OUR MOST IMPORTANT EVERYDAY USE OF KANT: THE CATEGORICAL IMPERATIVE

Ana BAZAC[1]

Abstract: *This paper is intended to be a popularisation of Kant practical philosophy's core and climax, the categorical imperative. In the end, every scientific article is one of popularisation, because science means communication and transparency, and the professional articles do this to and between the professionals of a domain. The present offer is a professional article of philosophy. But its purpose is to be understood by more than the colleagues, because the topic is of utmost importance for all of us. For this reason, the paper explains Kant's concepts related to the categorical imperative as a problem (and also the "obscure"* a priori *and* transcendental *which prove to be simple characteristics of a level of the human reason/reasonable capacity, and thus of concepts and judgements occurring in this level from concepts, and not from experience), and shows how the moral requirements do operate, unfolding the meanings of the categorical imperative. All of these are developed by Kant as reasoning and understanding occurred in the human mind. But all of these are related – however not directly,* a posteriori *the human experience – just and always to the everyday practice of humans.*

How these natural constitutive facts of reason do apply in the social life, as duties and rights sanctioned by the law, both in a state and as rights of states, are discussed; and Kant's limits determined by the historical setting in which he lived seem to be largely overcome by him because of the universalizable *he reached in the* Groundwork *when he elaborates the categorical imperative.*

The importance of the universalizable *through the form of categorical imperative is more emphasised through the references to Nietzsche and Schopenhauer. Actually, this importance consists in its inherent continuation, but by surpassing it.*

Keywords: *Kant, modernity, categorical imperative, freedom, the moral duty, rights, political and juridical rights, rights of states, social contract, racism, class domination, Nietzsche, Schopenhauer*.

[1] Division of Logic, Methodology, and Philosophy of Science, Romanian Committee of History and Philosophy of Science and Technology, Romanian Academy.

Introduction

This paper is intended to be a popularisation of Kant practical philosophy's core and climax, the categorical imperative. In the end, every scientific article is one of popularisation, because science means communication and transparency, and the professional articles do this to and between the professionals of a domain. The present offer is a professional article of philosophy. But its purpose is to be understood by more than the colleagues, because the topic is of utmost importance for all of us.

Kant considered the practical philosophy as the scope of philosophical endeavour[2].

The practical philosophy concerns the interhuman relations, but fundamentally they are moral relations. In other words, they depend on how do the humans consider other humans. We cannot understand the complexity of human intercourses without probing what morality is and, thus, without comprehending the internal tension between what people do when driven by conjunctural motives and, on the other hand, what they would want if they were freed from these motives and free to think about the complex finality of their actions; simpler, between what *is* and what *ought* to be.

But we cannot simply give moral precepts to do this or that / or to not do this or that, because in this manner these precepts remain external wishful thinking, eventually imposed to people through different types of coercion. If we want these precepts be internalised, first of all, we must ask if there is some connection between them and the real will and thoughts of humans: thus, we must question just their capacity to ratiocinate and to link this unfolding of judgements in the middle of desires and passions.

Only after this analysis, can we conclude that the moral precepts are not external prohibitions or urges, but they spring from this capacity. Not only that the human reason controls the human behaviour, but the actions of humans are imbued with *commands* given by reason, no matter how random, arbitrary and inhuman these actions may manifest.

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[2] Immanuel Kant, *Critique of Pure Reason*, (1781/1787), Translated and edited by Paul Guyer and Allen W. Wood, Cambridge University Press, 1998, p. 695: the "essential ends of human reason" (A839/B867), "the preeminence which moral philosophy had over all other applications of reason" (A840/B868).

So, how should we understand this coexistence of different intentions moving back and forth like a shuttle in a loom, and shaping the human morality? Obviously, within a theoretical enterprise that deciphers the ball of moral contradictions. And by theorising, we always must have in view, not the "complexity of practice", but the beneficiaries of theory, the common people, humanity. Kant felt the reason-to-be of his philosophy just in their service[3].

If so, once more the Kantian demonstration of the categorical imperative is not an abstract prescription but just the moral criterion deeply embedded in the human being, and necessarily disclosed by theory as the fundamental, ultimate measure of the proving by humans that they, indeed, stay human. This paper focuses on the categorical imperative as the unique breakthrough that posits this principle near the great principles humankind has discovered and uses.

1. Kant's paradigm shift[4] in ethics

Until Kant, the European ethics as a description of the human habits (ἦθος/ethic – ἔθος/habit[5]) and "passions", was framed by the concepts of

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[3] Immanuel Kant, *Observations on the Feeling of the Beautiful and Sublime* (1764), in *Observations on the Feeling of the Beautiful and Sublime and Other Writings*. Edited by Patrick Frierson and Paul Guyer, With an Introduction by Patrick Frierson, Cambridge University Press, 2011, p. 96 (AA XX: 44): "I myself am a researcher by inclination. I feel the entire thirst for cognition and the eager restlessness to proceed further in it, as well as the satisfaction at every acquisition. There was a time when I believed this alone could constitute the honor of humankind, and I despised the rabble who knows nothing. Rousseau has set me right. I This blinding prejudice vanishes, I learn to honor human beings, and I would feel by far less useful than the common laborer if I did not believe that this consideration could impart a value to all others in order to establish the rights of humanity".

[4] Paradigm is a so "exemplary" theory/outlook about a phenomenon which is, itself, rather a generalisable type for the phenomena of this sort, that it can substantiate a wide range of phenomena and theories. As it is known, Thomas Kuhn, The *Structure of Scientific Revolutions*, 1962, explained the change and evolution of scientific theories not only as continuous research based on a "paradigm" but at the same time as discontinuous shift from the previous to a new one that is *better* than the former, because it allows the explanations of the unexplained aspects by the first paradigm (and for a larger horizon of new phenomena).

virtues and *vices* and by the demonstrations of *necessity* of the first and of *damage and detriment* caused by the latter.

Subordinated to the pursuit of *happiness* – as the only good desired for itself and not as a means to achieve it (Aristotle) – or to the *balance* of pleasure and pain and the *attitudes* towards them, these ethical demonstrations emphasised the determinant function of reason in the control of the feelings, and stated that the ultimate criterion to distinguish between the good and the harmful ones is their role in the development of the human "perfection" (Spinoza, Christian Wolff). The model of "the good" (as perfection) was God (Leibniz). Obviously, all thinkers related the moral enhancement to the benevolent attitude towards others[6].

Kant changed this perspective. We can say that he questioned both the concept of perfection / moral excellence, and its contents, the virtues. Aristotle proposed that by keeping the middle between human desires and feelings, thus by moderation led by reason, we can arrive to happiness. But what is the middle, how can we measure it? How can we quantify the extension of virtues and vices? What is the criterion of the concrete deeds, is it their *labels*, as they are given by the existing conceptions?

The human perfection is not a moral goal, because this perfection is historically and socially defined: at least we all know – let' speak as the 18th century thinkers – that, though similar with our modern European ones, the ancient ethical goals and means were however different. Even God – an *Idea*, observed Kant[7], is not the model of human perfection in regard to concrete human relationships, but only an ideal[8], thus it depends on the human manifestation of thinking, but not at the level of *a priori* principles giving the objective reasons of duties towards God, but at the level of

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[5] Aristotle was who, in *Nicomachean Ethics*, in *Aristotle in 23 Volumes*, Vol. 19, translated by H. Rackham. Cambridge, MA, Harvard University Press; London, William Heinemann Ltd. 1934. Book 2, 1., 1103a, made *this* origin of ethics in habits, adding: "And therefore it is clear that none of the moral virtues formed is engendered in us by nature, for no natural property can be altered by habit".

[6] See the references to these former ideas of ethics, in Immanuel Kant, *Groundwork for the Metaphysics of Morals* (1785), Edited and translated by Allen W. Wood, *with essays by*: J. B. Schneewind, Marcia Baron, Shelly Kagan, Allen W. Wood, New Haven and London, Yale University Press, 2002, p. 26 (Ak 4: 410).

[7] Immanuel Kant, *The Metaphysics of Morals* (1797), Introduction, translation and notes by Mary Gregor, Cambridge University Press, 1991, p. 276 (AA VI:487).

[8] Immanuel Kant, *Critique of Pure Reason*, A816/B844, p. 683.

subjective reasons of duties; and therefore, they have no place within an ethics "that is pure practical philosophy"[9].

If so, transcendentally thinking – namely, critically approaching these problems and constructing the answer as *principles* / deploying judgements in order to arrive to *principles* which issue from a superior level of consciousness and which govern the moral thinking as a matrix, Kant said, a *form* for the concrete individual *maxims* (individual prescriptions for the best actions, including from a moral standpoint, in given circumstances), fitting them to the universal law these principles and their form represent[10] – the criterion cannot be a question of measurement, but qualitative, and it involves, Kant underlines, the *common humanity* in men. Consequently, this humanity means that the criterion must be fit to all humans, and not to the individual in relation with his/her acquaintances. This criterion means and requires the *universalisation* of its action.

Thus, it does not relate only to the individual *qua* individual, but to him *qua* representative of the humanity. And, since all humans are representatives of humanity, it results that the criterion must be always *translatable from any individual to any other individual and all of them*.

Because of their abstract outlook, the philosophers till Kant did not give a *universalizable* criterion, although they thought that their models would be suitable to all men, or at least to all humans qualified to be a person / free / responsible. *Kant conceived of the necessity and possibility of the universalizable moral criterion.*

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[9] Immanuel Kant, *The Metaphysics of Morals*, p. 276 (AA VI:487-488). See also Kant's note in 1800: "The concept of God also cannot be proven theoretically and unconditionally, but only conditionally, from a practical point of view, namely the moral-practical point of view. It would be contradictory to seek to acquire favor and happiness from God in the technical-practical point of view, because the will of God to impart these is not consistent with this end", Immanuel Kant, *Notes and Fragments*. Edited by Paul Guyer, Translated by Curtis Bowman, Paul Guyer, Frederick Rauscher, Cambridge University Press, 2005, p 478 (7321. 1800. LBl L 20. (19: 316).

[10] As a "lawgiving" *faculty of pure reason*, Immanuel Kant, *The Metaphysics of Morals*, p. 42 (AA VI:214). And he continues: "And since men's maxims, being based on subjective causes, do not of themselves conform with those objective principles, reason can prescribe this law as an imperative that commands or prohibits absolutely",

2. The categorical imperative: the scientific explanation of the human moral rigour

2.1. Beyond the popular Golden Rule

Ethics is a philosophical *explanation* and a direct or indirect *prescription* of moral behaviour.

Yes, it is first of all explanation – certainly generating prescription – and just this function of ethics makes it the necessary precedent of every scientific research of moral discernment, capacities, actions, psychology and pedagogy.

What does prescription mean? Ethics, Kant said, is a *material* philosophy having a determinate object (the human behaviour in relation with the human will) and emphasising its laws "in accordance with which everything ought to happen"[11]. And, he added, "also reckoning with the conditions under which it often does not happen". But to have a determinate object doesn't mean only to remove concrete general principles from experience or rather to understand their limited value, but also to have *a priori* knowledge *from concepts alone* – and this enterprise is *metaphysics* – and to arrive to universal principles which are at the same time and lead to "principles of application" to the determinate object (here, morals). However, once more, to speak about application does not mean to derive the moral laws and rules, as well as their infringement from experience, but on the contrary, to strengthen the *a priori* knowledge as a precedent to the "anthropological" analysis (of experience) and in fact as residing in the *nature* of man as foundation of morals[12]. And this priority of moral law and duty is even commonly *understood*, even though this law and duty have here empirical grounds[13]. But, by having empirical grounds, this law and duty are *practical principles*, and they are not enough neither as explanation of morality in the nature of man and nor as a prescription.

"One must act morally, we must not treat the others as we do not want to be treated". Why? The ancestral wisdom of The Golden Rule – that Schopenhauer said being better than the categorical imperative – was a prescription from experience, but did it contain in its depth the moral law of the individual acting according to the *universalizability* of his *ad hoc* moral

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[11] Immanuel Kant, *Groundwork for the Metaphysics of Morals*, p. 3 (Ak 4:388).

[12] Immanuel Kant, *The Metaphysics of Morals*, p. 44 (AA VI: 217).

[13] Immanuel Kant, *Groundwork for the Metaphysics of Morals*, p. 5 (Ak 4: 389).

maxims[14]? Not quite. As we know, the principle of reciprocity the Rule advanced concerned particular relations which supposed a sea of possible non-mutual behaviours able to absorb the losses accompanying the eventual reciprocal good will deployed in those particular relations.

But this historical explanation of the Golden Rule is not enough. The principle of reciprocity, however progressive it was, did not refer to its ground – the *appurtenance to the same species*, reason as common peculiarity, the duty to act *for the sake* of this principle – and neither to its genetical and structural supremacy towards other principles. The Golden Rule did not posit *duty for the sake* of this principle as the only one that gives the *supreme principle of human morality*, the only one that remains after all the other duties vanish and only "inclinations" – read: selfish interests – manifest: thus, as the *supreme principle of human morality* that issues from the unique faculties of reason and has the ultimate function to put order in the human society, to preserve the human life because of its unique manifestation of life. Actually, the Golden Rule does not explain why the infringement of the equality of moral positions of the doer and the receiver would be bad. Since in experience, there is no real equality of moral positions.

