

Towards the perfect world: a preliminary work on a Kantian response to the imperfect world

Alec Ramak
(571239)

Supervisor: Ada Bronowski

Tutor: Humber van Straalen

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Abstract

A common objection to Kantian ethics is that it cannot cope with the practical world. This is due to the fact that the theory does not provide clear guidelines on how to deal with Evil. This thesis defines the frameworks within which a Kantian ethics can emerge that provides an answer to Evil. First, the thesis makes a distinction between Kantian ethics in a legal context and in a moral context, as well as a distinction between the perfect world and the imperfect world. The answer to Evil in the legal context, this thesis shows, can be given on the basis of Kant's own works. The moral context, on the other hand, will have to be further elaborated by future Kantians. This thesis states that Kantian ethics in the moral context concerns a conflict between a Good Will and an Evil Will. The response to Evil in the moral context will have to be in relation to this assertion. Finally, this thesis provides an impetus to continue Kant's work and provide an answer to the question of how to deal with Evil in a moral context.

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1. Introduction

1.1. Kant's Achilles heel

Immanuel Kant is considered one of the most influential philosophers of all time. However, that does not mean that everyone agrees with him. Although there are indeed many who call themselves 'Kantians' or at least partly owe their philosophy to Kantian ideas, Kant, like many influential thinkers, also has critics.

A critic in general must make a choice between two methods. On the one hand, the critic can attack his target based on the theory. This then requires a lot of effort on the part of the critic — if he wants to give his opponent a fair trial — to know the other person's theory in detail. The critic must catch his opponent in contradictions in his theory, paradoxes that are unsolvable, or expose incorrect assumptions. This has of course been attempted in Kant's case, and Kant must also defend himself against it, but it is not Kant's Achilles heel. The German philosopher is a rather systematic thinker and the theory is therefore reasonably well put together. Therefore, Kant's Achilles heel is found in the second method of a critic. This method has proven to be so effective that in any teaching of Kantian philosophy, objections arising from this method are always mentioned. This second method basically boils down to the common saying: "That may be correct in theory, but it is of no use in practice".¹

This method has so far proven to be intractable to Kantian philosophy, specifically to its ethics. Indeed, Christian Garve says that moral ideas are "*obscure in reflecting*" and even "*disappear completely* when it comes to *acting*."² What's more, Benjamin Constant even says that Kant's moral principle, taken in an absolute sense, would make society as a whole impossible.³ Lying in general is wrong, Constant concedes, but the categorical nature of Kant's morality would lead to chaos.

What is happening here? How can this method be so prominent in the attacks against Kant? In my view, the critics are indeed raising a sensitive issue here, to which Kantian ethics cannot easily respond, namely the issue of the *imperfect world*.

1.2. The perfect world and the imperfect world

Kant's Achilles heel arises from the existence of the imperfect world: Kantian ethics would work in the perfect world (in theory), but are no good in the imperfect world (in practice). One should note, however, what is meant by this terminology. The 'world' does not refer to the whole universe; it does not refer to the phenomenal world that consists of natural causations either; instead, it refers to a specific situation where rational beings (freely) interact with each other. The 'world' consists of the circumstances under which a rational being must choose his actions in a particular moment.

¹ Immanuel Kant, "On the Common Saying: That May Be Correct in Theory, but It Is of No Use in Practice (1793)," (TP) in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 277.

² Kant, TP, 287.

³ Benjamin Constant, *Des réactions politiques* (1796), 36, <http://dx.doi.org/doi:10.1522/cla.cob.des1>. "Le principe moral, par exemple, que dire la vérité est un devoir, s'il était pris d'une manière absolue et isolée, rendrait toute société impossible."

A perfect world refers to the situation where there are no conflicts between individuals. In moral context specifically, Kant says about the perfect world: "I call the world as it would be if it were in conformity with all moral laws (as it **can** be in accordance with the **freedom** of rational beings and **should** be in accordance with the necessary laws of **morality**) a **moral world**."⁴ In such a situation, Kantian ethics could easily hold, but in the imperfect world there are conflicts between individuals and that is precisely the Achilles heel: how to deal with those conflicts as a moral agent in a particular moment.

The Achilles heel is evident from Constant's criticism, which gives the example of a potential murderer on your doorstep asking where your friend is that he wants to kill.⁵ This involves a conflict between a potential murderer and your friend – a situation that wouldn't exist in the perfect world, but would in the imperfect world. Lying should be the solution here according to Constant, but Kant's philosophy supposedly does not allow that.

The Achilles heel is also evident from the criticism of utilitarians, the favorite example of whom is the trolley problem. A runaway trolley runs onto a track with five people standing on it, with their backs turned and not aware of the trolley. The only way to save the five people is to pull the lever to switch to another track where one person is standing on the track with his back turned. This is an imperfect world, because there is a conflict between the five human lives and the life of the other person. Utilitarians have a clear answer: save the lives of the five people at the expense of the one person. According to utilitarians, the answer from Kant's ethics in moral context would be to do nothing in this situation, which should prove that his ethics are unsatisfactory.

This Achilles heel is under attack in both the legal and the moral context and Kantians must find an answer to the fact that Kantian ethics appears to work for the perfect world but not for the imperfect world. That is, it is not clear in Kantian ethics how a moral agent should act in a situation where there are conflicts between the ends of rational beings. How do the perfect world and the imperfect world arise? How do conflicts arise in the first place? What types of conflicts are there? How do these conflicts relate to each other? How does Kant relate to these conflicts? What is the resolution of these conflicts in Kantian ethics? This thesis answers some of these questions and lays the groundwork for a Kantian response to the imperfect world.

1.3. Autonomy in Kantian ethics

The foundation of Kantian ethics is the autonomy of rational beings. A moral act is moral because of the freedom that underlies it.⁶ Autonomous beings are able to determine individual ends which are always relative to the autonomous being.⁷ The absolute end, i.e.

⁴ Immanuel Kant, *Critique of Pure Reason (KrV)* (Cambridge: Cambridge University Press, 1998), 678.

⁵ Constant, *Des réactions politiques*, 36. "Nous en avons la preuve dans les conséquences très directes qu'a tirées de ce principe un philosophe allemand, qui va jusqu'à prétendre qu'envers des assassins qui vous demanderaient si votre ami qu'ils poursuivent n'est pas réfugié dans votre maison, le mensonge serait un crime."

⁶ Immanuel Kant, "Groundwork of The Metaphysics of Morals (1785)," (*GMS*) in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 88. "*Morality* is thus the relation of actions to the autonomy of the will, that is, to a possible giving of universal law through its maxims."

