



**Immanuel Kant
Baltic Federal
University**



**THE SECOND IMMANUEL KANT INTERNATIONAL
SUMMER SCHOOL**

**KANT'S DOCTRINES
OF RIGHT, LAW, AND FREEDOM**

29th of July – 6th of August, 2018

Kaliningrad Region, Svetlogorsk, Hotel "Baltika"

Immanuel Kant Baltic Federal University Kaliningrad
Institute for the Humanities
Academia Kantiana

II IMMANUEL KANT INTERNATIONAL SUMMER SCHOOL

KANT'S DOCTRINES
OF RIGHT, LAW, AND FREEDOM

PROGRAMME
ABSTRACTS

Kaliningrad Region, Svetlogorsk, Hotel "Baltika"
July, 29th – August, 6th, 2018

SUMMER SCHOOL ACADEMIC

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Summer School Programme

Sunday, July 29

Arrival

Monday, July 30

8:30 – 9:00 Summer School Reception

9:00 – 9:30 **Opening Ceremony**

Welcoming Address: *Dr. Tatiana Tsvigun*, Director of the Institute for the Humanities, IKBFU

Opening Address: *Prof. Dr. Nina Dmitrieva*, Scientific Director, *Academia Kantiana*, IKBFU

Opening Address: *Prof. Dr. Heiner Klemme*, Martin-Luther-University Halle-Wittenberg

9:30 – 11:00 **Lecture**

Freedom and moral obligation in Kant (and his predecessors)

11:00 – 11:30 **Coffee Break**

11:30 – 13:00 **Seminar**

Selected passages from the *Groundwork of the Metaphysics of Moral (GMM)* and the *Metaphysics of Morals (MM)*

GMM, AA IV, pp. 439-440: “Morality is thus ... more nor less than just this autonomy”; p. 457: “So it is that ...the rational laws of the will”

MM, AA VI, pp. 221-228: “IV. Preliminary Concepts of the Metaphysics of Morals (Philosophia practica universalis)”

13:00 – 15:00 **Lunch**

15:00 – 17:00 **Tutorium**

Close Reading and Questions

(16:00 – 16:15) **Coffee Break**

Tuesday, July 31

9:30 – 11:00

Lecture

Kant's concept of law between natural law and historicism

11:00 – 11:30

Coffee Break

11:30 – 13:00

Seminar

Selected passages from the “Introduction to the Metaphysics of Morals” in the *Metaphysics of Morals* (AA VI)

MM, AA VI, pp. 214-218: “II. On the Idea of and the Necessity for a Metaphysics of Morals”; pp. 218-221: “III. On the Division of a Metaphysics of Morals”)

13:00 – 15:00

Lunch

15:00 – 17:00

Tutorium

Close Reading and Questions

(16:00 – 16:15)

Coffee Break

Wednesday, August 1

9:30 – 11:00

Lecture

The “Ulpian formulas” and the “right of (and to) freedom” in the *Metaphysics of Morals*

11:00 – 11:30

Coffee Break

11:30 – 13:00

Seminar

Selected passages from the “Introduction to the Doctrine of Right” and the “Division of the Doctrine of right” in the *Metaphysics of Morals*

MM, AA VI, pp. 229-231 (§§ A-D); pp. 236-238 (“Division of the Duties of Right”)

13:00 – 15:00

Lunch

15:00 – 17:00

Tutorium

Close Reading and Questions

(16:00 – 16:15)

Coffee Break

Thursday, August 2

Young Scholar's Conference

Chairperson: Prof. Dr. Nina Dmitrieva

- 09:30 – 10:00 *Margarita V. Rovbo* (BSU, Minsk, Belarus): The Concept of the Transcendental Subject in Kant's Theoretical Philosophy
- 10:00 – 10:30 *Christoph Kiem* (Leipzig University, Germany): Cognition and Postulate
- 10:30 – 11:00 *Wojciech Kozyra* (UKSW, Warsaw, Poland): An Analyses of Kant's Concept of Will
- 11:00 – 11:30 **Coffee Break**
- 11:30 – 12:00 *Kang Qian* (MLU Halle-Wittenberg, Germany / China): Moral and Nature: The Anthropological Ground of Kantian Ethics
- 12:00 – 12:30 *David O. Rozhin* (IKBFU, Kaliningrad, Russia): Anthropological Grounds of Kant's Political Philosophy
- 12:30 – 13:00 *Vivek Kumar Radhakrishnan* (MAHE, India): Kantian Moral Motivation and the Role of Respect as the Moral Motive
- 13:00 – 14:00 **Lunch**
- 14:00 – 14:30 *Svetlana A. Martynova* (RSPU, St. Petersburg, Russia): The Sublime and the Practical Reason of Immanuel Kant
- 14:30 – 15:00 *Alexander S. Kiselev* (IKBFU, Kaliningrad, Russia): Moral Freedom in Kant's Moral Philosophy and Stoicism
- 15:00 – 15:30 *Roey Reichert* (UCLA, USA / Israel): Two Criticisms of the Role of Cultural Diversity in Kant's Cosmopolitan Thought: Herder and Hegel
- 15:30 – 15:50 **Coffee Break**
- 15:50 – 16:20 *Michail O. Shipilov* (IKBFU, Kaliningrad, Russia): Nietzsche's Criticism of Kant's Moral Philosophy
- 16:20 – 16:50 *Anastasiya V. Lebedeva* (RUDN University, Moscow, Russia): Development of Kantian Ideas in Theory of Knowledge of Alexander Veideman
- 16:50 – 17:10 **Coffee Break**
- 17:10 – 17:40 *Polina R. Bonadyseva* (IKBFU, Kaliningrad, Russia): The Connection between Justice and Freedom in I. Kant's Practical Philosophy and Its Interpretation in the Political Theory of J. Rawls
- 17:40 – 18:10 *Edna C. Lizárraga Ceballos* (UABCS, La Paz, Mexico): Understanding the Living Organism as a Critical Transcendental Philosophy Postulate: Considerations between Environmental Law and Ecological Ethics

Friday, August 3

9:30 – 11:00

Lecture

External Mine and Yours

11:00 – 11:30

Coffee Break

11:30 – 13:00

Seminar

Selected passages from “Private Right” in the *Metaphysics of Morals*

AA VI, pp. 245-257: “Chapter I. How to Have Something External as One’s Own”, §§ 1-9)

13:00 – 15:00

Lunch

15:00 – 17:00

Tutorium

Close Reading and Questions

(16:00 – 16:15)

Coffee Break

Saturday, August 4

9:30 – 11:00

Lecture

The public state and the concept of resistance

11:00 – 11:30

Coffee Break

11:30 – 13:00

Seminar

Selected passages from “Private Right” and “Public Right” ” in the *Metaphysics of Morals*

AA VI, pp. 306-307: “Transition from What Is Mine or Yours in a State of Nature to What Is Mine or Yours in a Rightful Condition Generally.” §§ 41-42; pp. 311-316: “*The Right of a State*”, §§ 43-47; pp. 318-323: “General Remark. On the Effects with Regard to rights That Follow from the Nature of the Civil Union”

13:00 – 15:00

Lunch

15:00 – 17:00

Tutorium

Close Reading and Questions

(16:00 – 16:15)

Coffee Break

17:30 – 18:30

Closing of the Summer School, Certificate Awarding Ceremony

Sunday, August 5

Excursion to Kaliningrad & Curonian Spit

Guide: Dr Sergey Lugovoy

09:00 – 10:00	Transfer from the hotel to Kaliningrad
10:00 – 11:00	Historical Buildings of the University, Kant's Monument
11:00 – 12:30	Kant's Island: the Cathedral, Kant's Tomb
12:30 – 13:30	<i>Lunch</i>
13:30 – 17:00	The Curonian Spit
17:00 – 18:00	Transfer to the hotel

Monday, August 6

Departure

Abstracts

The Concept of the Transcendental Subject in Kant's Theoretical Philosophy

Margarita Rovbo

Belarusian State University, Minsk, Belarus

One of the most unanswerable questions in Kant's theoretical philosophy is about the relation between the transcendental subject and the subject of cognition. Kant's status as a transcendentalist impels us to understanding of the subject of cognition as the transcendental subject. But more careful attention to Kant's own usage – rare and cautious – of the concept of transcendental subject demonstrates that the transcendental subject and the subject of cognition in Kant's own sense – is one and not the same.

An issue of Kant's subject – and the transcendental subject, in particular – is exhaustively examined in research literature. But many researchers have used both concepts as synonyms: for example, K. Ajdukevich, Zh. Deleuze, A. Karmin, V. Lectorsky, K. Lubutin and many others. In contrast to them, special mention should be made of some contemporary researchers (Kruglov, 2005; Vasilev, 2003; Halbfass; Chernov, 2010), who have stated nonidentity of these terms. The discovery of nonidentity of these subjects has been made relatively recently – and detailed inquiry of the transcendental subject in Kant's sense still has been absent.

The goal of this paper is to reveal essential features of the transcendental subject in comparison with the subject of cognition in Kant's theoretical philosophy. Explication of them is conducted in ontological and epistemological dimensions.

Since the late 1760s the concept of the “subject” in Kant's papers and lectures has referred to an agent of cognition, interpreted in keeping with the spirit of rational psychology: as a soul, i.e. simple, unified substance, able to spontaneous activity (Kant, 1997, p. 115). Further reconsideration of the subject of cognition is initiated by changing Kant's opinion about most of rational psychology theses.

(1) In *Critique of Pure Reason* Kant has broken traditional link “subject – substance” due to accurate demarcation between unity of thought and its speculative substantial ground (Vasil'ev, 2003, p. 411). (2) Moreover Kant does not argue that the subject of cognition is a thing in itself. The subject is open for empirical self-awareness as well as pure self-awareness, or apperception (Kant, 2000, p. 309). (3) *Critique of Pure Reason* architectonics, in particular, its first part – “Transcendental Doctrine of Elements” – is assigned by the system of cognitive faculties of the subject's of cognition: sensibility, understanding and reason. Within critical approach capacities are

considered before their actualization in a particular cognitive act. (4) The subject of cognition in *Critique of Pure Reason* is correlative with an object. However, due to *Critique's* system requirements an object of cognition is represented not as thing in itself, but as an “indefinite object of empirical intuition”, i.e. as an appearance (Kant, 1998, p. 155).

