

*Philosophic
Research
Analysis, and
Resolution*

Contemporary
PHILOSOPHY®

*Published by REALIA, Institute for Advanced Philosophic Research
"Philosophy in Service to Humanity"*

Vol. XXIII, No. 3 & 4, May/June & July/Aug 2001

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Using philosophy as a guide in helping to solve humanity's problems.

refuse help and are convinced, perhaps rightly so, that "they will not let us starve." There will remain a small core of people in any state that will require public assistance for a variety of reasons.

Another way through which the best of W-2 will survive is if it continues to target the needs of the working poor. Some people will require transportation for an extended period of time. There will be an ongoing need for childcare in order for many, if not most, members of our society to remain in the workplace.² Changing needs of the economy will make education and job-training a perennial requirement. If public assistance can remain targeted to specific needs, and if it can remain flexible, many of the individuals who are in a transition will be employed. If flexible modes of healthcare, daycare, educational and career counseling were available to the working poor, they are more likely to remain in the workplace. Welfare should thus evolve to public assistance for education, transportation, or whatever particular temporary or long-term need the working poor should require. The key will be to remain committed to work and responsibility as a centerpiece, but remaining flexible in achieving and maintaining these goals. The fact that Wisconsin's welfare reform is not a perfect fit for a small percentage of the public assistance dependant population does not detract from its success nor doom it to future failures. Assisting low-skills people and individuals with deep-seated psychological and family problems is tremendously difficult. Perhaps those who cannot work because of seemingly irreparable emotional damage should be treated as those with disabilities. To argue that the Wisconsin welfare reform is a failure because it has not succeeded with the ten percent of the former Welfare population is a strange argument. Its 90 percent success rate should clearly justify staying the course and be a rallying point around which further creative thinking and constructive support for the working poor and the difficult to serve can emerge. The solution may be to stay the course and provide an incredible array of support systems for childcare, education, counseling, transportation, mentoring, community commitment and accountability strategies. Creative assistance, e.g., may mean something different for those who are psychologically or emotionally impaired. It also might require an intensive investment on society's part for families that need extensive counseling or are in dire need of multiple forms of psychiatric assistance. Providing health-care and day-care for the working poor, as Wisconsin does, has made a profound difference.

The logic of Tommy Thompson's reform was and is not to give up on welfare recipients and say, "Here is the money, don't bother us and we won't bother you." It is a process of mutual responsibility. It will be difficult to stay the course and find creative and constructive solutions for those who are most difficult to serve, that is, those for whom the transition to the workplace is riddled with problems and barriers.³ The key will be that society and communities, through their commitment, their public policy support, and through their public administrations and their staff, organize themselves such that the seemingly incorrigible cannot evade responsibility and the truly needy receive long-term support that they genuinely need. Persistence, tenacity, creativity, and coherent objectives and values have taken Wisconsin welfare reform a very long way. The question is whether societies, communities, legislators and the recipients of the system will stay the course. I do not think that any of these interdependent constituencies want to turn back. Too much has been learned and gained for everyone except for those few who just do not want to work and either do not want to or cannot assume any responsibility for their lives.

A review of the most recent policies and procedures indicates that Wisconsin's efforts to sustain the process from welfare to work are continuing in its mode of creative adaptation. Instead of viewing welfare reform as finished and complete those central to the evaluating and implementing of this process continue to look for ways to constructively meet changing needs. One of the many on-going initiatives is to help the working poor remain gainfully employed. This includes further training for upgrading skills. It can also mean on-going counseling. Again, flexibility is the key.

In a July 2001 policy evaluation by Rebecca Swartz, of the Hudson Institute's Welfare Policy Center, said, "Welfare reform is not a single event or a piece of legislation; it is better thought of as an unfolding revolution with important challenges remaining. Nowhere is that more true than in Wisconsin," (Corbett and Weber, 5).⁴ The legacy of Wisconsin's welfare reform is its creativity and adaptability. By staying with its values and goals it continues to succeed. This is contingent on the ongoing marshalling of responsibility on the part of communities and individuals.

