

On madness and ascribing responsibility

Frantz Gotthard Howitz
(1789-1826)

§. 7.

On Freedom according to the Kantian System. Objection against it based on the Conditions of Unfreedom

If I have otherwise correctly understood Kant's view, it can be summarized by the following 4 propositions:

1st Proposition. The will is the faculty of desire, the ground of which lies in reason. The will can be called neither free nor unfree, for it is practical reason itself.¹ [31]

2nd Proposition. a) The arbitrary will (*arbitrarium liberum*) is the ability to choose from opposite grounds or the ability to prefer the feeling of passion to a principle, or vice versa.² b) It is in this arbitrary will that freedom expresses itself as practical, but "this freedom is no *libertas indifferentiae*, for it does not exist in the ability to choose for or against the law" (Kant, l. c., p. XXVII)³. Freedom only goes in the one direction and is (positively considered) "the dependence of the arbitrary will on reason or the law of pure morality, but negatively considered, it is the independence of the arbitrary will from all sensuous

* "Om Afsindighed og Tilregnelse, et Bidrag til Psychologien og Retslæren", in *Juridisk Tidsskrift* 8, 1 (1824): 1-117. The numbers that appear in square brackets refer to the original pagination. The footnotes are Howitz's own. Editorial integrations appear in square brackets.

¹ Kant's *Metaphys.[ischen] Anfangsgr.[ünde] der Rechtslehre*, [F. Nicolovius], Königsberg 1778 [1797]. *Introduction to Die Metaphysik der Sitten*, p. V and p. XXVII. As far as I know, this is the latest of Kant's writings about this subject and must therefore be regarded as containing his definitive view. On this see C.[arl] C.[hristian] E.[rhard] Schmid, *Wörterbuch zum leichteren Gebrauch der kantischen Schriften*, [Cröker], Jena [1786] 1795 [dritte vermehrte Ausgabe], p. 222.

² P.[eter] E.[rasmus] Müller's, *Kristeligt Moralsystem*, [Brummer], Kjøbenhavn 1808. §. 35. Cf. [Johann Gottfried] Kiesewetter, *The Most Important Truths of the Kantian Philosophy for the Uninitiated* [*Versuch einer fasslichen Darstellung der wichtigsten Wahrheiten der neueren Philosophie für Uneingeweihte*, Oehmigke, Berlin 1795], translated into Danish by [Georg] J.[ohann] Thomsen, [*Den kritiske Philosophies vigtigste Sandheder for Uindviede*, Brünmich], Kjøbenhavn 1797, p. 156. [Cf. Kant, AA VI, 226; Engl. tr. by John Ladd, *Metaphysical Elements of Justice*, Indianapolis/Cambridge 1999², p. 19].

³ [Kant, AA VI: 226; Eng. tr.: 19].

motivations, as necessary grounds for action” (Schmid, l. c., p. 223).

The mere *arbitrarium liberum* is not enough to give us the name of moral beings, since the ground of possibility of all morality is contained in freedom (Kiesewetter, p. 154).⁴

[32]

3rd Proposition. Freedom in the absolute or transcendental sense is, when regarded negatively, the independence of the will from everything empirical, from all the laws of natural necessity. But, when viewed positively, it is the absolute spontaneity or ability to begin a new series of causes.

4th Proposition. Freedom is not an object of theoretical knowledge; it is a mere regulative principle grounded in our supersensible nature, and it proves its reality by the fact that the moral laws make themselves known to us as categorical imperatives.

To attain for this summary presentation the appropriate degree of precision, we must add the following 5 corollaries:

1st Corollary. Human freedom is not merely something ideal but rather a real property. People do not merely have a predisposition to be free, but they really are.

2nd Corollary. Human beings can act immorally and yet possess absolute freedom. The action is then said to be done with freedom,

3rd Corollary. The senses cannot be a necessary reason for an immoral decision. The senses can only “affect” but not determine; they can give rise to an occasion and a temptation, but insofar as the human being is free, it is left to him if he will overpower the temptation or give in to it. Moral evil is therefore not in the senses themselves, [33] but in the fact that the will (*sensu latiori?*) with freedom submits to them. (*Eunomia*, vol. 2, p. 120).^[5]

4th Corollary. a. Even in the greatest temptation and passion, the human being must still be considered free, that is, it must be possible for him to determine himself in agreement with the moral law. For he has consciousness of this law, and he criticizes himself for the action, and it is imputed to him both morally and legally.

b. When one talks about *degrees of freedom*, by this is not meant any increase or decrease in this property itself, but an increase or decrease in the affections of the senses that the will has to overcome.