The combination of words “transcendental subject” appears quite likely only in *Critique of Pure Reason*. (1) In contrast to the subject of cognition the transcendental subject is substantial. Kant (1998) states, that the transcendental subject is the subject of all inner appearances (p. 442). The form of articulation of this statement refers to the Kant's previous interpretation of the subject as a substance – as an extreme *sub-jectum*, the ground of all possible predicates. This dogmatic “ghost” of the substance on the critical “court of justice” should not be confusing: as late as in consideration the first paralogism, Kant assents so-called substance “in idea” (Kant, 1998, p. 724). The substance, revived in the form of the transcendental subject, is understood in the meaning which is considerably differs from the meaning of a “substance” (as a category or scheme) that is used in “Transcendental Logic” (Haritonova, 2012, p. 21).

(2) The transcendental subject is incognizant: it may be only thought. Firstly, any sensible intuition regarding this subject is not possible. Secondly, “none of the categories... encounter conditions of their application” (Kant, 1998, p. 504). Although the transcendental subject is the subject of all appearances, this subject is not “itself an appearance and hence is not given as an object” (Kant, 1998, p. 504). If the transcendental subject is manifested as a thing in itself, it will be necessary to recognize that this subject is an *unusual* thing in itself. This nuance is fixed in offered by T. Ojzerman (1991) differentiation between thing in itself and noumenon. Although thing in itself is incognizant, it is able to affect sensibility. At the same time, noumena are mental entities, bearing no relation to the sensibility and, thus, to cognitive process (p. 97).

(3) It is impossible to define capacities of the transcendental subject because of its noumenality. However, substantial character of this subject enables to maintain spontaneous activity inhering in the subject, on the assumption of common idealistic definition of the spiritual substance (in contrast to passive, rigid matter). According to Kant (1997), spontaneous activity underlies freedom (pp. 117-118). In *Critique of Pure Reason* the thinker actually insists on human freedom. He links “the acting subject, as *causa phaenomenon*, ... with inseparable dependence to the natural chain of causes” (Kant, 1998, p. 539). Anything that is out of this dependence is connected with the intelligible transcendental subject. The subject may be transcendental if and only if it is free. Thus, the transcendental subject is primary a subject matter of Kant's practical philosophy.

(4) In contrast to the subject of cognition the transcendental subject does not conform to any object. It is misinterpreted that just as the subject of cognition is correlated with an object (appearance), so the transcendental subject is paired with the transcendental object. Both elements

of last concept pair have neither unidirectional nor mutual directional flows, despite their common features.

Consequently, in *Critique of Pure Reason* Kant distinguishes his own view on the subject from the position of rational psychology and connects senses of “transcendental” and “subjectivity”. It leads to, first, rethinking of the subject of cognition and, secondly, creating specific term “the transcendental subject”. It concludes that only the transcendental subject is characterized as an incognizant substance. As a substance this subject is able to spontaneous activity. Due to transcendental subject’s incognizant spontaneous activity Kant spans theoretical and practical parts of his philosophical system.

References

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Cognition and Postulate

Christoph Kiem

University of Leipzig (Germany)

In the following I am going to give a short sketch of what I take to be one of the central issues regarding Kant's discussion of the postulates in the second *Critique*. The foundation of this abstract is my master thesis on said topic. But this text is not to be taken as a summary of my thesis. It is rather a reflection on the work that still needs to be done, even if one accepts the results of what I tried to develop there.

Kant's notion of a "postulate of pure practical reason" is one of the key concepts of his practical philosophy, if not his philosophy as such. This concept (and, one might add, such is the nature of philosophical concepts) also is highly illusive and its precise meaning is controversial to this day. What is of interest to me is what one might call its epistemic status. Under "epistemic status" I understand the relation of the postulating subject to the postulate insofar as she takes the postulates content to be true. Now, postulation involves an act of affirmation in any case, i.e. taking to be true what has just been postulated. And, insofar as we have to postulate necessarily, we necessarily affirm the postulates content. However, the central question for my purpose here is not this modality of our postulation and thereby affirmation, but rather what we or the postulating subjects in general are allowed to infer from the commitment to the postulates with regard to their contents actuality. I suggest that we can divide possible readings on this issue in those, that are realistic and those that are non-realistic.¹ A realistic reading, on the one hand, insists on the reality of what has just been postulated and thus renders the act of postulation as an act of cognition, namely the cognition of the postulates content. On the other hand, a non-realistic reading denies any possible inference from the act of postulation to the reality of the postulates content. An act of postulation, according to the latter, is not an act of cognition.

If we look at the content of the postulates, we can see that problems for both readings arise. The objects of the postulation are our noumenal freedom, the immortality of the soul, and the existence of God. All three of these are theoretical objects and the postulates thereby contain prepositions that state what is, hence Kant's understanding of the postulate as "a theoretical preposition" (CpR 122). But in the view of Kant our capacities for theoretical cognition are limited and the concepts of freedom, soul, and God, which Kant calls ideas, exceed the limits of these capacities. The act of postulation is necessary only from the outlook of his practical philosophy and that is from thinking an act of cognition that is not cognition of what is, but rather cognition of what should be. It is thus unclear, how thinking through a capacity of practical cognition allows us to

¹ The idea of this distinction is contained in Sebastian Gardner's article „Kant's Practical Postulates and the Limit of his Critical System“, *Bulletin of the Hegel Society of Great Britain* 63, 2011.

draw conclusions about matters of theoretical cognition. Insofar as the realist claims the cognitive character of the postulation he has to explain how a capacity for practical cognition can extend itself to theoretical prepositions.

Unfortunately, the situation for the non-realist's proposal is even worse: A non-realist account is not sufficient to achieve what, according to Kant, the postulates are supposed to achieve. I developed this problem in more detail in my master thesis, but for now a short sketch must suffice: Kant introduces the postulates of the immortality of the soul and the existence of God as conditions for the possibility of the Highest Good.² And we would have to conclude that morality is “in itself wrong” (CpR 114), if the Highest Good could not be conceived as a possible end. The crucial point is that it is not the act of postulation itself, which makes the Highest Good realizable, but rather the actual existence of God and the actual immortality of the soul. Non-realism, of course, denies that we are capable to know whether this is the case or not. The act of postulation, therefore, does not answer the question regarding the possibility of the Highest Good. This has implications for the postulating subject itself: A subject, following the non-realist understanding, believes in the necessity of God and immortality, but is also (at least potentially) aware that, for all she knows, God might also not exist and the soul might not be immortal. Hence, she takes the Highest Good to be possible, but, under the non-realist premise, is also committed to thinking, that this might as well not be the case. I take this contradiction to show, that a subject cannot coherently adopt a non-realistic interpretation of the postulates and that, thus, such an understanding of the postulates cannot be correct.

It seems – given the distinction of realism and non-realism, I proposed at the outset, exhausts all possible readings – that Kant's doctrine of the postulates is in trouble. If this were the result Kant's philosophical project as a whole might be in danger, given how much he stresses the importance of the postulates. However, I do not want to jump to this conclusion immediately. Whereas I do think that a non-realistic understanding is indeed impossible, I am not so certain about the fate of a possible realistic alternative. There is indeed a question, which needs to be answered (“How can a capacity of practical cognition cognize theoretical entities/properties?”). And it needs to be answered without crossing the already mentioned epistemic boundaries to prevent a lapse into rationalistic dogmatism. But there is, according to my current understanding of Kant, nothing that would exclude such a possibility. What I want to develop, in an attempt to make sense of Kant's notion of “postulates of pure practical reason”, is a realistic reading of the postulates. It is noteworthy that also the case of failure is philosophically worthwhile, namely the possible insight into a problem for Kant's critical philosophy.

² I exclude the postulate of freedom from this argument, because it has a different role than the other two and would thus complicate matters even more.

An Analyses of Kant's Concept of Will

Wojciech Kozyra

Stefan Cardinal Wyszyński University in Warsaw (Poland)

The *Critique of Practical Reason* (1788) stirred a controversy concerning the possibility of freedom to evil in Kant's ethics. It had been immediately noticed by commentators that Kant's view on freedom, as depicted in this work, does not allow for actions which are free, yet contrary to moral law (and in this sense evil). Subsequent development in Kant's thinking on freedom is encapsulated in *Religion within the Bounds of Mere Reason* (1793). In this work Kant unequivocally asserts that freedom to evil (i.e. freedom to contradict moral law) *is* present in a human being. Yet in the later *Metaphysics of Morals* (1797) he apparently returns to his view from the second critique (which apparently is also the view he held in the 60's and 70's¹) which would have it that there cannot be such an event as action which is evil *and* is done *aus Freiheit*.

Whatever are the recent controversies about freedom among Kant's scholars they are rather *not* about whether there is a place for freedom to evil in Kant's moral theory². It seems that in that regard the paradigm has been set by Henry Allison's *Kant's Theory of Freedom*³. In this book the author bases Kant's view on freedom on passages from the *Religion within the Bounds of Mere Reason* where Kant formulates his, as Allison called it, "incorporation thesis"⁴ which has it that freedom consists in the act of incorporating an incentive into a maxim of action, whereas the resulting maxim, can be universalizable (moral) *or* not (immoral).

Related topics, that I would like to investigate, and present about, during the school, are the following. First and foremost, it is the continuity/discontinuity question concerning Kant's idea of freedom, as it is depicted in *Religion* and *Metaphysics of Morals*⁵. In this context I would also like to discuss the status of *Religion* as an authoritative source of Kant's views. As this status has been

¹ See I. Kant, „Texte zur Moralphilosophie aus Kants handschriftlichen Nachlass“ [in:] *Materialen zu Kants „Kritik der praktischen Vernunft“*, Frankfurt am Main 1975, 33-46. Also in the *Erste Einleitung in die Kritik der Urteilskraft* Kant supports the view that mere arbitrary (*willkürlich*) freedom of choice does count as freedom in the proper sense of the term (see *Erste Einleitung in die Kritik der Urteilskraft* [in:] *Immanuel Kants Werke*, vol. V, Berlin 1914, 180-8).

² But there are exceptions to this rule, see e.g. B. Ludwig, „Die Freiheit des Willens und die Freiheit zum Bösen: Inhaltliche Inversionen und terminologische Ausdifferenzierungen in Kants Moralphilosophie zwischen 1781 und 1797“ [in:] *Kants Rechtfertigung des Sittengesetzes in Grundlegung Iii: Deduktion oder Faktum?*, De Gruyter 2014, 227-268.