⁷ Kant, *GMS*, 78-79.

the end in itself, must therefore be the autonomy itself.⁸ Accordingly, the dignity of a being stems from its autonomy.⁹ From this follows the second formula of the categorical imperative, namely that one should always treat humans as ends in themselves and never merely as a means.¹⁰ In combination with the first formula of the categorical imperative (generalizability), this leads to “a kingdom of ends”.¹¹ As a member of this kingdom, one should aim to promote the highest good.¹² This is only possible when the members of this kingdom act autonomously: “human being alone, and with him every rational creature, is an end in himself: by virtue of the autonomy of his freedom he is the subject of the moral law, which is holy. Just because of this every will, even every person's own will directed to himself, is restricted to the condition of agreement with the autonomy of the rational being [...]”.¹³

Acting autonomously requires two conditions. Firstly, autonomous beings should act “from duty” and not merely “in conformity with duty”¹⁴, i.e. with the intentional aim of promoting the highest good. This is often referred to as “internal freedom”¹⁵. One could act in conformity in duty but if one is not actively trying to fulfill his duties, this conformity is only coincidental — because its maxim is conditional. Since one could just as easily have done the opposite (immoral) action, Kant considers this being to act heteronomously, i.e. external forces (“inclinations”) determine his actions.¹⁶ Secondly, autonomous beings should independently be “setting and pursuing ends of their own in the world”.¹⁷ This is referred to as “external freedom”¹⁸. With internal freedom, it’s about the maxims of the rational agent; with external freedom, it’s about the agent being physically free from force to enact on those maxims. The former is the subject of the moral context and the latter of the legal context of Kantian ethics. The legal context should serve to make the actualisation of moral actions *from duty* possible. Otherwise, the aim of promoting the highest good would never be more than an ‘aim’.

Within the legal context, therefore, morality (or rather: *the kingdom of ends*) can prosper. However, the legal context must respect the autonomy of its members (because without autonomy morality cannot exist) which means that some immoral actions must be tolerated. In sum, the legal context must forbid certain immoral actions but at the same time tolerate other immoral actions. This dynamic will be further explored in the next chapters.

⁸ Kant, *GMS*, 79.

⁹ Kant, *GMS*, 85.

¹⁰ Kant, *GMS*, 79.

¹¹ Kant, *GMS*, 83.

¹² Immanuel Kant, “Critique of Practical Reason (1788),” (*KpV*) in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 240.

¹³ Kant, *KpV*, 210.

¹⁴ Kant, *GMS*, 53.

¹⁵ Helga Varden, “Kant and Lying to the Murderer at the Door . . . One More Time: Kant’s Legal Philosophy and Lies to Murderers and Nazis,” *Journal of Social Philosophy* 41, no. 4 (2010): 406. <https://doi.org/10.1111/j.1467-9833.2010.01507.x>

¹⁶ Kant, *GMS*, 92-93.

¹⁷ Varden, “Kant and Lying to the Murderer at the Door,” 406.

¹⁸ Varden, “Kant and Lying to the Murderer at the Door,” 406.

1.4. Thesis design

First of all, this thesis makes a distinction between the legal context and the moral context. In the next chapter, Kantian ethics in the legal context will be discussed by looking at Constant's criticisms and Kant's defense against them. This thesis argues that the imperfect world in a legal context arises from the conflict between freedom and right. The imperfect world will be divided into Evil and Tragedy, whereby the thesis argues, based on Helga Varden, that the state is not founded in response to Evil, but mainly in response to Tragedy.

The third chapter will discuss Kantian ethics in a moral context by looking at the attacks of utilitarians, the trolley problem and the Kantians' defenses against it. This will show that Kant is not at all as rigid as utilitarians portray him and that utilitarians themselves can rather be called rigid. This thesis argues that the imperfect world in a moral context arises from the conflict between the Good Will and the Evil Will and between the Good Will and Tragedy.

In the fourth and final chapter, the new frameworks of Kantian ethics will be presented. In addition, the future will be looked at: to what is this thesis the preliminary work and what questions still need to be answered?

2. Kantian ethics in the legal context

2.1. Constant and the impossible society

In 1797, Benjamin Constant wrote a number of essays in *Des réactions politiques*. In chapter eight, called "Des principes", he wrote about a "philosophe allemand" who showed what happens when you take principles as absolutes. In this chapter Constant discusses the concept of 'principles', which certainly is not a dirty word to him. However, people like Kant give a bad reputation to people who demand respect for principles.¹⁹ One is considered to be a "rêveur" or dreamer, because people like Kant treat principles as separate from reality.

Instead, Constant regards a principle as the "general result of a certain number of particular facts."²⁰ Principles can even change over time according to Constant, namely every time the facts change.²¹ Principles are therefore always dependent on the facts as they occur in the real world. Principles are indeed "general" but only "in a relative sense and not in an absolute sense."²² They are not imaginary, but are grounded in reality.

Without immediately referring to Kant's response to Constant, a clear difference can already be established between these two philosophers. The concept of 'principle' is defined in a completely different way. Whereas Constant says that a principle is the abstraction of the phenomenal world and can therefore be altered only by the phenomenal world, a principle in the Kantian sense is a groundwork for human action. For the Kantian, a principle

¹⁹ Constant, *Des réactions politiques*, 32.

²⁰ Constant, *Des réactions politiques*, 33. "Un principe est le résultat général d'un certain nombre de faits particuliers."

²¹ Constant, *Des réactions politiques*, 33. "Toutes les fois que l'ensemble de ces faits subit quelques changements, le principe qui en résultait se modifie: mais alors cette modification elle-même devient principe."

²² Constant, *Des réactions politiques*, 33. "Il n'est donc général que d'une manière relative et non d'une manière absolue."

does not refer to reality in the phenomenal world, but to what reality *should* be as dictated by the moral law within the rational agent (which is only possible in the noumenal world that is not determined by the laws of nature).

Constant is not against principles, provided the principle is applicable in the 'real' world. Only applicable principles are real principles; principles that are not applicable are in fact applicable, but the "mediating principle" for this principle has not yet been found.²³ Principles are therefore not empty shells about which we can only philosophize, but they can be used in practice.²⁴ If chaos arises because people adhere to a principle, then this is not proof that principles are not useful in practice, but that the chosen principle is wrong, or at least requires a 'mediating principle'.²⁵

Mediating principles are, for Constant, essential for morality in societies at large. Constant gives the example of the principle that people only have to obey the laws they themselves have made.²⁶ In a small-scale society this principle is well applicable, but in larger societies it is necessary to seek the help of a mediating principle, namely that people have to obey only the laws that they themselves have made *or* have been made by their representatives.²⁷

Without mediating principles, chaos arises and, according to Constant, we can find this chaos in the "philosophe allemand". To illustrate this, Constant gives the example of the murderer at the house: if a murderer comes to your house to kill your friend and he asks if he is in your house (which is indeed the case), Kant would respond according to Constant that lying in this situation is a crime.²⁸

According to Constant, this result is absurd. How does Constant himself resolve this situation? By using a mediating principle. How does Constant know when a mediating principle is needed? If the principle itself proves to be inapplicable in the given situation, it's because we ignore the mediating principle that makes it applicable."²⁹ Constant explains how to proceed. First we have to find out whether the principle itself is correct: always telling the truth creates an impossible society, as the example of the murderer on our doorstep demonstrates, but always lying has the same consequence.³⁰ Constant notes that duties only arise when rights exist: "Là où il n'y a pas de droits, il n'y a pas de devoirs."³¹ Therefore,

²³ Constant, *Des réactions politiques*, 33. "Lorsqu'on dit que les principes généraux sont inapplicables aux circonstances, l'on dit simplement que l'on n'a pas découvert le principe intermédiaire qu'exige la combinaison particulière dont on s'occupe."