5th Corollary. The origin of moral evil is incomprehensible, and its existence

⁴ For this author, practical reason and *liberum arbitrium* are synonyms. But this is not in agreement with either the aforementioned work by Kant or with Schmid.

⁵ [The reference is to Anders Sandøe Ørsted, *Eunomia eller Samling af Afhandlinger, henbørende til Moralphilosophien, Statsphilosophien og den Dansk-Norske Lovkyndighed*, Seidelin, København, A.S., 1815-1822].

in the world inexplicable. (Kant, l. c., p. XXVIII).^[6] There will always be an *x* that must, so to speak, be the complement to the affection of the senses and makes them the basis of determination. This *x* is just as incomprehensible regardless of whether one expresses it, as in Corollary 3, as a voluntary submission or explains it as the inactivity in practical reason such that the human being fails to assert the freedom he possesses.

Such is Kant's doctrine of freedom. It cannot escape the initiate's attention that Kant in this appears to be the complete antipode of Augustine. For Augustine says, "People only have the freedom to sin since the freedom not to sin has been taken from them with the fall of Adam" ([Wilhelm Gottlieb] Tennemann, *Grundriß der [34] Geschichte der Philosophie*, [Barth], Leipzig 1812, p. 161). Kant says that human freedom only leads to good and that it is the dependence of the arbitrary will on the pure moral law (Proposition 2). Augustine cannot, after what has been mentioned, explain the good works of human beings without assuming the influence of grace. Kant, according to his theory, cannot explain the immoral deeds of human beings (Corollary 5) or the origin of moral evil. In general, Kant is close to Pelagianism. The very deduction of his conception of freedom from the existence of the moral law (Proposition 4) will be recognized in the following sentence of Celestius, a disciple of Pelagius: "If now man should be without sin, then he can be without sin, and if he cannot, then it could likewise not be obligatory" (Holberg, *Church History*, Copenhagen 1740, 1st part: 220).^[7] But Kant is an Ultra-Pelagian in so far as his conception of freedom is not a freedom of choice (*a libertas indifferentiae*) between good and evil (Proposition 2) but the freedom of virtue, or, in other words, a freedom that not only presupposes the possibility that a human being can act morally well or rationally, but the necessity that he do so, as often as this freedom is really expressed; for this can only be the case in accordance with its so-called autonomy (self-legislation), which is infallible.

There is an apparent similarity between Kant's definition of "freedom" and Spinoza's: "*humanam potentiam in moderandis et coercendis affectibus servitatem voco, homo enim affectibus obnoxius sui juris non est sed fortunae*" (*Ethics*, pars IV in the *Preface*)^[8] and *ibid.*, Proposition 68: "*Illum libe-*

⁶ [AA VI: 226; Eng. tr.: 19].

⁷ [Ludvig Holberg, *Almindelig Kirke-historie fra Christendommens første Begyndelse til Lutheri Reformation, med nogle Anmærkninger over de udi historien omtalte Cyclis og Aars-Beregninger*, Høpffner, Kjøbenhavn 1740² (1738)].

⁸ ["I assign the term 'bondage' to man's lack of power to control and check the emotions. For a man at the mercy of his emotions is not his own master but is subject to fortune", Eng. tr. by Samuel Shirley, in B. Spinoza, *Complete Works*, ed. by Michael L. Morgan, Hackett Publishing Company, Indianapolis-Cambridge 2002: 320].

rum esse dixi, qui sola ducitur ratione".^[9]