ENDNOTES

- ¹ Elwood, David T, *Poor Support: Poverty in the American Family* (United States of America: Basicbooks, 1988).
- ² Corbett, Thomas and Weber, Rachel, *Toward Work Stability and Career Advancement- The Next Stage of Reform* (University of Wisconsin-Madison: Institute for Research on Poverty, March 2001).
- ³ Mikelson, Kelly S, *Wisconsin Works: Meeting The Needs Of Harder To Serve Participants* (Washington D.C.: The Urban Institute, March 2001).
- ⁴ Corbett and Weber: 5.

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RADICAL EVIL: BETWEEN THE TRIVIAL AND THE DIABOLIC¹

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Kant's doctrine of radical evil can be synthesized in two main theses.² (1) Evil corrupts the basis of all maxims (i.e., evil is *rooted* in the person's character and is thus called "radical"). (2) This corruption is not a matter of the individual, but of the species as a whole (i.e., it holds universally, even in the best of men, for evil is a *propensity* woven into the fabric of human nature). Each thesis implies a different unit of moral analysis: the individual person and the whole race. In this paper, I will not deal with Kant's analysis of man's original predispositions (*Anlage*) to the good and propensities (*Hange*) to evil, which is meant to substantiate the second thesis. Rather, my intention is to determine what assumption is necessary to make the first thesis' talk of radicalism consistent, and what implications this assumption has for Kant's conception of evil.

Although in *Religion I* Kant presents the claim that "man is evil by nature" as a synthetic a priori judgment, he neither gives a "formal proof", i.e., a proper Deduction of this claim, nor does he think that such a proof is necessary. Instead, he provides a set of empirical examples and a problematic system of inferences. None of the examples can support his claim. The fact that history abounds in testimonies of man's wickedness cannot provide *a priori* evidence, nor establish a noumenal state of affairs. For these examples are empirical, i.e., contingent and a posteriori. The system of inferences, however, does not seem to do better. As we will see, it is threatened by internal difficulties whose solution rests on an assumption that is not fleshed out in the text and, yet, has important implications for Kant's conception of evil.

– The System of Inferences

Kant argues that, in order to call a man “evil,” it must be possible to make *a priori*, i.e., with necessity and universality, a twofold inference. (1) From discrete acts done with consciousness of their evil, an underlying evil maxim must be inferred; and (2) from this maxim, an underlying common ground, itself a maxim, of all particular morally-evil maxims (Rel., p.16, 666). That is to say, the predicate “evil” is the result of a double deduction. (a) From the manifold of actions, one must be able to deduce an evil maxim whose form determines the actions’ evilness; and (b) from the manifold of evil maxims, one must deduce their ultimate ground, namely, a second-order maxim whose fundamental form determines the evilness of discrete first-order maxims. I call “first-order maxims” those subjective principles containing a determination of the will that is connected with observable action; a maxim of “second-order” is one which determines the form of willing under which first-order maxims are subsumed. This is a principle of maxim-selection that determines how an agent chooses her principles of action (i.e., the maxims of the first-order). According to Kant, there are only two principles of maxim-selection, autonomy and heteronomy, the adoption of which decides whether the agent’s disposition (*Gesinnung*) is good or evil.³

Two main features characterize Kant’s path of inference. On the one hand, it moves from observable actions to their immediate maxims. From this level, which could still be within the limits of experience, the inference moves a step further to the domain of transcendental freedom, from which the second-order maxim arises and lies beyond possible experience. On the other hand, this path is one of an increasing capacity of unification. The form of the second-order maxim comprises the manifold of discrete first-order maxims, whose form, in turn, indicates the evilness of the discrete and manifold actions.

– The Problem of Discernment

Kant’s strict dualism between the order of nature and the order of freedom poses three main difficulties to the cogency of his argument:

(I) If man acts in *conscious opposition* to the law, the evil quality of his action is experienced in inner sense (as guilt, remorse, feeling of impunity, etc.) and therefore has a temporal dimension. Such an experience, however, cannot disclose the fundamental characteristic of moral evil, which consists in the transcendental (non-temporal) opposition to the law as the will’s (*Willkür*) incentive. According to Kant’s critical doctrine, there is no possible transition from the domain of nature and temporal determination to the transcendental domain of freedom. Moreover, since the relation of the will to the law must be determined *a priori*, i.e., independently of any experience, the action done in conscious opposition to the law cannot provide a criterion for evil, since it is itself an experience.