The Golden Rule is, obviously, wisdom – that tends to accommodate it with the quest for happiness according to inclinations – but wisdom "also needs science, not in order to learn from it but in order to provide entry and durability for its precepts"[15]. Because, since reason and its deep feeling[16] of duty rather disturb the fulfilment of inclinations, people

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[14] "A *maxim* is the subjective principle of the volition; the objective principle (i.e., that which would serve all rational beings also subjectively as a practical principle if reason had full control over the faculty of desire) is the practical *law*", Immanuel Kant, *Groundwork for the Metaphysics of Morals*, p. 16 (Ak 4: 401).

[15] Immanuel Kant, *Groundwork for the Metaphysics of Morals*, p. 20 (Ak 4: 405).

[16] Kant did never ignore the feelings – as satisfaction in different degrees (see *Observations on the Feeling of the Beautiful and Sublime*, 1864), being "practical postulates" in the aesthetic relations, and obviously as pendant negative worries, or vices. And first, the feelings as sources of knowledge (*Critique of Pure Reason*), *sine qua non* but not sufficient for it. But he privileged the moral feeling of the moral faculty of man that generates the moral law: actually, all the "inclinations" or desire, love and respect, relate to the moral law. See also Ionuț Răduică, "Sentiment empiric și acțiune morală la Kant" [Empirical Feeling and Moral Action in Kant], *Studii de istorie a filosofiei universale*, XXXI/2023, 1, pp. 193-202.

naturally develop a ("*natural*) *dialectic*" that seeks to realise this fulfilment even despite the commands of reason[17].

But dialectic is a tricky business because at the same time with the deploying of cunning, it seeks the understanding of the moral contradictions and the sense of moral uneasiness in front of them. Consequently, "the common human reason" itself is spurred toward "practical philosophy"[18].

What can this philosophy, more than the common wisdom[19], bring to our understanding of moral principles? *First*, it warns us, as its preliminary condition as a preliminary methodological step, that experience itself – as food of the common wisdom – can never teach us that the moral law valid for all rational beings is an absolute necessity[20]. As it was said before, the moral experience does not teach us the requirement of universalizability. *Then*, still methodologically, it reminds us that an example can never substitute a concept, i.e., the explanation, the grounding[21].

Therefore, philosophy can bring the role of "the pure representation of duty and the moral law in general, mixed with no alien addition from empirical stimuli, has, by way of reason alone (which thereby for the first time becomes aware that it can for itself be practical), …on the human heart so much more powerful than all other incentives that might"[22]. It is the only

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[17] *Groundwork for the Metaphysics of Morals*, p. 21. (AB, wasn't Metis one of the first divine representative of cunning as wisdom?)

[18] *Ibidem*.

[19] *Ibidem*, p. 29 (Ak 4: 412): "common moral judgment (which is here worthy of great respect)".

[20] *Ibidem*, p. 24 (Ak 4: 408).

[21] *Ibidem* and p. 25 (Ak 4:409): "Even the holy one of the Gospel must first be compared with our ideal of moral perfection before one can recognize him as holy; he says this about himself too: Why do you call me (whom you see) good? No one is good (the archetype of the good) except the one God (whom you do not see). But where do we get the concept of God as the highest good? Solely from the idea that reason projects a priori of moral perfection and connects inseparably with the concept of a free will. In morality there is no imitation, and examples serve only for encouragement, i.e., they place beyond doubt the feasibility of what the law commands, they make intuitive what the practical rule expresses universally; but they can never justify setting aside their true original, which lies in reason, and in directing ourselves in accordance with examples".

[22] *Ibidem*, p. 27 (Ak 4: 410).

securely determined substrate of the theoretical cognition of moral *a priori* principles.

This securely determined quality arises fully *a priori* from reason and "their dignity lies precisely in this purity of their origin so that they serve us as supreme practical principles"[23]. Because the rational beings have the faculty to act not simply in accordance with laws – as the natural phenomena and beings – but in accordance with the *representation* of laws, so of principles: and this accordance involves the *will*[24].

2.2. New philosophical instruments: *a priori* moral concepts and *a priori* moral principles

Kant shows that, beyond the *understanding* by humans of the necessity and naturality of the practical moral law and duty, it is imperious to have a clear emphasis of the *a priori* moral laws: because they are lying *a priori* in our reason, thus *grounding the practical moral principles*; and because even though with this constitutive moral grounding, we, "affected with so many inclinations", move away from them, simply applying *ad libitum* practical principles. A *critique of the pure practical reason*, similar to the critique of pure reason and having its basis in it, is a *"groundwork" for the metaphysics of morals*[25] – that shows how the juridical relations are deduced from *a priori* concepts corresponding to the human faculty of reason and, practically, of freedom – and deals just with the *a priori* moral laws, in order to obtain access to them (to mobilise our will *according to them*) and to shed light on the structural conditions of their application[26].

Although it may sound as too abstract and even funny – for us, who do know that everything, including the abstractions from abstractions, have ultimately an empirical source and a psychological and neuro-physiological explanation never ignoring the concrete experience – it is about a "methodological" level of reason: that which develops the

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[23] *Ibidem*, p. 28 (Ak 4: 411).

[24] *Ibidem*, p. 29 (Ak 4: 412).

[25] *Ibidem*, p. 7 (Ak 4: 391).

[26] *Ibidem*. And thus (Ak 4: 390), "a metaphysics of morals is indispensably necessary not merely from a motive of speculation, in order to investigate the source of the practical principles lying a priori in our reason, but also because morals themselves remain subject to all sorts of corruption as long as that guiding thread and supreme norm of their correct judgment is lacking".

methodological, "managerial" principles used at the "practical" level that applies them: in different domains, of course. For example, when in the theoretical domain we search for the causes of a phenomenon this is a practical level of application: of the methodological principle that there is always a relation between cause and effect, that a context, allowing correlations, is not a cause, or it is only in a metaphorical sense etc. Or, when in practice we analyse the relations between humans and animals, we have in background the methodological principle that the cruel treatment of subordinated beings is morally wrong because etc. This methodological level of thinking is called by Kant "the pure reason".

Thus, related to our problem of morals, it is also about something real: 1) a *level* of the human volition, that of "pure will", analogous to the "pure thinking" of principles from concepts alone, and that level of pure will is the level that drives 2) the practical will; because it deals with and develops "*motives* that are represented as such fully *a priori* merely through reason". The *empirical* motives are raised as "universal concepts through the comparison of experiences"[27]. But beyond them, there must be *a priori* causes of the human morals. These causes form the moral law.

And these causes and this moral law give the unique peculiarity of man as a rational being. More: these causes and this moral law give the unique peculiarity of *all rational beings*, of the rational being as such. Consequently, the unique peculiarity of the rational being is "the supreme principle of morality"[28]. The rational beings have the unique faculty to act in accordance with the *moral* law.

2.3. Moral duty as a command of reason, an imperative

And the duty *for the sake of the moral law* founds all the *moral feelings*, the human *conscience* with its first proofs of good will: love and respect. Duty is the representation of the moral laws and is a command of reason, an i*mperative*. The imperative relates the will to the objective moral law, but as we know the will not necessarily follows it, and thus the imperative is not a subjective maxim.

All imperatives are "formulas of the determination of action, which is necessary in accordance with the principle of a will which is good in some way", and they divide into *hypothetical* imperatives where the action is a

[27] Immanuel Kant, *Groundwork for the Metaphysics of Morals*, p. 6 (Ak 4: 390-391).
[28] *Ibidem*, p. 8 (Ak 4: 392).

means for something else, and *categorical*, where the action is good in itself and necessary as the principle of the will that is in accord with reason[29].

The categorical imperatives relate the *human individual* and *humanity* in an intermingled whole[30] that alone is capable of reason. They are *formulas* which prescribe the minimum *mandatory conditions* – namely, prescription of an end in *any* action – *for an end and an action to be human/moral*. They are not "imperatives of skill", of "how to think the execution of the action that the imperative commands", but rather "merely how to think the necessitation of the will that the imperative expresses in the problem"[31]. Formulas *to impose to the will to act morally, humanlike*. They are not imperatives or counsels "of prudence", which prescribe the adequation of means to ends, and concretely, to happiness that is an empirical, undetermined concept. The categorical imperatives of morality concern the (human/moral) will, and thus only as restrictions do they concern the ends. No "pragmatic" or "utilitarian" – in the present meaning of these words – evaluation of actions according to their empirical ends is considered, thus no empirical end is present in the categorical imperatives. Which are *forms*, obviously, but they have *contents*: because the *necessity* they reveal are not presuppositions[32], but certainties demonstrated as *interdependence of human reason and morality*.

These certainties once more show that the categorical imperative of morality is deduced *a priori* from concepts, and it is a *law*, the moral law. "I connect the deed *a priori* with the will, without a presupposed condition from any inclination, hence necessarily (though only objectively, i.e., under the idea of reason, which would have full control over all subjective motivations). This is therefore a practical proposition that does not derive the volition of an action analytically from any other volition already presupposed (for we have no such perfect will), but is immediately

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[29] *Ibidem*, p. 31 (Ak 4: 414).

[30] "Nothing in the world is holy but the right of humanity in our person and the right of human beings. The holiness consists in our never using them merely as means, and the prohibition against such a use lies in freedom and personality", Immanuel Kant, *Notes and Fragments*, p. 476e, 7308. 1780–89. Pr 119, at §177, in *Imputatio legis*.19: 308.

[31] Immanuel Kant, *Groundwork for the Metaphysics of Morals*, p. 34 (Ak 4: 417).

[32] *Ibidem*, p. 35 (Ak 4: 419).

connected with the concept of the will of a rational being, as something not contained in it"[33].

2.4. The categorical imperative(s)

There is a single one categorical imperative: "*Act only in accordance with that maxim through which you can at the same time will that it become a universal law*"[34].

Or "Act in accordance with maxims that can at the same time have themselves as universal laws of nature for their object"[35].

However, it has some f*orms* which, all together, constitute the "categorical imperative", namely, the corpus of formulas (*the moral law*) relating each individual to humanity and deriving the moral feature of individuals from the reason common to all rational beings:

1) because its universality is *as if* it would be the universal law of nature ("*So act as if the maxim of your action were to become through your will a universal law of nature*"[36]); or "Act as though your maxim should serve at the same time as a universal law (for all rational beings)"[37]; or "Act in reference to every rational being (to yourself and others) so that in your maxim it is always valid at the same time as an end in itself"/ "Act in accordance with a maxim that at the same time contains its own universal validity for every rational being"[38];

2) The formula of *humanity as end in itself*, because "Rational nature exists as end in itself"[39]: ''*Act so that you use humanity, as much in your own person as in the person of every other, always at the same time as end and never merely as means*''[40]; and *humanity is end in itself if everyone aspires to further the ends of others*[41]; the "principle of humanity and of every rational nature in

33 *Ibidem*, p. 37 (Ak 4: 420).
34 *Ibidem*, p. 37 (Ak 4: 419).
35 Ibidem, p. 55 (Ak 4: 437).
36 *Ibidem*, p. 38 (Ak 4: 421).
37 I*bidem*, p. 56 (Ak 4: 438).
38 *Ibidem*, p. 55 (Ak 4: 437-438).
39 *Ibidem*, p. 46 (Ak 4: 429).
40 *Ibidem*, pp. 46-47 (Ak 4: 429).
41 *Ibidem*, p. 48 (Ak 4: 430).

general as end in itself (which is the supreme limiting condition of the freedom of the actions of every human being)"[42];

3) the third practical principle of the will, as the supreme condition of its harmony with universal practical reason[43]: ''the idea of the will of every rational being as a will giving universal law''[44]/ "the idea of the will of every rational being as a universally legislative will"[45] or ''the principle of every human will as a will legislating universally through all its maxims''/ "if there is a categorical imperative (i.e., a law for every will of a rational being), then it can command only that everything be done from the maxim of its will as a will that could at the same time have as its object itself as universally legislative"[46] ; "*Not to choose otherwise than so that the maxims of one's choice are at the same time comprehended with it in the same volition as universal law*"[47] : this is the principle of the autonomy of the will;

4) The formula of the *realm* of ends, that is "a systematic combination of various rational beings through communal laws"[48]: ''Do no action in accordance with any other maxim, except one that could subsist with its being a universal law, and hence only so that the will could through its maxim at the same time consider itself as universally legislative"[49]; or "*Act in accordance with maxims of a universally legislative member for a merely possible realm of ends*"[50].

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[42] *Ibidem*, pp. 48-49 (Ak 4: 430-431).

[43] *Ibidem*, p. 49 (Ak 4: 431).

[44] I*bidem*.

[45] *Ibidem*, p. 50 (Ak 4: 432).

[46] *Ibidem*.

[47] *Ibidem*, p.58 (Ak 4: 440).