²⁴ Constant, *Des réactions politiques*, 34. "Les principes ne sont donc point de vaines théories, uniquement destinées à être débattues dans les réduits obscurs des écoles. Ce sont des vérités qui se tiennent, et qui pénétreraient graduellement jusque dans les applications les plus circonstanciées, et jusque dans les plus petits détails de la vie sociale, si l'on savait suivre leur enchaînement."

²⁵ Constant, *Des réactions politiques*, 34. "ce n'est pas son admission, c'est leur ignorance qui plonge tout dans le chaos."

²⁶ Constant, *Des réactions politiques*, 35.

²⁷ Constant, *Des réactions politiques*, 35. "Ce principe intermédiaire, c'est que les individus peuvent concourir à la formation des lois, soit par eux-mêmes, soit par leurs représentants."

²⁸ Constant, *Des réactions politiques*, 36. "Nous en avons la preuve dans les conséquences très directes qu'a tirées de ce principe un philosophe allemand, qui va jusqu'à prétendre qu'envers des assassins qui vous demanderaient si votre ami qu'ils poursuivent n'est pas réfugié dans votre maison, le mensonge serait un crime."

²⁹ Constant, *Des réactions politiques*, 36. "Toutes les fois qu'un principe, démontré vrai, paraît inapplicable, c'est que nous ignorons le principe intermédiaire qui contient le moyen d'application."

³⁰ Constant, *Des réactions politiques*, 36. "Ce principe isolé est inapplicable. Il détruirait la société. Mais, si vous le rejetez, la société n'en sera pas moins détruite, car toutes les bases de la morale seront renversées."

³¹ Constant, *Des réactions politiques*, 36.

the obligation to tell the truth exists only to those who are entitled to do so.³² No one has the right to the truth in order to harm others, including the murderer on our doorstep in the example.³³

And so, according to Constant, the principle has been made applicable and the dilemma has been resolved. The mediating principle that one must indeed always speak the truth but only to those who are entitled to it, is missing in Kantian ethics. As a matter of fact, Constant builds a morality that is based on the status quo. For Constant, if a principle does not justify the status quo, it requires a mediating principle until it does. If a principle doesn't justify the status quo and as a consequence the status quo is instead altered, to Constant, this would mean that the world would be thrown into arbitrariness.³⁴

At first glance, Constant's philosophy could be seen as arising from Kantian philosophy: isn't the categorical imperative of universal validity nothing more than reflecting whether the maxim (or for Constant: the principle) makes society impossible, just as Constant does? Yet there are essential differences that Kant will explain in his response to Constant.

2.2. Kant and on a supposed right to lie

In the same year as Constant's *Des réactions politiques*, Kant published a response to him: *Über ein vermeintes Recht aus Menschenliebe zu lügen*. First, this work will be discussed in itself and then the conclusions that can be drawn from this work will be discussed.

The first thing Kant points out is Constant's incorrect assumption that there is such a thing as a 'right to truth'. In fact, no one has a monopoly on the truth, but only the truth as one sees it: "One must instead say one has a right to his own truthfulness (*veracitas*), that is, to the subjective truth in his person."³⁵

Kant then admits that there is a duty to be honest, i.e. to express the truth as best as possible, but this is a "human being's duty to everyone"³⁶, i.e. a duty towards humanity as a whole. After all, if one is dishonest, contracts that hold society together lose their force.³⁷

In fact, according to Kant, one is legally partly responsible for the consequences of the lie. This is illustrated by an example from Helga Varden: if someone asks you for directions and because of your lie he ends up in an unsafe neighborhood where he is robbed, then you are partly responsible even if you had no prior knowledge of the robbery.³⁸ However, if you tell the truth, you stay out of it; you do not take part in the conflict.³⁹ This is also what Kant himself observes: "But if you have kept strictly to the truth, then public justice can hold nothing against you, whatever the unforeseen consequences might be."⁴⁰ Under no

³² Constant, *Des réactions politiques*, 36. "Dire la vérité n'est donc un devoir qu'envers ceux qui ont droit à la vérité."

³³ Constant, *Des réactions politiques*, 36. "Or nul homme n'a droit à la vérité qui nuit à autrui. Voilà, ce me semble, le principe devenu applicable."

³⁴ Constant, *Des réactions politiques*, 36-37.

³⁵ Kant, Immanuel, "On a Supposed Right to Lie from Philanthropy (1797)," in *Practical Philosophy*, ed. Mary J. Gregor, (Cambridge: Cambridge University Press, 1996), 611.

³⁶ Kant, "On a Supposed Right to Lie," 612.

³⁷ Kant, "On a Supposed Right to Lie," 612.

³⁸ Varden, "Kant and Lying to the Murderer at the Door," 410.

³⁹ Varden, "Kant and Lying to the Murderer at the Door," 412.

⁴⁰ Kant, "On a Supposed Right to Lie," 612.

circumstances can you be tried for telling the truth; if you lie, however, you have to justify it to the jury.⁴¹

Then Kant turns to Constant. In *Des réactions politiques* Constant says that we must stick to principles even if there is a danger in doing so. But Constant has already abandoned his own principle of telling the truth because he believes it would be a danger to society.⁴² According to Kant, Constant is confused about *not being able to help* and *causing injustice*. The homeowner speaks the truth, which in itself is not an injustice; the murderer is the one who does the injustice. It was not the homeowner's free choice that someone is wronged and therefore he is not legally responsible for it.⁴³ Kant concludes: "All practical principles of right must contain strict truth."⁴⁴ In other words, one should stick to one's maxims and thus indeed not make untrue statements.

What can be concluded from this work by Kant? For some, this is proof that the rigid Kant is no match for the real world and holds untenable moral ideas. But this would be a superficial interpretation, not in the least because this work is not concerned with the moral context. In this work, Kant is purely concerned with the legal context and how a court should judge the homeowner and the murderer.⁴⁵ This is not up for personal interpretation, but is expressly stated by Kant in the footnote: "I here prefer not to sharpen this principle to the point of saying: 'Untruthfulness is a violation of duty to oneself.' For this belongs to ethics, but what is under discussion here is a duty of right."⁴⁶

In the remainder of this chapter the legal context of Kantian ethics will be further explored. First, it will be explained what the imperfect world entails in the legal context and how the state should relate to liars and morality. Subsequently, the question will be answered as to whether a state is necessary in a perfect world.

2.3. The imperfect world in the legal context

Kantian ethics in the legal context is concerned with *freedom* and *right*. The imperfect world in a legal context arises when there is a conflict between freedom and right. The goal is that one is free to achieve one's own goals (external freedom), but these goals can violate the rights of others. Therefore, there is a need to create a state that will resolve this conflict that characterizes the imperfect world.