But Spinoza's conception of freedom is an ideal (*De jure natura*, l. c. XVIII)¹⁰, to which human beings can only approach and which, in general, they are very far from because their reasoning is limited and their emotions predominant (*Ethics*, l. c., [Pars IV] Proposition 37, Scholium II). By contrast, Kant's conception of freedom is a property with which he assumes the human beings in general are endowed, indeed even the most vicious, light-minded and irrational, as long as they have not gone over into a condition of total unfreedom due to madness. Spinoza's conception of freedom has as its basis reason as a whole and a reason that aims at self-preservation and true bliss, a reason that has a common root and common purpose with the senses (*De jur.[e] nat.[urali]*, § 5) and can oppose the latter, as often as their promptings would lead away from the goal by the further consequences of the action. By contrast, Kant's conception of freedom has as its basis the [36] mere practical reason or the pure moral law, but not theoretical reason or the faculty of inference, which allows us to foresee the consequences of action, and this practical reason has nothing in common with the desire for happiness or with the senses. A foolish act cannot be called free according to Spinoza, but it can according to Kant. Finally, the conception of freedom in Spinoza is consistent with the doctrine of necessity and the knowledge of the eternal laws of nature and an eternal series of causes, which also includes all human thought and action, "*agendi necessitate non tollit sed ponit libertas* (*De jure naturali*, [Cap. II] § XI)^[11] *nihil namque homo, seu ratione seu sola cupiditate ductus agit nisi secundum leges & regulas naturae* (*ibid.* § V)^[12]. Kant's conception of freedom, by contrast, makes man a being independent of natural causes, who can intervene in them at any moment with his own arbitrary self-determination, and whose existence here in the world must therefore be regarded as an "*imperium in imperio*", more suited to disturb than to confirm the natural laws to which all other beings are subject (*Ethics*, p. III.

⁹ [*Ibid.*: 355: "A free man is he who is guided solely by reason"].

¹⁰ Likewise in his treatise *De jure natura* in [Chap. II], § XI. "Imo quia humana potentia non tam ex Corporis robore quam ex mentis fortitudine aestimanda est, hinc sequitur, illos maxime sui juris esse, qui maxime ratione pollent, quique maxime eadem ducantur, atque adeo hominem eatenus liberum omnino voco, quatenus ratione ducitur" [Eng. tr. by Samuel Shirley, *Political Treatise*, in B. Spinoza, *Complete Works*, op. cit.: 686: "Human power should be assessed by strength of mind rather than robustness of body, it follows that those in whom reason is most powerful and who are most guided thereby are most fully in control of their own right. So I call a man altogether free insofar as he is guided by reason because it is to that extent that he is determined to action by these causes"].

¹¹ [*Ibid.*: "Freedom does not remove the necessity of action, but imposes it"].

¹² [*Ibid.*: 683-684: "Whether a man is led by reason or solely by desire, he does nothing that is not in accordance with the laws and rules of Nature"].

in the *Preface*)¹³. Spinoza's conception of freedom is thus ideal, but thereby natural. Kant's conception is real but supernatural. Spinoza's conception of freedom is rationality by means of the drive to happiness, whereas Kant's is morality by means of categorical imperatives. Spinoza's doctrine is affirmed by experience and can be understood by people, whereas Kant's doctrine is contrary to experience and presupposes the incomprehensible. [37]

One remark can be made against both of these philosophers' definitions of freedom: the fact that they have given this word a somewhat divergent meaning from that of ordinary linguistic usage. In everyday language, freedom is opposed to coercion or limitation, but it is not opposed to prosperity, simplicity or immorality. A free man is the one who can "do what he wants", act according to his own wishes, choose according to goodwill, and follow the promptings of his nature, without being dependent on foreign laws or foreign wills. But it is not asked whether these wishes are morally good or bad, whether this goodwill is rational or irrational, whether these promptings are virtuous or sensuous; in short, there is the same difference between Spinoza's or Kant's views and the ordinary interpretation of the word "freedom" as there is between the two expressions "to be his own master" and "to be master of oneself".

However, since no one is more of his own master than the one who is also master of himself, the use of the word "freedom" can in a sense be defended, but it easily gives rise to misunderstanding. Thus, it is no rarity in Kant's writings to find the word "freedom" and especially the adjective "free" sometimes used in the strict Kantian sense and sometimes as synonymous with arbitrariness or freedom in the common understanding. One will find this misuse right in the first sentence by Kant, "The will can be called neither free nor unfree" (Proposition 1). For the will, which itself is absolute spontaneity, [38] must indeed be free, according to Kant's own definition. The thing is that "free" here is opposed to "unfree", that is, involuntary.¹⁴

Now we come to an argument against Kant's doctrine of freedom, which stands in the closest connection with the main subject of this treatise, as it is taken from the view of the condition of unfreedom. Indeed, it will be appreciated that the origin and existence of unfreedom, which Kant cannot deny, is just as incomprehensible and inexplicable according to his system as moral

¹³ [B. Spinoza, *Ethics*, op. cit.: 277: "Most of those who have written about the emotions and human conduct seem to be dealing not with natural phenomena that follow the common laws of Nature but with phenomena outside Nature. They appear to go so far as to conceive man in Nature as a kingdom within a kingdom"].