³ Allison's interpretation has gained many adherents, see e.g. A. Reath, "Kant's Theory of Moral Sensibility: Respect for the Moral Law and the Influence of Inclination" [w:] *Agency and Autonomy in Kant's Moral Theory*, New York 2006, 12-9; Y. Yovel, "Kant's Practical Reason as Will: Interest, Recognition, Judgment and Choice", *The Review of Metaphysics*, 52 (2), 1998, 288; A. Wood, *Kant's Ethical Thought*, Cambridge 1999, 51-3.

⁴ Allison, *Kant's Theory of Freedom*, Cambridge 1990, 132.

⁵ Scholars are divided on this issue. Some of them argue for (some sort of) continuity (e.g. H.F. Klemme, "Kants Erörterung der 'libertas indifferentiae' in der *Metaphysik der Sitten* und ihre philosophische Bedeutung" [in:] *Internationales Jahrbuch des Deutschen Idealismus*, 9, 2013) and others claim that "[as regards Kant's concept of freedom] theoretical tensions remain rife throughout" (e.g. Faustino Fabiannelli, "Kant's Concept of Moral *Imputatio*", [in:] *Reading Kant's Lectures*, Berlin/Boston 2015, 220; see also Michelle Kosch, *Freedom and Reason in Kant, Schelling and Kierkegaard*, Oxford 2006, 46).

questioned, as regards Kant's views on Judaism, by Heinz Moshe Graupe⁶, I wonder if there can be other areas in this work, like the assertion of freedom to evil, which we should not accept at face value as well. Such an investigation is of importance since Allisonian paradigm, concerning freedom in Kant, derives its legitimacy almost exclusively from *Religion*.

More general problems I would like to confront concern the reasons why, as it seems to me to be the case, the very possibility of Kant's interpretation which puts a positive stress on these passages where Kant denies freedom to evil is ignored by scholars almost *ab initio*.⁷ I also have doubts about the widely acknowledged hermeneutic axiom, which tells one to search, while interpreting a historical-philosophical text, for as much "coherence" as the text can sustain⁸. So this is a methodological question I would like to pose: should we, as those who interpret Kant, see in places where he apparently contradicts himself, an invitation to search for a philosophical unity on some "deeper" level, or, maybe, it would be better to treat such moments as manifestations of an ongoing conflict between Kant's philosophy and his religious and political commitments?

The resolution of the foregoing alternative may also prove helpful in the problem with Kant's view on freedom. For is there *the* freedom that Kant is philosophizing about? After all, we see that freedom in Kant comes in manifold. We have practical freedom, transcendental freedom, freedom as spontaneity, freedom as numenal causality, freedom as autonomy, psychological freedom, comparative freedom, moral freedom, and this kind of freedom which is being limited by juridical regulations, i.e. lawless (brutish) freedom. Given this manifold I will dare to suggest that instead of asking "what is Kant's theory of freedom?", we should rather ask which kind of freedom is the most important for Kant. And we can even ask further: which kind of freedom is the most important for Kant *as* a metaphysician, for Kant *as* a moralist, for Kant *as* a political theorist, and for Kant *as* a religious thinker.

Topic of freedom borders on, and even intersects with the topic of will. Just as freedom, also will comes in Kant in manifold. We have will (*Wille*), arbitrary will (*Willkür*), pure will, good will, free (arbitrary) will, brutish arbitrary will (*tirische Willkür*), holy will, autonomy of will and heteronomy of arbitrary will. In the context of the relationships between will and freedom I will

⁶ Cf. Graupe, „Kant und das Judentum“, *Zeitschrift für Religions- und Geistesgeschichte*, 13(4), 1961: 308-333.

⁷ Cf. e.g. H.J. Paton, *The Categorical Imperative: A Study in Kant's Moral Philosophy*, Chicago 1948, 132; J. Kloc-Konkołowicz, *Rozum praktyczny w filozofii Kanta i Fichtego*, Wrocław 2007, 27; Y. Yovel, *ibid.*, 281, P. Stekeler-Weithofer, „Willkür und Wille bei Kant“, *Kant-Studien* 81 (3), 1990: 309; H. Hudson, „Wille, Willkür and the Imputability of Immoral Actions“, *Kant-Studien* 82 (2), 1991: 179-81. Heiner F. Klemme pays more attention to the issue, see his "Die Freiheit der Willkür und die Herrschaft des Bösen. Kants lehre von Radikalen Bösen zwischen Moral, Religion und Recht" [in:] *Aufklärung und Interpretation. Studien zum Philosophie Kants und ihrem Umkreis*, Würzburg 1999, 125-51.

⁸ Cf. Y. Melamed, "Charitable Interpretations and the Political Domestication of Spinoza, or, Benedict in the Land of the Secular Imagination" [in:] *The Methodology of the History of Philosophy*, Oxford 2013, 258-277. In this essay Melamed shows how Spinoza's philosophy has been distorted over the years due to a tendency of scholars to impute him their own standards of common sense. I think that the abruptness with which some scholars neglect the "anti-libertarian" (to use a term of a contemporary metaphysics of free will) idea of freedom in Kant, may be tainted with similar preconceptions as well.

mainly focus on scathing conceptual possibilities in this domain. But generally speaking, I'm inclined towards the view that the philosophically important concept of freedom in Kant does *not* involve the possibility of freedom to evil.

As a way of rehabilitating and reinvigorating this view I will point to a contemporary metaphysics of freedom (mainly to work of Derek Pereboom and Saul Smilansky), to show that the standpoint that denies the common sense view of free will (which certainly involves a possibility of freedom to evil) has wide and respectable representation within the relevant expert community. I think that this mere fact should make us think twice before we dismiss the very idea of freedom as something different than just *libertas indifferentiae* (which is a Latin term for freedom to good *and* evil).

Moral and Nature: The Anthropological Ground of Kantian Ethics

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I. Background and Introduction

Kant declares in *GMS* that the moral worth depends “not on the actuality of the object of the action, but merely on the principle of the volition without regard to any object of the faculty of desire”, and therefore the moral worth lies not in any principle of action which needs to get its motive from this expected effect, but only in the representation of the law in itself, which obviously occurs only in the rational being insofar as it (AA 4:399-401). Therefore, the actions motivated by any natural passions and inclinations are by no chance morally worthwhile. The actions with moral worth must be determined by the principles of pure practical reason itself, which are totally independent of our faculty of desire. But it seems a difficult task for Kant to explain how it is possible for human being to act free of inclinations and passions, which, according to some naturalist, is contrary to the inevitable fact about our human being as a naturally volitional species, rather than purely spiritual beings like God. On This Background, the so called “motivational empty charge” against Kantian Ethic in the contemporary Kant study accuses that Kant cannot offer a naturalized motivation to manifest how it is possible for human nature to being obligated to pure a prior moral law.

As a possible answer to this problem, Kant claims in *GMS* III that “categorical imperatives are possible through the fact that the idea of freedom makes me into a member of an intelligible world, through which, if I were that alone, all my actions *would* always be in accord with the autonomy of the will”, and “since I intuit myself at the same time as member of the world of sense, they *ought* to be in accord with it” (AA 4:454). The key point here is that if we regard human nature

simultaneously as rational beings and sensual being, then we count ourselves as the member of the world of understanding and the world of sense, the former identity enables us to act in accord with the principle of the autonomy of the pure will, and the latter transfers this possibility into an obligation. Therefore, under the idea of freedom(rationality), Kant explains the possibility of the actions comply with the categorical imperative.

But as the answer to explain how it is possible for human being as imperfect rational beings to act under the obligation of pure rational principles without any sensible motivation, this argument is far from satisfactory:

Firstly, it seems that Kant has to provide a further motivation for this decision of counting ourselves as the rational beings rather than merely perceptual beings, at least Kant should explain the reason why we have to do so, since rational nature is far less intuitive convinced than our sensible nature.

Secondly, if Kant does not provide any motivational argumentation (as I will argue in the first section of this dissertation), then how it is possible to justify this anthropological claim of the human nature as rational nature without any empirical evidence?

Thirdly, even when this claim can be justified, how can Kant deal with the gulf between the rational and perceptual nature of the human being? If the human nature is not to be regarded as divisive and internal oppositional, then Kant must provide a united perspective of understanding two different essence of human being.

My dissertation will center on these three problems respectively. My purpose is to illuminate a holistic and coherent view of Kant's theory of human nature as whole, in order to provide the deeper and more comprehensive understanding of Kant's ethics.

II

The "motivational empty charge" against Kantian Ethic accuses that Kant cannot offer a naturalized motivation to manifest how it is possible for human nature to being obligated to pure a prior moral law. As a possible answer to it, Kant declares that only when the agents regarding themselves as rational being can the problem of the obligation of categorical imperative being solved. And meanwhile Kant also indicates that our rational nature has an absolute value, then comes an interpretation raised by Paul Guyer and Korsgaard which naturalizes this absolute value in order to offer a possible natural motivation in Kantian Ethic. But this interpretation violates Kant's original argumentation, as well as the stand point of transcendental philosophy. Actually Kant treats the absolute value of rational nature as a consequential fact of the presupposing of the reality of universal moral principles, which indicates our capability of deciding our actions through pure practical rationality and free from the natural motivation offered by emotions and inclination. This anthropological claim contributes as the fundamental postulation in moral philosophy, thus the justification as well as the criticism of this claim cannot be justified in the moral philosophy, rather,

we have to move to Kant's study of anthropology, which might concern the transcendental critique of our faculties of cognitive and practice.

III

In this section I will illustrate the possible justification of Kant's anthropological claim of human being as rational being. Actually, Kant uses the terminology of the "anthropology" by several meanings, and in this section I would like to refer to the anthropology not in the sense of an empirical and psychological research on human nature, rather the systematic and transcendental study of the human being in general as a species. What here might be concerned are not the special emotional status of the people in different cultures, but the transcendental structures of the cognitional faculties of the human being. According to the critical works of Kant, our empirical statuses are merely the presentations of our essence as thing in itself, and we have no right of the theoretical claim referring to our intrinsic essence, such as the freedom of will. Therefore, these claims can only be justified only in a practical way, namely in a normative way, especially when it regards to the postulation in moral philosophy.

IV

In the last section I will deal with Kant's view of a unified nature within which the law of nature and the law of freedom are harmonized and reconciled. The key point here is that Kant does not put human being as rational being as a separated exception in the objective natural world, but, put the idea of nature itself under the comprehension of human being. As Kant claimed that all the philosophical questions can be reckoned to an anthropological question about what is human being, the idea of nature is already a humanized (or more precisely, moralized) nature.

