of revolution who considered themselves his followers identified the “general will” with concrete historical actions. As Maximillian Robespierre proclaimed in one of his speeches, “the people” (and its “general

———

349 And yet, if one takes seriously the contradiction between the noumenal and the phenomenal on which Kant’s entire “pure” moral philosophy rests, it would be very difficult to object to the dictum put forth by another “transcendentalist”, Henry David Thoreau, that “action from principle [which, for Thoreau, is moral by definition] … is essentially revolutionary”. See Thoreau, Henry David: “Resistance to Civil Government”, in Political Writings. Cambridge University Press, Cambridge 1996, p. 8. How could it be otherwise, if “acting from principle”, which is an impossible and most dramatic collision of the moral and the “empirical” (or the “trivialness and dust of politics”, to use Thoreau’s idiom from his “Plea for Captain John Brown”) explicitly violates all the laws of prudence and expediency by which our “empirical” or “dusty” political life is guided?

350 In the 1795 essay “Toward perpetual peace”, we find, for instance, such a “Rousseauian” formulation, which Kant does not even consider necessary to develop or substantiate: “the general will of a people in the original contract… is yet the principle of all rights…” (Kant, Immanuel: “Toward perpetual peace”, p. 323 (footnote)).

will”) is what manifested itself in the “uprising of August 10”.

If the “general will” is not a historical act in which it appears and through which it manifests itself, then how can it exist as a “real object” belonging to the “empirical” world? This is the crucial question for Kant.

From his point of view, such a “real object” that embodies the “general will” can only be the law. Only the law can transform a particular collection of people into the people as a bearer or a “subject” of the “general will”; only the law can act as “a unifying cause” of “the collective unity of the united will.” Without unconditional obedience to the law, the will of the people cannot be united, and, therefore, an assembly of people will not be the people. They will remain a crowd, a mere aggregate of the “variety of the particular volitions of all”, and with respect to such an aggregate, it is completely impossible to talk of either the “general will” or moral rationality.

Everything that we have said (following Kant) up until now about the constitution of the people by the law can be seen as a paraphrase of the previously mentioned Kantian argument (from the second Critique) to the effect that good and evil are determined not before the moral law, but by the moral law itself. It is the law that “appoints”

---

352 See Robespierre, Maximilien de: “28 December 1792”, in Regicide and Revolution, p. 184. The context of the speech is the storming of the Tuileries by the National Guard of the insurgent Paris Commune and the Federalist forces from Marseille and Bretagne on August 10, 1792, which led to the downfall of the French monarchy. Here I would again avoid discussing the issue of whether the Jacobins were the “true followers” of Rousseau and whether Rousseau could be considered a “spiritual father” of the French Revolution. I suspect that, from a historical-philosophical point of view, both questions should be answered in the negative, but this has no bearing on our discussion. Regarding the supposed revolutionary inclinations of Rousseau, I will confine myself to presenting just one of his statements. “[N]o remedy remains, short of some great revolution (à moins de quelque grande révolution) almost as much to be feared as the evil it might cure, and which it is blameworthy to desire and impossible to foresee”. Rousseau, Jean-Jacques: “Considerations on the Government of Poland and on its Projected Reformation”, in The Social Contract and Other Later Political Writings, Cambridge University Press, Cambridge 1997, p. 51. For further details, see McNeil, Gordon H.: “The anti-revolutionary Rousseau”, in The American Historical Review Vol. 58, No. 4, 1953, pp. 808–823.

353 As Kant writes, “[I]f then a people united by laws under an authority exists, it is given as an object of experience in conformity with the idea of the unity of a people as such…” (Kant, Immanuel: The Metaphysics of Morals, p. 505.)


some things to be good, and others to be evil. 356 Again, unconditional obedience to the law constitutes the people as “good” in moral and political respects, whereas any disobedience to the law makes it “evil”, i.e., an irrational crowd. Equally, in both cases, freedom is nothing other than unconditional obedience. Only by unconditionally obeying the moral law may we be free (with respect to our “pathological” inclinations—according to Kant’s “principal” ethical works and with respect to the “natural” inclination to evil—according to the Religion), and we may have rights, that is, freedoms, only by likewise unconditionally obeying the political law.

It is precisely this parallel between the moral law and the political law that brings Kant to a very strong (and, as we shall see further, very questionable) formulation of the following kind: “there is a categorical imperative, Obey the authority who has power over you (in whatever does not conflict with inner morality)”. 355 No more, no less! However, the parallel between obedience to the moral law and obedience to the political law stumbles into huge and apparently insurmountable difficulties, the struggle against which determines the leitmotif of Kant’s reflections on the “impossibility” of revolution.

Let us begin with a reminder: Kant’s moral law has no author or beginning in principle. The notion of the “legislator” in its context means an “author of the obligation in accordance with the law”, but not at all “the author of the law”. 358 In the condition of modernity, this trick does not work at all with political law. Political law could only appear at a certain moment in history and only by means of someone’s action against somebody else, even if these violated somebodies end up ultimately blessed with the gift of “civil society”.

357 Kant, Immanuel: The Metaphysics of Morals, p. 505. However, in Kant, in contrast to Thoreau (see footnote 349), it remains unclear what one should do if exposed to a really unrelenting conflict between “inner morality” and obedience to authority, which is prescribed to us categorically. Observing the rise and maturation of the spirit of political radicalness in the late 18th/early 19th century Europe, Eric Hobsbawm sagaciously remarked, “[T]he radicals rejected the moderates’ trust in princes and powers for practical as well as ideological reasons. The peoples must be prepared to win their liberation themselves, for nobody else would do it for them…” (Hobsbawm, Eric J.: The Age of Revolution, 1789–1848. Mentor, New York 1962, p. 150). Such radicalness points a way out of the moral-political impasse, in which a possible unrelenting conflict between “inner morality” and categorically prescribed obedience to authority confines Kant’s thinking. But this way out was closed to Kant.
358 Kant, Immanuel: The Metaphysics of Morals, p. 381.
For Kant himself, this fundamentally historical and necessarily violent origin of any political law that creates the people as a particular form of human community, or the “state form”, to use Carl Schmitt’s term (in contrast to the “governmental form” and all the other administrative-organizational arrangements of social life), is beyond any doubt.\textsuperscript{359} It is precisely the certainty of this origin of political law that induces Kant to intimidate his readers with the horrors that will invariably follow from their excessive inquisitiveness, i.e., their attempts to investigate the grounds on which the (political) law has come into existence and to threaten them with punishment for the mere desire to undertake such attempts.\textsuperscript{360} It may be said that the key ideological goal that Kant sets before himself and others whom he hopes to win over to his side lies precisely in presenting the real “historical basis of the civil constitution” as “an idea as a practical principle of reason”.\textsuperscript{361} In other words, it is necessary to help the law ensure that its origins are forgotten. “A law that is so holy (inviolable) that it is already a crime even to call it in doubt in a practical way, and so to suspend its effect for a moment, is thought as if it must have arisen not from human beings but from some highest, flawless lawgiver”.\textsuperscript{362}

One should not be quick to reproach Kant for the attempt to conceal the real “historical basis” of the law and other major political institutions and with disguising them as the manifestations of “practical principles of reason”.\textsuperscript{363} Even Nietzsche, Kant’s philosophical nemesis, would have hardly scolded him for such a maneuver of “concealment and disguise”. Nietzsche likely would have said that such a maneuver was a praiseworthy manifestation of “strong instinctual

\textsuperscript{359} Which is why he writes that “in the carrying out of that idea [of civil society] (in practice) the only beginning of the rightful condition to be counted upon is that by power, on the coercion of which public right is afterward based” (Kant, Immanuel: “Toward perpetual peace”, p. 339). Put differently, the formation of the people (and of its united will) — “is a deed that can begin only by seizing supreme power…” (Kant, Immanuel: The Metaphysics of Morals, p. 506 ff).

\textsuperscript{360} Kant, Immanuel: The Metaphysics of Morals, pp. 504–505 ff.


\textsuperscript{362} Ibid.