¹⁴ A similar misuse is with the word "will", which sometimes is used in the ordinal sense and sometimes in agreement with Kant's definition. Such results are inevitable when one removes words from their usual usage.

evil itself, and the closely related interrelationship of the two, the parallelism of the physical, intellectual and moral pathology, their common root in man's sensuous nature (*sensu latiori*), certainly contributes not a little to weaken the Kantian principle "that man as a moral being is independent of everything empirical or possesses the property of being determined by the senses not by necessity (the 3rd Proposition, and the 3rd Corollary).¹⁵

[39]

This sentence contains in and of itself something offensive to anyone who is familiar with the physical side of man, and I dare say with science at all. For man is for him not two individuals but one; therefore, no single part is independent of the whole. Man is not *animal* and *ratio* but an *animal rationale*, not body and soul but a besouled body, and whatever be the origin of these different properties, the human being here in the world consists in and by their fusion to a whole. It is one thing by abstraction to distinguish between the intellectual (thinking) and the physical (extended) properties, and another to make them independent of each other. A physiologist can distinguish between the animal and the vegetative elements in man, between movement and nutrition, between nerves and muscles, on one side, and blood and the lymph system, on the other side, but he says an absurdity when he claims them to be independent of each other: "*omnia in homine se habent ad instar circuli et ubi [40] queris initium invenies finem et ubi queris finem invenie initium*".^[16]

The experience of millennia has taught that the human race, as long as it has existed on earth, has always been dependent on the senses in the moral understanding (that is, desires, inclinations, passions). This experience has taught that not only are most people determined by these (which is irrefutable) but that even the best ones have been drawn to acts contrary to the precepts of reason and moral law. Thus, it still is now, and, presumably, it will remain this way for as long as the world exists.

The fact that Kant's doctrine of freedom is in conflict with this old and common experience, which it can only admit as being the effect of an incomprehensible cause (cf. Corollary 5), is certainly not able to make it probable. However, one is accustomed to regard moral evil as a mystery, to whose dis-

¹⁵ I refer especially to this proposition along with the one mentioned under the 4th Corollary. If a defender of Kant were to come forth and prove that I had completely misunderstood Kant's doctrine, then I would ask him whether Kant did not assume "that the human being in the great temptation *can* resist when he want, and that such a will is always possible, unless a total unfreedom is present". If he were to grant me this point (which he doubtless must), then I do not see that another misunderstanding of the system could have special influence on the objections mentioned hereafter, which are grounded in the constant dependence of the will on the physical nature of the human being.

¹⁶ [Hippocrates, *De locis in homine*, 2, VI, 276 L].

solution man in an emergency fetches the devil from a background of ideas, where he still stays.

But the dependence of the will upon the *physical senses* of man, that is, his organization, his physical development, and his state of health, is as just as old and undeniable experience as the one just mentioned, and the contradiction in which it stands to Kant's doctrine of freedom seems the stronger, the more unmistakable and obvious the necessity is with which the will [41] (especially in the so-called condition of unfreedom) is determined by physical causes.

The moral nature of human beings, just as the intellectual nature, apparently depends on the brain's organization and development (childhood), on its diverse vitality (sleep, dreams, intoxication), on its stage of decline (old age) and on its diseases (madness). "One has" says Parry (l. c. § 770) "seen a random blow to the head determine the best human principles, and transform a pious Christian into a drunk and an irredeemable criminal" (cf. § 3. Note quoted).

One sees again the moral character of human beings as determined by innate temperament and hereditary drives.¹⁷ One sees it change according to climate and diet, and this even becomes apparent throughout entire nations (northerners and southerners, plant-eaters, fish-eaters, meat-eaters). One finds it different by gender and age and state of health. It is one thing in a man another in a woman, one thing in a younger man and another in an old man, one thing in [42] the feeling of strong health, and another in sickness, weakening, pains, hunger, insomnia, etc.