According to Kant, the freedom that violates the rights of others is the freedom of savages: "mad freedom".⁴⁷ The rule of law (or in Kant's words: the republic) arises when lawless freedom is exchanged for a "rational freedom" to protect the rights of others. After all, protecting external freedom is important in order to act autonomously, as was established earlier. Here Kant arrives at the following principle for the rule of law: "*Right* is the limitation of the freedom of each to the condition of its harmony with the freedom of everyone insofar as this is possible in accordance with a universal law".⁴⁸ This means that

⁴¹ Kant, "On a Supposed Right to Lie," 613.

⁴² Kant, "On a Supposed Right to Lie," 613.

⁴³ Kant, "On a Supposed Right to Lie," 614.

⁴⁴ Kant, "On a Supposed Right to Lie," 615.

⁴⁵ Varden, "Kant and Lying to the Murderer at the Door," 406.

⁴⁶ Kant, "On a Supposed Right to Lie," 612.

⁴⁷ Immanuel Kant, "Toward Perpetual Peace (1795)," (EF) in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 326.

⁴⁸ Kant, *TP*, 290.

everyone may exercise their external freedom, as long as this can correspond as a general law with the external freedom of others.⁴⁹

With Kant's political philosophy established, it can now be applied to various situations in which one lies. First, it can be established that no one can demand the truth from me, because that is contrary to my external freedom.⁵⁰ Second, if I lie to someone, the other person is still free to believe me or not. My statement is not binding. Indeed, in the example of the murderer, the homeowner is *forced* to speak, which means that the murderer is violating the homeowner's right and not the other way around.⁵¹ Because the lie does not restrict the freedom of another, it is permissible to lie.⁵² However, according to Varden, two exceptions should be made: in the case of reputational damage and contractual denial.⁵³ In those situations, the rights of the other person are violated, namely the right to a reputation and to conclude fair contracts. In all other cases, there are no legal obstacles for Varden to lie in private.

In the public sphere, on the other hand, things are a bit more nuanced. The state guarantees the rights of everyone and if one lies to the state, or to the official who represents the state, one lies to all of us, endangering the existence of the state.⁵⁴ The same applies to the official: if the official lies, he (as the embodiment of the state) lies to all of us, which again endangers the existence of the state.

The situation is very different with an illegitimate authority. Varden gives the example of the Nazi occupation.⁵⁵ The Nazis may have power, but it is not legitimate power because they do not represent the citizens. Therefore, from a Kantian perspective, they are not seen as the state, but as private citizens. As mentioned earlier, one is allowed to lie to private citizens, especially if one is forced to do so, so the homeowner is allowed to lie to the Nazis when they ask about his friend, but the homeowner is not allowed to lie if it concerns a legitimate civil servant.

Varden goes even further and claims that the Nazi occupation is worse than the state of nature. They are power without freedom or right: they are barbaric.⁵⁶ That is why it is legally allowed to kill Nazis. The Nazis could be tried for everything they had done, despite the fact that the legitimate state had no power to enforce it at the time of the crime.⁵⁷ The right remains intact, regardless of the balance of power. That is why Nazis could be tried afterwards. The people who lied to the Nazis during the occupation were not prosecuted — in line with Kantian ethics. Nor were people who spoke the truth to the Nazis prosecuted — also fully in line with Kantian ethics — because, as Kant argued, the people who spoke the truth stayed out of it and cannot be held responsible for what others did with their honesty.⁵⁸

This is also related to the question to what extent the state may require its citizens to act morally. For Kant this is a nonsensical question, because morality arises precisely in the

⁴⁹ Varden, "Kant and Lying to the Murderer at the Door," 408.

⁵⁰ Varden, "Kant and Lying to the Murderer at the Door," 408.

⁵¹ Varden, "Kant and Lying to the Murderer at the Door," 409.

⁵² Varden, "Kant and Lying to the Murderer at the Door," 408.

⁵³ Varden, "Kant and Lying to the Murderer at the Door," 409.

⁵⁴ Varden, "Kant and Lying to the Murderer at the Door," 414.

⁵⁵ Varden, "Kant and Lying to the Murderer at the Door," 415-417.

⁵⁶ Varden, "Kant and Lying to the Murderer at the Door," 416.

⁵⁷ Varden, "Kant and Lying to the Murderer at the Door," 416.

⁵⁸ Varden, "Kant and Lying to the Murderer at the Door," 417.

autonomy of man.⁵⁹ In addition, the purpose of the state is to protect people's external freedom; a morality imposed by the state is precisely a restriction of external freedom without thereby protecting the external freedom of another. The conclusion for Kant is therefore clear: the state should limit the external freedom of citizens in such a way that it protects the external freedom of other citizens and no further. At the same time, citizens are required to follow the laws that the state dictates so long as it does not infringe upon one's own rights (because that would mean that the state has become illegitimate).

In this way it has become clear how different Kant's legal philosophy is from Constant. In addition, these examples once again show how rigid Constant's philosophy is, which — contrary to expectations of some — is not the case for Kant. While Constant forces people to always tell the truth, for Kant this only applies to the state. Conversely, Constant also demands everyone to lie to Evil Wills, but Kant leaves that choice up to the person himself, because no one can be forced to be a hero: "Being a hero is not something anyone can be legally or ethically required to do."⁶⁰

In contrast to the paternalistic state, Kant's constitutional state has an optimistic view of man, because despite the temptation of lawless freedom, there is always that glimmer of hope that man will get on the right path and that hope can only be cherished by keeping it possible — by allowing people to be free:

This homage that every state pays the concept of right (at least verbally) nevertheless proves that there is to be found in the human being a still greater, though at present dormant, moral predisposition to eventually become master of the evil principle within him (which he cannot deny) and also to hope for this from others [...].⁶¹

2.4. The perfect world in the legal context

The perfect world means no conflict. In the legal context, this would mean that there are no conflicts between freedom and right. But if everyone lives together peacefully, is there still a need for a state? According to voluntarists, such as Locke and Hobbes, the right of the state to exist is linked to the imperfect world, i.e. in a world where conflicts exist. Kant goes even further and denies the voluntariness of state formation. In fact, each one *must* demand this from the other to safeguard justice.⁶² But in a perfect world, is the state still necessary to secure justice?

According to Kant, it is an unconditional duty to leave the state of nature and form a republic.⁶³ This has to do with three considerations. First, there is the principle of prudence. It is not enough that people's rights are not violated: there must also be a guarantee that my rights will not be violated in the future.⁶⁴ Even in a perfect world, where there are no conflicts,

⁵⁹ Immanuel Kant, *GMS*, 88. "Morality is thus the relation of actions to the autonomy of the will, that is, to a possible giving of universal law through its maxims."

⁶⁰ Varden, "Kant and Lying to the Murderer at the Door," 417.

⁶¹ Kant, *EF*, 326-327.

⁶² Kant, *EF*, 325-326.