[48] *Ibidem*, p. 51 (Ak 4: 432). And continues with the inference: "For rational beings all stand under the law that every one of them ought to treat itself and all others never merely as means, but always at the same time as end in itself. From this, however, arises a systematic combination of rational beings through communal objective laws, i.e., a realm that, because these laws have as their aim the reference of these beings to one another as ends and means, can be called a 'realm of ends' (obviously only an ideal)".

[49] *Ibidem*, p. 52 (Ak 4: 434).

[50] *Ibidem*, p. 56 (Ak 4: 439).

(All maxims have:
(1) a *form*, which consists in universality, and then the formula of the moral imperative is expressed as: 'That the maxims must be chosen as if they are supposed to be valid as universal laws of nature';
(2) a *matter*, namely an end, and then the formula says: 'That the rational being, as an end in accordance with its nature, hence as an end in itself, must serve for every maxim as a limiting condition of all merely relative and arbitrary ends';
(3) a *complete determination* of all maxims through that formula, namely 'That all maxims ought to harmonize from one's own legislation into a possible realm of ends as a realm of nature'[51]).

The moral law/the categorical imperative is a real level of the moral thinking. It is felt by people[52], and felt as being contradictory to the empirical principles, felt as a moral dissonance between the *imperative human duty they feel in their deep down* and the *divergent empirical pragmatic "requirements" and maxims*; *the proof* is just their tendency to avoid it, to resist to it and to transform its universality into a simple general (and abstract) requirement[53].

All the imperatives of duty can be deduced from the categorical imperative[54].

2.5. Kant against moral relativism

Everything in the human behaviour is related to experience.

And the many faceted experience generates, of course, the idea of *relativity* of beliefs, and, because they have the same origin, of their *equivalence*. The human maxims correspond to this concrete feature of experiences, and thus the hypothetical imperatives to act, for instance, for

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[51] *Ibidem*, p. 54 (Ak 4: 436).

[52] Immanuel Kant, *Toward Perpetual Peace: A Philosophical Sketch* (1795), in *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, Edited and with an Introduction by Pauline Kleingeld, Translated by David L. Colclasure with essays by Jeremy Waldron, Michael W. Doyle, Allen W. Wood, New Haven and London, Yale University Press, 2006, p. 100 , (AA 8: 375-376): "at least the following is clear: that human beings are no more able to fully abandon the concept of right".

[53] Immanuel Kant, *Groundwork for the Metaphysics of Morals*, p. 42 (Ak 4: 424).

[54] *Ibidem*, p. 37 (Ak 4: 419).

territorial integrity of a state and its right to adhere to any international organisation, or for the right of the individual to do what he/she considers to fulfil his/her happiness, *coexist* with actions to stop the international organisations and their *de jure* or *de facto* members which want to conquer and subdue countries and peoples, and also with actions which forbid the "absolute" right to do whatever he/she thinks to make him/her happy. (On the contrary: "those sanctions are called 'pragmatic' which really flow not from the rights of states, as necessary laws, but from provision for the general welfare"[55]).

But the relativity of beliefs[56]*/ the concrete different determination or conditioning of beliefs is not tantamount to moral relativism*. Kant gave the first, and fundamental, decisive argument against the moral relativism that flourished in the centuries after him: the will as a faculty of reason to impel actions is not the human peculiar and suitable faculty to attain the desires and needs of the individual, the instinct would be more fit for[57]; it is the *good will*, related in a way or another to reason, and having as a purpose just the goodness in itself and not the efficiency of action for an arbitrary end[58].

Duty is a transcendental concept, corresponding to the inner feeling bearing the good will, and its deep power is to evaluate the hypothetical purposes, maxims and imperatives from the standpoint of the categorical imperatives which show the ultimate reason-to-be of goodness: *one cannot infringe the reason to treat the others as ends in themselves, as unique and unrepeatable individuals representing, each of them, the species of rational beings on the Earth, if one wants to keep one's own representativeness of the human species and of its reason.*

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[55] *Ibidem*, p. 33 (Ak 4: 417).

[56] *Ibidem*, p. 45 (Ak 4: 427-428).

[57] *Ibidem*, p. 11 (Ak 4: 395).

[58] *Ibidem*, p. 12 (Ak 4: 396).

Therefore, the *good will* is *moral*, belongs to morality. Only the *will* belongs to the *instinctual* life, and because it is related to the preservation of the animal organism, it involves the senses which are the best and reliable instruments to show to it how is the reality to which it must respond. The senses are absolutely reliable for the information about reality, but in humans they are amended by the human reason, i.e., they are processed and interpreted by it in different levels of *forms* of thoughts (analysed by Kant) and of *contents* of thoughts. The moral level is the content background of the contents' levels.

In fact, not the duty as an intermediary moment between the good will and action is important / as a trigger of the action according to the good will. But just the categorical imperatives, the *contents* (of duty) which are posed by the human reason to ultimately confront the hypothetical purposes, maxims and imperatives. "This cannot be done". *The categorical imperatives are those which forbid the moral relativisation*, the drowning of actions, will and their "legitimating" into the ocean of meaningless of humanity, of the human worth: into the ocean that destroys the *telos* of the human being, the *what for* (of) humanity.

Kant specifies that in hypothetical situations with purposes in accordance to them, people measure, namely, give a *price* to the ends: the *market prices* – showing that the objects of needs and inclinations can be exchanged – and the *affective* "prices" of our feelings related to the imagination of our "satisfaction"[59]. If this is the case, if ends have prices, and each end having an "equivalent"[60], does this not mean that there would be no other criterion for measuring moral goodness than a perpetual relative pricing of ends? Are not things relative?

No, because *some ends have no equivalent*, and these ends concern the human beings – whose value cannot be priced, because they all have their inner worth, thus *dignity*[61] – and whose end is worth in themself: so, they have no equivalent, or *only at the extent that they are moral according to the categorical imperatives*. A moral action according to the categorical imperatives is equivalent to another moral action according to the categorical imperatives. "Now morality is the condition under which alone a rational being can be an end in itself, because only through morality is it possible to be a legislative member in the realm of ends. Thus, morality and humanity, *insofar as it is capable of morality*, is that alone which has dignity"[62].

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[59] Immanuel Kant, *Groundwork for the Metaphysics of Morals*, pp. 52-53 (Ak 4: 434).

[60] *Ibidem*, p. 52.

[61] "The dignity of humanity in one's own person is personality itself, that is, freedom; for one is only an end in oneself insofar as one is a being that can set ends oneself. The irrational, who cannot do that, have worth only as means", Immanuel Kant, *Notes and Fragments*, p. 476e, 7305. 1780–89. Pr 110, at §165, in *Gradus imputabilitatis* (19: 307).

[62] Immanuel Kant, *Groundwork for the Metaphysics of Morals*, p. 53 (Ak 4: 435).

I underlined the words from the above quote. Yes, every human being has his/her value as a representative of humanity, thus as an *end in himself/herself*. From this standpoint, all humans are equivalent to each other. But the human dignity is attained, is manifesting, *if and only if* he/she "legislates" on behalf of the whole humanity and thus, of every other human being. All humans and every one of them is dignified – as a rational being – and thus, have dignity as a *potentiality* (let's use Aristotle's term). But their dignity is real, *actual* only at the extent they manifest according to the deep moral requirement of treating every human being always as an end in itself, as a unique and unrepeatable representative of humanity, having thus an unmeasurable value.

3. The rights under the operations of freedom and moral duty

However, how is the practical behaviour of humans, consonant with the apparently rigid command of their moral reason?

It is, and Kant demonstrated the coherence of the moral process in a theory that unfolded the correspondence between the objective and subjective cognitive basis and the ethical concepts, offering a so fine articulation that it is not surpassed until now. Ethics as *scientific knowledge* of morals and the moral reason was that which Kant founded. It's obvious that he wrote in historical circumstances which shaped his concrete views about different practical relations. We may not adhere to all these views, but we cannot reject his scientific explanation of the consistency of moral humanism.

3.1. Kant conceived of his practical philosophy on the very modern concept of *freedom*[63], both in "the external and internal use of choice", determined by "laws of reason"[64]. In the internal use of reason, freedom has the value

[63] "*Freedom* (independence of being constrained by another's choice, insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity", Immanuel Kant, *The Metaphysics of Morals*, p. 63 (AA VI: 237). This is, Kant demonstrates, the "only innate right". (See also Kant's note from 1800: "The concept of freedom and its reality cannot be proven in any way except through the categorical imperative", Immanuel Kant, *Notes and Fragments*, p 478 (7321. 1800. LBl L 20. (19: 316)).

[64] Immanuel Kant, *The Metaphysics of Morals*, p. 42 (AA VI:214).

of a regulative *principle* of speculative reason[65], generating *unconditional* practical laws, called *moral*. For the imperfect human, these laws appear as *imperatives*. But in the external use, freedom manifests as practical /technical principles, *conditionally* commanding.

The imperatives *represent* the *practical actions* as *objectively necessary* and make them necessary not thinking to an end possible through an action, but thinking directly to the *form* of the action. The form is what is formalizable in our level of reason that gives the principles of thinking and action, thus which are *a priori*. And here, the imperatives represent the highest moral ends legitimating any practical relation/action. Once more, the imperatives are transcendental, principles of (pure) reason, imposing the *obligation*, the "necessity of a free action"[66] (thus, *as if* exclusively from thinking to the form of the necessary action). While the conditional technical principles, appearing as maxims of subjects, are *juridical*, and they are connected with an authorisation to use coercion. But in a society of citizens, coercion is, beyond its transcendental form – a mutual use of coercion, *but that is consistent with everyone's freedom in accordance with universal laws of necessary actions*[67] – a tendency.

Already Leibniz said that one cannot choose between alternative attitudes if one is not free. And the modern thinkers sang odes to civil liberties.

The huge importance of the principle of freedom did not appear only in the early modern European thinking, this principle being the fundamental assumption of the modern political philosophy that prepared and gave the legitimacy of the modern social transformation; but also in this process itself and its fall under the perversion of the "misunderstanding" of the social condition of the workforce: just of the social constituent that made credible the power of the modern rulers, thus giving these rulers the power to influence the general public of destitute, of those who were to fight for the modern transformation and without which the modern revolutions and even the passive support of modernisation in these and other countries would not have occurred. The ancients spoke about freedom, but this was only the condition of the few. This *asymmetry of*

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[65] *Ibidem*, p. 48 (AA VI:221). Here, the term "speculative" means theoretical, specific to the transcendental domain emphasized by the theoretical philosophy.

[66] I*bidem*, p. 48 (AA VI:222).

[67] *Ibidem*, p. 57 (AA VI:232).

freedom as a structural difference in status between the ruling strata and the ruled has been inherited in all societies based on the system of domination-submission. But the modern asymmetry as such was not tantamount to the ancient one. The abolition of serfdom was the premise for the generalisation of the status of citizen, capable of undertaking on his own modern acts of individualistic prosperity and, after a long struggle, capable of voting power, thus of the first political right.

But not this was the case in Prussia[68]. For this reason, Kant specified that the metaphysical foundation of the juridical relations – concerning the subjects "between whom a relation of right to duty can be thought of" – supposes a division "in Accordance with the Relation of the Subject Imposing Obligation to the Subject Under Obligation", namely, between the first with "beings that have only duties but no rights" /"men without personality (serfs, slaves)", and between "beings that have rights as well as duties" / "a relation of men to men"[69].

3.2. Duty "is the action to which someone is bound"[70], and "a deed is r*ight* or *wrong* ...insofar as it is conform to duty or contrary to it"[71].

The "duties of Right" are "*real*"[72], namely *juridical,* and not imposed by the human morality of the duty of virtue, of love and respect towards other humans[73], and are specific only to relations between free men. Why? Because only between free men can *contractual* relations be established. And the contract is *public* (because it is and must be accountable; AB, this is the basis of transparency), and the justice (called "Right") that corresponds to contractual relations is "public Right" („*bürgerliche Recht*" – because of

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[68] "Friedrich Wilhelm I had destroyed serfdom in his domains in 1717. The particular code of the great Frederick, as we have seen, purported to abolish it throughout the kingdom; but, in reality, it only made its harshest form, *Leibeigenschaft*, disappear; he preserved it in its softened form, *Erbunterthænigkeit*. It was not until 1809 that it ceased entirely", Alexis de Tocqueville, *L'Ancien Régime et la Révolution*, in *Œuvres complètes*, volume 4, Paris: Éditions Lévy, 1866, p. 355, Note 5, Date of abolition of serfdom in Germany.

[69] Immanuel Kant, *The Metaphysics of Morals*, p. 66 (AA VI: 241).

[70] *Ibidem*, p. 59 (AA VI: 222).

[71] *Ibidem*, p. 50 (AA VI: 224).

[72] *Ibidem*, p. 66 (AA VI: 241).

[73] *Ibidem*, § 23- § 25, pp. 243-244 (AA VI: 448-449); § 37-§ 41, pp. 254-257 (AA VI: 462-465).

the medieval tradition of freedom of townsmen) of the "civil society", because only this society "secures what is Mine or Yours by public laws"[74]. This was the basis of Kant's *utopian liberalism*: the highest – until him – level of freedom, the civil, the *bürgerliche*, as a guarantee of general freedom and justice as fairness.