\textsuperscript{363} Such concealment is completely unsurprising taking into account that, for the Enlightenment as such, the problem of origins was equally obsessive and ominous, threatening to belie and derail its most cherished aspirations. As Pierre Saint-Amand writes, “the specter of origins is the skeleton in the closet of Enlightenment political philosophy, the evil spirit that haunts it, the ever present threat of incompleteness”. Saint-Amand, Pierre: The Laws of Hostility, Politics, Violence, and the Enlightenment. University of Minnesota Press, Minneapolis 1996, p. 1.
feelings”, capable of discerning “when there is need to experience historically and when unhistorically. […] [T]he unhistorical and the historical are equally necessary for the health of an individual, a people and a culture”. “Being able to forget at the right time” is a crucial condition of political stability.\(^{364}\) However, the questions that one can meaningfully address to Kant with respect to this maneuver are as follows. Firstly, was his mode of “forgetting” (the “historical basis”) sufficiently thorough and successful? Secondly, from which or whose side is this specific instance of “forgetting” achieved, for “forgetting in general”, a “neutral forgetting”, is absolutely impossible; one forgets something for the sake of someone or something and against someone or something. Let us begin with the first.

The “forgetting” of the “historical basis” of the law, for the sake of stabilizing the status quo, amounts to the transformation of something particular and contingent into something general and necessary, which results in the particular will of the entity “seizing the highest authority” becoming in fact the universal will of the subject people. “Forgettings” is thus a positive productive action or, more precisely, a production process. It produces universality, necessity, and even, if it is successful, the purity of the law’s rationality and, therefore, of its inviolability, for an irreverent approach to it cannot be anything but evil, being an offence against the very universality of reason. The thoroughness of oblivion, indeed, presupposes, in Kant’s very accurate expression, that the law appears to arise not from human beings, but from “some highest, flawless lawgiver”. To attain such thoroughness, in the circumstances of the skeptically and critically minded age of the Enlightenment, is a challenge of the highest order, and Kant takes it upon himself with admirable courage. He is not quite successful in achieving his aim. But the fault for this lies not with Kant, who did his best to promote the “forgetting” of the “historical basis”, but rather with the age of the Enlightenment itself and its great revolutions in the first place.\(^{365}\)


\(^{365}\) Kant held the examples of concealment of the “historical basis” that are found in history itself in high regard, which is rather natural for him. Thus, he writes, with noticeable approval, of the English “guardians of the people”, who managed to mask the character of the coup d’état of 1688. They were able to “to attribute a voluntary abdication of government to the monarch” and to preserve the appearance of the
The age of the Enlightenment and revolutions has left its imprint on the very method by which Kant tried to justify the immunity of authority and, accordingly, on his denial of the “possibility” of revolution (as something other than crime). Kant notes, “For, to assume that the head of state could never err or be ignorant of something would be to represent him as favored with divine inspiration and raised above humanity”.366 Kant as well as many of his contemporaries could no longer assume that.

What, then, does it actually mean that the head of state is not “divinely inspired” and that he is not “above humanity”, hence, he is one of us, albeit perhaps endowed with rare talents and virtues?367 At bare minimum, it implies that the head of state is not “God’s anointed”, not a prophet, not the voice of God, and, therefore, that there is no “divine right of kings”. Consequently, authority can rest on nothing but constitutional continuity. (See Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, p. 301). Let us, together with Kant, pay them their due. Such masking of the “historical basis”, indeed, testifies to outstanding skillfulness on the part of the (new) wielders of power, given the nature of the events that constituted the character of this coup. Rebranding of a flagrant violation of the English (unwritten) constitution, of the usurpation of power by the conspiring elites, of the invitation by the conspirers of foreign invaders in support of the coup, and all that without a hint at the “consultation with the nation”, as “Glorious revolution”, indeed, demands a lot of ingenuity and political skill. Indeed, as Hume puts it, with due circumspection, “that event was far from corresponding to... refined ideas” (Hume, David: “Of the Original Contract”, in Essays: Moral, Political, and Literary. Liberty Fund, Indianapolis 1985, p. 472). However, a century after the English coup of 1688—a century that was saturated with the great work of the Enlightenment’s critical thought and with epoch-making revolutions—a successful reenactment of the brilliant maneuver of the English “guardians of the people” became problematic. French revolutionaries, Kant’s contemporaries, did not even try to reenact it. Kant’s stance on the “impossibility” of the French Revolution, in contrast to his acknowledgement and acceptance of the coup of 1688, can be explained by the fact that the French violated the sacred rules of any authority, its true arcana, that is, the rules of covering up and “forgetting” its “historical basis”. This, and not the public regicide in itself, which also took place in England, made the French revolution into the “diabolical evil”. 366 Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, p. 302.

367 Such a supposition, incidentally, is also rather dubious for Kant, and he gives his readers the following prudential prompt: “we can scarcely allow for a moral disposition of the legislator” (Kant, Immanuel: “Toward perpetual peace”, pp. 338–339). Perhaps, this is the peculiarly Kantian, more careful version of Hume’s famous political maxim – to suppose all people, and primarily politicians, to be “knaves”, even though in reality not everyone is a knave (see Hume, David: “Of the Independency of Parliament”, in Essays Moral, Political, and Literary, p. 42.
Such premises may render the function of the supreme authority, even that of “hereditary monarchy”, useful in particular circumstances and for specific purposes, but no more than that. Moreover, the question of its supposed usefulness, uselessness, or harmfulness is necessarily open to debate. This debate can proceed only from the standpoint of the interests and opinions of various social groups. By no means can it be resolved by “practical reason”, which has absolutely nothing to say on this issue. The “secularization” of the head of state, his reduction to something prosaic and his transformation into “one of us”, shifts the question of his authority from the level of the “state form”, which decides what “We the People” really are, to the level of the “governmental form”, which determines how the institutions of governance and political representation are organized. This is an entirely different matter. In its context, the will of the head of state ceases to be the “general will” of the people. Instead, it becomes, at best, one of its components (if the king is tolerated at all and if he is treated more or less seriously).

This thesis may be stated differently. The will of the head of state is the “general will”; the latter is unthinkable without the former, insofar as the unity of the people exists as the king’s “mystical body”, to use the term popularized by Ernst Kantorowicz. It is merely temporarily conjoined with the physical body of a given king, but it is eternally united with the king’s dignity as such, which is personified in successive monarchs who render this dignity immortal in their succession (Dignitas non moritur).

368 As Michael Walzer aptly remarks, the “sacred kingship”, once pervasive in human history, “suggests a certain independence from sociological determination”. Once “sacredness” is gone, “sociological determination” moves into full swing. See Walzer, Michael: “Regicide and Revolution”, in Regicide and Revolution, p. 11.
369 “Useful” in the sense in which Max Weber, for example, describes the functions of a “parliamentary monarch”. Let us note that the key function, for which no elected president can substitute for a monarch, is a purely “negative” one: the function of limiting the struggle for power among the politicians by virtue of the king occupying the highest, though essentially powerless, position in the state. See Weber, Max: Economy and Society. University of California Press, Berkeley (CA) 1978, p. 1148.
370 Carl Schmitt draws a systematic and theoretically fundamental distinction between the “state form” (the “political form”) and “legislative and governmental forms”. He also explains why the distinction between them is usually ignored by the “Bourgeois Rechtsstaat”, or in other words, why it is forced “to ignore the sovereign, whether this sovereign is the monarch or the people”. See Schmitt, Carl: Constitutional Theory. Duke University Press, Durham (NC) 2008, pp. 235, 273.
This political “mystical body” of the king had been eaten away, undermined, and deprived of life forces by the entire age of the Enlightenment long before the great revolutions that concluded it broke out. (Of course, these processes began already in the previous century, and the first English revolution, especially through the powerful propaganda of the Leveller “agitators”, as well as the public trial of the king and his execution, accomplished much in this regard). The age of the Enlightenment has achieved this, in the first place, by turning the “mystical body” into a bureaucratic machine of centralized “enlightened” monarchies. The part in the profanation of the royal authority played by such ardent servants of the crown as the French mercantilists and the German cameralists was far greater than the part played by all the free thinkers and political dissidents put together.\(^{372}\)

In the end, as Carl Schmitt notes, “the king is nothing other than premier magistrate for the philosophy of the Enlightenment, the first and, if it is justified in terms of reason, the most enlightened civil servant, who can best care for the well-being of his less enlightened subjects. But neither the inheritability nor the legitimacy of the monarchy results in this way, and if a prince lacks the aforementioned quality of the enlightened person, the justification does not apply”.\(^{373}\)

Kant’s legislator, or the head of state, reasons exactly in the way that a well-meaning bureaucrat, whose responsibility it is to look after those who have been entrusted to his care, should. For him, the following principle is “the touchstone of any public law's conformity with right” – “if a public law is so constituted that a whole people could not possibly give its consent to it..., it is unjust”. As an example of such an unjust law Kant immediately cites what truly used to be the backbone of the king’s political “mystical body”: “that a certain class of subjects should have the hereditary privilege of ruling rank”\(^{374}\)

Moreover, by using this “touchstone of any public law's conformity with right”, the Kantian legislator reasons in the same way that all of us should reason, most ordinary people that we are, when we test the universalizability of the maxims of our actions to see whether they can be conceived of as “universal laws of nature”. This is, then, the ulti-


\(^{373}\) Schmitt, Carl: Constitutional Theory, p. 311.