⁶³ Helga Varden, "Kant's Non-Voluntarist Conception of Political Obligations: Why Justice is Impossible in the State of Nature," *Kantian Review* 13, no. 2 (2008): 25.

<https://philarchive.org/archive/VARKNC>

⁶⁴ Varden, "Kant's Non-Voluntarist Conception of Political Obligations," 8.

there is never a guarantee that the situation will remain that way. As long as people are assumed to be autonomous, it must always be taken into account that one can change one's mind — that Evil will show its head again. As Hannah Arendt wrote: "Simply because of their capacity to think, human beings are suspects by definition, and this suspicion cannot be diverted by exemplary behavior, for the human capacity to think is also a capacity to change one's mind."⁶⁵ The unpredictability of man is the reason that there must be an overarching authority that protects everyone's right in perpetuity, even if it never has to intervene.

Second, conflict will always arise, even if everyone acts in good faith. This has to do with the fact that paradise on earth does not exist and we are dealing with food shortages, diseases and scarce space:

[By virtue of] the earth's surface on which, as a sphere, [we] cannot disperse infinitely but must finally put up with being near one another; but originally no one had more right than another to be on a place on the earth.⁶⁶

I call this Tragedy, which, like Evil, is part of the imperfect world. It highlights the fact that the material world forces us to make agreements with each other. Helga Varden herself gives the example of two neighbors who both have appropriated a piece of land without being aware of the other's existence.⁶⁷ But when they find out that the other has also appropriated the piece of land, agreements must be made about the boundaries. More examples can be made even as simple as the agreement that we drive on the right. These are agreements that apply to the entire population and are necessary to prevent (in the case of driving on the right: physical) conflicts between citizens.

Third, although Kant admits that *rights* are independent of the state, they are "provisional rights" until they are enforced by an overarching authority.⁶⁸ Even if the two neighbors agree on where the boundaries should be drawn, it is not really their property until it is legally established. Without that legal basis (without a contract), no one is obliged to recognize the other's ownership. Without recognition, the right is only provisional. A state is needed that pronounces the right and thus confirms the right.

According to Kant, although the state of nature does not necessarily have to be "a state of *injustice (iniustus)*"⁶⁹, it would still be "a state *devoid of justice (status iustitia vacuus)*" because, if a conflict were to occur, there would be no competent judge "to render a verdict having rightful force". The non-voluntarist necessity of state formation shows even more clearly that Right and Morality are two different things, because even in a moral world the state is necessary to protect right. Moreover, the next chapter will show that the perfect world and imperfect world *in a moral context* are really a different matter than *in a legal context*, which also requires different solutions to the imperfect world.

⁶⁵ Arendt Hannah. *Origins of Totalitarianism* (New York: Meridian Book, Inc., 1958), 430.

⁶⁶ Kant, *EF*, 329.

⁶⁷ Varden, "Kant's Non-Voluntarist Conception of Political Obligations," 16.

⁶⁸ Varden, "Kant's Non-Voluntarist Conception of Political Obligations," 13-14.

⁶⁹ Immanuel Kant, "The Metaphysics of Morals (1797)," (*MS*) in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 456.

3. Kantian ethics in the moral context

3.1. Utilitarians and Kant's rigidity

Kantian ethics in a legal context appears to be able to defend itself against the objection that it is too rigid. The legal context, especially in the liberal tradition to which Kant belongs, is precisely known for providing room for freedom. In the legal context, one is allowed to act immorally, but in a moral context one is probably not allowed to do so — because how else can the context be called 'moral'? Indeed, that is what the critics are mainly aiming at: Kant's rigidity in a moral context. Rigidity is most effectively exposed in thought experiments, especially since one can challenge a philosophy infinitely by adding variables to the thought experiment.

A well-known (and popular) thought experiment is the trolley problem. Kant's position would supposedly lead to contradictions, as in the Loop scenario.⁷⁰ In this scenario, the agent can switch tracks to the track where there is only one fat man (whose body can stop the train) instead of five men, but the two tracks are connected behind the people. Therefore, when the agent switches tracks, the agent *uses* the fat man as a *means* to save the lives of the five people. Kant does not allow using a person merely as a means, so this rigid philosopher would let the five people die. The Kantian Pauline Kleingeld has responded that this scenario is rather about the agent's reasoning.⁷¹ If the agent's reasoning is that he switches the track so that the fat man stops the train before the five others are run over, then the fat man is used as a means. However, if the agent's reasoning is that he changes the track because one person will die and not five, then there is no sign anywhere in his reasoning that the fat man is being *used*. And even if the agent acts according to the first reasoning, it is still not immoral, because although the intentions are wrong, the action is not.⁷² In such a situation the action is neither moral nor immoral.

Another thought experiment which has already been mentioned: the murderer on the doorstep. In the legal context, Kantian ethics has already been defended by Kant himself and Helga Varden. But that says nothing about the moral context. One may lie to the murderer in a legal context, but what about the moral context? Utilitarians know the answer: Kant is too rigid to overlook these kinds of exceptions. But if one delves deeper into Kant's literature, one finds examples that appear to contradict this perception.

For example, it is plausible that the categorical imperative prohibits murder, but Kant still sees room for defending the homeland with a military army.⁷³ For example, Kant writes: "But it is quite different with military exercises undertaken voluntarily and periodically by the citizens of a state in order to secure themselves and their own country against attacks from without."⁷⁴ In addition, Kant disapproves of suicide⁷⁵, but Kant nevertheless leaves room for

⁷⁰ Pauline Kleingeld, "A Kantian Solution to the Trolley Problem," *Oxford Studies in Normative Ethics* 10 (2020): 5. <https://doi.org/10.1093/oso/9780198867944.003.0010>

⁷¹ Kleingeld, "A Kantian Solution to the Trolley Problem," 14-18.

⁷² Kleingeld, "A Kantian Solution to the Trolley Problem," 19.

⁷³ Christine Korsgaard, "The Right to Lie: Kant on Dealing with Evil," *Philosophy and Public Affairs* 15, no. 4 (1986): 26. <http://nrs.harvard.edu/urn-3:HUL.InstRepos:3200670>

⁷⁴ Kant, *EF*, 318-319.

⁷⁵ Kant, *MS*, 546. "The *first*, though not the principal, duty of a human being to himself as an animal being is *to preserve himself* in his animal nature. The contrary of this is willful *physical death* or killing oneself (*autochiria*), which can be thought as either total, suicide (*suicidium*), or only partial, mutilating oneself."

self-sacrifice for the common good.⁷⁶ In fact, Kant even leaves room open for lying. Kant, in view of the fact that evil exists, mentions the idea of a *necessary lie*.⁷⁷

Kant therefore appears not to be so rigid, despite the accusations. But the fact that Kant leaves room open for (apparent) exceptions does not absolve Kantians from the obligation to further develop Kantian ethics in order to solve these cases in such a way that it becomes part of the system that characterizes Kantian thinking.