In addition to the immediate dependence of morality on the physical elements, there is also given an indirect dependence through the intellectual organs and their connection with the external senses. Any single *actus* of "faculty of desire in accordance with *concepts*"^[18] presupposes the association of ideas, memory, or impressions of the senses that all depend on natural causes, and practical reason is not without the necessary connection with the theoretical element, the degree and activity of which again rises and falls with the angle of the face and the height of the forehead. The New Hollander^[19] who belongs to a human race that stands only a little above the beast in his understanding is also extremely lazy, cowardly and lustful. Everywhere it seems the wild man

¹⁷ "Fortes generantur fortibus & bonis, nec imbellem parit aquila columbam". If this sentence is not literally true, then it is valid in most cases. Not all siblings look alike, but most do; not all children look like their mother or father, but most do. "Non parum felices bene nati!"

¹⁸ [Kant, AA VI, 213: *Begehrungsvermögen nach Begriffen*].

¹⁹ [At the time Europeans used the term "New Hollanders" to refer to the aboriginals of Tasmania and later of the whole of Australia. The name derives from "Hollandia Nova", the name that the Dutch navigator Abel Tasman gave to Australia in 1644. The term remained in use at least until the mid-nineteenth century].

possesses only the virtue of temperament: he is good where he loves, but evil where he hates. Everywhere, the child is self-serving and guided by the senses to a great extent, the old person in general also. In addition, the old person becomes twisted, biased and unfair in relation to how the physical forces and with them the memory and the other heart functions diminish. Sometimes he is even well aware of what the moral law offers. So if he has freedom, why doesn't he use it as well as before?

Undoubtedly, it will be said that all the different circumstances listed here must be attributed either to perfect states of unfreedom such as intoxication and madness or [43] to overpowering affections of the senses, such as temperament, character and temporary moods; and if one wants to refer to Socrates, who, though born with a grossly sensual temperament, became wise and meek, or Xenocrates, who remained cold beside Phryne^[20], although he had recently drunk much wine. But is it possible for all people to act like these two philosophers? Was Socrates' mastery over his sensuality not more the fruit of a rationality, fought for and acquired, than of an original freedom (Corollary 1), and would he then not be an exception to the rule, and more to be regarded as an ideal than as a true copy of the existing race? As for the wise Xenocrates, his freedom is so little human that I do not even know if it was worth possessing. However, we would like for a moment to let it remain undecided whether the differences in temperament and character have a necessary effect or not, and turn to the perfect states of unfreedom.

Unfreedom is the lack of freedom, therefore, it is the lack of those attributes that constitute the essence of freedom (Propositions 2 and 3). But, I ask, how does this lack arise? How it is conceivable that an attribute, whose basis is absolute spontaneity and independence from everything empirical and all natural necessity, can disappear because the stomach comes into contact with the spirit of wine, or because the head [44] is exposed to the sun's rays, as King Charles 6th's story^[21] teaches, or the example of the Abderites^[22], who became insane because, during the performance of Euripides' *Andromeda*, they forgot to cover their heads against the sun? For what reason does this supersensible

²⁰ [Phryne was a famous ancient Greek courtesan (hetaira) of the 4th century B.C. Diogenes Laertius tells that she tempted Xenocrates in vain to enter her bed: but she later reported that it was like sleeping with a statue.]

²¹ [Charles VI of Valois called "the Mad", king of France from 1380 to 1422. It is said he had his first outbreak of madness after a prolonged exposure to the sun on an August day].

²² [Cf. also *Der Streit der Fakultäten* (1798), AA VII, p. 82, where there is mention of the frequent mood swings of the Abderites. "Abderitism" is defined as the philosophy of history according to which mankind will proceed in the moral sphere according to a constant and changing ascent and an equally frequent and profound relapse, with the result of finally remaining in a state of immutability.]

sovereignty resume as soon as the intoxication has been slept off, or the blood in the brain diminished by leeches and Spanish flies, and what resolution can be found to the mystery that it in cases of partial madness is partly present and active, and partly not?

All this, so it is stated, is inexplicable and rests on the eternally incomprehensible connection between soul and body – another inexplicability of Kant's doctrine and another struggle against experience where a Spinozist does not find the least difficulty.

But does this incomprehensible lack of freedom also abolish the arbitrary will (*arbitrium liberum*)? One should think not! One would think that the moral law might change from master to counselor without therefore disappearing, and that its precepts could sink from categorical imperatives to simple motivations that could be overcome by opposing motivations or could be victorious over them depending on their relative weight, that is, in accordance with how the human being judges that his well-being is best advanced by this or that.