And this utopian liberalism was in fact assumed by the modern *proles* when they hoped that its tenet will liberate their condition. Only when they felt the limits of modern citizenry, did they begin to use it in order to fight for their real possibility to choose. And the Kantian philosophical foundation of the civil freedom – linking an assertoric description of *what is* with the deontological *what should be* – showed both the limits and the openness of civil freedom. Kant was aware of the limits: the deontological prescription is always the proof of the awareness of the shortcomings of the real, but the modern freedom was for him an unfinished given, thus a basis to enlarge it. Accordingly, the Kantian philosophical foundation is pendant with the position of modern working classes.

More precisely, the symmetry between Kant's foundation of the utopian modern freedom and his practical hope of that which was to follow has in view a concept that was not used as such by Kant but can be derived from the "*exception* for ourselves" towards the universal moral law[75], thus was supposed as: *exceptionality* in front of the modern law. The Middle Ages' nobles, kings and clergymen were outside the rigours of the law, it was and is well-known. But the *modern* law implied equality of citizens before the law. No citizen was to be treated by the law as he/she would have been above the law. This exclusion of the exceptionality of some citizens implied the cancellation of privileges and their substitutions only with rights. Obviously, this substitution did not fully occur, as it is also well-known. But the *theoretical principles of the modern law* had and have a huge importance: it was precisely on their ground that the process of concretisation and enlargement of the modern law took place.

The enlargement concerned also the *international modern law*. Actually, this law was forged on the assumption of *equality of states before the laws* – which are forms, do not forget – which impose the international

[74] *Ibidem*, p. 67 (AA VI: 242).

[75] Immanuel Kant, *Groundwork for the Metaphysics of Morals*, p. 42 (Ak 4: 424).

rights and duties of states[76]. And the international modern law was forged – though this was rather implied because of the non-citizenship of the colonised in huge territories which were not states, but colonies[77]– on: 1) the principle of equality (only) of *citizens* worldwide, since all have the rights of citizenry, and 2) the principle of *pre-eminence of the modern people* – constituted from citizens, equal before the law, as the bearer of the power of the state / as the sovereign in the territory of the state[78] – *over "the state" and any eventual privileged or representative group*[79].

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[76] It's all the more alarming that *legal exceptionalism* was instituted both by international bodies – for instance, concerning Israel, the UN that did not oppose to the acquisition of land by force, to the ethnic cleansing of Palestine in Nakba (1947-1948) and later, including today, after 7 October 2023, and to the Oslo Accords – and states (as the international impunity of American military).

From a Kantian theoretical standpoint, the imposition of *legal exceptionalism* is a backward step to a pre-modern situation. It institutes an internationally accepted i*mpunity*, that is to say, annulling of the legal sanctions of some actors. But since the legal sanctions exist and they were established for all actors according to the modern equality before law, the legal exceptionalism broke the supremacy of law as such, generating precedence and the weakening of the internal and international order.

The struggle for a world of right is historical, involving all types of internal and international actors and organisations. Nowadays, the International Court of Justice, the principal judicial organ of UN, ruled on a request for an advisory opinion submitted by the UN General Assembly (International Court of Justice, *Advisory Opinion – Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, 19 July, 2024 – https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf –) that substantiated the infringement of the modern law by the legal exceptionalism given to and assumed by Israel. (This legal exceptionalism is based on two fake premises: that imperialist Great Britain's "donation" of Palestine to the European Jews, subjected to the WWII Nazi "final solution", is legitimate, and that a coloniser would have the right to defend itself from the colonised).

[77] Immanuel Kant, *The Metaphysics of Morals*, § 50, p. 146 (AA VI: 338): "a *province* (in the sense the Romans used this word)".

[78] Immanuel Kant, *The Metaphysics of Morals*, § 51, pp. 146-147 (AA VI: 338).

[79] As a result, the modern people inhabiting a territory has the *formal* right to choose the state that organises it and it would consider as its representative. But this f*ormal* right does not lead to an anarchical situation of the world, (that, in Kantian reasoning, would be more inconvenient to the peaceful international

3.3. Kant was contradictory, of course.

On the one hand, he considered the European modern law as a model of legitimacy of the juridical laws which had to regulate the structural *asymmetrical* social (economic) relations.

On the other hand, he considered that this model *was* not only *to be* surpassed by its improvement that must take into account its accordance with the transcendental foundation, but also that in reality it does not bring a betterment of the social condition of the many. The fact that the citizen population is in a state of *citizen immaturity* because of their "laziness and cowardice" does not mean that only they are guilty for their "self-incurred minority", because this state is induced just by "a free state" that "does not dare to say" but imposes to all: "Argue as much as you will and about what you will; only obey"[80]. On the contrary, precisely this apparent freedom – as "freedom of spirit" – reduces and even stops the use of reason in questioning their obedience, while, when it happens, the obvious lack of freedom/rights fuels the general awareness of this situation even until transposing it "gradually" into a maturity that "becomes capable of *freedom in acting*". In what direction? Well, Kant did not further deal with perverse actions which in fact strengthens citizens' state of submission. He only showed that it's the "nature" of man to *reason* so as he finds the *human* direction of freedom of acting[81]. This direction is always practical, namely not only as actions but also and foremost as *transposition of the moral principles of reason into actions* which are more and more according to their prescriptions.

Do we not see Kant's clairvoyance regarding the present? *The freedom to do anything*, but *within the confines of obedience towards the domination-*

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relations than the imposition of authority of states and the existing order based on asymmetrical international relations), because it is always intertwined with the "*contents*", the thorough *reasons* of opposition of a people to a state. Can we conceive that the Russian-speaking people who separated from Ukraine would have separated if the Ukrainian state had not imposed an absurd and so destructive Russophobic policy, since from centuries the Ukrainians and the Russians lived together peacefully?

[80] Immanuel Kant, "An Answer to the Question What is Enlightenment" (1784), in Immanuel Kant, *Practical Philosophy*, Edited by Mary Gregor, Introduction by Allen W. Wood, Cambridge University Press, 1996, pp. 11, 22 (AA VIII:35, AA VIII:42).

[81] I*bidem*, p. 21 (AA VIII: 41).

submission frame, is accompanied just by restrictive forms to exert the real freedom of press and expression, emphasised by Kant, to debate all the way the causes and consequences of political actions; and the more the freedom to do anything becomes more devoid of moral restraints, drowning the individual in the river of addictive stimuli and transforming him/her into an obeying animal being, the more the pessimism related to the ways of changing the present system crisis of the former triumphant modern era becomes deeper. Isn't freedom without moral restraints only apparent?

Kant could only be contradictory regarding the ideological axioms of his worldview. But as we saw, he felt their clash and solved it just by developing the "transcendental" ethical principles which *found* all the human actions and endeavour. Actually, *these principles are* – indeed, are – *the critique of the liberal freedom.*

3.4. Freedom is a *faculty*, a capacity of the free will. But "only freedom in relation to the internal lawgiving of reason is really a capacity"[82], and this internal lawgiving imposes both freedom and the principle of accordance of duties and rights with the objective state of the human free will, in the concrete manifestation of juridical relations.

As a capacity of the free will, freedom is the condition of human *dignity*: the humans are worthy towards the other animals because they have reason, namely *the reason to arrive to the moral law*. Briefly, the humans have dignity because they are moral: and according to the moral law that is forged by their reason *beyond* and *before* any empirical examples of interhuman relations, considered Kant. We know nowadays that the moral principles are reasoning appearing within the human experience, but Kant was right by showing that the moral "*a priori*" principles form a kind of superior level towards the empirical moral judgements.

The concept of human dignity is specific to humans just because of their reason, and obviously the moral reason changes the animal aspect of humans. Animals, and generally the living beings, behave "as machines", answering to stimuli. This mechanistic aspect is encountered in humans, too. Not only in their biological/ bio-psychological process, but also in the

[82] Immanuel Kant, *The Metaphysics of Morals*, p. 52 ((AA VI:227).

social one: when they obey to the administrative requirements[83] aiming at the common good. We do not cross the street when the traffic light is red, but we do when it is green, and we do it mechanically, we thinking to our problems. Sometimes another person waiting near us is impatient and begins to cross the street before the green, and because we behave mechanically, we tend to follow the person, believing that the light changed. But the experience taught us to see the semaphore, to confront the signs given by it with the action of the person: namely, our mechanical behaviour became aware and our consciousness stops us to act irrationally.

However, *neither we nor an enlightened government should not confound the administrative orders and the political ones*. Because the latter reflect *power relations*, thus aims of different *groups* to acquire their own good on the expense of lower classes, and this type of restrictive good clashes with the common good. Consequently, in the political public space we must *express* our standpoints and we must feel free to do this. Here we must not behave mechanically obeying, but expressing our standpoints as "a scholar" does[84]. But how does the scholar proceed? He always shows the *reasons* of his theories, the *causes* of facts, in a transparent manner, just for challenging the analysis of theories by other scholars.

Therefore, in the political public space, neither we nor the enlightened government must not consider us "machines". Generally, what is important is that the human living being is always "more than a machine"[85]. But just in the modern countries – don't forget, we are in the 18th century – the human being is put "in a class together with the other living machines", thus attributing them "the awareness that they are not free beings"[86], in the name of an "anything goes" political theory that considers only the efficiency of political control from above and removes

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[83] Immanuel Kant, "An Answer to the Question What is Enlightenment", p. 13 (AA VIII:37): "affairs conducted in the interest of a commonwealth a certain mechanism is necessary, by means of which some members of the commonwealth must behave merely passively, so as to be directed by the government, through an artful unanimity, to public ends (or at least prevented from destroying such ends). Here it is, certainly, impermissible to argue; instead, one must obey".

[84] *Ibidem*.

[85] *Ibidem*, p. 22 (AA VIII:42).

[86] Immanuel Kant, *Toward Perpetual Peace: A Philosophical Sketch,* (p. 102 (AA 8: 878).

from it the concepts and ends of "freedom and equality" of citizens, the only ones which must found the end of politics itself.

4. How do the moral requirements operate?

Freedom means to *choose an end* without being constrained by others. This end transposes into an action, and thus to have an end is an act of freedom, not a natural effect[87]. The categorical imperative of "the pure practical reason", a methodological imperative "which connects *the concept of duty* with that of an end in general" implies the existence of the moral categorical imperative: where the moral end is at the same time a duty, and where the duties are at the same time ends. The "ends which are also duties" are "*one's own perfection* and *the happiness of others*"[88].

Let' see them closely.

4.1. The human is both an *individual* and a *species being*. This last quality was substantiated by Kant[89] – and later, by Marx – as a *frame* of the particular qualities of belonging (to a state, to a gender, to a family, to a nationality, thus to a *group*). The human is a species being in that he/she is *moral*, and only if she/he is *moral*. And he/she *is moral according to the "moral law" constitutive to his/her being*: the *categorical imperative*, the *duty* to treat every human according to his/her appurtenance to the human species, namely, always as an *end of the existence of the human species as such*, and not only as an empirical means for an individual or for individuals.

The first duty of a human is just the duty to treat all the others as human beings. Accordingly, and even though the concepts of duty, right, freedom are formalised in social norms, the *duty to exercise the moral law existent in every human being towards every human being* is primary, the first of all other duties and the fundamental justification of all other duties.

Of course, duty is an i*dea* which we have concerning an action in view to fulfil an end, and this idea is an impetus, an urge toward the

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[87] Immanuel Kant, *The Metaphysics of Morals*, p. 190 (AA VI:385).

[88] *Ibidem*.

[89] Kant used the term *humanity* – belonging to humanity/"according to the *humanity* of man" – and to be represented "according to the *humanity*" meant for him to distinguish between "the right of humanity in our own person" and "the right of men", or, differently put, between "the end of humanity in our own person" and "the end of men", Immanuel Kant, *The Metaphysics of Morals*, p. 65 (AA VI: 240).

action[90], but if we judge the humans as beings endowed with reason, we understand that just this universal faculty allows, and requires, moral relationships between them, governed by their innate peculiarity to deduce from their motley experience not only abstract notions – already present in this experience – but also *concepts* as superior abstractions from abstract notions, and *principles*, universal and necessary judgements related to both experience and concepts. All of these are ideas, and through them we act according to our human uniqueness.

Now, as it is known, to every duty a right[91] corresponds. It is obvious that we can think the human morality as a "categorical imperative" stating that every human being has the *right* to be treated always as an end and not only as a means. But this form of the moral law is wrong, incorrect[92]: because the rights are given *from without* the human individual – they are depending on other humans, on other wills – or *the moral law as deep consideration and feeling of every human being is given from within the human individual, from his own reason*. The duty is – before being socially formalised and thus transmitted from without, educated, imposed – an internal propensity toward a certain behaviour that it is *judged* as the best: necessary and rational, that is, supposed to be general. *The duty is a transcendental principle*, Kant explains, because it arises from a level of reason that grounds the practical judgements. This is the reason Kant did not construct the foundation of ethics on the basis of rights.