\(^{374}\) Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, p. 297.
mate proof of the fact that the supreme legislator, having lost all the mysticism of divine inspiration and, hence, having forfeited any right to claim that his assertions directly express the “general will”, becomes “one of us”. He may, however, be endowed by us with some specific functions (these may include the functions of representing us, of legitimating the existing order, or of moderating the political struggles unfolding in our society, etc.).

This is where the greatest paradox of Kant’s justification of the “impossibility” of revolution comes to light. The king-bureaucrat, “one of us”, endowed with some specific functions and by no means standing “above humanity”, suddenly turns out to be a completely unique being who is not subject to any rules of communal life, including the most universal and most basic ones. As Kant declares, “the sovereign has only rights against his subjects and no duties (that he can be coerced to fulfill)”. Rights, however, cannot exist without duties, even logically; rights such as my legitimate claims on something are nothing if they do not correspond to somebody’s duty to provide what I rightfully claim, and, to the same extent and for the same reason, I must respect others’ rights, which are analogous to the ones that I claim as my own. Rights divorced from duties are simply capacities of coercion outside the law, what Giorgio Agamben calls “pure violence without logos”, that is, tyranny.

Kant’s tyrannical sovereign, with his rights without matching duties, indeed resembles an odd “intermediary” figure of the transitional period, which has no place in either the medieval political theology of the king’s “mystical body” or in the prose of the royal “bureaucratic” life of classical modernity (not to mention the kitsch of the “entertain-

ing royalty” of the “postmodern” culture industry). Kant’s sovereign has left the Middle Ages behind, having lost not only his divine inspiration, but also, however strange this may sound, his duties. In the medieval “mirrors for princes”, including such a preeminent specimen of them as Thomas Aquinas’s *De Regimine Principum*, the duties of the monarch were treated with particular care, meaning both the duties before the Creator and the duties before subjects. With respect to the latter, the sovereign had to be a “good shepherd” (see, for instance, chapters 1 and 2 of Book 2 of *De Regimine Principum*). Accordingly, Aquinas, in stark contrast to Kant, openly acknowledges the “right to rebellion” on the part of the subjects against the monarch who acts tyrannically in ignoring or violating his duties. Aquinas openly states that the multitude, in deposing the tyrant, is not acting unfaithfully, even though they have previously expressed their submission to him, because he himself has deserved that “the covenant with his subjects should not be kept”.\(^{378}\)

At the same time, Kant’s sovereign is not the bureaucrat-king, or the showman-king of recent times, precisely because of his claim (no longer supported by anything) to be the embodiment and direct expression of the “general will” and because of his renunciation of his duties before other members of society. Kant’s sovereign is paradoxical precisely in that he apparently does not stand above society, but at the same time, not having any duties before others, exists outside of society.

From the point of view of Louis Antoine de Saint-Just, Louis Capet’s chief accuser, this is precisely the hallmark of tyranny and precisely for this the former king has to be executed. At first glance, it may even seem surprising how close or even identical the arguments of Saint-Just, who demands the king’s execution, and the arguments of Kant, who aims to justify his immunity, are.

Saint-Just completely agrees with Kant, or Kant repeats Saint-Just’s assertion, that the king cannot be tried according to the law applicable to citizens, which includes both the law of the old (monarchical) regime and the new republican law. This is the case because the king has never been a part of the society of citizens, and the norms of society cannot extend to him (by renouncing his duties before others, the king has placed himself outside the boundaries of civil society). How-

---

\(^{378}\) See Aquinas: *On Kingship. To the King of Cyprus*. The Pontifical Institute of Medieval Studies, Toronto 1949, p. 27.
ever, in contrast to Kant, Saint-Just maintains that the king can and must be tried according to the “law of nations”, i.e., exactly as an “alien” who has caused “us” harm.

Next, the king, as Saint-Just supposes in complete agreement with Kant, cannot be tried for actions that he performed in his capacity as the king and while he remained the king, for his every action was then the law. However, as Saint-Just insists in contrast to Kant, he can and must be tried precisely for the fact that then every manifestation of his will was the law, that is, for the fact that he was the king, because to be a king means to deny the sovereignty of the people. This, then, is the meaning of Saint-Just’s famous phrase that “no man can reign innocently”.

Perhaps most importantly, Saint-Just and Kant agree that in the legal case between the king and the people there can be no supreme arbitrator (“head above the head”, in Kant’s words). At the same time, neither side could judge, for it would then have to be a “judge in its own suit”, which contradicts the very idea of “impartial justice”. However, the conclusions that Kant and Saint-Just draw from this are diametrically opposed. Kant’s conclusion: since the people, in “wanting to be the judge in its own suit”, would become both subject and sovereign in one person, which is against the law, it is the existing sovereign who has to remain the judge. “A change in a (defective) constitution, which may certainly be necessary at times, can therefore be carried out only through reform by the sovereign itself, but not by the people, and therefore not by revolution”. Saint-Just’s conclusion: because, indeed, it is impossible to judge we need to act. This action amounts to founding the republic: “The revolution begins when the tyrant ends”. The new “historical basis” of the new “state form” is openly acknowledged (and Saint-Just calls for its founding), and it

---

379 In chapter 8 of an earlier work, “On the Spirit of the Constitution”, Saint-Just makes a very subtle remark that, under the constitution, the monarch has no right to “reign”, but merely to “rule”. This precisely hints at the necessary distinction between the “state form” and the “governmental form” discussed earlier. See Regicide and Revolution. P. 124.

380 Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, p. 299.

381 Ibid.


383 Saint-Just: “27 December 1792”, in Regicide and Revolution, p. 176. All of Saint-Just’s previous arguments are given according to his speech on November 13, 1792. See Saint-Just: “13 November 1792”, in Regicide and Revolution, p. 120–127.
abolishes all the fictions of “practical principles of reason” that were brought about through the operation of “forgetting” as the foundation of the old regime that ensured the king’s immunity and demonstrated the “impossibility” of revolution.

By and large, Saint-Just and Kant differ only on a single issue in their argumentation (as distinguished from their conclusions). From Kant’s point of view, “before the general will exists the people possesses no coercive right at all against its commander since it can rightfully use coercion only through him; but if the general will exists, there is likewise no coercion to be exercised by it against him, since otherwise the people itself would be the supreme commander; hence the people never has a coercive right against the head of state (insubordination in word or deed”).

Presumably, Saint-Just would have agreed with the first part of this argument, in which the situation before the emergence of the “general will” is described, but he would have rejected the second part. In a situation where the present monarch, stripped of his divine inspiration, nevertheless insists on his complete irresponsibility before his subjects, the general will could only manifest itself through the action of the self-organizing people (which certainly creates its own alternative political representation and leadership) against such a ruler. And this action would be sovereign, for sovereignty generally consists in the founding of the “historical basis”, which only “later” undergoes the various operations of “forgetting” and disguising as various fictions, including those that may be called the “practical principles of reason”.

However, despite all this “forgetting”/disguising, something remains beyond its reach. Something remains irreducible to “fictitiousness”. This something is the possibility of the moment (and the memory of the moment) when despite all “objective circumstances”, despite all the threats and instructions of prudence, the lives of a certain part of the population cease to be measurable in terms of economic value. These lives cease to stand in relationships of equivalence to goods with calculable values, goods that are readily available if one

384 Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, p. 301.
plays “by the rules”. These lives enter into a relation with the absolute: the absolute “no!” to certain concrete forms of subjugation, humiliation and oppression. Only yesterday these forms of deprivation were received as simply “given”, as just components and facets of how “normal life goes”.