(II) If man acts according to the letter of the law, the rightness of his action cannot justify any conclusion about the moral disposition of the agent who performs it. For, the action could still be done out of inclination and its legality be just a veneer of the agent’s ultimate immorality.

(III) If the action is legally wrong, this does not automatically make it immoral. For such an action could be the result of an error in the actor’s judgment, i.e., a mistake in the schematism of what is asserted universally in the law (*in abstracto*). This mistake reflects an agent’s cognitive shortcomings, but does not impair the moral disposition.

The first difficulty questions the possibility of an inference from first-order evil-maxims in actions to a second order-maxim operating as their ground. The moral disposition, which is the result of a single act of spontaneity, cannot be deduced from the temporal correlate of maxims in inner sense. The consciousness of having performed actions contrary to the law is itself a temporal experience and can be explained by the laws that govern causality in nature. That is, since maxims are adopted by an agent’s act of freedom, they are not observable (not even one’s own), and since we *know* of evil maxims only through our consciousness, this temporal phenomenon is incapable of establishing the necessity of a noumenal (non-temporal) state of affairs.

The second and third difficulties, on the other hand, question the possibility of gaining insight into the moral quality of first-order maxims. Neither right nor wrong actions can provide sufficient evidence of an agent’s particular intention or motivational structure. From the spectator’s point of view a “man of good morals” and a “morally good man” are indistinguishable, for the conduct of both strictly abides by the letter

of the law (Rel. p. 678, 25-6). Yet, at the level of their motivational structure, these men live in completely different moral worlds: “the conduct of the one has not always, perhaps never, the law as its sole and supreme incentive while the conduct of the other has it always.” (Ibid.)

The reverse happens if the agent’s conduct is overtly wrong. The fact that the agent does not abide by the letter of the law is a necessary but not a sufficient condition to impute an evil maxim to her. The transgression can also be explained by a mistake in her judgment—a mistake that may not nullify the agent’s intention of acting out of duty. Though the action is wrong, the motivational structure could still be said to be moral.

These difficulties seem to lead Kant’s argument to a dead end. For, if the moral quality of first-order maxims cannot be determined without hesitation by simply evaluating observable actions, and if we *know* of their evilness only through actions done with consciousness of being wrong, all we have is a temporal phenomenon incapable of sustaining any inference about the agent’s disposition. Kant’s judgment “man is evil by nature” is as unjustifiable as one asserting man’s natural goodness. Neither the path from observable actions to *invisible* maxims, nor the one from maxims experienced in conscience as evil to the single moral disposition, seem to provide an *a priori* criterion to substantiate Kant’s indictment.

– The Fact of Reason

Let me rephrase the problem and try to find a way out. The predicament rests on the assumption that we must necessarily *know* the moral quality of an agent’s maxims, for otherwise we cannot make a judgment about her morality. Since we *know* this quality neither from observable actions nor from the consciousness of their being evil, inferences built upon such an impossible piece of knowledge are necessarily doubtful.

I believe that this conclusion misconstrues the core of Kant’s morality by interpreting the required knowledge of maxims according to the *grammar* of speculative reason, rather than applying the *grammar* of practical reason. By “grammar” I mean here the rules under which certain kinds of objects get to be known. A brief excursion into the *Critique of Practical Reason* will make this point clearer.

The moral law is not something we know as we do objects of experience. The consciousness of the law is a *fact of reason*. It cannot be ferreted out from any antecedent data, nor constructed with the cooperation of the understanding and forms of intuitions (as the grammar of speculative reason requires for objects of experience). Rather, it is something with which we are immediately acquainted as an inherent feature of our practical rationality (KpV pp.31-2). Man neither deduces nor constructs the law; man encounters it in his reason. The *Second Critique* shows how such a law, if it is incorporated into the maxims, can directly determine the agent’s will, as well as the form maxims must have in order to make such incorporation possible. Since we are immediately conscious of the law, we can determine *a priori* what conditions maxims must fulfill in order to be objective determining principles of the will, even if maxims as such are not observable. We do not need to proceed from actions to maxims in order to *know* whether maxims are moral or not, for we encounter the law as a fact of reason and can thereby determine what form maxims *ought to* have if reason is to be practical.⁴