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[90] The idea of duty is "the incentive to action", *ibidem*, p. 46 (AA VI: 219).

[91] The "moral concept of right" – thus, a *form* – concerns the obligation within a relation of one person to another person's choice, provided that both have freedom, *ibidem*, p. 56 (AA VI: 230), while the "universal principle of right" is: "Any action is *right* if it can coexist with everyone's freedom, in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law", *ibidem*.

[92] "But why is the doctrine of morals usually called (especially by Cicero) a doctrine of *duties* and not also a doctrine of *rights*, even though rights have reference to duties? The reason is that we know our own freedom (from which all moral laws, and so all rights as well as duties proceed) only through the *moral imperative*, which is a proposition commanding duty, from which the capacity for putting others under obligation, that is, the concept of a right, can afterward be explicated", *ibidem*, p. 64 (AA VI: 239).

4.2. Therefore, the first duty of the human individual is his/her duty *qua* species being. Why is the duty of the human individual *qua* individual not the first human duty? Because the already mentioned *conatus* in its Spinozian meaning – the tendency to persist[93] – is specific to every living being, to every animal, or the human has reason, thus it's the *duty arisen from human reason* that is specific to this species, and not the instinctual will to live.

However, is this Kantian moral priority not absurd? Would our individual survival – of course, with our loved ones – not be our first duty? And perhaps not even with our loved ones – an aviation principle in case of emergency is to put our masks on first and not our children's masks, isn't it –? No, the Kantian priority is not absurd; and the above example is absurd, as all of us have the commonsense to understand it. Kant considered that *in everything we do we must stay humans*, because otherwise there is no more *human uniqueness* as human sentiments, culture, edification of a world that enriches "the starry heaven", but a simple animalic accident in the cosmic evolution.

It's obvious that the first duty of man to himself is "*to preserve* himself in his animal nature". But, although first, this duty is not principal[94], because *if this "natural end" is not fulfilled in a moral way*, the result is not the lasting of a "person" – a living being having reason and, essentially, a moral reason that allows him to being responsible[95] – but of an animal. And the basis of the moral way of the first duty of man to himself – implying even the right to be authorised to take the life of those who assail me – is to not infringe both the right of others (who have the same first

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93 As we know, Spinoza and the early modern philosophers related *conatus* to every being, not necessarily a living one. Later on, in the endeavour to explain life as an integral phenomenon, the biologists were puzzled and, for instance, some ones considered that Aristotle's *entelechy* (as internal cause and force of the continuous identity of an organism during and governing action/movement/change; thus, as Spinozian *conatus*) is the concept explaining the *vital* phenomenon. See Hans Driesch, *The Science and Philosophy of the Organism*, The Gifford lectures delivered before the University of Aberdeen in the year 1908, Volume II, London, Adam and Charles Black, 1908.

94 Immanuel Kant, *The Metaphysics of Morals*, p. 218 (AA VI: 421).

95 *Ibidem*, p. 50 (AA VI: 223).

duty of man) and the law[96]. For this reason, a methodological duty to oneself is to control the impulses to excesses and moral vices: and this

[96] Here Kant answers to the nowadays ardent problem of the "right of pre-emptive actions". There is a huge difference, Kant says, between the right to kill an assailant – this right being both *moral*, and only from a moral standpoint being recommended "moderation" in exercising the right to kill the aggressor, and *lawful* – and on the other hand, a "supposed right" to kill someone who did nothing to harm. This supposed right is absurd: because in order to be a right it must correspond to a *state of necessity* (Kant gave the example of someone in a shipwreck who shoves another off a plank that cannot support both) and this state is already i*nstinctive*, outside reasonableness. And thus, *to a state of necessity only the primary duty to preserve one's life corresponds, and not a right*.

For this reason, we can characterise from a *moral* standpoint such state of necessity, as well as the guy himself after his fact: "from outside" *we* cannot say that the guy who saved his life by drowning the other is guilty (according to the primary duty), because we understand that his instinct of self-preservation was stronger that the restraint required by the moral law; but, and even though, the guy himself feels deeply shocked and considers his deed as profoundly immoral, because now as always he has "in his soul" the moral law to help the other human being as helping their common humanity; and thus, because he knows that they both belong to this species, for him this *internal moral law* is the instance, and not the instinct of self-preservation: although he knows as well that this instinct governed him in that unfortunate moment. (The example of Kant, the guy drowning the other in order to save himself, reminds us the Medusa's shipwreck (1816), see Nebiha Guiga, Aurélien Portelli, « Les récits du radeau de la Méduse : L'histoire d'une situation extrême au prisme des violences et des sorties de guerre », *Napoleonica. La Revue*, 2023/2 (N° 46), p. 139-172).

[Kant raised an extremely important issue of existential *state of necessity* or, in present researches, *extreme situation*, synonymous to *extreme violence* related to war and getting out of the war (see Véronique Nahoum-Grappe, « Anthropologie de la violence extrême : le crime de profanation », *Revue internationale des sciences sociales*, 2002/4, p. 601-609; Michèle Battesti, Jacques Fremeaux (dir.), *Sortir de la guerre,* Paris, Presses de l'Université Paris-Sorbonne, 2014); but synonymous also to perplexity and defeatism in peacetime (Ana Bazac, "*Conatus* and the worth of life in a time of crisis", in Philosophy and Crisis: Responding to Challenges to Ways of Life in the Contemporary World, 2013 Conference Proceedings, G. Maggini, H. Karabatzaki, V. Solomou-Papanikolaou and J.Vila-Chã (Eds.), vol. II, Washington D.C., Council for Research in Values and Philosophy, book series IV. "Cultural Heritage and Contemporary Change", vol. 11, November 2018, pp. 137-152). What

control is not at all impossible or a superhuman effort, because every human has "conscience": "an internal court in man" that judges his/her thoughts and behaviour[97].

Actually, the humanlike, moral way to realise one own's preservation is manifesting as the other duties of *man to himself*: the already mentioned *one's own perfection* and *the happiness of others*[98]. The first must be understood – as Kant did[99] – as enhancement of moral capacities; today we say, capacity of creation (thus, development of the self), "to be" and not "to have", as Fromm formulated. The second, extremely important today, confronts our own happiness and the conditions we can create for the happiness of others. Some ones consider that their own survival would

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is common to these different faces of the state of necessity is the challenge of the moral law and the generalisation of an abductive movement from this law].

However, Kant posed the problem of *juridical sanctionability* of this fact, of a presumed correspondence between an instinctual state of necessity and the external juridical sanctions as right/wrong, namely the position of society represented by the legislator in front of instinctual states of necessity. Well, society itself – as if it would be a single human – takes over the moral self-judgement of the guy: (from a societal standpoint) the fact "must not be judged" as blameless, he was not innocent and *if* there would exist objective sanctions, a law, for punishing him, he would be. But there is no law for this fact, thus the guy is "*inculpabile*", he cannot be deferred to justice. And thus, he neither can be punished; or, conversely, an *instinctual* violent action of self-preservation is not a wrongdoing against a right and thus it is unpunishable ("i*mpunibile*"). And Kant underlines that the juridical practice has both a subjective basis (in front of reason) and an objective basis (in front of "a court"), and we must not confound them: in front of the juridical reason, the guy is not punishable, but in front of a court he could be brought and judged, *if* there was a law for his act. Because, ultimately, the court represents *vox populi*, the moral conscience. (From this distinction, we can deduce the necessity to legislate according to the complex multitude of facts, thus to establish rights and juridical duties in order to *prevent infringements against the reason-to-be of justice*).

[97] Immanuel Kant, *The Metaphysics of Morals*, § 13, pp. 233-234 (AA VI: 438, 439). (We do remember Socrates's internal "daimon" (Plato, *Apology*, 31d. In: *Plato in Twelve Volumes*, Vol. 1 translated by Harold North Fowler; Introduction by W.R.M. Lamb. Cambridge, MA, Harvard University Press; London, William Heinemann Ltd. 1966) who forbade wrongful intentions but who never urged him, do we?)

[98] Immanuel Kant, *The Metaphysics of Morals*, pp. 191-192 (AA VI: 386-387); and pp. 192-193 (AA VI: 387-388).

[99] *Ibidem*, pp. 195-196 (AA VI: 392-393).

mean having their present conditions, from which, as philanthropists, they would give others "what they can"[100], but in fact never sacrificing an iota from their well-being and the official imaginary about it. However, the result never consists in fulfilled conditions for the happiness of others. But not even for the philanthropists: because they feel that their behaviour is hypocritical and inefficient. And this feeling harms not only their happiness but also their *moral integrity*: when we do not consider "the *dignity* of humanity" in the other persons, we cannot consider this dignity in our own person, because we deprive both them and us from the "prerogative of a moral being, that of acting in accordance with principles, that is, inner freedom", and so we make them and us "a plaything of the mere inclinations, and hence a thing"[101].

Kant said that the duty "to sacrifice a part of my welfare to others" is only a "wide one", not a universal law, because it does not prescribe how much would we sacrifice to others' wellbeing[102]. However, it is not a question of quantity, but of quality: we must "sacrifice" until the others have the conditions to fulfil their own happiness without alms from us[103].

Therefore, do not forget that Kant developed *methodological/ transcendental principles to substantiate /legitimate the ethical approach of humans' relationships*. The principle of duty does not impose a rigorist, ascetic behaviour and life[104].

Duty is necessary – is a principle of reason – because, as Kant saw in his indirect experience of historical and philosophical information, as well as in his direct experience, *the humans have not a natural propensity to the public good since they are motivated by the duties to themselves*: and thus, they seek the public good *at the extent* this goal and situation would be beneficial to themselves. Actually, just this representation belonged to the modern social contract theorists.

But duty is a *determinant* principle because the humans think, judge, and thus reason is what directs people to actions. And this principle is

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100 See Ana Bazac, "Global injustice: what is known, what is assumed and what is promised?", *Studia UBB, Philosophia*, 58 (2013), No.2, pp. 145-157.

101 Immanuel Kant, *The Metaphysics of Morals*, p. 216 (AA VI: 420).

102 Immanuel Kant, *The Metaphysics of Morals*, p. 197 (AA VI: 393).

103 As in the well-known liberal saying: "do not give them fish, give them a fish hook"; isn't it?

104 Immanuel Kant, *The Metaphysics of Morals*, p. 209 (AA VI: 409).

necessary because it *balances* the natural "duty" to preserve oneself, and in the best conditions, and on the other hand, the social duties which, ultimately, ensue from the categorical imperative. Indeed, *reasonability* and the *deep moral level of reason* of fundamental principles of motivations and actions generate the *mediation* of duty between humans and their actions.

4.3. Just these principles are the basis of "virtues and vices", of good or bad actions and behaviours. People can *understand* what they have to do in front of different empirical situations. As a result of this understanding, people construct *ad hoc* the *maxims* which come from their free will/ "free choice"[105] and are only methodological "suggestions" of morally efficient answers/actions, thus of their adequacy to the "commands"[106] of reason. The maxims as *means* to some ends concern only the condition to "qualifying for a possible giving of universal law". On the other hand, the end that is also a duty can make it a law "to have such a maxim", "although for the maxim itself the mere possibility of agreeing with a giving of universal law is already sufficient"[107].

In order that the maxims of actions may conform to the above condition, ethics gives them laws. The ends, on the other hand, are duties, and their essence is the *duty* of the empirical duties to being part of the maxims which accord with the moral universalizability, with the categorical imperative.

Accordingly, the virtues arise from the *will*, and not from the faculty of free will, because will is "a capacity for desire that, in adopting a rule, also gives it as a universal law". Virtue is an inner determination for free actions in conformity with the representation of this universal law. "But two things are required for inner freedom: being one's own *master* in a given case …, that is, subduing one's affects, and ruling oneself …, that is, *governing* one's passions"[108]. The virtuous determination measures the ends and their correspondence to means, as a duty: for this reason, virtue is self-

[105] Immanuel Kant, *The Metaphysics of Morals*, p. 52 (AA VI: 226).

[106] *Ibidem*, p. 44 (AA VI:216), p. 193 (AA VI:389).

[107] *Ibidem*, p. 193 (AA VI:389).

[108] *Ibidem*, p. 208 (AA VI: 407).

control and the aware precedence of the law as condition to feel the pleasure[109].

4.4. This is the reason of the correspondence between duties and rights. The rights are given by justice (*jus*), but they are *founded* by moral[110], namely by the transcendental principle: "Any action is *right* if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law"[111]. Transposed to the juridical law/ "the universal law of Right", the principle is: "so act externally that the free use of your choice can coexist with the freedom of everyone in accordance with a universal law"; it "is indeed a law, which lays an obligation on me"[112]. Consequently, the strict law (Right) can also be represented as a fully reciprocal use of coercion that is consistent with everyone's freedom in accordance with universal laws[113]. This is the reason of the union of *mutual* moral rights – love and respect – as *principles*, as *rights of virtue*.