Such moments rupture the course of history, break into it and, so to speak, turn the flow of evolution into the historical time, time when history is made. Michel Foucault would say that these are the moments when the “subjectivity (not that of great men, but that of anyone) introduces itself into history and gives it its life”386. This is why they must be “forgotten” and disguised as something decent, say, as “practical principles of reason”, if the regime begotten by them is to consolidate itself. There is no other way to contain the historical time into the riverbed of the “flow of evolution”. Still, they are present in our “everyday” life, if only in that no “rational” authority can ever be “absolutely absolute”. Because it is in rebellion that freedom always has the last point to grasp and hold onto. Even those wielders of power who are most successful and efficient in the business of “forgetting”/disguising, know this, though they also do their best not to reveal that they know this before the “crowd”, lest such a revelation urge the “crowd”/aggregate to become the people once again.

Regarding Kant’s “forgetting” (of the “historical basis”), we have yet to answer the second question we posed above: on whose side is it carried out? Admittedly, much should already be clear from the earlier discussion. Recall that the law of the given status quo needs to be presented as “holy”, as arising not from human beings, but from “some highest, flawless lawgiver”; its “historical basis” should be “forgotten” as much as possible and it is highly inadvisable to investigate it in any way. In contrast, according to Kant, the revolutionary “historical basis”, revolution as the event of self-founding should never be forgotten. It must be viewed as “a crime that remains forever and can never be expiated…” (italics mine). It should be regarded as “what theologians call the sin that cannot be forgiven either in this world or the next”387.

The extreme severity of these claims makes one wonder how it is at all possible to stabilize the new regime, with which Kant with due

conformism is quite ready to make peace, to the extent that this (post-revolutionary) regime managed to establish itself: “[O]nce a revolution has succeeded (sic!) and a new constitution has been established, the lack of legitimacy with which it began and has been implemented cannot release the subjects from the obligation to comply with the new order of things as good citizens, and they cannot refuse honest obedience to the authority that now has the power”. How it is possible at all for good citizens to be honestly obedient to a government that bears the most heinous sin, which cannot be forgiven in this world or the next, remains a complete mystery, especially since the injunction to honestly obey egregious criminals comes from an ethicist known for the utmost rigor of his principles.

The “forgetting” of the “historical basis” on the side of the wielders of power creates an asymmetry of rationality between them and their subjects, which was classically formulated already by Aristotle. Indeed, the law that has become “holy” by means of “forgetting” its “historical basis” imbues the superhuman dignity of infallibility to both its (already mythologized) instigators, as well as their successors, including the present rulers. They appear as “master craftsmen”, to use the Aristotelian idiom, craftsmen of the people as a community. The measure of rationality that has been put into their products by the “master craftsmen” is but a shadow of their rationality. Only a “ruler”, Aristotle writes, can “have virtue of character complete […] To a woman silence is a crowning glory”. Presumably, silence is also, if not a crowning glory, then a mark of decency to a slave as well as to all other categories of the subaltern population.

It equally befits Kant’s “people” (as a product of the rulers): “[I]n an already existing civil constitution the people's judgment to determine how the constitution should be administered is no longer valid”, which is exactly what was to be demonstrated! The “forgetting” of the “historical basis” on the side of the wielders of power and its

---

389 I will not attempt to prove this, but the given injunction seems to be a political projection of the private injunction to honestly surrender an innocent victim to a malefactor, which Kant gives to us in his essay, On a supposed right to lie from philanthropy (see Kant, Immanuel: “On a supposed right to lie from philanthropy”, pp. 611–615). In both cases, “honesty” is preserved through its submission to outrageous and naked criminality.
391 Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, pp. 298–299.
substitution with the fictions of “practical principles of reason” is, *first of all*, an operation of monopolization of politically significant judgments by the powers that be. “A head of state”, Kant emphasizes, “must be authorized to judge for himself and alone whether such laws pertain to the commonwealth's flourishing, which is required to secure its [internal] strength and stability”. In light of such formulations, one wonders if we should even pay attention to such “subtleties” as the assertion that the question of the “commonwealth’s flourishing” should be decided solely on the basis of whether it promotes the *stability of the given regime* (headed by the very same wielders of power). Whether this flourishing somehow relates to the “quality of life” of the subjects is kept out of sight. Clearly, any concerns with the latter can only be scorned as condemnable submission to the “pathological” motivation from the perspective of the “metaphysics of morals”.

Let us summarize the earlier discussion. Kant’s “impossibility” of revolution as a practice guided by principles, is the impossibility, under the conditions of the present regime of domination, to uncover its “historical basis”, to cast away the fictions of “practical principles of reason” that disguise it, and to lay down a “historical basis” of a new order. This understanding of the “impossibility” of revolution is *correct* in the same way that any truism is correct. It is also of no use whatsoever for the understanding of how revolutions occur, of what makes them possible and wherein their accomplishments lie. With all of its *heuristic* uselessness, Kant’s truism about the “impossibility” of revolution as of a practical action, i.e., of action according to principles, has only one *practical* implication, and it consists in the *normative* prohibition of revolutions.

393 “Not every doing”, Kant stresses, “is called practice, but only that effecting of an end which is thought as the observance of certain principles of procedure represented in their generality” (Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, p. 279).
394 Some scholars, attempting to depict Kant’s attitude to revolutions as more “complex” and “richer”, substance-wise, than what their absolute normative prohibition suggests, often cite his famous statements regarding the French Revolution from *The Conflict of the Faculties*. There Kant describes the “wishful participation that borders closely on enthusiasm” that the revolution induces in its *spectators*, the very manifestation of which signifies the existence of “moral predisposition in the human race” (see Kant, Immanuel: “The conflict of the faculties”, in Allen W. Wood and George di Giovanni (eds.): *Religion and Rational Theology*. Cambridge University Press, Cambridge 1996, p. 302). Completely ignored are the remarks as to the prohibition of revolution that Kant makes *immediately* afterwards, in the same paragraph, in which
The most egregious and blatant violation of this prohibition, carried out in its pure form, so to speak, is the revolutionary open trial of the king and his public execution. Which is why it is precisely the crimen immortale, a crime that “can never be expiated” and that remains for all eternity. What is at stake here is, of course, not the killing of the king itself. Supreme rulers of various sorts, including the most sacred of them, were killed by the hundreds (or thousands?) throughout history and often through much more brutal means than the one through which Louis Capet was executed (or Charles I in England before him). However, these countless killings of the “anointed ones”, “god’s incarnates”, and the “embodiments of the highest reason” never had the slightest effect on the principle of “king’s undying dignity”. This principle could have been destroyed only by a different principle, and not by the fact of the killing of another most august ruler. The principle of the “king’s undying dignity” could be destroyed by the principle of popular sovereignty, which was manifest (if we return to Saint-Just) in the execution of the (former) king in his capacity as a king, and not as a politician or a private individual who has committed certain specific mistakes or misdeeds. It is the assertion of popular

he talks about the “participation that borders closely on enthusiasm”. Kant stresses that revolution “is always unjust” and that one cannot demand any “other government for the people to which he belongs than one in which the people are co-legislative”. A “right-thinking human being” would never resolve to make an “experiment” akin to the French revolution, etc. Incidentally, “enthusiasm” itself is an affect that is “not to be wholly esteemed, since enthusiasm as such deserves censure” (see op. cit., pp. 301-303). More importantly, from the very start Kant declares that the French Revolution does not interest him as a real event. More precisely, it interests him as an event of influence on “the mode of thinking of the spectators”, i.e., on how the non-participating and detached observers, who do not do and do not intend to do anything to affect the course (and the possible outcome) of the revolution, think. All that they do is delight in the sublimity of their own “mode of thinking”. I cannot imagine how this would count as a testimony to Kant’s “more positive” attitude towards the revolution, which only actually exists as a “real event”. In general, it is noteworthy that the “observer’s perspective” is not just heuristically inferior to that of the “participant”, but that it cannot be “fundamental” for our grasp of the phenomenon in question. For more detail, see Alexy, Robert: “Between positivism and non-positivism? A third reply to Eugenio Bulygin”, in Jordi Ferrer Beltrán, et al. (eds.) Neutrality and Theory of Law. Springer, Dordtecht 2013, p. 228 ff.