Anthropological Grounds of Kant's Political Philosophy

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Anthropological grounds are a key in all spheres of human life. As for politics anyway it's guided by anthropology in the wide sense of this word. Political philosophy of Kant is an example of how anthropological grounds set practical human activity and show on which principles civil society ought to progress. Without properly knowledge of anthropology can't be true politics.

In our life we have many concepts about human – biological, psychological, natural, mathematical, but all these concepts base on our experience. They aren't a priori, in that time according to Kant politics ought to base on universal and necessary principles. Therefore politics necessary go to interaction with metaphysics and respectively with morality.

But today we can state the opposite thing – politics hasn't fair name. We can see a confrontation between politics and morality and some people say that politics hasn't crossing with morality, its two different things. It's not an argument about incompatibility between them. Despite of negative experience of politics, we can't to separate politics with morality. According to Kant one of the problems of politics is human ego, as it must to overcome with a help of politics. Thus in reality different anthropological questions are important problem to politics.

There are two ways in questions of relation between politics, morality and anthropology. One of them is the way that person can't overcome his own egoism so politics as well as morality in human life haven't strength. On the other way person might to overcome his own egoism and can to perfection through politics and morality. Kant's views are closer to the latter.

Humanity according to Kant has a character that humanity creates for itself. It is possible through two things. At first it's possible through humanity mind – all people have practical mind with its principles. Secondly it's possible by a grain of discord which nature has invested in every person. In order to overcome this grain of discord person must to use his mind. Also Kant denies having in the nature objective causes which obstruct to humans perfection. So the aim of the nature is that human with a help of his mind attains perfection by himself. Hence humanity has opportunity to attain moral perfection through its own natural abilities – mind and a grain of discord. Thus, anthropological views of Kant might be named “anthropological optimism”. And one thing each we should to pay attention – humanity happiness can be attained only humanity on the whole, because human's talents might be developed in the human race in total.

Hence it shows up necessity in having civil society for moral progress of human race. And respectively in order to develop own natural talents humanity race ought to realize world civil status, what Kant denoted as the greatest problem for human race. This problem bases on the next contradiction – maximal freedom under external laws must to combine with compulsion.

Conjunction of the principle of freedom and the principle of compulsion assumes voluntary rejection of freedom, latter in the human's experience leads to egoism. After this rejection a person ought to obey right, which is one of the phenomenon of moral principle of practical mind.

State organization is necessary element between human of nature and that human can and ought to do of himself, according to principles of practical mind. And Kant notes that we needn't expect good state organization from morality but we should expect morality from public education for which is responsible a government. Thus, according to Kant, state contributes to morality. And how state does this?

State sets a barrier against human's tendency to do what everyone wants. This barrier is law which helps to develop moral abilities through the respect to right. Latter helps to overcome a grain of discord – evil principle in human race and to reach moral perfection. As a result in order to reach moral perfection, respectively to overcome human vices, humanity should reach perfect civil state through a respect to right and certainly through compulsion.

Eventually politics can and should to assist morality, and Kant says that nature established so that politics helps humanity to overcome natural antagonism. We can say that the nature pushes us to civil state and respectively politics can be realized thanks to human's natural abilities. But at starting should to be compulsion through law.

How we can see Kant's political philosophy bases on his anthropological views. And in a theory his "anthropological optimism" correlates with his "political optimism", but in the practice we can't talk about "political optimism" what Kant admits. But what will happen with Kant's political philosophy if his anthropological views are not corresponding with reality?

Kant himself hopes on the best result by the way of attempts and mistakes. But in other side he claimed that to reach moral perfection through the world civil status need a case. Thus, according to Kant, we can't exclude that achievement of the world civil status and, respectively, moral perfection needs randomness. For those who have read only Kant's *Critique of Pure Reason* it may seem a little bit strange. After all, Kant holds to a priori principle which couples with random experience, which makes from this experience cognition. But Kant's political views on the practice (we don't speak about his theoretical views) bases only on the random experience.

Hence we have a contradiction. Humanity has natural abilities or talents for achievement moral perfection. In order to reach moral perfection human race should to set the world civil status. But for set the world civil status need a case. In other words human's natural abilities either are not value for achievement moral perfection or human race hasn't these abilities. In both cases there is no solution of problem. We don't understand on which foundation we can base to reach and set world civil status.

At the end we can say that Kant's political philosophy a little bit discredit his anthropological views which we earlier named "anthropological optimism". Why was this happening? Maybe the answer to this question could be received only by asking Kant.

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Kantian Moral Motivation and the Role of Respect as the Moral Motive

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1. Introduction

For Kant, actions have moral worth if the moral judgements that underlie them motivate them on their own, without the intermediation of any desire or feeling. However, the problem of converting judgments of reason into action in the practical realm is the puzzle of philosopher's stone: How could an imperative of pure reason move a human agent to action without any admixture of feelings or desires in it? Kant realizes this problem¹ and answers this question by claiming that moral actions are performed out of a feeling of respect for the moral law.² However, if a feeling of respect motivates an agent to act morally, then it cannot be an action that is performed purely from duty. Furthermore, as is evident from the divergent interpretations on his idea of moral motivation, Kant does not clearly establish the precise role of respect within his model of moral motivation. Scholars who have worked on Kant's moral motivation and the feeling of respect have fallen into two schools of interpretation: intellectualists and affectivists.³ Generally, intellectualists argue that moral actions are solely motivated by moral law alone, with the feeling of respect either

¹ *Lectures on Ethics*, 27:1428.

² *Groundwork of the Metaphysics of Morals*, 4:400, 401n & 440.

³ McCarty in his "Kantian Moral Motivation and the Feeling of Respect" recognizes the two trends of interpretation and names them intellectualism and affectivism. Since then, this division is a common point of discussion among scholars on Kantian moral motivation and respect.

seen as an insignificant effect of the moral law or as playing no role at all.⁴ By being a reaction to intellectualism, affectivists argue for the positive involvement of the feeling of respect in moral motivation, without reducing it to an antecedent pathological feeling and, at the same time, without subduing the significance of the moral law in the process.⁵

2. Objectives

The aim of my research is to propose an interpretation of Kantian moral motivation and the place of respect within it to address the aforementioned problems within Kant's moral psychology and situate it amidst the ongoing debates on the issue at hand. I intend to argue that (1) Kantian moral motivation takes place in two sequential stages and (2) the notion of respect for the moral law plays the role of a motive in both its stages. By arguing that respect plays a positive role in motivating agents to perform moral actions, I will place my position under affectivist school of interpretation.

3. Research outline

I will begin my paper by introducing Kant's notion of respect for the moral law to set the stage for discussing its role within moral motivation. Kant treated respect as a moral incentive that enables an agent to adopt a moral maxim and move an agent to perform moral action by motivating the will of an agent. Further, respect for the moral law has an intellectual and an affective component. While the intellectual component of respect is an attitude that evaluates and regards the moral law highly over the imperative of self-love, the affective component of respect is a feeling of esteem for the moral law.⁶ In order to understand the notion of respect clearly, I will also briefly discuss concepts like maxims⁷, incentives and will (Wille & Willkür)⁸ at this stage of my research paper.

After introducing the notion of respect for the moral law, I will discuss the central argument of my paper: Kantian moral motivation is a two-staged process, both involving an essential role of respect for the moral law. I will argue that the first stage of moral motivation consists of the adoption of the maxims of morality with the aid of agent's free Wille. During this stage, the intellectual component of respect, which recognizes the supreme value of the moral law, motivates

⁴ See: Reath's "Kant's Theory of Moral Sensibility" in his *Agency and Autonomy in Kant's Moral Theory*, Allison's *Kant's Theory of Freedom*, & Timmons, "Kant and the Possibility of Moral Motivation".

⁵ See: McCarty, "Kantian Moral Motivation and the Feeling of Respect", Brodie & Pybus, "Kant's Concept of 'Respect'" & Nauckhoff, "Incentives and Interests in Kant's Moral Psychology".

⁶ I will side with Reath in looking at respect for the moral law as having intellectual and affective sides to it. Reath's argument and his provision of appropriate textual evidence for dividing the notion of respect into two components are convincing (Reath, "Kant's Theory of Moral Sensibility", 9-13). While his intellectualist interpretation does not see the affective side of respect as playing any role in moral motivation, I will go on to argue otherwise.

⁷ I will develop my thesis in the light of a hierarchical model of maxims that Kant presupposed in his writings (For instance, see: *Religion within the Boundaries of Mere Reason*, 6:20). This model is formed by lower-order specific maxims at the bottom, higher-order general maxims in the middle and the highest maxim at the top of the hierarchy.

⁸ I will discuss Kant's faculty of will as having two aspects with their distinct functions: Wille and Willkür. In his *Metaphysics of Morals*, Kant defines Wille as "The capacity for desire whose inner determining ground, hence even what pleases it, lies within the subject's reason ..." and Willkür as "one's consciousness of the capacity to bring about its object by one's action" (*Metaphysics of Morals*, 6:213).

the Wille to freely adopt the highest maxim of morality. The adoption of the moral law as the imperative of the highest maxim happens through the incorporation of the intellectual attitude of respect into it. General and specific maxims concerning moral duties, which are adopted in general and particular circumstances, are derived from this adopted highest maxim of morality. The second stage of moral motivation concerns the execution of particular moral duties by virtue of motivation from the feeling of respect for the moral law. During this stage, the affective component of respect, which involves a feeling of elevation and esteem for the moral law, motivates the agent's Willkür to freely execute the moral duty according to the adopted specific moral maxim. Thus, the two sequential stages of moral motivation involve the motivational role of intellectual and affective component of respect for the moral law.

I will conclude my paper by arguing that my interpretation falls in line with affectivism due to its claim that the affective component of respect too plays a significant role in motivating agents to perform moral actions. Finally, I will provide possible objections to my position and defend it against them.

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The Sublime and the Practical Reason of Immanuel Kant

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Immanuel Kant continued to develop previous conceptions of the subject, but expanded the theme of human knowledge and action among natural phenomena. In the XVII century Rene Descartes established philosophy of rationalism, in which subject and object were in opposite sites, based on the opposition between thinking and extensional substances. This leads to formation of science school, in which the ratio expands rational order has no linkage to the sensible world. Yu. M. Boroday summarizes the further conceptual development, to establish reason's universality and objectivity, and that Descartes and further school of thought avoid a conception of mind based upon out-of-thought items. Otherwise empirics base thought in world of sense, but the question about *quid pro quo* between subjective thought and objective world was still actual. Ernst Cassirer suggests, that Kant established the non-finished subject independent formation from nature and in accordance to strict laws. According to Kant, through the combination of sensible world and pure intuition, practical reason and pure reason build theoretical knowledge about reality.