However, this kind of arbitrary will, no matter how likely it is made by experience, would be totally inconsistent with Kant's principles. According to these, [45] no human or moral arbitrariness can be conceived without freedom; for practical reason, the pure will, must possess absolute spontaneity and mastery in the arbitrary will, as often as it appears, or it must disappear altogether; it must be *aut Caesar aut nihil*. The restriction of liberty in man lies in the temptation of moral evil, (Corollaries 3, 4 and 5), but it is not in the decline of freedom itself, not in the impudence of practical reason or in the necessary advantage of the senses over it; for it follows from the nature of Kantian freedom that the pure will can never be overcome with necessity. It is a giant whom the senses (Hedone) may well entice to moral evil, but in an open battle she must always be inferior to them. Unfortunately, this giant is also inclined to leave his post; there arises then a kind of interregnum (unfreedom), and in this the senses play the master. According to this, one must therefore state that freedom is either completely present or not at all, that it is *aut Caesar aut nihil*, and that the not-moral is either an effect of a morally evil will or of a condition of total unfreedom, without one being able to discern the further connection between the two than some gradual transition from the one to the other. I have gone into great detail in presenting this Kantian proposition partly because it [46] belongs to the more hidden part of this doctrine and partly because I consider it both false and damaging in its application. My objections are as follows:

1) We saw above that practical reason was necessarily dependent on theoretical reason. In the child, in the elderly person, in the poorly endowed human races, in the uncultivated savage, we saw that morality was modified by intellectual development. But this has degrees, and these degrees are due to

natural causes (congenital disposition, upbringing, chance circumstances), and therefore practical reason and with it freedom are indirectly subjected to the same natural causes and the same gradual development and decline. So there is a gradual transition from freedom to unfreedom.

2) The Kantians admit that freedom is thus dependent on natural causes and that it, albeit in an incomprehensible way, can be suspended by a tablespoon of blood in the brain beyond the usual quantity (intoxication, delirium, etc.). But if this is so, what prevents them from assuming that the same freedom can, due to similar reasons, be limited with necessity so that it ceases to be Caesar without just becoming *nihil*? And, if freedom and reason can thus be suspended or limited by the blood that the wine, solitude or feverish paroxysm moves to the head, then why can't the same effect arise in the human being who is burning with anger, revenge, shame or sex drive?

[47]

3) Experience testifies in the most determinate manner to boundaries between freedom and unfreedom and opposes any attempt to limit the two. If there is any sharp boundary between an unfree child and a child deserving punishment, between sluggish and weak old people, between simplicity and silliness, between depression and melancholy, between hot temper and fury, between enthusiasm and ecstasy, between exaltation and intoxication, between resistible and irresistible bodily drives (hunger, sex drive, sleepiness, etc.), between the states when the voice of reason and morality can still be heard and those in which is silent. Don't let jurisprudence have to set arbitrary limits here; but should morality, should philosophy follow its example, shall jurisprudence itself affirm its approach as perfect, its judgment as infallible, when it is only a necessary consequence of the hitherto acknowledged limitations of human discernment?

Thus, I have endeavored to prove the correctness of the three propositions set out in § 7, which prevented me from constructing the concept of madness on the Kantian doctrine of freedom; but before I leave this subject, allow me yet to make a comment, without which any objections to Kant's doctrine would be powerless and strand on the Kantians' *a priori* conviction of the truth of their case.

[48]

According to Kant's 5 propositions, the assumption of freedom in the often discussed sense is an article of faith that no objection can weaken, and this article of faith is grounded in humanity's awareness of the moral law as an unconditional imperative. But is the matter with this imperative really as Kant claims? Is there an original *should*, implanted in all human beings as a rule, without condition, without proof, without why? Locke, the astute and so

God-fearing Locke, assumed no such moral principle, *quasi coelitus in mente descripta*; he contested its existence by noting how the customs and moral concepts of various nations differ from each other and how the past was often contradictory to the present. He assumed that virtue was widely esteemed because it was generally beneficial and that there was no moral rule that needed proof.²³

Nor does it seem to me to be called into question that morality is grounded in human coexistence and mutual social relations, that it first with these is evoked, and that the categorical imperatives would be utterly silent if man still lived *in statu solitudinis*. Only the principle “promote your happiness” would then be dominant,²⁴ and all so-called [49] duties to oneself would be attributed thereto, but such a person would never dream of maxims becoming the object of legislation.