395 For a nuanced and detailed analysis of the Kantian crimen immortale in the context of the production of the “discourses on the beginning” see Žižek, S., For They Know Not What They Do. L- NY: Verso, 2008. P. 203–209.

sovereignty, the action from principle, i.e., practice in Kant’s strictest understanding of this term, that makes Kant describe the trial of the (former) king and his subsequent execution as crimen immortale. This is the ultimate manifestation of the irreconcilable antagonism between Kant’s liberalism and democracy.

For Kant, “of the three forms of state, that of democracy in the strict sense of the word is necessarily a despotism because it establishes an executive power in which all decide for and, if need be, against one (who thus does not agree), so that all, who are nevertheless not all, decide; and this is a contradiction of the general will with itself and with freedom”.\(^{397}\) This statement concerns one of the key characteristics of modern democracy (and not the specific defects, real or imaginary, of ancient polis democracy): within modern democracy there is no and can be no “Rousseauvian” unanimity; any decisions (of the majority) are always issued “against” someone, who does not agree (the minority). One could see in this a despotism or the contradiction of a “general will” with itself only if one fails to understand (or intentionally ignores) that the “general will” manifests itself as a “vanishing mediator” only in the founding of the “historical basis”, in the institution of the “state form”. “General will” does not manifest itself in the routine functioning of “governmental form”, which by no means necessarily becomes “despotic” because of this if it is based on the historical foundation of the “we the people”.

It is noteworthy, however, that “we the people” never equals the arithmetic “all” of the inhabitants of a territory in question. It is a political, not a demographic, category which captures the attainment of “political subjectivity” by those whom Jacques Rancière calls the “part of those who have no part” (in the existent order reduced to the ancien régime exactly through the successful emergence of the “we the people”)\(^{398}\). The “part of no part” identifies with the whole of the community through homonymy, It identifies with the whole through the wrong done to it by those who are actual parts of the whole, producing “contentious commonality”\(^{399}\). Thus, it universalizes itself into “we the people”. Kant can also call such a universalization “despotic”.

---

\(^{397}\) Kant, Immanuel: “Toward perpetual peace”, p. 324.


\(^{399}\) See ibid.
It is precisely this democratic (popular) foundation of the democratic “historical basis” that is “impossible” and unacceptable for Kant, as we know. Which is exactly why he not only “prohibits” revolution, but also marks down the very notion of the “state form”. Kant reduces it to “only the letter (littera) of the original legislation”, while “the kind of government, however, is of incomparably greater concern to the people than is the form of state”.400

Having precluded the possibility of the manifestation of the “general will” in the founding of the “historical basis” of the democratic regime, Kant does not find it anywhere else and, hence, identifies it with the will of the wielders of power, such as they are, neither “divinely inspired” nor without their weaknesses and errors. We, for our part, “however bitter [we] might find” what they are doing, should think that the rulers do not want to do us any wrong. We should obey them without question, and only under extreme duress, as a measure of last resort are we allowed to most venerably present petitions to them and to plead with them to cast a glance at our sufferings, without disturbing their peace with an insolent suggestion that they are well aware of our condition401. (It should never occur to us that if they really are not aware of our condition, they should be kicked out of their offices even more quickly as totally unfit for public service).

Now, in light of this discussion, it is very easy to answer the questions of what “evil reason” and “absolutely evil will” are and who “diabolical beings” are, the very notion of which is said to be inapplicable to the human being. “Evil reason” rejects the rules of the game set up by the dominant reason. “Absolutely evil will” is a will that, according to principle, strives to unmask the “historical basis” of the existent authority, to cast away the “practical principles of reason” that ensure the efficacy of the operation of “forgetting”/disguising and institute a new “historical basis” of the social order. “Diabolical beings” are the democrats who make democracy, be it on the historical scale of the nation, the region, or the world, or in their neighborhood or workplace. Making it is crucial, not merely participating in the rituals that are declared “democratic” by the wielders of power, which exist in order to confirm time and time again their rightful authority

401 See Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, pp. 298, 302.
and our obedience to it. Kant is undoubtedly correct in that this notion of “diabolical beings” is inapplicable to human beings as he envisages them, i.e., to well-meaning philistines who consider it their duty to obey any authority that exists “here and now” and who see in this obedience a sign of their high moral standing.

To slightly paraphrase Nietzsche, one could say that the “diabolical being” is an insufficiently “bred animal”. 402 Though perhaps another thought of his is better suited for our purposes. The “diabolical being” is a being that strives to overcome a “narrow and petty bourgeois [morality]” (of the well-meaning philistine) and to elevate himself to the “higher and freer” morality of the public individual. 403 It is the kind of morality in which “duty for duty's sake” cannot help but play a central role.

---

By way of a conclusion

In the *Religion within the Boundaries of Mere Reason* we find the following quote:

I admit that I am not comfortable with this way of speaking, which even clever men are wont to use: ‘A certain people (intent on establishing civil freedom) is not ripe for freedom’; ‘The bondmen of a landed proprietor are not yet ripe for freedom’; and so too, ‘People are in general not yet ripe for freedom of belief.’ For on this assumption freedom will never come, since we cannot *ripen* to it if we are not already established in it (we must be free in order to be able to make use of our powers purposively in freedom). To be sure, the first attempts will be crude, and in general also bound to greater hardships and dangers than when still under the command but also the care of others; yet we do not ripen to freedom otherwise than through our *own* attempts (and we must be free to be allowed to make them). I raise no objections if those in power, being constrained by the circumstances of the time, put off relinquishing these three bonds far, very far, into the future. But to make it a principle that those who are once subjected to them are essentially not suited to freedom, and that one is justified in keeping them from it for all time, this is an intrusion into the prerogatives of Divinity itself, which created human beings for freedom.\footnote{Kant, Immanuel: “Religion within the Boundaries of Mere Reason”, pp. 204-205 (footnote).}

What is this? Another paradox in a work already rife with paradoxes? People *learn* to be free from their own *experience*? In order to learn it or to “ripen” for it they must *first* be free, i.e., must be already “established” in the condition of freedom? We end up with an impossible paradox: one must *be* free in order to *become* free (to learn to “to make use of our powers purposively in freedom”).\footnote{Much later, Herbert Marcuse offered his version of the apparent paradox of freedom antedating and introducing liberation – “the joy of freedom and the need to be free must precede liberation”. Marcuse, Herbert: *An Essay on Liberation*. Beacon Press, Boston 1969, p. 61.}
The (perhaps only seemingly) paradoxical character of this formula lies in the fact that both cases—the “to be” and “to become”—imply “empirical” freedom, that is, the freedom of a human being in concrete circumstances and with respect to those circumstances (of serfdom, of religious persecution, of an authoritarian regime refusing to institute “civil freedom”, etc.). If one of those cases were not concerned with “empirical” freedom, then we would have likely failed to see a paradox. We would have recognized in it the well-known formula from Kant’s three Critiques of the relationship of a particular version of “pure” freedom (the “transcendental freedom” of pure reason or the “moral freedom” of practical reason equivalent to the fulfilment of duty, etc.) and the freedom of “empirical” action.

When “pure” freedom relates to the freedom of an “empirical” action, “to be free” also appears as a condition of “to become free” (in the action). No paradox, however, arises from this, precisely because “to be free”—unlike “to become free”—does not belong to reality, but remains a normative prescription or, in the case of pure speculative reason, a condition of avoiding infinite regress in an attempt to conceive of the totality of phenomena. However, in either case—both when “to be free” and “to become free” belong to “empirical” reality and when one of them belongs to the sphere of the intelligible, while the other belongs to the sensible world—the general notion remains that freedom may arise only out of freedom. This means that “causality through freedom” is necessary (to use a concept from the Critique of Pure Reason406) for the free action to be possible or in order to establish ourselves as free beings.

However, if in the Critique “to be free” in time—in history, in social reality, etc.—is completely impossible and even unthinkable, then in the fragment from Religion cited above, the “to be free” is transferred into the temporal fold and thus enters into completely new (with respect to Critiques) historical and functional relations with the “to become free”. These relations reveal the necessary connection of freedom with evil. Moreover, their understanding allows us to reconcile Kant’s two propositions that since the Introduction have been the objects of our reflection: “evil […] is possible according to the laws of freedom” and “the history of freedom [begins] from evil”.407

---

Indeed, in the time of history, in historical time, “to be free”, as a condition of “to become free”, can only mean to “aspire to liberate” oneself from that which is identified as “unfreedom”. “To be free” exists here not as a fact of extant reality (freedom cannot become such a fact in principle), but as an effective aspiration that is also a part of reality, though understood not abstractly as what is given, but concretely and dialectically as becoming. Such an aspiration may be generated—as a necessary, but not yet sufficient, condition of freedom—only by a particular evil, by that which is acknowledged as unfreedom.