Transcendental opportunities of human struggle against sensible world and their reconciliation is a yellow ribbon for Kant's three main masterpieces – his *Critiques*. For *Critique of Pure Reason* it is solution of question about opportunities of the *ratio* to cogitate without any experience. According to Kant, reason independent of experience leads to antinomies of pure reason, otherwise science bases itself upon empirical matters. So Immanuel Kant profiles the limits of reason, because cogitation is impossible without any experience.

Practical reason for Immanuel Kant is an independent formation, because it overflows limits of empirical matters. Studying practical activities of humans Kant faces ratio's law-making in nature, he wrote: "the morally good is something whose object is supersensible; for which, therefore, nothing corresponding can be found in any sensible intuition. Judgement depending on laws of pure practical reason seems, therefore, to be subject to special difficulties arising from this, that allow of freedom is to be applied to actions, which are events taking place in the world of

sense, and which, so far, belong to physical nature”.¹ The problem consists in the distinction between practical reason and conveyed by senses, which leads to impossibility of the necessity of moral actions.

Studying practical reason Kant unveils the conflict about how rational subject can operate in natural world. There is a pre-justice that Kant interpreted space as mindless. So Russian cosmologist philosopher N.F. Fedorov noticed, that reasonable beings have limits in non-activity, or force, but cosmos has no mind. Another concept of the Russian cosmism introduced by Wernadsky – noosphere as a reasonness nature arising in cooperation between biosphere and human actions – is impossible for Kant.

Human’s reasonable duties is not only a subject for the *Critique of Practical Reason*, but either for *Critique of Judgement*. In the *Critique of Judgement* Kant united to parts of Philosophy, ability to judge “it will effect a transition from the faculty of pure knowledge, i.e. from the realm of concepts, to that of the concept of freedom, just as in its logical employment it makes possible the transition from understanding to reason”.² E. Cassirer clarified this position of Kant and noticed, that the main purpose of the philosopher’s destination is searching mediation between nature and freedom worlds, which «can not consist in out inserting between the realms of being and of willing any sort of middle realm of essence, but consist instead in our discovery of a type of contemplation that participates equally in the principle of empirical explanation of nature and in the principle of ethical judgment».³ Consequently Kant tried to correlate between moral judgement and human’s empirical personal destiny and this is the plot for his third *Critique*. On the one hand, Kant saw principal division between spheres of ratio and nature, on the other – forced to correlate them both, he did so through studying sublime.

Kant studied the sublime in the aesthetic perspective and established two types of the sublime. The first of them – is the mathematically sublime, in comparison with which everything is too small, for instance, the starry sky as unlimited cosmos, which when looked at the person feels his/her smallness. The second is the dynamic sublime, for instance human’s thoughts about the power of nature, such as ones at time of looking at giant waterfall.

Division between sublime and the beauty lays in this: “The beautiful in nature is a question of the form of the object, and this consists in limitation, whereas the sublime is to be found in an object even devoid if form, so far as it immediately involves, or else by its presence provokes, a representation of limitlessness, yet with a super-added thought of its totality”.⁴ Representation of boundlessness is possible because “For the sublime, in the strict sense of the word, cannot be

¹ Kant, I. Critique of Practical Reason. Trans. by T. K. Abbott. URL: <http://www.gutenberg.org/cache/epub/5683/pg5683-images.html> (Accessed: 18.05.2018)

² Kant, I. Critique of Judgement. Trans. by J. C. Meredith. New York.: Oxford University Press. 2007. P. 14.

³ Cassirer, E. Kant’s life and Thought. Trans. by J. Haden. New Haven and London: Yale University Press. 1981. P. 286.

⁴ Kant, I. Critique of Judgement. Trans. by J. C. Meredith. New York.: Oxford University Press. 2007. P. 75.

contained in any sensuous form, but rather concerns ideas of reason, which, although no adequate presentation of them is possible, may be aroused and called to mind by that very inadequacy itself which does admit of sensuous presentation”.⁵ Reason's ability to control natural phenomena links with fact, that the sublime is absolutely great and human can't perceive it. Reason becomes active in the situation of human perception of boundlessness in nature and the imagination reaches its' limits. Judgments about the sublime arise from sense perception and at the same time is a result of reason's ability.

Kant explains the power of reason through the human use of objects of nature. Kant notes: “But precisely because there is a striving in our imagination towards progress ad infinitum, while reason demands absolute totality, as a real idea that same in ability on the part of our faculty for the estimation of the magnitude of things of the world of the senses to attain to the idea, is the awakening of a feeling of a supersensible faculty within us; and it is the use to which judgement naturally puts particular objects on behalf of this latter feeling, and not the object of the senses, that is absolutely great, and every other contrasted employment”.⁶ Such activity of reason means that the human being determines nature.

Deleuze pays attention to this situation, when he notes that according to Kant, there is a need in the aesthetic realm to harmonize abilities with the background of encountering subject and boundlessness. This harmonization in judgments about the sublime determined by specificity of judgment, that according to Deleuze always is a difficult proceeding, result is the transition of the private to the general. P. Crowther confirms this position. P. Crowther represents harmonization of imagination and rational abilities this way: «the richer the sensible manifold, the more heightened and deliberative our cognitive activity becomes”⁷. Such opinion leads to the conclusion about a total determination of sense perception by reason. In spite of power of natural phenomena power of reason is stronger.

The power of reason under natural phenomena is a condition for moral action. According to Deleuze “the sense of the Sublime is engendered within us in such a way, that it prepares a higher finality and prepares us ourselves for the advent of the moral law.”⁸ But it should be noted that reason transforms the nature in rational limits. “For in the sublime all is subjective, a subjective relationship between faculties; the sublime relates to nature only by projection, and this projection is carried out on what is formless or deformed in nature”⁹. Kant through the study of aesthetic experience creates subjective limits of sensible world, in which the moral subject acts.

⁵ *Ibid.*, P. 76.

⁶ *Ibid.*, P. 81.

⁷ Crowther, P. *The Kantian Sublime: From Morality to Art*. Oxford: Clarendon Press, 1989. P. 143.

⁸ Deleuze, J. *Kant's Critical Philosophy. The Doctrine of the Faculties*. Trans. by H. Tomlinson and Barbara Habberjam. – London.: The Athlone Press. 1984. P. 52.

⁹ *Ibid.*, P. 52.

Thus, a moral act requires reason to prevail over the world of sense, limiting nature and thereby representing it via laws of reason. So Kant, like Russian cosmists, refers to reason over nature. The signature feature in Kant's conception is his position, that humans transform the world in their minds.

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Moral Freedom in Kant's Moral Philosophy and Stoicism

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This project aims to discover the similarities between Kantian notion of moral freedom, as it is derived from the principle of autonomy and stoic concept of *autarkia* or self-governance. Both Kantian and Stoic ethics are a prominent part of the contemporary philosophy and are frequently called upon to deal with moral problems the humanity challenges today: from the field of political theory to bioethics.

1. Kant's Moral Freedom

The idea of *autonomy* lies at the core of Kant's moral philosophy. In *Groundwork for the Metaphysics of Morals* one of the formulations of the Categorical Imperative is often called "The Autonomy Formula". It says:

"Thus the principle of every human will as a will giving universal law through all its maxims provided it is otherwise correct, would be very well suited to be the categorical imperative by this: that just because of the idea of giving universal law it is based on no interest and therefore, among all possible imperatives, can alone be unconditional; or still better, by converting the proposition, if there is a categorical imperative (i.e., a law for every will of a rational being) it can only command that everything be done from the maxim of one's will as a will that could at the same time have as

its object itself as giving universal law; for only then is the practical principle, and the imperative that the will obeys, unconditional, since it can have no interest as its basis.”¹

As we can see, autonomy for Kant is the ability of an individual to give laws that govern him to himself. This autonomy is closely related to the freedom of the individual, and this is not freedom in a political sense, but in the moral one. Moreover, it is a positive freedom and not a negative one, since it does not exempt the individual from being a subject of any law, but merely lets him to voluntarily subject himself to the law.

This idea is also present in his essay “What is Enlightenment”, where he urges people to overcome their minority by use their own reason, the use of which obviously includes (but not limited to) rational inquiry into the domain of ethics that results in discovery of a moral law.

This ability to be morally free by giving laws to oneself puts virtue, or moral goodness, into our own hands, completely independent of others.

Let us imagine a situation in which it is not so, i.e. when our ability to be good is somehow dependent on others. Such imaginary situation would require the criterion of goodness to lie outside of the actor, which is either the result of action or the way, in which the action is performed. The fallaciousness of choosing any these two criteria was explained in the preface to the Groundwork. Autonomy, therefore, makes us free to be virtuous, since the morality of our actions is determined not by their consequences, but solely by our willing to obey the law for the sake of the law itself.

By failing to obey the law for the sake of it we become, in a sense, unfree, because, if we, for example, choose to act in order to achieve some goal, be it against the moral law or in conformity with it, our success can not, unless we are omnipotent and omniscient, be sure to have any success in achieving it, as it is always dependent on the actions and desires of others and never in our complete control.

2. Stoic *Autarkia*

Such views on moral freedom and its opposite are in some aspects similar to those of the ancient stoics. The influence of stoic ethics on Kant is problematic, as there is no scholarly consensus on that matter. It is anyway clear that Kant was well acquainted with stoicism.

The stoics believed that in order to be good, you need not to care about some irrelevant aspects of life such as wealth, health, fame etc. because they are externally dependent and not fully under one’s own control. Instead, the focus of the good life (*Eudaimonia*) should only be what is within an individual’s control, that is, one’s own mind.

Epictetus, for example, emphasises this distinction:

“There are things which are within our power, and there are things which are beyond our power. Within our power are opinion, aim, desire, aversion, and, in one word, whatever affairs are

¹ Kant I., *Groundwork for the Metaphysics of Morals*, 4:432

our own. Beyond our power are body, property, reputation, office, and, in one word, whatever are not properly our own affairs.”²

To reach Eudaimonia one needs to be virtuous. That means to use reason to discover the law of nature which governs the universe, and, most importantly, to conform to this law. The stoic sage is always free, because all he possesses is his virtue, i.e. having set all his actions (including emotions) in harmony with this law.

This sage is a person who reaches *autarkia*, or self-sufficiency but this self-sufficiency differs from the Kantian autonomy in the same way as Categorical Imperative and stoic *Logos* differ from each other.