5."The Right of Nations" is "the Right of States"[114]

If there is a Right regulating the relations between the citizens of a state, there is not – and not only during Kant's time – a Right of nations: because the states have no the equality that the citizens of a state have, an equality of the citizen status. Accordingly, the states cannot have a universal law of international Right that would regulate the contracts between them as juridical (Kant says, "moral") persons.

For this reason, the international *status quo* is in a "nonrightful condition"[115]. "This nonrightful condition is a *condition* of war (of the right of the stronger), even if it is not a condition of actual war and actual attacks

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[109] *Ibidem*, p. 183 (AA VI: 378). And he continues: "if *eudemonism* (the principle of happiness) is set up as the basic principle instead of *eleutheronomy* (the principle of the freedom of the internal lawgiving), the result is the euthanasia (easy death) of all morals".

[110] *Ibidem*, p. 56 (AA VI:230).

[111] *Ibidem*.

[112] *Ibidem*, p. 56 (AA VI:231).

[113] *Ibidem*, p. 57 (AA VI: 232).

[114] *Ibidem*, p. 150, § 53 (AA VI: 343).

[115] I*bidem*, p. 151, § 54 (AA VI: 344).

being constantly made (hostilities)"[116]. To put an end to this situation, "a league of nations in accordance with an idea of an original social contract is necessary, not in order to meddle in one another's internal dissensions but to protect against attacks from without". The league of nations is an alliance that does not copy the social contract within a state, implying a sovereign to whom the citizens transferred their rights to rule the commonwealth, but it is only an association[117].

But, Kant continues, the nonrightful condition is that of "lawless savages"[118] for whom only the right to declare war is natural. However, it is not even a universal law of the present states: because only the "free states"[119] can have this right. Anyway, both the right to declare war and to prepare or prevent war take part from the Right of nations that is deeply contradictory: one cannot "even form a concept or to think of law in this lawless state without contradicting oneself"[120]. This is why Kant enumerates aspects of war and post-war which are right and aspects which are not, in the confrontation of unjust enemies. But "what is an *unjust enemy* in terms of the concepts of the Right of Nations in which – as is the case in a state of nature generally – each state is judge in its own case?"[121] It is, Kant answers, "an enemy whose publicly expressed will (whether by word or deed) reveals a maxim by which, if it were made a universal rule, any condition of peace among nations would be impossible and, instead, a state of nature would be perpetuated"[122].

In a state of nature, the *rights* acquired by states – through war or otherwise – are only *provisional*. The only solution for a "perpetual peace, the ultimate goal of the whole Right of Nations" is "an association of states" called "a permanent congress of states"[123]. But rationally, this Right of Nations can never be but, it itself, provisional. In order to arrive to a

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116 *Ibidem*.

117 *Ibidem*. It seems that Kant supports the tendency of "multipolarism" and considers that an international alliance as a hierarchical construction cannot exist – or last –.

118 *Ibidem*, p. 151, § 54 (AA VI: 344).

119 *Ibidem*, p. 151, § 55 (AA VI: 344).

120 *Ibidem*, p. 153, § 57 (AA VI: 347).

121 *Ibidem*, p. 155, § 60 (AA VI: 349).

122 *Ibidem*.

123 *Ibidem*, p. 156, § 61 (AA VI: 350).

juridical universal principle – the only one guaranteeing a peaceful community of all states, because all states have the common terrestrial home, this is Kant's argument – that allows free commerce and movement through clear contracts[124], a "cosmopolitan Right" must be conceived of[125].

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[124] Kant examines the right to make a settlement on the land of other nation (Immanuel Kant, *The Metaphysics of Morals,* p. 159, § 62 (AA VI: 353). We should not forget that it is about free states, thus this right requires a specific contract. But Kant also discusses this problem related to peoples, and not to states ("Hottentots, Tungusi and most of the American Indian Nations") and here he claims also a contract, one "that does not take advantage of the ignorance of those habitants". This claim is based on the principle of *justice*, and no pretext of beneficial results of the infringement of justice (as, he insists, the "civilising of these backward peoples", pretext already used for the excusing of the bloody introduction of Christianity in Germany; or as the cleaning of the states that colonise from "corrupt men") is legitimated.

And Kant relates the injustice made to the colonised peoples to the injustice emphasised by the European "Ancien Régime" against the French Revolution where "the revolutionaries" can pretext that "when constitutions are bad it is up to the people to reshape them by force". By putting the important problem of justice during the revolutionary upheavals, Kant said: injustice made first cannot be the price for latter justice (i*bidem*).

However, not only under the influence of the winers of the French Revolution. The problem is indeed related to the bigger one: the legitimating of the popular revolts.

As it is known, Kant oscillated between the idea of gradual reforms – helping also the transformation of the civic culture of people into an enlightened one – and the idea that the revolutions are allowed when these reforms do not happen (when "concept of right is an empty thought", and the rulers do not fulfil their duty toward s the people, i*bidem*, p. 96 ((AA 8: 372)). But he distinguished between revolution as a political transition to a legal state, like the "transfer" of sovereignty from the king to the National Assembly, which thus both became the representatives of the people, and, on the other hand, revolution as unlawfully use of the sovereignty of the people (See also Reidar Maliks, "Kant and the French Revolution", *Las Torres de Lucca. Revista internacional de filosofía política*, 12(2), 2023, pp. 113-119).

But with all this swing, Kant could not annul the idea of sovereignty of the people as the ultimate origin of realisation of the pure juridical principles which are transposition of the moral right. Accordingly, he *supported the right of the French Republic to defend itself from the counter-revolutionary European armies*: "Even if the impetuosity of a revolution provoked by a bad constitution were to bring about a

more lawful one illegitimately it should no longer be deemed permissible to return the people to the previous constitution, even though under the old constitution any person who had violently or maliciously participated in that revolution would have rightly been subject to the punishment accorded rebels". The illegitimate manner Kant refers to is the deployment of the French Revolution from the first moment of *transfer of sovereignty* to the National Assembly in June 1789 (and after which still a constitutional monarchy followed) to that of *declaration of republic* in 1792. Kant considered that the 1789 moment was a legal one (*The Metaphysics of Morals*, p. 133 (AA VI: 323).

Kant's argument for the right of the French Republic to defend itself was: "one cannot demand of a state that it abandon its constitution, even if the latter is despotic (which indeed makes it a stronger one with regard to foreign foes), as long as the danger exists that it could be swallowed up by other states. It must therefore be permissible to delay the carrying out of such a change of constitution until a more fitting opportunity arises", Kant, *Toward Perpetual Peace*, *ibidem*, p. 96 (AA 8: 372).

Kant summarized his conception about the French Revolution in *The Conflict of Faculties* (1790), chapter 6. On an event in our time which proves this moral tendency of the human race (Ak 7: 85 and 86) (see Immanuel Kant, *Toward Perpetual Peace and Other Writings on Politics, Peace and History*, cited edition, pp. 155-157). Here he separated the reasoning about the Revolution as such from the evaluation of the mindsets of humans, related to the Revolution.

Concerning the second aspect, Kant showed that the "sympathy in wish that borders on enthusiasm" is caused by the *moral* capacity of the human race. However, "enthusiasm is aimed solely at the *ideal* and, indeed, at the purely moral, to which the concept of right belongs". Consequently, "the outside, viewing public then sympathized with this feeling of exaltation without the least intention of participating". It is a very realistic picture of the average "prudence", isn't it?

Concerning the reasoning about Revolution, Kant emphasised that the transcendental moral as a cause generates a transcendental concept of *right*: "that a people must not be hindered by other powers in giving itself a civil constitution that it itself regards as good". And the fulfilment of this right is a duty. But still a duty, says Kant, is that "only such a constitution of a people is *in accordance with right* and morally good in itself which, in its nature, is made such that wars of aggression are avoided as a matter of principle". This prevention of war is assured by a "republican constitution, at least in its conception". (Kant saw that monarchical constitutions cannot prevent wars).

Well, what to be done when other countries attack the country governed on the basis of a republican constitution? This country must defend itself, as showed above.

6. Kant's endeavour to solve the paradox

6.1. Who is the origin of Right in modern states?

Is it the people? The people – the peoples – constitute the humankind that is the end in itself in the order of nature, and that manifests as peoples. And humankind and the people must be free in order to emanate and realise reason and thus, morals according to the moral law of human beings. *Kant equates freedom with juridical freedom*. Now, in order to have laws

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But if the need of a republican constitution is a transcendental need, the citizens from a monarchical state have *no the right* to change the constitution into a republican one. Because the monarchy (Kant refers to England, "a country that lies more than a hundred miles from the site of the revolution") has in its possession "extended territories in Europe" and in order to keep them ("maintain itself") "amidst powerful neighbors", "perhaps" this monarchical constitution is the best. And just because of this economic power of the state, "the grumblings of the subjects are not due to the government's domestic policies" (the same was said by Tocqueville when discussing the causes of the Revolution in a prosperous state). There are only some ones who protest against "its policy toward foreign nationals when it, for instance, hinders foreigners in forming a republic, and are in no way proof of a people's dissatisfaction with its own constitution".

Therefore, the dialectics of things shows a tangled situation. On the one hand, the subjects rise up – and must do this – for "the *principle*" that is "capable of the universality of a rule", their *freedom*, based on their rationality, to demand "according to the *formal* principle of his will, (a) government for the people (in) which the people co-legislates"; (AB, we remember, with the sovereign). "It is something which no government, however beneficent it may be, may infringe on". But too much radicalism is not good, so "this right is always only an idea whose implementation is restricted by the condition that its *means* are consistent with morality, which the people must never contravene, and it may not be realized by means of revolution, which is always unjust".

On the other hand, the uprising of the people is never allowed because of its misery and neither because of lacks in its well-being. On the contrary, if it obeys "like obedient sheep, led by a kind and understanding master, well fed and strongly protected, would have nothing to complain about concerning their welfare". Consequently, "Autocratic *rule* and yet republican *governance*, that is, in the spirit of and analogous to republicanism, are what makes a people content with its constitution". This was the theoretical recipe for both the "constitutional monarchies" and the *modernisation without political revolution* (as Gramsci called this, "passive revolution") that was the process suited for all the modern states, irrespective of their form of governance.

[125] Immanuel Kant, *The Metaphysics of Morals*, p. 158, § 62 (AA VI: 352).

guaranteeing the juridical freedom, a legislation is needed. A multitude as such cannot legislate so as the freedom of all be guaranteed: this is the reason of the *original contract* that *transfers* the will of "the united people itself" to the sovereign, at the same time *subjecting* its individual members to the "*commander*", that who legislates[126].

The origin of Right is thus the original contract and, subsequently, the sovereign.

The sovereign is the *public authority* that represents the people as the ultimate sovereign / that unites the people through laws: but we must not confuse the physical representative – a *physical person*, the king, a prince – and the juridical one, a *juridical person* that governs as a triad of legislative, executive and judiciary authorities, Kant underlines. For this reason, not the physical person is important, but the juridical one. The public authority/the government is thus mandated to realise the Right which, in turn, corresponds to the will of the people to constitute itself into a state.

In principle, the government legislates and applies the juridical law that, for the mentioned reason, is "so holy (inviolable) that is already a crime even to call it in doubt in a *practical way*, and so to suspend its effects for a moment"[127]. In this sense, it "follows" that "the head of a state has only rights against his subjects and no duties (that he can be coerced to fulfil)"[128].

6.2. Where are the people?

Obviously, in the contract all and every one transfer their capacity to control themselves and pursue their own well-being to a social body, the representative public authority. This public authority is now that which, *separated from the people*, has the capacity to control the people, it is its sovereign. In Kant, as in the modern Constitutions, a contradictory situation is given: on the one hand, the people – by becoming free as contract able persons – is the new sovereign; in fact, only a sovereign, self-legislating man, can initiate a contract, thus even the original contract; on the other hand, the free people transfer its sovereignty to a separate public authority.

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[126] *Ibidem*, p. 158, § 47, p. 127 (AA VI: 315).

[127] I*bidem*, p. 130 (AA VI: 319).

[128] I*bidem*.

This contradictory situation is real. The appeal to the people is a legitimating trick: the modern ruling classes, constrained by their own struggle to become again legitimate in front of the ruled, and obviously, constrained by the struggle of the ruled, felt that the mentioning of the sovereignty of the people would be the founding principle of the acceptance by the ruled of the modern "social peace". In Kant, "the rights of *humankind" that is represented in the moral reason* manifests as juridical rights of the people and, internationally, of the free peoples. These rights, as Right, are "sacred" and thus their formulation is a *categorical imperative of politics*: one cannot respect them with "a half measure" and "devise a hybrid, pragmatically conditioned right (between right and utility)"[129]. There are no principles which remain principles if they are applied with half measure. Nevertheless, in Kant the people is sacred, but not sovereign. Therefore, its destiny is to *wait* for benevolent masters and its own cultural development (AB, as a way of ascension on the social ladder, since it's simply about individuals, isn't it?). However, just for this reason of its own cultural development in a domination-submission based society, people resist.