In this sense, of course, the “history of freedom” can begin (and every time on every new stage of history renew) only from evil, and from the point of view of the status quo, the central tenet or pillar of which is the evil in question, freedom itself, protesting against it, will inevitably appear as evil. Since in historical time—in contrast to the intelligible world in which the pure idea of freedom is located—freedom begins from unfreedom (in the same way in which justice begins with injustice, equality with inequality, etc.), Kant’s proposition about the genetic relation between freedom and evil is correct.

We have said that evil, as a genealogical cause of freedom, is a necessary, but not yet sufficient, condition. This condition could only be the decision to oppose evil, to abolish its causality with respect to me and us through a liberating action that itself would act as a cause of a new series of events in a reorganized reality. This action would instantiate the “causality through freedom” vis-à-vis the world as it had existed before, because the causal schema of this world is changed by the liberating action. The latter is caused by this schema (and therefore it is by no means uncaused), but opposed to it and negates

---

408 The essence of an effective aspiration is defined by a transition, in Albert Camus’ words, from a speculative formula ‘this must be’ to an action-oriented formula of ‘this is how I should like things to be’”. (Camus, Albert: The Rebel. Vintage Books, New York 1991, p. 15.)

409 The contingency of freedom upon unfreedom in the capacity of a general genealogical “principle” is true only for the modern world, where the “the freedom that is for itself” is already historically “introduced”. There and then, where and when, in Hegel’s words, “freedom still had the determination of naturalness”, as a particular specific and naturally given condition (given by birth, by being chosen by god or something of the sort), freedom and unfreedom oppose each other merely as rigid opposites. They do not contain within themselves a dynamism of emergence of (new) freedom from the present unfreedom. See: Hegel, Georg Wilhelm Friedrich: Philosophy of Mind, pp. 160, 214–215.

410 That causation involves the incompleteness of the schema of causation, its ontological non-closure, the presence of “gaps” in it. Thus, the “unconditional” character of
it. The old causality of the world turns the liberating action against
itself, undermines and abolishes itself and in so doing “launches” a
new causality, not “derivable” from the old one according to the laws
of its logic.411

Thus, according to the “laws of freedom”, evil is committed against
the present form of being, and if this form is identified with being (as
such) or with the only rational form of being, then the evil perpetrated
by the liberating action will appear absolute or absolutely impossible
for the human being: “rebellion” against morality as such. The ques-
tion of morality, and more precisely, of a morality of the Kantian type,
centered around the unconditional fulfilment of duty, arises exactly
when one tries to explain how such decisions about the initiation of
the liberating action or participation in it are formed or, in other
words, how decisions are made that introduce “causality through free-
dom” into historical reality.

To what extent does this approach to the conception and interpreta-
tion of freedom, which takes human practices of liberation instead of
the abstract and immovable “idea of freedom” as its starting point and
which takes into account the role that the formal moral principles play
in these practices, correspond to the “spirit” and logic of Kant’s phi-
losophy?

Towards the end of the so-called “pre-critical” period of Kant’s
philosophical development, he finds himself at a crossroads described
with surprising outspokenness in his famous letter to Moses Mendels-
sohn, dated 8 April 1766. The central task of philosophy, as Kant un-

411 Certainly, in historical reality the old causality can never be completely voided, the
“old world” can never be destroyed “to the foundation”, and the new causality and the
“new world” at best reorganize the elements and forms inherited from the past, but to
a certain degree placed in new relationships to one another. It is appropriate to begin
not only investigations of revolutions, but also philosophical discussions on the “cau-
sality through freedom” by reminding ourselves of the first paragraphs of the Fore-
word to Tocqueville’s The Ancien Régime and the French Revolution. In them, he
describes the way in which the most radical rejection of the past that the French revo-
lution has instantiated was carried out through the old “habits and ideas” and led to
the building of the “new society” precisely out of the debris of the “old society”. See
derstood (or assimilated from previous philosophy) then, is to answer the question, “how is the soul present in the world?” In essence, this is a problem of the “original” cause of action, of the source of impact on the world, which is not caught in the web of the latter’s causality. Naturally, this included the problem of “receptivity”, that is, the problem of how the world is perceived by this active principle (soul). Here is, however, where problems arise.

On the one hand, it is clear to Kant that in order to crack this problem we need “data”, without which we cannot proceed with its investigation. We cannot, however, collect such data, since “we have no experience through which we can get to know such a subject in its various relationships (and experience is the only thing that can disclose the subject’s external power or capacity)”. On the other hand, it seems we could rely on the capacities of a priori rational judgments in order to discover the “powers of spiritual substances”. Such hopes are, Kant is certain, illusory. Anything that is not given in experience can only be the product of poetic invention, and an invention cannot serve as a proof of anything. The mere conceivable of something, even if based on the impossibility of proving the inconceivability of the object conceived, “is a mere delusion”. How should one feel reading these lines in light of the proofs of conceivable freedom through the impossibility of demonstrating its inconceivability that we find in the first and second Critiques? The peculiarity of Kant’s crossroads, related in the letter to Mendelssohn, is that both paths, the “empirical” and the “aprioristic”, between which Kant has to choose, are closed. Kant seems to think that neither can lead anywhere. He could not conceive of a third path, such as the path of “historical praxis”; or, this path was then inconceivable in principle and became conceivable only on the basis of what Kant accomplished (and what history itself accomplished).

Be that as it may, Kant ultimately chooses the “aprioristic” path, later conceptualized by him as the path of the critique of the apriorism of older metaphysics. But the strategic goals outlined in the letter to Mendelssohn are, however, the validity of Tocqueville’s general conclusion concerning all revolutions, that the break with the past that they enact is always correlated with the continuity that they preserve and that this break is conditioned by such continuity (see footnote 411). What this means for

---

414 Even with respect to Kant’s “Copernican” revolution, we see, however, the validity of Tocqueville’s general conclusion concerning all revolutions, that the break with the past that they enact is always correlated with the continuity that they preserve and that this break is conditioned by such continuity (see footnote 411). What this means for
Mendelssohn did not change; the central task of philosophy remained to understand how freedom is possible as a “first cause” of human action in the world and how human action thus determined can impact the world (in other words, “how is the soul present in the world”). What is different is that in the “critical” period, Kant came to think that the answer to this question required a certain propaedeutic groundwork, a certain critique of pure reason as such, one of the key goals of which is the formation of the idea of freedom (at the level of pure reason). Based on this idea, and with its aid, one could afterward analyze and comprehend how a human being in the “empirical” world is capable of exercising freedom. This is precisely what determined the order in which Kant arranged his principal philosophical questions: “1. What can I know? 2. What should I do? 3. What may I hope?”.

It is in itself highly notable and indicative that Kant’s answer to the third and most important question about hope (we have touched upon the hierarchy of significance of these questions in the first chapter of the book) is, famously, the correspondence of happiness and (the fulfilment of) duty, and not freedom. This is a rather strange answer. On the one hand it is dismally poor in content—for happiness is merely an “abstract universality of the content” (Hegel)—while the duty that is correlated with this empty abstraction remains an empty formalism. What is wholly unclear is how the “individuality” that is always determinate and concrete—i.e., a given “empirical” human being—could have, in principle, such abstraction and emptiness as an object of his/her hope.

On the other hand, since happiness, commensurate with the fulfilment of duty, nevertheless somehow relates to the given, this “empirical” human being, and turns into his/her happiness, it has to invariably acquire the meaning of freedom. Only autonomous rational self-determination, which is freedom, can determine the “legitimate” commensurateness of happiness and the fulfilment of duty as an object of precisely his/her, a given human being’s, hope. This content-specific hope will encompass his/her concrete understanding of hap-


piness and of its correlation with his/her understanding of duty as a principle whereby he or she relates to himself or herself and others. Freedom is the only (Hegel would say “infinite”) determination of the relation of individuality and universality (the universality of the manifestation of individuality and the individuality of the embodiment of universality). It is this determination alone that can be a universal hope of a concrete human being who imparts to all his other particular hopes a moral determination, without which they would be either empty, abstract daydreams, or manifestations of gross egoism.