3.2. The Good Will and the Evil Will

In the second chapter we saw that the imperfect world in the legal context arises from a conflict between freedom and right. But in a moral context, concepts such as freedom and right are irrelevant. After all, it is not about external freedom (the I-can) but about internal freedom (the I-will). Indeed, a Will can be good even if it cannot exert any influence on the external world.⁷⁸ In a moral context, what matters is the *moral intent* of an action, not the actual action itself. As mentioned earlier, if an agent performs the right action but does not do so out of duty, then the action is neither moral nor immoral.

For, in the case of what is to be morally good it is not enough that it conform with the moral law but it must also be done for the sake of the law; without this, that conformity is only very contingent and precarious, since a ground that is not moral will indeed now and then produce actions in conformity with the law, but it will also often produce actions contrary to the law.⁷⁹

The moral content of an action lies in the Will of the agent. An action is moral because it is performed by a Will that wants to do the Good. That intention, that commitment to do the Good regardless of the consequences — that is the foundation of a moral world. “A good will is not good because of what it effects or accomplishes, because of its fitness to attain some proposed end, but only because of its volition, that is, it is good in itself [...]”.⁸⁰

A Good Will, or a Will that does the Good for the sake of the Good, can only exist if it is autonomous. For if the Will is dependent on (or determined by) external factors, for example *inclinations*, then the Will can no longer be called completely good: the Will does not do the Good for the sake of the Good, but for the sake of some empirical motive. If one is forced to do the right thing, then the action is still right (in a moral context, anyway; in the legal context, coercion is sometimes actually a violation), but by no means moral. An autonomous Will also means that that Will can choose Evil. If a Will has the choice between Good and Evil and it chooses the Good, then it has moral value. With coercion — where the choice for either Good or Evil is taken away — the choice and therefore the possibility of acting morally disappears.

⁷⁶ Kant, *KpV*, 266. “The action by which someone tries with extreme danger to his life to rescue people from a shipwreck, finally losing his own life in the attempt, will indeed be reckoned, on one side, as duty but on the other and even for the most part as a meritorious action [...]”.

⁷⁷ Immanuel Kant, “Moral Philosophy: Collins's Lecture Notes,” (*MPS*) in *Lectures on Ethics*, ed. Peter Heath and J. B. Schneewind (Cambridge: Cambridge University Press, 1997), 204.
<https://doi.org/10.1017/CBO9781107049512.004>

⁷⁸ Kant, *GMS*, 50. “Even if [...] worth in itself.”

⁷⁹ Kant, *GMS*, 45-46.

⁸⁰ Kant, *GMS*, 50.

Accordingly, it can be concluded that the Evil Will is *not* a Will that is ignorant, *nor* a Will that is inclined by empirical motives — the Evil Will is a Will that is autonomous, is given the choice to either pursue the Good or Evil, and decides to choose the latter. Doing Evil for Evil's Sake: it is the opposite of the Good Will. Eradicating the Evil Will will never be possible, because without autonomy, without the free choice to pursue Evil, the Good Will cannot exist either. At the same time, we have to find a way to deal with Evil, which will be discussed later in this chapter.

In *Religion within the Boundary of Pure Reason*, Kant writes about three degrees of the tendency towards Evil that can exist in man.⁸¹ Although the distinction between the Good Will and the Evil Will is central to the present work, in reality most people find themselves in the middle. Therefore, the tendency towards Evil will be briefly nuanced here for the sake of completeness.

With regard to the inclination, the empirical motivations and external factors (all of which amount to the same thing), it might perhaps be thought that a being dependent on these could be called an Evil Will. However, if a being is completely determined by inclination (like animals), then it can never be said that the being is an Evil Will, because the being would not be autonomous. Although man can be tempted by inclination, man has an autonomous Will that can ignore or reject the inclination. On the other hand, there are also people who act immorally, even though they know it is immoral and do not want to act that way, but they are not strong enough to resist the urge. Such a person has a Weak Will (if he at least tried to go against the urge) and is also easily forgiven by those close to him, although the wrong action is (and rightly so) never condoned.

The second degree is the most common among people. This concerns the “impurity” of the adopted maxims.⁸² In general, people act in accordance with the moral law, but this is done out of convenience and not out of duty. This implicates a Bad Will. Whereas the Weak Will does its utmost to do the Good, to resist the urge and repent when it fails, the Bad Will is completely unwilling to make any effort to ward off the urge. The Bad Will sometimes makes a half-hearted attempt to justify his behavior, but generally the Bad Will prefers not to think about the moral law at all.

The third and most extreme gradation concerns the pure Evil Will or: a Devilish Will. This is a Will that is actively working to undermine the moral law.⁸³ Whereas the Bad Will pays no attention to the moral law and is guided by the inclination which sometimes causes it to act in accordance with the moral law, the Devil Will has taken upon itself the task of acting in opposition to the moral law at all times. Since this takes just as much effort as the continuous pursuit of the Good, few people succeed in following this path consistently.

Both the Weak Will and the Bad Will are determined by the inclinations, but the Weak Will can still be classified as a Good Will because of its good intentions and the Bad Will, on the other hand, must be classified an Evil Will, because: “Appetites do no more than throw difficulties in the way of executing maxims that may happen to thwart them: whereas evil consists properly herein, viz. that mankind wills not to withstand those appetites when these last invite to transgression [...]”⁸⁴.

⁸¹ Immanuel Kant, *Religion within the boundary of pure reason (RGV)* (Edinburgh: Thomas Clark, 1838), 31.

⁸² Kant, *RGV*, 32.

⁸³ Kant, *RGV*, 39.

⁸⁴ Kant, *RGV*, 68.

Finally, I need to clarify a possible misunderstanding. The Good Will (and by extension the Evil Will) is not a personal trait; it is not something one possesses for a long period of time. The Good Will always relates to a specific, concrete situation where moral action must be taken. On top of that, a Good Will can turn into an Evil Will in a matter of seconds. For example, one can have Good Will when one wants to save five people on the train track, but at the same time this can immediately turn into an Evil Will if one wants to achieve this by pushing a fat man in front of the train (the so-called Footbridge scenario⁸⁵). Considering the autonomous character of man and the infinite number of moral situations in which man finds himself, has found himself and will find himself in his life: a person can never speak of himself as having a 'Good Will'.⁸⁶ Only in specific actions in specific situations can one (and in some cases: must one) judge the moral character of the people in question.

3.3. The perfect world in the moral context

In the previous chapter it is established that the perfect world in the legal context means that there is no conflict between freedom and right. We have also established that such a perfect world is not possible, because the right must always be protected, even if it does not currently appear to be in danger. In a moral context this is different. There is no question of freedom and right (external freedom), but of the Will (internal freedom). The perfect world in a moral context implies that there is pure Good Will. While the perfect world in a legal context is in principle not possible, the perfect world in a moral context can certainly exist. The goodness of a Will does not have to be guaranteed (by the state), because that would actually affect the goodness of that Will (because it is based on its autonomy).