6.3. Kant as imbalanced balancer

Obviously, all of the above tableau is, as Kant underlined n times, only a *theory*, *ideas* represented from pure reason, as a "perfectly rightful constitution"; or even as "the Idea of a civil constitution as such, which is also an absolute command, that practical reason, judging according to concepts of Right, gives to every people", is *sacred* and irresistible". Therefore, *we cannot oppose theoretical norms to facts from experience*: this is Kant's defence against those who protested against his interdiction of the right of the people to oppose tyranny. And *epistemologically*, he was right. A theory must be fought with other theoretical constructions.

However, just *he* was that who made an incorrect judgement: because he presumed that when *people* opposed to unjust and cruel masters, they would have opposed to the principle of representativity as such[130]. Or, it's

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[129] Kant, Toward *Perpetual Peace*, i*bidem*, p. 104 (AA 8: 380).

[130] Immanuel Kant, *The Metaphysics of Morals*, p. 176 ((AA VI: 372): "And even though this constitution may be afflicted with great defects and gross faults and be in need eventually of important improvements, it is still absolutely unpermitted and punishable to resist it".

obvious that no one questioned this principle – and even, most of times, no one questioned the principle of social hierarchy as such –. Would the lawless state after sedition have been the motive of Kant's incorrect judgement? Well, not quite. Because he himself made another wrong assumption: that *those in power* would support the principle of Right as a realisation of the original contract. But he wrote about "their *practices* intent to betray the people"[131], when they do not impose constrains according to the principle of freedom[132], when there is a large distance between the principle of Right that realises the moral reason and the political practices which infringe "the rights of humankind (which) must be sacred, whatever it may cost those in power"[133]. Thus, Kant himself mixed the theoretical demonstration of the *objective* character of the juridical principles – which is based on the moral foundation issued from reason, and, once more, which is objective in that these principle "can be realised"[134] – with the practical reference.

But the practical reference is poor. Not in the sense that he did not criticise enough the modern political practices: his scope was different, theoretical, the emphasis of principles. But just in the sense that the *deduction from the transcendental categorical imperative cannot stop at the level of juridical and political freedom*: people are free not only as sellers and buyers, and voting the representatives from the body of the sovereign to whom their transferred their sovereignty. But fundamentally, as access to resources so as to develop everyone's manifestation as end in itself *sine qua non* to the manifestation of humanity as end in itself. And the access to resources is not a relation between the individual and the material and digital objects, simpler said, between man and matter: it is a relation between man and man, thus between man and the real social culture without which he remains a simple being aiming at its survival. But, obviously, Kant could not develop all the way the deduction from transcendental principles.

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131 Kant, Toward *Perpetual Peace*, i*bidem*, p. 97, (AA 8: 373).

132 I*bidem*, (AA 8: 374).

133 Kant, Toward *Perpetual Peace*, *ibidem*, p. 104 (AA 8: 380).

134 *Ibidem*.

7. Nevertheless, Kant's theoretical groundwork is a guide that cannot be avoided

7.1. Kant's solution to the limits of the modern freedom and right

Would this Kantian encampment into an unsolved paradox be the proof of his place only on the shelves of the history of philosophy?

Kant was the son of his epoch that, because the modern system was just proving its historical superiority, was not that where practical radical alternatives and forces able to emphasise the limits of the modern ends and means could be generated. For this reason, Kant took over the modern political ends – as juridical freedom and formal juridical rights, and political rights as the vote.

But at the same time, he saw their limits. How and on what basis could these limits be surpassed was the question that troubled him. It is not about the critique of the modern concrete political and juridical experiences. Fundamentally, this critique does nothing bring about: the everyday and everywhere practice has both good and intolerably bad aspects; but these aspects are labelled according to different outlooks. How can we know that some ones or other ones are true?

The answer removed from the empirical analysis, restricting itself within a *theoretical deduction from concepts*, and *deployment of principles*. Was it a restriction? No, Kant demonstrated, because the principles evolve from the human r*eason*, as *moral* principles, which determine the juridical and political forms. Only the principles are *universal* and *necessary* and thus, only they are the criteria of our understanding of the practical organisation of the modern society.

The practical life, including the social – juridical and political – one, advances practical ends. But these *ends* are transitory, so a consistent theory of the *practical reason* cannot start from them. The only starting point is the *moral end that manifests as moral freedom* in the "external relations" of humans towards humans: "act so that you can will that your maxim should become a universal law (whatever the end may be)". And this starting point is that of the *form* of the practical reason[135].

Let's once more review Kant's deduction: the human *reason* implies *freedom of ratiocinating*, (the "transcendental freedom" which we deduce from concepts but which is the *sine qua non* condition of reason[136]) and, by

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[135] Kant, Toward *Perpetual Peace*, ibidem, p. 100 (AA 8: 377).

[136] See also Immanuel Kant, *Critique of Practical Reason*, p. 3 (AA V: 3).

using it for the understanding of morality[137], it leads to the *moral freedom*, that is able to deduce the *principle of categorical imperative*. Simpler, in Kant's words: freedom is the condition of moral law, and the moral law is "the condition under which we can first *become aware* of freedom"[138]. And, at the same time, the *freedom of ratiocinating + the moral freedom* leads to the practical freedom, that is, the *juridical and political freedom*. As external condition of benevolent reforms instituted by the sovereign and of the general progress of the enlightenment of the people.

Thus: *reason – freedom – moral freedom – the categorical imperative*.

But Kant did not carry the deduction from the categorical imperative to the end: since the categorical imperative is a command of reason, it is so powerful that it itself leads to a much larger moral freedom than that driving to juridical and political freedom. Because, although a transcendental principle, the categorical imperative can be felt by every human being endowed with reason. It is not restricted to philosophy as the highest criterion to understand the human morality, but it is an inner propensity toward its practical application in the interhuman relations, toward a *real practical freedom*.

Thus, the above formula is continuing, and must continue: …*the categorical imperative – the real practical reason.* In its theoretical explanation, so not in descriptions of practical defects.

However, a valid theoretical conclusion is never aimed at contributing only to theoretical development (this involving also science, of course), but also and always to the real human life. And the *real practical freedom* is never reducible to *some* aspects: this is why the categorical imperative is moral, concerns morality.

Obviously, Kant could not go forward in his epoch. The above remark is made not as a criticism of Kant, it would be absurd, but as a methodological opening for us.

7.1. Why the categorical imperative is the measure and proof of man's unique position in nature

The categorical imperative is indeed the principle that criticises the modern system. It is impassable when we want to justify practical attitudes and relations, the more so the political ones.

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[137] Ibidem, p. 5 ((AA V: 5).

[138] Immanuel Kant, *Critique of Practical Reason*, p. 4 (AA V: 4).

And it is the universal and necessary criterion and landmark to judge all the human relations. It *does not cover them*, *neither does it substitute their different contents*, and *nor does it reduce them to an abstract uniform manifestation*.

As we saw, the rights of humankind – juridically transposed as the Right – are *forms* able to impose to different contents of interhuman relations the *fairness* of equality of treatment of all humans in these relations. But what is fairness? It inevitably involves these contents through the concept of *justice*. And justice is not only the equal juridical and political freedom, but also the freedom of access to resources, freedom without which one cannot choose the ways[139] of being human, of having moral freedom.

The human being is the ultimate end of nature here on Earth, Kant concludes, and this *idea* appears not as a result of the analysis of nature's evolution and determinism but as a conclusion emphasised by the reflective judgement that interprets man with its reason as the *entity that gives the teleological meaning to nature,* as teleological purpose of nature. Not nature has selected man as its culmination, more, this is not the result of the natural part of man with his harmful inclinations – which show that "man himself does all he can to work for the destruction of his own species"[140] – but just man's capacity to give purposes: even a "final purpose" "that requires no other purpose as a condition of its possibility"[141]. And this unique capacity of man is his *freedom through reason* that generates a "legislation regarding purposes" "unconditioned from any external

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[139] And *to autonomously choose the ways of being human* depends on the *real access* to the material and cultural elements which constitute the "*dominant model of life*, imposed by the results of science and technology". Accordingly, this criterion of autonomously choosing the ways to having moral freedom is not reducible to a "quantitative revendication", but it involves (the freedom) to conceive of and act for the practical re-writing of the structural relations of the social organisation. See André Gorz, „Avant-propos", *Les Temps Modernes*, 196-197, sept.-oct. 1962, pp. 386-400, here 386-390.

The freedom to conceive the alternative to the capitalist social organisation is necessary to understand the legitimating myths of this organisation, which are based on fallacies which, moreover, twirl around the quantitative, see Richard D. Wolff, *Understanding Capitalism, Democracy at Work, 2024.*

[140] Immanuel Kant, *Critique of Judgment*, *ibidem*, p. 317 (AA 5: 430)

[141] *Ibidem*, p. 322 (AA 5: 434).

cause"[142]. If, on the contrary, he remains at the level of natural inclinations which restrict and even annul his freedom to conceive unconditioned purposes, therefore, if he is not manifesting as a unique moral reality ("moral subject"), then he fails to be "the supreme cause" that gives the purposes of creation[143], and he fails even to be the ultimate end of nature on Earth. The human being fulfils its *reason-to-be* just through and because of the moral ability[144] to conceive and follow the *categorical imperative*.

7.3. The social contract, racism and class domination: Kant's limits, evolution and hopes

Kant was the son of his age. By assuming the social contract theory, he took over the *prejudices* of the Western modern capitalism, prejudices which reflected the structural need of capitalism: to have an endless labour force in order to exploit an endless space. In the wake of the European political theorists, the social contract that he considered constitutive of the human society is, in fact, imbued with two types of prejudices: one is the *colonialist* one[145] that considered the subjugation of "inferior" races as normal, inherent, and the other is the *class domination*.

He took over the argument of difference of culture and civilisation between the Western powers and the Africans and North and South American Indians who were enslaved. This argument was *visible*: but as power relations, we underscore. However, even in his *Lectures on Physical Geography* (1782) where he endorsed racism and colonialism[146], thus after *Critique of Pure Reason* (1781), he failed to *question the concept of social contract itself*, that which is *not visible* and is – as it was for Kant – an assumed philosophical task. Until *Groundwork*, Kant advanced the idea of *separation* between the *a posteriori* analysis and conclusions and, on the other hand,

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142 *Ibidem*, p. 323 (AA 5: 435).

143 *Ibidem*.

144 This Kantian demonstration is consonant with the scientific proofs and analysis of the "recency of man". See Robert N. Proctor, "Three Roots of Human Recency: Molecular Anthropology, the Refigured Acheulean, and the UNESCO Response to Auschwitz", *Current Anthropology*, Volume 44, Number 2April 2003, pp. 213-239.

145 Charles W. Mills, *The Racial Contract*, Cornell University Press, 1997.

146 Discussed in Pauline Kleingeld, "Kant's Second Thoughts on Colonialism", in Katrin Flikschuh and Lea Ypi (Eds.), *Kant and Colonialism: Historical and Critical Perspectives*, Oxford, Oxford University Press, 2014, pp. 43-67.

the "*a priori*"/deduction of moral relations from transcendental concepts and principles.

Accordingly, in his work *coexisted* both the discriminative *particularism* – the view of constitutive inferiority of some races and people – and the *universalism* of, once more keep attention, free persons[147]. Still from a methodological standpoint, this coexistence is killing the prestige of philosophy and even of universalism. The fact that from Kant's moral normative universalist view (the categorical imperative) *does not ensue*[148], and indeed, *does not ensue* discriminative particularism does not annul their coexistence. The *description* of races with cultural features *transposed as psychological shortcomings* is, indeed, a part of a discriminative "social ontology". But this fact shows not only something that is easily understandable – the determinant role of the *social* (race, class and gender) *position*, that includes also *the assumed social position through the assumed ideology* of Eurocentrism and social contract, on the theories about society and man – but also that the social contract theory as such is/addresses an "epistemically idealized intersubjectivism", as "a hypothetical agreement of all under epistemically idealized conditions"[149]. And in this frame, opposition against racism has no place[150]. But Kant *evolved*, and then the

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147 See Charles W. Mills, *Blackness Visible: Essays on Philosophy and Race*, Ithaca and London, Cornell University Press, 1998, pp. 44, 71, 107-108, 110-111, 114; Dilek Huseyinzadegan, "Charles Mills' 'Black Radical Kantianism' as a Plot Twist for Kant Studies and Contemporary Kantian-Liberal Political Philosophy", *Kantian Review*, Volume 27, Special issue 4, 2022, pp. 651-665.

148 Georg Geismann, "Why Kant Was Not a 'Racist'", *Jahrbuch für Recht und Ethik/Annual Review of Law and Ethics*, Vol. 30: 1, 2022, pp. 263–357; Georg Geismann, *Kant's Alleged Racism: The Failure of Charles W. Mills (and all too many others)*, Tartu Ülikool, 2016, https://dspace.ut.ee/server/api/core/bitstreams/2afd2e74-3078-41b0-bd69-6530f711472f/content.