Kant is precluded, however, from taking such a line of reasoning, since at the level of his overall philosophical schema, where the three principal questions of his philosophy are formulated and where their order is determined, freedom appears as merely a formal idea. It is present as an a priori condition of their solution, not as a practical (in the sense of pertaining to the historical praxis) result of their solution. This is why freedom does not appear as an answer to the third and most important question about hope and its place is occupied by the moralistic correspondence between undefinable happiness and empty duty.

But what if we start our analysis of the three main questions of philosophy not from the abstract idea of freedom, but from a concrete practice of liberation, in the spirit suggested by the fragment from the Religion within the Boundaries of Mere Reason cited above? Then the first thing that we would take notice of would likely be hope. No practice of liberation is possible without hope as its beacon and foundation, specifically the hope for liberation (and not for the correspondence of happiness to the fulfilment of duty as such). Then we would have to rearrange the Kantian order of principal philosophical questions. “What can I hope for?” would remain crucial for the human being, but it would take first place among them, defining the horizons of “what can I know?” and “what should I do?”. What also needs to be changed is the direction of the search for the answers to the two latter questions, designated by Kant as the “speculative” and the “practical”. Their very analysis would no longer appear as propaedeutic groundwork, preceding the “pragmatics”, but as the consequence of the “pragmatics” and as its spiritual-theoretical form of realization.

Of course, with such an approach, “hope”, as Ernst Bloch has supposed, would move to the center stage of philosophy. Conceived materialistically and dialectically, it would appear “not only a basic fea-
tured modernity of human consciousness, but... a basic determination within objective reality as a whole” (as an active intention, which is guided and inspired by hope, to realize the possibilities of the “not-yet-become”). Moreover, such a relocation of “hope” to the center of philosophy makes possible a reconceptualization of both reality (in the capacity of Becoming with the “future of the genuine, processively open kind”, instead of “What Has Become”), and of reason (in the capacity of the participant of the becoming and not the observer of the phenomenal world (and of itself)). It is clear that such reconceptualization would significantly transform both the notions of the limits of knowledge and of the epistemic capabilities of reason, as well as the notions of the “nature” of duty as a motive of a (morally good) action. The principal direction of these transformations would be their historicization and the demonstration of their contingency upon practice as praxis.

418 This is no place to discuss how Bloch himself carries out such transformations and reconceptualizations. I shall merely note that many of his solutions—precisely from the point of view of historicism and of the determination of reason and of the forms of reality by the concrete course of praxis (practices of liberation)—appear to be unsatisfactory. It seems Bloch treats the being-as-becoming and the reason-as-a-participant-of-becoming as some kind of philosophical truths in general, which stand in opposition to the fallacies that depict the being as already become, and reason as its observer. Certainly, Bloch is generally right in a certain trivial sense: there can never be a being that is so motionless and frozen that nothing changes in it in some way, which is why we can, after all, also describe it as a sort of “becoming”. Likewise, the most contemplative and most “detached from the world” reason somehow, even in its attempt to avoid doing so, “participates” in the events of the world. But the trivial correctness of such conclusions obscures the crucial distinction between the epochs of the world’s becoming, in the capacity of purposive-active “making of history” by some particular popular formations, which for a time are transformed into the subjects of political action on one hand, and the much more protracted epochs of the “end of history” on the other. In the latter, history takes the shape of an evolution which proceeds according to the laws of the already become (albeit with the “tacit” accumulation of the “side effects”, which are potentially capable in the indefinite future to derail the status quo). For such epochs of the domination of the already become, contemplative reason is adequate, however much this may upset social and philosophical critics and however much ink they may spill denouncing its abstractness and its (pretended) ahistoricity. It is precisely this abstract and ahistorical contemplative reason (which remains such despite the proclivity for social engineering that it sometimes manifests) that is the practically true reason of the “abstract” epochs of the “finalized” (for the time being) history. Herein lies the essential tragedy of the dialectically minded social and philosophical critics in such epochs.
Do all of these transformations, effected by the relocation of “hope” to the center of philosophy, devalue the core of Kant’s “metaphysics of morals”, its doctrine of the postulates of practical reason, of moral law, of formalism of duty and the unconditionality of its fulfilment? We pose this question with respect to the critique of practical, and not of speculative, reason. We do this since it is precisely the former that has constantly been in the foreground of our discussions. Besides, the core of the critique of pure speculative reason, understood as the explanation of the “constructivist” activity of reason with respect to human reality, obviously forms the necessary and crucial element of all philosophy that focuses on “hope” and “anticipatory consciousness”. In other words, is a thoroughgoing historicism, applied to reason itself as well as to the forms and modes of its participation in reality, compatible with the fundamental principles of Kant’s pure moral philosophy?

The case that this book attempts to make is as follows. No, historicism does not devalue the core of Kant’s practical philosophy, unless one would incorporate into it the identification of freedom with the unconditional fulfilment of duty as such, i.e., irrespectively of whether such fulfilment amounts to a moral component of the practices of liberation or of the mechanisms of oppression and reproduction of the status quo. Yes, a thoroughgoing historicism is not only compatible with the fundamental principles of Kant’s pure moral philosophy, but it is indeed impossible without them. Let us summarize the argument in support of these conclusions.

No practice of radical liberation is possible unless it is grounded in duty and as a duty. This duty cannot be derived from any possible “empirical” data. It invokes something that does not and cannot be found in the present world as it exists, and hence this duty is an “a priori” with respect to the world as it is. The “apriority” of this duty is inseparable from its universality, which has a twofold significance. Firstly, the universality of duty acts as its capacity to envisage any content characteristic of the present reality as a mere particularity that does not have a right to exist in itself and which cannot rationally oppose the universal demand of the duty of liberation. It is precisely in this logic that, for instance, the demand of “liberté, égalité, fraternité” of the French revolution reduced the “divine right of the king”, the privileges of the first two estates and the very institution of the estate,
and other pillars of the “ancien régime” to a particular established historical prejudice.\textsuperscript{419}

Secondly, the universality of duty is expressed in the formation of “all” upon whom its demands are binding and who, as a result of acknowledging them as binding, is counted among “all” rational and moral beings. Certainly, the formation of “all” presupposes drawing a line that demarcates irrational, immoral or otherwise negatively ethically qualified beings (those who do not obey the obvious and indisputable moral duty). Duty always divides and separates, and institutes a particular relationship between the divided “all” and their opposite “others”\textsuperscript{420}. In the case of a liberating practice, this is precisely how a political function of paramount importance is carried out, the function of delineating the boundaries of the opposing camps and of the moral mobilization of the supporters of the “just cause”, who become, through the universality of duty, the “all” (for instance, the “all people of good will”).

However, the “ought to” of the liberating duty is necessarily also absolute, i.e., its acknowledgment presupposes “unconditional” obedience to it. Any relativization of duty, any making of its fulfilment conditional upon any particular “empirical” circumstances, immedi-

\textsuperscript{419} Moreover, the demand of “liberté, égalité, fraternité” does not only reduce the pillars of the “old regime” to the status of “prejudices”. Being a contradictory unity of three different normative demands, deemed equally important (although Étienne Balibar, in his famous essays on “equaliberty”, privileges the first two of them), it produces an irremovable rupture in the political field of Modernity, occasions “the tension between the insurrectional moment and the constitutional one”, “between the moment of utopia, of infinite negativity, and the positivity, or the institutional limitation” that have become since the rise of Modernity a throbbing nerve of its ethical and political life. See Balibar, Étienne: Equaliberty: Political Essays. Duke University Press, Durham (NC) 2014, p. 125.

\textsuperscript{420} To the extent and for the reason that freedom becomes morally right, which happens precisely in Modernity, it is imbued with the property to divide and separate. Freedom, as Zygmunt Bauman argues, is not a property of an individual. Rather, it is based on social asymmetries and distinctions and exists only in opposition to what it is not. “Freedom was born as a privilege and has remained so ever since. Freedom divides and separates”. (Bauman, Zygmunt: Freedom. University of Minnesota Press, Minneapolis 1988, p. 9). However, we must clarify that pre-modern freedom did not so much serve to “divide and separate” itself, as it appeared as the consequence (remember Hegel) of “natural” (already given, present) divisions and separations. Freedom acquires the autonomous ability to “divide and separate” from the world, in which it is acknowledged as proper, and this also is a manifestation of the inseparability of freedom and evil.
ately turns the “categorical imperative” into a “hypothetical” one, which, in political terms, is equivalent to the replacement of radical emancipation with opportunism.