The Logos of the Stoics is a universal law, a law that governs the whole universe and every single aspect of one’s life, while the CI is only concerned with morality, and one would not think of stepping barefoot on a sharp stone in moral terms. For a stoic sage it would be a must to not have any negative emotion (such as anger) when he feels pain, as the source of this pain is, as is everything else, governed by the Logos. And the attainment of harmony with logos is the ultimate goal of the sage. Despite this difference between *autonomy* and *autarkia*, the latter, when restricted to moral matters, seems to be very similar with the former.

The concept of free will, one of the core principles of both Kantian and Stoic philosophy, and, most importantly, the one of the most widely accepted by the people, lets us deduce one of the most basic freedoms available to human beings no matter the differences between them and the societies they live in: the freedom to be good. Either by attaining Kantian autonomy, using reason to determine the principles that would govern one’s actions, or by using the same reason to discover universal law, enabling us to reach self-sufficiency of a stoic, every individual becomes able to become a good person, which is a freedom that can never be taken away or destroyed by external forces.

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Two Criticisms of the Role of Cultural Diversity in Kant's Cosmopolitan Thought: Herder and Hegel

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At the time of writing, Western Society as a whole is increasingly divided into two great hostile camps, with two distinct visions of political association: Cosmopolitans and Nationalists. A number of recent events around the world seem to have pitted one against the other in a zero-sum game where the adoption of one world view is necessarily believed to exclude all consideration of the other. The acrimony seems to have become so strong that it has thrown into question the very possibility of the existence of any set of values which might be shared by all of humanity.

In order to grasp the full meaning of any contemporary political phenomenon we have to begin with an understanding of its history. In turn, research in the history of political ideas requires that we go beyond the better-known thinkers of an era and examine their lesser-known interlocutors in order to uncover the general intellectual context of the time. This premise initially led me to attempt a comparative research between Herder's views of Cosmopolitanism with those of Kant, which subsequently became one of my qualifying papers. This resulted in an attempt to establish the political philosophy of the German Enlightenment as a major source for the contemporary debate between Nationalist and Cosmopolitan thought. Thus, my dissertation is set to expand upon this research and will take the form of an intellectual history of this dialectic.

My dissertation will argue that the current situation is only the recent instance of an age-old philosophical puzzle, one which harks back to ancient Greece: that is how to reconcile the Universal with the Particular, or the one with the many, as far as these concepts can be made to apply to social

life. The most crucial phase in this conflict, as it applies to modern social and political life, begins, however with the “Enlightenment”.¹

Thus, the dissertation is set to examine the relationship between Nationalism and Cosmopolitanism in the political thought of four German Enlightenment philosophers: Kant, Herder, Hegel and Marx. By examining their philosophical anthropology and philosophy of history as the intellectual context of their political philosophy.

In the terms provided by a preliminary interpretation of Nationalism and Cosmopolitanism, we can say that Nationalism, in the words of Ernest Gellner is “a political principle, which holds that the political and national unit should be congruent”.² While Cosmopolitanism, understood as Kant’s *ius cosmopolitanum*, is “the law of world citizenship, so far as men and states are considered as citizens of a universal state of men”.³ Thus, Cosmopolitanism can be seen as seeking to supersede the nationalist political principle and form an *incongruency* between the two, by embedding the national unit within a larger political one, since by definition Nationalism requires that sovereignty lie within the nation, while Cosmopolitanism assumes that there can exist a form of sovereignty which can be shared by *all* human beings.

As they emerge from his writings of the 1780’s and 90’s, the two ideas of Enlightenment and Cosmopolitanism are cardinal to Kant’s political thought, and form a part of Kant’s historicism. In the sense that human society is necessarily progressing towards a better future, and that that future is a Cosmopolitan one. To paraphrase, we do not live in a Cosmopolitan age, but we do live in an age of Cosmopolitanization.

Thus, Kant is the apt starting point for this line of inquiry, since it was he who intrinsically linked together the Enlightenment with Cosmopolitanism in his philosophy of history, and subsequent philosophers would respond to this formulation. For Kant Cosmopolitanism is the end of human history, “the end... which nature has as its aim—a universal *cosmopolitan condition*, as the womb in which all original predispositions of the human species will be developed.”⁴ However, it

¹ This is, of course, a highly contentious term. But in this dissertation, I will be concerned with what might be said to be the *Kantian* understanding of the term *Aufklärung*—that is a broadly-based attempt to create a rational account of the human condition. I will have more to say about this later.

² Ernest Gellner, *Nations and Nationalism*, 2nd edition, New Perspectives on the Past (Oxford: Blackwell, 2006), 1.

³ Immanuel Kant, “Toward Perpetual Peace (1795),” in *Immanuel Kant: Practical Philosophy*, ed. Mary J. Gregor, The Cambridge Edition of the Works of Immanuel Kant (Cambridge: Cambridge University Press, 1996), 311–52, <https://doi.org/10.1017/CBO9780511813306>.

⁴ Immanuel Kant, “Idea for a Universal History with a Cosmopolitan Aim (1784),” in *Immanuel Kant: Anthropology, History, and Education*, ed. Robert Loudon and Günter Zöllner, trans. Allen W. Wood, The Cambridge Edition of the Works of Immanuel Kant (Cambridge: Cambridge University Press, 2007), 118, <https://doi.org/10.1017/CBO9780511791925>.

should be emphasized that for Kant, this Cosmopolitanism is a *legal order*, one which would cement the exercise of *ius cosmopolitanicum* and eventually replacing the ineffectual *ius gentium*.⁵

This legal construct can be schematically described as follows: the exercise of this right, according to Kant, could only be achieved through the establishment of a “confederation of peoples” which would form “an (always growing) state of nations (*civitas gentium*) that would finally encompass all the nations of the earth”.⁶ this confederation would be based on “a league of a special kind which can be called a pacific league (*foedus pacificum*)”, whereof all member states have a republican constitution.⁷ The aim of this confederation is to guarantee perpetual peace, which is a necessary precondition of the cosmopolitan world, where man would be able to “be at once both a citizen of a nation and a full member of the society of the citizens of the world”.⁸ The process of achieving perpetual peace can be said to be an extension of the Enlightenment project, since “that a public should enlighten itself is more possible [than an individual]; indeed this is almost inevitable, if only it is left its freedom”.⁹

In this context, the diversity of human cultural forms—languages and religion—serves an important role in Kant’s cosmopolitan program, as it provides a safeguard against the establishment of a world monarchy.¹⁰ The upshot here is that cultural diversity serves a *function*—it is a means towards an end, and not an end in itself, something which would be challenged by philosophers such as Herder, who would claim that it is precisely the wide diversity of human cultural forms which serves as the end of human life.

Hegel’s criticism of Kant’s *Perpetual Peace*, while sharing the criticism that there can be no superseding “Law of Nations” (*ius gentium*) to govern international relations, rejects even the *possibility* of a just international *praetor*—such as the legal order of the confederation of free states which Kant proposes—which can adjudicate between nations, as a pipe dream, since it cannot possibly overcome the extreme plurality of political communities.

Although this criticism is similar in many respects to Herder’s. Hegel, however, arrives at different conclusions—for whereas Herder believed that once the radical differences between nations were recognized, the futility of any attempt to bind them artificially into an institutional framework would follow. Instead, nations should be left to themselves in order to allow them to develop their own cultural capacities, which would necessarily be a peaceful state of affairs, since, in Herder’s

⁵ As *ius cosmopolitanicum* is a *regulative* principle (see: Lea Ypi, *Global Justice and Avant-Garde Political Agency*. Oxford, New York: Oxford University Press, 2012, 30) Kant’s understanding of just what it would encompass varies from text to text and is sometimes frankly contradictory.

⁶ Kant, “Toward Perpetual Peace (1795),” 328.

⁷ *Ibid.*, 327.

⁸ *Ibid.*, 336.

⁹ Immanuel Kant, “An Answer to the Question: What Is Enlightenment? (1784),” in *Immanuel Kant: Practical Philosophy*, ed. Mary J. Gregor, The Cambridge Edition of the Works of Immanuel Kant (Cambridge: Cambridge University Press, 1996), 17, <https://doi.org/10.1017/CBO9780511813306>.

¹⁰ Kant, “Toward Perpetual Peace (1795),” 336.

view, the promise of self-development seemed more attractive than war. Hegel, on the other hand, saw this same cultural development as leading inherently to a drive for self-assertion, and inevitably to war.¹¹ Furthermore, amongst the other benefits it offers, it is in war that the state reveals itself as a separate entity from civil society—precisely because of its ethical content.¹²

Nietzsche's Criticism of Kant's Moral Philosophy

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Some people treat Kant's ideas with sympathy, whereas others look for an opportunity to criticize him. Among the criticisms, the most worthy of attention, it seems to me, is the Nietzschean one. It is likely that none of the world's famous philosophers have dedicated more words for undermining morality, including Kant's moral philosophy, as Nietzsche did. In my presentation, I briefly describe some Kant's ideas, which Nietzsche considered worthy targets for his "philosophical hammer," and which he criticized.

Nietzsche likens Kant's moral philosophy to the Christian worldview. He states that, although Kant tries to create new laws of morality, in fact they are still embodiments of Christian morality. Kant, as we know, uses the concepts of "good will," "duty," "rational being," etc., for grounding his moral philosophy. Nietzsche rejects these concepts and criticizes them. He has a completely different point of view of human nature and is an obvious enemy of morals. In Antiquity, the concept of "goodness," in his opinion, had a completely different meaning than nowadays, and was distorted by slave morality. The concept of "will," as he states, is an illusion stemming from the prejudice that there is a single Ego behind all acts of a rational organism. But in fact there is a multiplicity of processes that are responsible for our actions, and we make a mistake speaking about "will" as something simple that has no elements. The processes of consciousness only exist as means for the satisfaction of bodily needs, according to Nietzsche. We may consider thought only as a set of created notions, which have nothing to do with reality but which only reflect the state in which a man who thinks them is. So, on this view, the Kantian concepts of "duty" and "virtue" are only chimeras, in which one finds only an expression of the decay of human beings.

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¹² *Ibid.*, 675.