Moreover, Good Wills can coexist without conflicting with each other. After all, a Good Will adheres to the moral law that arises from the categorical imperative. Its first formula is: *"I ought never to act except in such a way that I could also will that my maxim should become a universal law."*⁸⁷ The universalizability of the categorical imperative logically ensures that two Good Wills do not conflict with each other (at least not with regard to perfect duties). In short, there can be no conflict if everyone does what they would like everyone to do.

The second formula of the Categorical Imperative achieves the same thing. It reads: *"So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means."*⁸⁸ If a Good Will must always take the other person into account and never use him merely as a means, then there can be no conflict between the two Good Wills.

But while this situation is possible (and sometimes even occurs), in the real world it faces two problems. First of all, there are also Evil Wills in the world. An Evil Will clashes with a Good Will. How should such a conflict be resolved? In addition, it is as a matter of fact possible that two Good Wills come into conflict with each other, namely when both are pursuing imperfect duties in a world that is characterized by scarcity. Both cases are part of

⁸⁵ Kleingeld, "A Kantian Solution to the Trolley Problem," 3-4.

⁸⁶ Kant, *RVG*, 115.

⁸⁷ Kant, *GMS*, 57.

⁸⁸ Kant, *GMS*, 80.

an imperfect world. First the imperfect world as Evil will be explored, then the imperfect world as Tragedy.

3.4. The imperfect world as Evil

For Kantian ethics, the imperfect world as Evil is a difficult phenomenon.⁸⁹ Its existence, on the other hand, is quite easy to explain for Kantians: the autonomy of the Will means that the Will can choose Good or Evil. The imperfect world as Evil is therefore not the result of ignorance, but of an Evil Will, a rational being who does not adhere to the moral law. In view of the first formulation of the categorical imperative, this means that the Evil Will makes exceptions for itself. In view of the second formulation, this means that the ends of Good Will are *hindered* by the ends of Evil Will.

Evil does not arise from the ignorance of a being, since rational beings are always aware of the moral law.⁹⁰ Evil therefore arises because a Will deliberately chooses it. Why does a Will do that? Why can a Will want that? First, the Will assumes that other rational beings continue to act morally, in other words: the Evil Will assumes that its maxim does not become generally valid. If the Will believes that its maxim would actually become universally valid, then the Will would indeed do no harm. Secondly, the Will is tempted by the inclination: "For he certainly misuses his freedom in regard to others of his kind; and although as a rational creature he wishes a law that sets limits to the freedom of all, his selfish animal inclination still misleads him into excepting himself from it where he may."⁹¹

The problem for Kantian ethics in a moral context is that it is not clear how a Good Will should deal with an Evil Will. In a perfect world, Good Will can apply the categorical imperative in a categorical manner without worry and no conflicts arise. But in the imperfect world there are Evil Wills who take advantage of this categorical character. For example, the murderer who comes to the door to ask if the homeowner's friend is there. The categorical imperative commands that the homeowner tell the truth, but this is at the expense of the friend who must also be treated as an end in himself. The ends of the Evil Will hinder the ends of Good Will. But how should Good Will deal with this? The most logical solution is to make an exception, but that is not possible because it concerns a *categorical* imperative. Another solution is to formulate the maxim in such a way that the categorical imperative permits resistance against Evil, but with that strategy the categorical imperative can become an empty shell that would be able to justify anything, as long as the maxim is specified well enough. Another solution is to interpret the nature of the categorical imperative, duties, and moral law in a different way. The present work aims to set the framework within which this latter solution can come to fruition — albeit in a later work.

⁸⁹ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 1.

⁹⁰ Kant, *GMS*, 58.

⁹¹ Immanuel Kant, "Idea for a Universal History with a Cosmopolitan Aim (1784)," (*IAG*) in *Anthropology, History, and Education*, ed. Robert B. Loudon and Günter Zöllner (Cambridge: Cambridge University Press, 2007), 113.

3.5. The imperfect world as Tragedy

Although the perfect world is possible in a moral context, it is nevertheless more common for two Good Wills to be in conflict. This conflict does not arise because there is an Evil Will involved, but because the world is *amoral* and scarce. The imperfect world as Tragedy refers to the situation in which two Good Wills come into conflict with each other because the ends of the Good Wills cannot go together in the amoral world. This is called Tragic because the conflict arises not from immorality but from amorality. In other words, people do not suffer pain because of an Evil Will; the pain occurs for no reason. It is not the result of a Will of a rational being, but it is the result of the human condition living in the scarce and often hostile (but still not evil) world. In this Tragic world, people are punished for no good reason.

The Tragedy can express itself in three different ways. First, a conflict may arise between two imperfect duties. If someone is drowning in the water, one has the imperfect duties to save that person. But Tragedy occurs when the world throws us in the situation where there are two people drowning and gives us time to save *only* one of them. This is a Tragic case to which the Kantian has no answer, except that one has a duty to fulfill the imperfect duty as best one can. The question which of the two persons should be saved is left to the moral individual himself. This is also the case in the simplest scenario of the trolley problem, where Kantians tend to say that it is morally permissible, but not morally enforceable.

Second, a conflict may arise between a perfect duty to oneself and an imperfect duty to another. Kant gives the example of self-sacrifice for the common good.⁹² One has a perfect duty not to commit suicide⁹³; at the same time one has the imperfect duty to save humanity. If there really were a hierarchical distinction between perfect and imperfect duties, then self-sacrifice would not be morally permissible. But it in fact is, as Kant himself also confirms. This implies that although a (relevant) distinction can be made between perfect and imperfect duties, a hierarchical distinction cannot naturally be made between them. The choice to sacrifice oneself for the common good, in which the imperfect duty takes precedence over the perfect duty, is considered a “meritorious action” by Kant.⁹⁴ In other words, self-sacrifice is a heroic act, and a heroic act cannot be morally enforceable: no one has a duty to be a hero, that is, to go beyond what is morally obligatory.⁹⁵ So in this case too, the Kantian gives space for moral beings to make a personal choice.

Finally, a conflict may arise between the imperfect duty to oneself and the perfect duty to the other. Kant gives the example of shipwreck.⁹⁶ In this example, there is a castaway who has found a floating plank and there is another castaway who is going to drown unless he pushes the other castaway off his plank. According to Kant, it is not morally permissible to push the other castaway off his board, because although one has the imperfect duty to preserve one's life, one also has the perfect duty not to kill. Even though there is a clear answer here (one should not kill the castaway to save one's own life), there is still Tragedy, because there is a conflict between two Good Wills. The amoral world has forced a Good Will to drown.

⁹² Kant, *KpV*, 266.

⁹³ Kant, *GMS*, 80.

⁹⁴ Kant, *KpV*, 266.

⁹⁵ Varden, “Kant and Lying to the Murderer at the Door,” 417.

⁹⁶ Kant, *TP*, 299.

The three examples above show that the imperfect world as Tragedy can manifest itself as either a situation where there is no morally enforceable answer, a situation where there is still no morally enforceable answer but there can be a heroic act, or a situation where there *is* a morally enforceable answer but is still classified as Tragedy.