However, such cold maxims were never the language of nature. Only an ivory tower scholar could regard them as such. Nature formed our hearts for sympathy, compassion and benevolence for beings who resemble us, who have with us a common origin, a common destiny, a common fear and hope; it made us increase and double our benefits by communication and society with these beings, and it put in us the desire to find our loving feelings answered by reciprocal love and recognition, our self-esteem reinforced by their approval and admiration. These feelings and the soon-gained experience of their beneficial influence were what created virtue and made it gracious and paired it with our sense of beauty and set it as a goal which human beings might be quite happy to strive for. But what was egoistic was hated, as unsocial and cruel. Thus, wisdom united with the sociable drives to create the morality.

[50]

Instead of this view, which makes virtue natural and related to other human desires, about which one can therefore say as about Socrates’ doctrine that it lures morality from heaven and brings it into the heart of man²⁵, instead of that which gives us, as if a contradiction, a morality of categorical imperatives; a despotic rule without a “why”, preached to us as if by inspiration or more correctly as if by the sealed orders that are given to expeditions on the ocean to be

²³ *Philos. Essay in Human Understanding [An Essay Concerning Human Understanding*, Thomas Bassett, London 1690], Lib. I, cap. II.

²⁴ Even the striving for perfection according to the development of the intellect or physical powers would not be present in this condition without their being brought forth by the desire which man, just like the animal, feels with activity, by overcoming obstacles, and seeing the fruit of his efforts, while the opposite feeling oppresses him. The actual feeling of honor arose first when the human being compared himself with his others of his kind.

²⁵ [The reference is probably to Cicero’s famous statement, “Socrates autem primus philosophiam devocavit e coelo, et in urbibus collocavit, et in domos introduxit, et coegit de vita, et moribus rebusque bonis, et malis”, cf. *Tusculanae Disputationes*, V 4, 10-11].

opened at a certain degree of longitude; a cold instrument that we, despite the resistance it finds in our dearest wishes, do not merely obey unconditionally but even gladly invest our freedom to obey.

It at least was an implanted sense of feeling of well-being for virtue and displeasure with vice, he believed, a kind of moral instinct analogous to our feeling for beauty or to the natural sympathy we call humanity; but no! Since, according to Kant, all feeling of desire and lack of desire is grounded in sensing being, in our lower desires, it would be unworthy to give the moral law an origin of this kind. This must be a rule of reason, and the moral feeling can only be something derived, something mixed. Nor can this rule be regarded as the advice of reason or guidance to happiness in society, based on the recognition of the beneficial consequences of virtue; it must be, according to Kant, a command, and a categorical command, that is, a command without ground.

It is then no longer virtue's own beauty, [51] not the pursuit of the height of greatness of the human soul and independence, not the desire to deserve the approval and love of man, not the joy of spreading happiness and satisfaction among my fellows, not the hope of the growth of the entire race in everything good and beautiful, and of an increasing rationality and happiness on earth, and of the gratifying consciousness of having contributed to it. It is nothing of all this that will make me noble and virtuous and sacrificing. It is no longer the virtue and fame of a Themistocles that will incite a Cimon, not the first example of Brutus that will raise a Regulus or Cato. Hereafter we are supposed to have Cimons and Reguli and Catos through the choice of maxims that could become common law. And precisely what makes virtue most gracious in human beings and gives it its greatest glory, I mean its origin in the feelings of a warm and benevolent heart, precisely this detracts from its worth for the Kantian, who places such virtue of temperament far below that which arises from that unconditional obedience to reason's *You Should*.

Kant's moral law, on which his entire doctrine of freedom is grounded, is little probable and natural, so cold and lacking in beauty, so far from the ancient philosophers' elevating and inspiring images of virtue and virtue's reward.

"*Les hommes*", I say with Rousseau, "*m'eussent* [52] *jamais été que des monstres, s'il a nature ne leur éut donné la pitié à l'appui de la raison*".^[26]

Translation from Danish by Jon B. Stewart

²⁶ [Cf. Rousseau, *Discours sur l'origine et les fondements de l'inégalité parmi les hommes*, Marc Michel Rey, Amsterdam 1775: 71; Eng. tr. by Donald A. Cress, Hackett Publishing Company, Indianapolis-Cambridge 1992: 37: "Men would never have been anything but monsters, if nature had not given them pity to aid their reason", in *Discourse on the Origin of Inequality*].