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Development of Kantian Ideas in Theory of Knowledge of Alexander Veideman

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Alexander V. Veideman's book *Thinking and being (Logic of sufficient reason)* is the main work written by the unfairly forgotten domestic philosopher. The title of the work itself speaks volumes. Using it, the domestic philosopher highlights the fact that he is on the forefront of the main problems of the present times, and that he will examine the ontologo-gnoseological perspective, which was being developed in his day by many famous philosophers. However, the work gives more than what the title promises. It is a whole system of philosophy, which not only covers gnoseology (logic), ethics and esthetics, but also implies the application of these theoretical disciplines to specific problems of culture (for example, to the problem of upbringing and other). In all honesty, only the first logical part of the system has been comprehensively developed, but it is this part that remains fundamental, predetermining the structure of the whole system in general. The author was a devout follower of traditions of the German idealistic philosophy. His system, by his own admission, represents an attempt to replenish Kant's criticism with the help of Hegel's ontologic dialectics and to correct Hegel's metaphysics with the help of Kant's criticism. The main flaw of the Kant's doctrine, according to Veideman, is that Kant hasn't gone far enough in order to raise the issue of knowledge, content with the question of possibility of mathematics and natural science and not having questioned the essence of knowledge per se. It was this methodological shortcoming that has led him to the tenacious dualism of thinking and being, mind and experience. The mind isn't immanent in the knowledge of reality, it criticizes that knowledge as though from the outside. Gnoseology becomes detached from ontology (metaphysics), it becomes pointless, and therefore the criticism, ultimately, inevitably comes down to either unscrupulous positivism or skepticism and agnosticism. Hegel managed to overcome this radical flaw of Kant's doctrine: he recognized equivalence of being and thinking and thereby restored internal oneness of the system of philosophy. But he went to the other extreme, detached metaphysics from gnoseology, knowledge – from its subjective basis – the cogitative subject itself. Because of this his metaphysics once again

fell into dogmatism. Other essential shortcomings are also connected with its dogmatism: on the one hand, its logical evolutionism, which equates historical and logical development (history of philosophy and the system of philosophy), on the other hand, its naturalism, which destroys the borders between the world of nature and the world of culture.

The only way to help Hegel's system get rid from the mistakes that have ruined it, according to the author, is to recognize essential correlative connection between gnoseology and metaphysics, the subjective and objective origin of knowledge, while, nevertheless, keeping the status of fundamental identity of being and thinking. Thinking can't take any form other than being, but on the other hand, only the form of thinking itself can be the essential form of that content. Form and content of knowledge are connected by necessary correlation, but at the same time they incessantly transition into each other. The form breeds content, i.e. content is none other than development and revelation of the form. In other words, thinking doesn't comprehend some transcendental subject; it also doesn't reconstruct something given to it from the outside, it builds or generates the object from its own depth and on the basis of its own pattern.

All principles and categories of thinking are bound together by ratios of correlativity and identity. Each subsequent category arises from the previous one as adversarial to it and as a correlate that sufficiently complements it, but at the same time it reveals and confirms only the things that can potentially appear in the previous one, albeit in the fetus form. In this sense both members of correlation are but different aspects of the uniting identity. As, for example, the basic principles of logic are connected – the principle of identities, the principle of non-contradiction, and the principle of excluded middle. The principle of identity is the cornerstone of self-assertion of thinking. But certainty of this self-assertion is possible only if assumed A is in contraposition to the contrasting not-A. This condition establishes the principle of non-contradiction. At the same time need for correlation between A and not-A shows that the primary act of self-assertion of thinking includes both A and not-A equally in full disclosure and marks their systematic unity. It is this third uniting moment that represents, in Veideman's interpretation, the principle of excluded middle. All three principles, being the categories of qualities, outline the sphere of logic. Opposed to them, as their dialectic negation, is the category of quality that characterizes the field of mathematics. To systematic unity quality and quantity are brought in the categories of the relation, which establish them into the structure of natural science. To each of these areas of knowledge that logically develop from one another their own particular systematic unity and method are inherent (logic – deduction, mathematics – traductio, natural science – induction).

Consequently, the process of dialectic development of thinking isn't limited to transition from one group of categories to the others that are logically connected, and also leads from general to specific, i.e. it is characterized by gradual increasing complexity, enrichment, and the partition of content of knowledge. Mathematics concretizes logic, and mathematics is being concretized by the

natural science (regarded as descriptive natural science or the doctrine about the organic nature). These three steps of specification of scientific knowledge in Veideman's interpretation are consistent with modal categories: categories of opportunity, reality and need; or in other aspect: origin of logicity (analyticity), “sufficiency” (syntheticity) and “sufficient reason”. But sufficient reason – in relation to its entity – means not the last prerequisite of knowledge, but the idea of systematic unity that determines the unconditional purpose and the very structure of dialectic development of knowledge.

Vasily Emilyevich Seseman gave the following assessment of A. Veideman's concept: “Veideman’s general philosophical concept is characterized by architectonical symmetry and logical coherence of all its structural elements. Dialectic connection of separate systems is carried out with the strictest consistency. In development of the scientific idealism and apriorism, which has grown because of Neo-Kantianism of the Marburg interpretation, it marks a new stage, which is characterized by overcoming a narrow methodologism of Cohen and Natorp and transformation into idealistic metaphysics”. But it seems to us that one shouldn't stop at this stage. The author is absolutely right insisting on inextricable link of gnoseology and metaphysics (ontology). But recognition of this link obliges him to go beyond that gnoseological and logical stop, which the scientific idealism leans on. The principle of identity of thinking is quite legitimate within the logical theory of science; for scientific thinking only the things that are imprinted in concepts are real. But in the metaphysical theory it can't be accepted without preliminary critical analysis, otherwise the philosophy risks slipping once again into that dogmatic rationalism, for which Veideman fairly reproaches Hegel. Meanwhile, it is this critical analysis of concepts of thinking and being and their interrelations that we don't find in Veideman's system. As a result of not separating the gnoseological and ontologic problem a number of other concepts that the author uses remains insufficiently established: the concepts of analyticity, intuition, truth, beauty and etc. Author’s general concept, undoubtedly, would benefit in definiteness and distinctness had he revealed his attitude toward other modern philosophical theories that equally strive for revival of critical metaphysics: in particular toward phenomenological school.

According to Nina A. Dmitriyeva¹, Alexander V. Veideman visited Marburg during the winter semester of 1903-1904, listened to Cohen's lectures about Kant's system (the doctrine about experience, ethics, esthetics) and attended his seminar on “Criticism of Pure Reason”. His name once again can be found in the list of participants of Cohen and Natorp's lectures during the winter semester of 1911-1912.

B. V. Yakovenko considered Alexander Veideman “the philosophical godfather of Nicolai Hartmann”. In 1906, G. O. Gordon called him one of the few Marburgians that were working in

¹ Dmitrieva, N.A. Russian Neo-Kantianism: “Marburg” in Russia. Historico-philosophical essays. Moscow: Russian political encyclopedia (ROSSPEN), 2007. P. 170. (In Russ.)

Russia. In 1911, along with like-minded people, who revered Kant and philosophy of Neo-Kantianism, Alexander Veideman founded the philosophical club, which since 1908 was called St. Petersburg philosophical gathering. At that time he was friends with Seseman, Hesse, Hartmann, but paths of philosophy and life separated young scientists. Hartmann soon found himself at Marburg University, where for years he was known as Cohen's most talented pupil. Hesse ended up in Freiburg, defended the dissertation with the advisory of glorified Rickert. Philosophical gathering's activity is a little-known page of history of Kantianism in Russia, history of Neo-Kantian ideas of professor Vvedensky and his talented students. Information on this club is absent even from solid researches of N. O. Lossky, V. V. Zenkovsky, despite the fact that, according to Veideman, the philosophical gathering had existed for about two decades².

After revolution Veideman introduced his own concept, which was virtually a system that represented interesting fusion of the Marburg Neo-Kantianism, Hegelianism, and phenomenology. His work under the general name «Thinking and being», which was written in Petrograd in 1922, received great reviews of colleagues-philosophers: academic E. L. Radlov, professor N. V. Boldyrev, V. A. Belyaev and later V. E. Seseman, – who unanimously recognized it as an independent, original and relevant research³.

The Connection between Justice and Freedom in I. Kant's Practical Philosophy and Its Interpretation in the Political Theory of J. Rawls

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My presentation is devoted to the peculiarities of the connection of the two fundamental concepts in the ethical and legal ideas of the great German philosopher Immanuel Kant (1724-1804) and to the interpretation of this connection in the moral and political theory of the American philosopher John Rawls (1921-2002).

The objectives of my research are (1) to find out what Kant understood by the term “justice” and how justice relates to the freedom and virtue of the individual in his philosophical system, and (2) to compare these findings with the reception of Kant's ideas by Rawls. What does it mean to act in accordance with the laws of justice? Can a moral person be fair for Rawls or for Kant? Can we

² Kovalchuk S. N. Vzyskuia Istinu... (Iz istorii russkoi religioznoi, filosofskoi i obshchestvenno politicheskoi mysli v Latvii: Iu. F. Samarin, E. V. Cheshikhin, K. F. Zhakov, A. V. Veideman. Seredina XIX - ser. XX vv.) [The Search for the Truth. Russian Philosophical thought in Latvia: J. Samarin, E. Cheshikhin, K. Zhakov, A. Veideman, 1850s – the Beginning of 20th Century]. Riga: LU FSI, 1998. (In Russ.)

³ See: Veideman A. V. Thinking and being (Logic of sufficient reason). Riga, 1927. Page 333-334 (In Russ.); Seseman V. E. [Rev.] A. F. Losev. Philosophy of the name. Moscow. 1927, 254 p., author's edition; A. Veideman. Thinking and being (Logic of sufficient reason). 327 p. Riga 1927, in: Versty. Paris. 1928. No. 3. Page 163-172. (In Russ.)

say that virtue is possible without the freedom of the individual's will? And finally, can Kant's ethics be considered as a concept of strict obedience?

These are the questions we need to answer during the presentation. Kant's legacy is being studied nowadays with as much devotion and interest as before. And, of course, there is no significant philosophical system created after the publication of the works of the great philosopher that has ignored Kant's *Critiques*. One of the most famous philosophers who have developed Kant's ideas further was John Rawls. He built his political theory on the basis of the moral philosophy of Kant. This fact explains the relevance of my research, in which I try to see Kant's reflection in an extremely unusual and interesting mirror of "justice as fair."

In this presentation, I focus on ideas from Kant's practical philosophy, that is his ethical ideas related to the practical ability of pure reason, the main function of which, as we know, is to ensure the morality of the individual. However, it is important to mention about practical philosophy because the ability of theoretical reason, according to Kant, is limited, in contrast to the practical, which is able to cognize objective reality. So I focus on the philosopher's ideas as they are expressed in the *Metaphysics of Morals* (1797), which is about the metaphysical principles of the doctrine of law and on *the Groundwork of the Metaphysics of Morals* (1785), in which Kant talks about duty and the autonomy of the will, as well as defines the formula of categorical imperative. For exploring the interpretation by John Rawls, I use the main work of his life and, at the same time, one of the most influential books in political philosophy — *A Theory of Justice* (1971), in which he develops his theory of the true principles of social justice.