The idea of Tragedy is missing in utilitarianism.⁹⁷ Therefore, all three of the above scenarios are cases of *morally enforceable* choices for utilitarians. Kantians emphasize the reasonableness of every being and that morality arises from the autonomy of this being. That is why Kantians leave room for rational beings to pursue *their own ends*: these are called imperfect duties because they are morally enforceable *in abstracto*, but never *in concreto*. Thus, one has an imperfect duty to cultivate one's talents⁹⁸, but one cannot be morally compelled to cultivate a specific talent (at the expense of another talent one would rather want to cultivate) under the guise that it would bring more pleasure to humanity. In addition, the dictatorial character of utilitarianism is reflected in the issue of resistance heroes. While for the Kantian it is considered a "meritorious action"⁹⁹ but not morally enforceable, for the utilitarian it is entirely morally enforceable — though the utilitarian may just as well morally *forbid* an act of heroism if the calculus prescribes it.

This utilitarian moral absolutism leaves a bad aftertaste when it specifically comes to Tragedy. The imperfect world as Tragedy is unjustifiable for the Kantian: a conflict between Good Wills is always Tragic. Even if there is a just answer, the Tragic aspect must always be acknowledged.¹⁰⁰ Kantian ethics is characterized by a passionate pursuit of a moral world, which is hindered by immoral forces and an amoral environment, but nevertheless does not deviate from its own ideals. "Now for us to promote this (as far as happiness is concerned) as far as lies in our power to do so is commanded by the moral law, let the outcome of this effort be whatever it will."¹⁰¹

4. Conclusion

4.1. The frameworks of Kantian ethics

Through the above chapters, this thesis has attempted to create new frameworks within which Evil can be analyzed in Kantian ethics. This thesis also engages with critics of Kant who claim that his ethics are not practical. Kant's claim that to deny the theory would be "the death of all morality"¹⁰² is endorsed by this thesis. Moreover, criticism of Kant often focuses on the apparently impractical nature of his theory. However, this often rests on an unfair interpretation of this theory. That is why this thesis has been concerned with developing a new interpretation of the theory, which should show that Kantian ethics is not at all as rigid as critics claim.

⁹⁷ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 20.

⁹⁸ Kant, *GMS*, 74-75.

⁹⁹ Kant, *KpV*, 266.

¹⁰⁰ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 22.

¹⁰¹ Immanuel Kant, *Critique of the Power of Judgment (KU)* (Cambridge: Cambridge University Press, 2000), 317.

¹⁰² Kant, *TP*, 286-287.

First, this thesis has argued that a distinction should be made in Kantian ethics between the legal and moral context. The thesis shows that Kantian ethics in the legal context focuses on the conflict between freedom and right; in a moral context it relates to the conflict between the Wills.

Second, this thesis has illuminated Kantian ethics in the legal context by discussing the distinction between lawless freedom and rational freedom. It has shown that man always has the duty to enter into a constitution with his neighbor.

Third, this thesis has explored Kantian ethics in moral context by focusing on the Will and the conflict between the Wills. This thesis argues that the Will should play a more prominent role in the interpretation of Kantian ethics; in fact, that all morality flows from the Will. Indeed, the frameworks of a perfect world and an imperfect world outlined in this thesis arise from the freedom of the Will.

Fourth, this thesis has paid attention and given a role to Tragedy in Kantian ethics. Evil is created by the Will itself, but Tragedy is the product of existence itself. By making this distinction, Kantian ethics can judge more specifically about the moral content of an action by a rational being. The rigidity of utilitarians was made clear in this case, as was the recognition of the personal characteristic of Kantian ethics.

Finally, the distinction between perfect duties and imperfect duties that characterizes Kantian ethics is once again emphasized. This distinction plays an essential role in the actions of a rational being in the imperfect world as Tragedy.

However, these frameworks are preliminary for a Kantian response to the imperfect world. Although most Kantian answers to a number of moral issues are generally confirmed in this thesis (even though the answers were not necessarily based on these new frameworks) the answer to the controversial question of the imperfect world in Kantian literature has not yet been provided. The preliminary work is now done — the next section discusses the future research on the basis of this preliminary work.

4.2. Future research

The present work has reframed existing Kantian ethics. In this way, it functions as a preliminary work, in other words: the Kantian answer to the imperfect world can only be given after Kantian ethics is interpreted within these frameworks. What follows now are the questions that have not yet been answered and will have to be answered by the Kantian at a later stage, provided he adopts the framework of this thesis.

This thesis delves deeply into Benjamin Constant's indictment, but only in the legal context. The imperfect world in the legal context has been discussed in the case of the murderer at the doorstep, but not the imperfect world as Evil in a moral context. The moral context is, as this thesis has also shown, essentially different in Kantian ethics. The thesis concluded that lying (as well as telling the truth) in this case is permissible in the legal context. But what about the moral context? This question is all the more controversial because in a moral context one is dealing with the categorical imperative. Can the categorical imperative allow lying in certain cases? According to Korsgaard, the first formulation of the categorical imperative (universalizability) is better armed against Evil than the second formulation (autonomy).¹⁰³ The second formula should be considered an ideal, while the first determines how to behave in non-ideal situations. Whether Korsgaard is on

¹⁰³ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 23.

the right path here will have to be shown in a future thesis. Moreover, a future thesis will have to problematize the role of the categorical imperative in Kantian ethics.

A second ambiguity concerns the hierarchical distinction between perfect duties and imperfect duties. According to Korsgaard, imperfect duties are always subordinate to perfect duties.¹⁰⁴ Kant indeed sees a hierarchical distinction in his example of the shipwreck in which one is not allowed to kill someone (perfect duty) in order to save oneself (imperfect duty).¹⁰⁵ On the other hand, Kant leaves room for self-sacrifice (contrary to perfect duty) for the purpose of promoting the common good (imperfect duty).¹⁰⁶ A future thesis should develop a system that draws both moral conclusions and is at the same time theoretically coherent, not least with respect to the (hierarchical or otherwise) distinction between perfect and imperfect duties.

After the present preliminary work, the following two questions remain for future research:

- What is the nature of the categorical imperative in Kantian ethics and what role does it play in relation to the imperfect world?
- How can conflicting duties be balanced against each other according to a staunch Kantian moral principle?

My intention is to answer these two questions in a future thesis.

List of abbreviations

EF — Toward Perpetual Peace

GMS — Groundwork of the Metaphysics of Moral

IAG — Idea for a Universal History with a Cosmopolitan Aim

KpV — Critique of Practical Reason

KrV — Critique of Pure Reason

KU — Critique of the Power of Judgment

MPC — Moral Philosophy: Collins's Lecture Notes

MS — The Metaphysics of Morals

RGV — Religion within the boundary of pure reason

TP — On the Common Saying

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doi:10.1017/CBO9780511813306.010.

¹⁰⁴ Korsgaard, "The Right to Lie: Kant on Dealing with Evil," 16.

¹⁰⁵ Kant, *TP*, 299.

¹⁰⁶ Kant, *KpV*, 266.

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