149 Charles W. Mills, *Blackness Visible*, pp. 47, 48.

150 I*bidem*, p. 112: "Resistance to subpersonhood becomes an ongoing subterranean tension within the racial polity. The persons of mainstream philosophy, being ghostly disincorporate individuals, can take their personhood for granted, because they are really white persons conceptualized without reference to the nonwhite subperson population. Subpersons, however, have to fight for their personhood (against the opposition of the white population, who, insofar as they maintain their

anterior separation between the *a posteriori* and the *a priori* vas annulled: *the moral universal as universalizable, the categorical imperative, opposes any particularism.*

Consequently, after *Groundwork*, there is nothing in Kant to show racism[151], on the contrary, as already pointed out, Kant criticised it, both empirically and theoretically, as infringement of the principles of right[152].

Did Kant evolve also concerning the class domination? Here not evolution, but the *coexistence of divergent ideas* is more suitable. This coexistence is clear just in the late work. The *normative* perspective that demonstrates the principles of equal moral freedom leads in fact to the idea of general progress – first of all, cultural, Kant emphasised – and, we can speculate about his undeclared beliefs, thus, this general progress will not keep the present social relations: in Prussia there still are serfs[153], but not in England and France, isn't it? So, the moral normativity leads to the dilution and absurdity of class domination. But at the same time, the practical reality where order and the division of labour, thus including the necessity to obey this order, are obligatory, imply that class domination is unavoidable. Therefore, it seems that just the practical political and juridical freedom requires class domination: as a relation between the rulers and the ruled. Remember Kant's idea of interdiction to protest otherwise than through petitions. In this, we can conclude that the idea of social contract as such had in view a *minimalist* state, normal for the modern bourgeois aspirations to disembarrass their will of profit from constrains from bellow, including from those mediated by the medieval institutions of charity: the juridical and political freedom is enough for the new dominant class, and people had to wait for the reforms of the enlightened sovereign correcting the "eventual" bad aspects.

However, once more, this is not a deficiency of Kant, but of his epoch. Marx will be able to show that the analysis of the concrete as starting point to disclose its laws is *consonant* with the deduction of moral principles. So

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racist beliefs, have a vested material, psychic, and ontological interest in continuing nonwhite subpersonhood)".

151 Samuel Fleischacker, "Once More Unto the Breach: Kant and Race", *The Southern Journal of Philosophy*, Volume 61, Issue 1, 2023, pp. 3-28.

152 As Pauline Kleingeld, "Kant's Second Thoughts on Colonialism", showed.

153 As he mentioned in *Observations*, p. 93 (AA XX: 40): "a rich man who has won his fortune through extortion from his peasants".

obviously, we cannot remain only at this abstract moral normativity, since the human life is more complex.

Nevertheless, the normative level of demonstration is cardinal from the standpoint of *necessary and universal moral knowledge and commitment*. And the categorical imperative revealed at this level is the only *moral criterion* that overthrows the inherently historically determined limits of the modern practical reason.

Anyway, we must assume all the attitudes and facts of the forerunners. We climb on the shoulders of giants just because we do this, not because we select what would be, in a moment or another/from a standpoint or another, profitable.

7.4. The use of reason for immoral ends and means: Kant and Nietzsche

Kant showed the antagonism between the reasonability of man and, on the other hand, the use of reason for immoral behaviours and ends. And also, between knowledge and "persuasion" that is so general[154]. For his part, by seeing the modern concrete use of knowledge, Nietzsche arrived to the conclusion that its results – the "truths" – are only instruments of our will to power, to live by legitimating it in front of other people (who do the same) as truth[155]: but in fact, it is not. In theoretical philosophy, Nietzsche gave a radical constructivist turn to Kant's conception of mind mediated knowledge of *experience* – thus, of the "unconditioned" – depicting the mind mediation as origin of regulative *fictions* useful to the description of the world in different perspectives[156], even by the common sense that assumes them as "the truth" that becomes a general criterion of knowledge[157]; consequently, the difference between reasonability and the immoral use of reason seems of little importance. However, he showed that just the different perspectives through which the world is approached

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154 Immanuel Kant, *Critique of Pure Reason*, A 820/B 848, pp. 684-685; A 825 / B 853, p. 687.

155 Peter Peinzger, "Interpretation und Machtwillen. Nietzsches Denkwirtlichkeiten als fictive Welten," Renate Reschke (Hrs.), *Nietzscheforschung, Band 20*, Akademie Verlag, 2013, pp. 31-46.

156 Pietro Gori, "Nietzsche's Fictional Realism: A Historico-Theoretical Approach", *Estetica. Studi e Ricerche*, IX, 2019, pp. 169-184.

157 Pietro Gori, "On Nietzsche's Criticism Towards Common Sense Realism in Human, All Too Human I, 11", *Philosophical Readings*, IX, 3, 2017, pp. 207-213.

allow us to judge them. Though relative, values point also a critique of the modern radical individualism[158]. But, once more, Kant's categorical imperative is more than an empirical critique of society. As it is known, an old saying considers that the end justifies the means. Kant's categorical imperative opposed: no matter how many ends and means, ultimately, it's the value of the human person as *end*, and the contingent ends cannot contradict it. If so, the perspective about ends cannot be relativistic: accordingly, neither about means, because they also must correspond to the fundamental moral end. Reason means to expose the *reason-to-be* of the *Weltanschaaung* that is the basis of the behaviour.

7.5. Kant and Schopenhauer: the categorical imperative is more efficient than compassion

Kant explained that morals are (result from and constitute) within the experience of humans. In this experience, they arrive to conclusions – abstract empirical ideas – describing the vices, virtues, the good, the evil, precepts and interdictions and, generally, the moral relations. Such a precept is the Golden Rule.

But the human reason also arrives to transcendental ideas – deductions from both empirical and transcendental concepts which are regulative for the deployment of empirical cognition – and these transcendental ideas can be seen as and have the role of regulative precepts for the entire understanding of morality. For this reason, first of all only at the conceptual level of the human consciousness are these regulative ideas – actually, there are only those formulating the aspects of the categorical imperative – "fountain and basis"[159] of morality. But, because reason belongs to every

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[158] Pietro Gori & Paolo Stellino, "Il prospettivismo morale nietzscheano", *Syzetesis*, (2), 2015, pp.109-128.

[159] This is the formulation of the Royal Society of Holland in its question in 1810, to which Schopenhauer responded. But the formulation that contains the above words – "Is the fountain and basis of Morals *to be sought for* in an idea of morality which lies directly in the consciousness (conscience), and in the analysis of the other leading ethical conceptions which arise from it? Or is it to be found in some other source of knowledge?" – is mentioned in Radoslav A. Tsanoff, "Schopenhauer's Criticism of Kant's Theory of Ethics", *The Philosophical Review*, Vol. 19, No. 5 (Sep., 1910), pp. 512-534; in Arthur Schopenhauer, *The Basis of Morality* (1841), Translated with Introduction and Notes by Arthur Brodrick Bullock, Cambridge, Trinity College, London, Swan Sonnenschein and Co, 1903, p.

human being, the humans can (since Kant was human, too) arrive to, learn and apply the categorical imperative. So, indeed, the fountain and basis of morals is an idea, but this idea is not absolutely separated from the real empirical moral life, from the conscience of people: it is only the proof that the human being with its reason is an absolutely new and different entity compared to nature, and just from its *differentia specifica*, reason, can we and must we explain the human conscience and reactions, and thus the role of ideas as mediator between man and the world.

Kant constructed the transcendental precept of morality – the categorical imperative – from the *a priori* of "pure practical reason", but this is not something incomprehensibly abstract and frightening: it is only a *level* of reason, of cognition, where the reasoning from transcendental concepts (they themselves having been deduced from empirical concepts) takes place. Actually, what is the reason of this transcendental level at all? Its reason is determined by the (explanation of) necessary and universal ideas which, as it is known, exist. Simply, Kant saw that there are different "degrees" of necessary and universal:

- a lower degree related to empirical representations,
- a higher degree related to the form of representations,
- a superior degree related to the (knowing of these) forms and degrees, knowledge resulted as categories which, obviously, have cognitive power only applied to empirical representations, and
- the highest, the (knowledge of) principles ensued from concepts via judgements which take place in the intellect. These principles – as principles of thinking – are "applied" indirectly by reason to the empirical domain, but the humans can be aware of them. Thus, the pure reason is the highest level of reason where the judgements are directly related only to concepts which are *a priori*, do not follow from experience.

Kant was interested in showing how the ideas are constituted, and how the abstract, and the necessary and universal ideas are constituted: and he arrived at the interdependence of levels of thinking, where the highest, transcendental level has the highest regulative function of thinking.

5, the question reads: "Why do philosophers differ so widely as to the first principles of Morals, but agree respecting the conclusions and duties which they deduce from those principles?". Actually, it is Schopenhauer's "translation" as a stimulus for signalling his opposition to Kant's ethics.

Concerning the ethical domain, the categorical imperative is such a transcendental principle. It shows that the humans can understand how they *should /ought* to behave, even though they have different and opposed contingent goals. And not only people can understand, but also – in fact, precisely because, ultimately, this transcendental idea is in their conscience and pushes them – they can behave how they must do from a moral standpoint. This is the force of the *a priori*, of the transcendental.

Schopenhauer considered that the *ought* must be related to experience, and the *suffering* that is the feature of the concrete human life is so deep that not an ethereal hazy principle does repel it, but *compassion*. It's understandable why did he focus on compassion[160], but this concept cannot substitute the categorical imperative. Because just compassion is vague, both from a quantitative and qualitative point of view – how to manifest it, and how much to give etc. – while the categorical imperative is very explicit, excluding both the quantitative aspect and the ignorance of qualitative explanation.

As was mentioned, duty is not the effective origin of the categorical imperative, but only the concept regulating the moral law. As moral beings, we have duties. The categorical imperative does not issue from the concept of duty, but from the concept of moral reason. We must manifest our moral reason, our capacity to think as rational beings in society. And the principle regulating this obligation resulted from the moral reason – this is the moral law: to behave as rational beings, we must do this, since we have reason (and, ultimately, according to the categorical imperative) – the categorical imperative, does not impose virtue and austerity, neither the arrogant neglecting of passions, and nor an indefinite requirement of reciprocal attitudes, but on the contrary, reveals the exact *content* of what moral obligation and moral reason do mean. In the interhuman relations, every human is both *means* and *end*. Here, *end* do not mean particular conjunctural goals, but, through the pursuing of these ends, everyone's fulfilment as a unique human, namely rational, being. Just this content is related to experience and has meaning: but only indirectly, mediated by the obvious conclusion of the concrete experience is it felt by humans. And

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160 Ana Bazac, "Arthur Schopenhauer's mirror: the will, the suffering, the compassion as philosophical challenges", *Studia Universitatis Babeș-Bolyai*, *Philosophia*, Vol. 64, No. 3, December 2019, pp. 195-225.

Kant showed that, au fond, this end is the ensue of reasoning, his groundwork of morals giving it as a necessary cognisance for humans.

Neither philosophy in general, nor moral philosophy/ethics are disconnected from experience. But they are philosophy, then they search for an explanation that connects experience with the universal and the necessary emphasised by the human reason. From sympathy and compassion – though abstract concepts, but related to both the historical and structural contingent[161] – does not result the *how* and the *what does they consist of*. Consequently, they cannot be considered moral imperative principles, emphasised by knowledge.

Obviously, the humans are (the most) complex creatures on Earth. They have heart and flesh, and not only reason: i.e., they behave according to this fundamental triunity. And always and according to different facts and goals, one of them seeming to outrun the others. But the common people understood their united value, while philosophy, in its quest for essence, rather highlighted a hierarchy and their *asymmetrical* importance in the human behaviour.

In Kant too, the humans are complex. The categorical imperative does not annul this. It's just that it is the supreme moral criterion for judging all the human relationships. We have no other supreme moral criterion.

Instead of conclusions

Through its *universal* of the human being – the moral capacity to discern all the way to the end the good and the evil as attitude to not use the other humans only as means but always also as ends – and thus, the unique moral *universalizable,* Kant's categorical imperative drew attention on the *any* human being: as a representative of *humanity* an of *every other any human being*.

Consequently, the *groups* – as means of survival through real or imaginary solidarity and community – have, too, as ultimate criterion of their legitimacy and viability, the fulfilment of the categorical imperative.

[161] Sympathy is an eternal human feature (opposed to egotism, insists Schopenhauer), but it may be absolutely opposed to compassion; one can sympathise a selfish mate, isn't it? While compassion depends on suffering: and when in society the structural organisation assures the dignity of all, it is reduced to some private relations.

The different forms of groups as coagulated or imposed communities have lasted in *history* due to historical conditions.

But *structurally*, they proved to be, and are, viable *only if they meet the condition, ethically formulated, of the categorical imperative*. No historical symbol and narrative legitimating the survival of a group at the expense of other group is stronger than the criterion of categorical imperative. Because these historical symbols and legitimating narratives contradict both humanity *as a* rational and creative *species* and the humanity of *every* human being, including of those reclaiming their survival at the expense of other group.

The categorical imperative principle is, for ethics, as Darwin's theory is for biology. They are *paradigms* for the development of science and human cognition: and cognition never remains only thought. Kant paved the way to the quest for the practical universalizable.

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