My presentation is divided into two parts : (1) *Justice and Freedom in Kant's Practical Philosophy*, (2) *Rawls' Interpretation of Kant*. The first part of my presentation is about Kant's method of developing the problem of justice, which the philosopher translates into *a priori* concepts . As we know, Kant insists on the autonomy of the human reason, which independently establishes *a priori* moral laws. In this case, It is necessary to discuss one of the fundamental ideas in Kant's philosophy – the idea of human freedom. Here it is be extremely important to determine in what form, according to Kant's philosophy, the autonomy of the individual exists. I find that whole Kant's philosophy is, in fact, the philosophy of necessity of eternal, unavoidable choice, and the freedom of this choice is the only possible freedom of human. As part of this discussion, I consider the concept of categorical imperative, through which we can find out from what behavioral alternatives can a person choose and which of them define his actions as virtuous. It is important to note that the source of human virtue is *a priori*. Then I'm going to finish our conversation about Kant by returning to the concept of justice. My aim is to draw a parallel between the concepts and find that, in Kant's philosophy, virtuous and a fair act is a demonstration of human freedom and rationality. At the end of the first part I turn back again to *the Metaphysics of Morals* to mention that justice is not

the highest of all virtues for Kant. Moreover, it is only a minimum for a virtuous person, unless he is the head of the state.

In the second part of the presentation I consider *the Theory of justice* by John Rawls, in particular I review the paragraph 40 *The Kantian Interpretation of justice as fairness*. Before talking about Kant's ideas used by the philosopher, I briefly mention the role of justice in the whole philosophical system of Rawls. In the same part of the presentation, I make an attempt to understand the Rawls interpretation of the Kant's idea of autonomy of the human will, in which he unusually underline not the universality of *a priori* moral principles, but the idea of free rational choice of any behavior imperative. Then, because without mentioning this our conversation about Rawls will remain incomplete, I'm going to turn to the mental experiment that the philosopher conducts. I consider the hypothetical initial situation of the natural state of people, in which, he believes, the proper principles of justice could arise. These proper principles are necessary for the construction of a well-ordered society of equal, free, rational individuals. In the context of talking about the initial situation it is important for us to focus on the process of choosing the principles of man. Here I note that Rawls thinks of man as a dual substance, that exists in the noumenal and phenomenal world. In this way, the contradiction between the possibility of free choice of any principles and principles, thanks to which a person is able to express himself as a rational part from the intelligent sphere of existence will be revealed. In this research, I don't focus on the formulation and content of the principles of justice themselves. For my presentation it is much more important to find out where they could arise and what ontological status they would have. According to Rawls, they are independent from the addictions, desires, inclinations of individuals. This fact allow us to compare this principles with the idea of the categorical imperative and to see the obvious analogy between Kant's absolute moral law and two Rawls' justice principles. Of course, this is an analogy only in Rawls understanding. At the end of the second part of the presentation I briefly outline a difference between the ideas of Rawls and Kant. It turns out that the principles of justice offered by Rawls do not exactly correspond with the description of the categorical imperative by Kant. And if I follow strict Kant's terminology, I will get Rawls' principles that are only hypothetical imperatives and, in this case, they wouldn't have absolute necessity.

As the results of the presentation the main lines of comparison of the two philosophical systems will be heard again and then I will finally note their similarities and differences between them.

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Understanding the Living Organism as a Critical Transcendental Philosophy Postulate: Considerations between Environmental Law and Ecological Ethics

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There will never be a Newton of the blade of Grass
Immanuel Kant, *Critique of Judgment*

According to Leff the environmental problem does not belong to an ecological catastrophe or to a simple economic imbalance. It is the very derangement of the world that causes the reification of the being and Nature's overuse. That rises as a civilization crisis of the rationality in Modernity and of economics of the Globalized world.

We live in a century when it is necessary «an environmental culture that favours wider reflection and action spaces, a unique way to think about the environment, as well as the valuation of the relation man-nature in a dialectic unity».¹

By facing a great loss of biodiversity the **21st century** must assume the living organism from different epistemic assumptions.

This dissertation is a critical analysis of the western environmental paradigm based from Kant's thinking and its rationality. The point of view is a contemporary one positioned from biodiversity loss problem, conservation of wildlife and law.

The main objective is to determine the living being concept in the frame of environmental law into the new ecological paradigm. From the hypothesis that the positive concept of the living being

¹ Columbie-Puig, N., *Concepciones Epistemológicas acerca de la Cultura Ambiental y su proyección civilizatoria*, Universidad Complutense de Madrid, 2013, Vol. 14, № 1, p. 1.

is inadequate to understand the wildlife in a holistic sense, because the theory of scientific knowledge has minimized the concept to a category of personal property or law instrument.

The methodology employed in this analysis of the law treatises² belongs to the *Critic Analysis of Discourse* from Van Dijk (1999), and also to a Conceptual Analysis in which the living organism concept is studied in the environmental law and into the new ecological paradigm. The manner how Kant linked the living being from his teleology to the unity of his critic and transcendental system is analysed.

According to the international environmental documents two main themes sustain the environmental protection since 1992: climatic change and biodiversity.

From the environmental law biodiversity is: «the combined diversity at all the levels of biological organization, from genetic differences belonging to the same species, to genera, families and even superior taxonomic levels. This includes different ecosystems, habitats and physical conditions where organisms live».³

The concept of living being is not found explicitly in the language of law; but it can be identified in its context. Otherwise there is not an agreement about the concept of species. As Barrena has thought: «in the juridical background there is not a unique concept of species. We can find it along other denominations such as: exotic, endemic, etc.».⁴

Some concepts as species, wildlife and living organisms are based in biological, taxonomic, evolutive and phylogenetic classifications meaning scientific names. Although a different concept has been emerging from the Ecological Ethics. This is based in a «greater compromise with a change of social structures to integrate — not to join — human actions in the biophysics environment».⁵ Bellver thinks that ecologism can be understood as «the result of a paradigm change happening in the core of western culture that influences as the environmentalism currents; radical (deep ecology, ecoanarchism, ecofeminism, new age movement) and no radical (environmental ethics)».⁶

The precedents of the Ecological Ethics can be found in different philosophies. This study resumes the ecological problem from the Critic Theory that is in agreement with our proposal. Among the most important concepts of Horkheimer critics «stands out that one points 'nature's abstraction'. This concept had characterized as modern science as bourgeoisie economy in which nature only means an object of knowledge and a source for natural resources. Science and economy have been the two fundamental orders of Modernism as bases of the men's supremacy over nature.

² Corresponding to the International Environmental Law.

³ Wilson, E.E., *La Biodiversidad de la Vida*, Editorial Grijalbo-Mondadori, Barcelona, 1994, p. 353.

⁴ Barrena, A., *La protección de las especies silvestres. Especial tratamiento de la protección in situ*, Tesis Doctoral, Universidad de Alicante, España, 2012, p. 35.

⁵ Vázquez, M., *Éticas Ecológicas y Ambientales: Fundamentos*, Editorial Punctum, S.L., Madrid, 2006, p. 7.

⁶ Bellver V., *Ecología: de las razones a los derechos*, Editorial Comares, Granada, 1994, pp. 1-7.

This distance men from the conscience of its own biological reality and its insertion in the biosphere».⁷

While Marcuse points in his work *Counter-revolution and Revolt* that capitalism transforms nature in raw material and denounces that this reduction cannot be appropriate with a free society; Vázquez wrote that «for Marcuse the productive industrial society produces a dehumanized nature, so he tried to base the recognition of nature as subject from its aesthetic qualities — already distinguished by Kant in his *Critique of Judgment* — that should be released with a human assumption of nature».⁸

As Morena-Armenta points out in the Kantian basis of the Aesthetics Judgements «Kant links the general problem of the Aesthetic with the transcendental critique system by basing the esthetical judgements as a priori synthetic judgments. So esthetical judgements are judgements of creation and subjects to universal and necessary law».⁹

Indeed: «in order to present the purpose in the organic, first Kant shows us nature as a great work of art: in the first part of the *Critique of Judgment* nature is the place where beauty can be seen, and also the sublime, two aspects of the human life that cannot be totally comprehend by Mechanism».¹⁰ As Durán-Casas points: «for Kant, man have not a specific organ for knowing organic beings; this knowledge comes with the capacity of judge (thoughtful judgement)».¹¹

Durán-Casas also assume that:

It is the beauty that prepare us to teleology because beauty in nature cannot be appreciated by the same categories neither concepts that we use to develop science. Therefore, as beauty as life escape Mechanism, they require of us, of our spirit; another force, another form of approach and comprehension.

So, finalist vision assigned to the thoughtful judgement is the one that should prevail as a cosmic universal perspective, the mechanical principles should subordinate to this vision as Kant wrote in the dialectics of the teleological judgement of the *Critique of Judgment*;¹² Kant considers that «the character for the feelings of the moral ideas is the fundament of the sublime as universal and necessary character needed as subjective condition *a priori* in each man».¹³

To the ecological crisis of **the 21st century** Kant inheritance is a metaphysic view of the living organism, a regulatory idea for the theoretical reason. This played a role in the ineludibly postulate for the practical reason, a conception built from a holistic or systemic original method.

⁷ Vázquez, M., *Éticas ecológicas...* op.cit., p. 41.

⁸ *Ibid.*, p. 45.

⁹ Morena-Armenta, G. E., *La Fundamentación Kantiana de los Juicios Estéticos*, UABCS. 1996. p. 19.

¹⁰ Moreno del Canto, M., *La contribución de Kant al pensamiento biológico en la "Crítica de la facultad de juzgar"*, Rev. Medicina y Humanidades, Vol. I, Nº 3. Sept.-Dic., p. 124.

¹¹ Durán-Casas, V., *La Filosofía Trascendental al Interior de la Biología*, Universitas Philosophica 19, Colombia, diciembre, 1992, pp. 10-27.

¹² Kant, I., *Crítica del Juicio*, Editorial Espasa-Calpe, Madrid, pp. 297-298.

¹³ *Ibid.*, pp. 280-281.

The *checkmate* of the teleological judgement and the structuration of the Transcendental Organism will phagocyte the naive objectivism the living being that Descartes cannot visualize.

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