Thus, the notion of liberating practices and their unfolding in “real life” presuppose the acceptance of duty precisely in its strict Kantian interpretation. That is, as “a priori” duty, purely formal (empty), universal, and absolute, and without the acceptance of duty conceived in the Kantian fashion, the revolutionary transcendence of present reality will most likely be impossible. The same can be said about Kant’s notion of the postulates that “expand” practical reason to include the objects of our hopes. Although they, of course, do not have to coincide with Kant’s trinity of God, immortality and freedom, which is fit for weak people whose participation in the radical liberation projects characteristic of Modernity is least likely.

Historicism, as opposed to historical relativism, intends to discover how, in particular periods of history, the notion of the “a priori”, formal, universal and absolute duty is “activated”. What needs to be understood is how—although it is “always” present in the inventory of any culture that has had at least some “training” in the schools of stoicism and skepticism—it gravitates towards the center of philosophical and public discourse. Moreover, historicism needs to understand how the idea of this duty actually becomes a significant element of political and cultural practices, acting as, to use Bloch’s term, an “a priori of all politics and culture”, which, of course, always belong to the “empirical” world and serve to shape it in one way or another.421

The essence of the task, therefore, lies not in showing the “real” dependence of duty on the “empirical” circumstances in terms of its “actual meaning” and modes of fulfilment, thereby relativizing it and reducing it to the status of the “hypothetical imperative”. On the contrary, it consists in determining how such “empirical” circumstances bring to life precisely the “a priori”, formal, universal and absolute duty, how they create the real need for it, and how duty really satisfies this need. The way in which it does so contributes to the foundation of the new bases of new lifeworlds, and as long as such lifeworlds persist, these bases, bearing duty’s imprint on them, will retain the status of the “absolute”.

Historicism is defined, in contrast to historical relativism, precisely by its capacity not to merely see the presence of the absolute in the flow of the relative, but also to comprehend the absolute as a condition and foundation of the relative. As regards the conditions of Modernity, this is impossible to accomplish without the recognition of the role that the formalism of consciousness plays in the organization of the matter of life in general, and the formalism of duty in the establishment of the “absolute” foundation of (the various forms of) human social life in particular.

Let us put it this way: the historicization of formal duty by historicism lies not in the demonstration of the fictitious nature of its formalism and in the exposition of its inevitable loading with particular concrete historical contents. Rather, it lies in the explication of how such contents are “bracketed out” by the practices of liberation, how such “bracketing” “empties out” moral duty by constituting it as universal and formal, and how moral duty so constituted participates in the liberating practices, again becoming loaded through them, through their successes as well as failures, with new concrete historical contents.422

The final remark: historicism can save itself only if it avoids regarding any possible institutional order as the “final” objectivation of freedom, as the complete (at least in its foundations and key principles of its modus operandi) rational-ethical social structure, in which, as Hegel puts it, “freedom is present as necessity”, as an “objective mind” that has already become423.

“Freedom as the present necessity” is the formula that reconciles the subjective will and the objective world. With respect to such accomplished reconciliation, the new practices of liberation are impossible, and the subjective will, which may feel a need for them, will appear merely as a “quibbling” “emancipated particularity”, which is left “caught up in naturalness, partiality and willfulness”. Moreover, even though through such a “quibbling” “particular” subjective will, of course, will “get into all possible complications of its own making”, it will surely “deal with them in its own way”, which, it goes without

422 For a similar argument by Slavoj Žižek, which has influenced my approach to this question, see Žižek, Slavoj: “Class struggle or postmodernism? Yes, please”, in Judith Butler, Ernesto Laclau, and Slavoj Žižek: Contingency, Hegemony, Universality: Contemporary Dialogues on the Left. Verso, London 2000, p. 111 ff.
423 Hegel, Georg Wilhelm Friedrich, Philosophy of Mind, p. 20.
saying, it can only do by reconciling itself to freedom, which has become a necessity of the established rational-ethical order.424

Historicism has to historicize such (fictitious) “final” objectivations of freedom as well if it does not want to be relegated to the “antechamber” of history, without the right or opportunity to enter its “inner rooms” (in which it has put itself at rest). It can do so only by rein-stating the right of the subjective will to criticize objectivity (which claims “completeness” and perfection) from the standpoint of universal and absolute duty, and not under the influence of “naturalness and willfulness”, i.e., by asserting this critique as a movement of freedom, and not as a manifestation of “quibbling”. In order to do so, historicism will have to show how duty can once again be “emptied out” by excluding from it all of the historical contents characteristic of a given “end of history”, how it again becomes Kantian formal duty and in this capacity again finds its application in the practices of liberation.

Indeed, historicism, remaining by its nature “Hegelian”, cannot do without Kant, without the “apriorism” and formalism of his ethics, if historicism wants to avoid committing suicide in the Hegelian “end of history”. In the words of Bloch, it is necessary “to let Kant burn through Hegel: the self must remain in everything; though it may at first exteriorize itself everywhere, move reverberantly through everything in order to break the world open… but precisely the self that desires and demands, the not yet implanted postulative world of its a priori is the [philosophical] system's finest fruit and sole purpose, and therefore Kant ultimately stands above Hegel”425.

The paradox of this necessary “burning” of Kant through Hegel lies, of course, in that it presupposes the lifting up of the seal of prohibition Kant placed on the “rebellion against morality”, i.e., it presupposes something like the liberation of Kant’s formalism from the fetters that Kant himself put upon it. Once liberated from them, Kant’s formal duty enters into a game with good and evil, accomplishing its historicization and demonstrating how it actually becomes the condition of freedom.

424 See op. cit., p. 239.
Bibliography


Aquinas: *On Kingship. To the King of Cyprus*. The Pontifical Institute of Medieval Studies, Toronto 1949.


Cassirer, Ernst: *Kant's Life and Thought*. Yale University Press, New Haven (CT) 1981.


Drogalis, Christina: *Kant's Change of Heart: Radical Evil and Moral Trans-formation*. Diss. Loyola University, Chicago, 2013.


Fackenheim, Emil L: “Kant and radical evil”, in *University of Toronto Quarterly* Vol. 23, No. 4, 1954.


Foucault, Michel: *This Is Not a Pipe*. University of California Press, Berkeley (CA) 1983.


Hanisch, Christoph: “Kant on democracy”, in *Kant-Studien* Vol. 107, No. 1, 2016.


Kant, Immanuel: “On the common saying: That may be correct in theory, but it is of no use in practice”, in Mary J. Gregor (ed.): *Practical Philosophy*. Cambridge University Press, Cambridge 1996.
Kant, Immanuel: “Prolegomena to any future metaphysics that will be able to come forward as science”, in Henry Allison and Peter Heath (eds.): *Theoretical Philosophy after 1781*. Cambridge University Press, Cambridge 2004.


Sellars, Wilfrid: “… this I or he or it (The thing) which thinks….”, in *Proceedings and Addresses of the American Philosophical Association* Vol. 44, 1970–1971.


5 Ragnar Holte, Etik och jämställdhet. (Equal Rights for Women and Men–An Ethical Study.) 1978.


14 Per-Olof Lundberg, Människan i själavården. En teologisk analys av människosyrningen i själavårdsliteratur från 1945 till 1984. (Man in Pastoral Care: A Theological Analysis of the View of Humanity in the Literature concerning Pastoral Care Published between 1945 to 1984.) 1992.
17 Alf Tergel, Church and Society in the Modern Age. 1995.
18 Per Sundman, Human Rights, Justification, and Christian Ethics. 1996.
24 Kersti Malmsten, Reflective Assent in Basic Care: A Study in Nursing Ethics. 1999.
40 Elena Namli, Per Sundman, Susanne Wigorts Yngvesson (red.), Etiska undersökningar: Om samhällsmoral, etisk teori och teologi. (Ethical Investigations: On Social Morality, Ethical Theory and Theology.) 2010.
43 Elena Namli, Human Rights as Ethics, Politics, and Law. 2014.