The doctrine of the “fact of reason” helps us circumvent the above difficulties. For, we can *know a priori* what form maxims must have by taking the law as inherently given in reason. The morality or immorality of first order maxims (their good or evil) can be determined *a priori without* us meddling in their empirical manifestation in actions or in inner sense. It consists in the formal relation that maxims establish with the moral law as a given incentive. We *know* what good or evil maxims are after and by means of the moral law, not prior to it (KpV, p. 65). Even if motives as such are inscrutable, actions done with *consciousness* of being evil provide sufficient evidence of the agent’s neglect of the moral incentive. We *know* that the maxim of action is evil, for the assumption is that the agent (intentionally) places a non-moral motive as determining ground of her will. Such an evidence of immorality is all that Kant’s argument needs at the first level of inference.

– The Price of Consistency

My claim is that assuming the moral law as the condition of the possibility of the system of inferences has an undesired collateral effect, namely, the trivialization of the notion of evil.

Kant defines evil as a formal inversion, i.e., as the reversal of the order of priorities in *Willkür*’s form of willing. Instead of the incentives of morality having the upper hand, man chooses to put the

incentives of sensibility (i.e., self-love) in the first place. Since man is both a noumenal and phenomenal being, neither incentive is extricable; what matters is to give them the appropriate order. "Evil" designates the choice of an agent who, despite being conscious of the moral law, adopts the principle of self-love as the highest determining ground of her will. By calling it "radical," Kant does not mean a particular (extreme) kind of evil, but rather the *locus* of such inversion, i.e., the fact that evil lies in the choice of the second-order maxim or disposition.⁵

I believe that this conception makes the notion of evil trivial. For, it simply says that an agent will not always as she *ought* to. Furthermore, it is incapable of making basic moral distinctions among evildoers. To put it bluntly, the will of a finite rationality is necessarily subject to imperatives. Imperatives propose an action as good to an agent who "does not always do something just because it is represented to it that it would be good to do that thing." (Gr. 413)⁶ Kant believes that if the moral law does not determine the agent's will, then, the contrary incentive must have been chosen as the determining ground (Rel., 20, 671). This incentive is no other than self-love, which determines the good according to the influence that objects of desire exert upon the agent's subjective feeling of pleasure and displeasure. For Kant, even the most outrageous immorality is only an expression of the agent's misconception of the moral good. Instead of a universally acceptable good of morality, the agent chooses her intrinsically private conception of the good. Thus, all kinds of wrongdoing are expressions of self-love: the unprovoked cruelty of the criminal, the shrewd prudence of the *Groundwork's* merchant and the sensuously based benevolence of the sympathetic individual. All these agents took self-love as determining grounds of their will. If evil is no more than the choice of self-love as principle of maxim selection, outrageous immorality and merely legal conduct seem to be unhappily wedded in Kantian moral evaluation.⁷

-Evil Reconsidered

There is a way to avoid the problem of triviality and lack of moral discrimination. If the predicament of Kant's original position is that it is parasitic (i.e., derivative of the doctrine of the good and the moral law as a *fact* of reason), then, in order to revitalize the notion we must start questioning its subordinate status. This is exactly what the notion of diabolic evil is supposed to do. It designates a practical reason exempt from the influence of the moral law, a "perverted" reason that takes the opposition to the law as incentive for action (Rel.30, 683). This incentive should not be confounded with self-love. For, (1) the sensuous incentive is not necessarily opposed to the moral law, and (2) the incentive of doing evil for evil's sake is not concerned with the pursuit of happiness. That is, the moral law would not become determining ground of a devilish being even if the incentives of sensibility disappeared; she would pursue evil at all costs, without heeding to the prudential considerations associated with happiness.

Kant rejects the possibility that man could be a devilish being for two main reasons. A "perverted" practical rationality would be a *contradictio in adjecto*. Rational is that which presents the features of universality and necessity, and it could become malignant only by forfeiting its own standards and annihilating itself. It is important to keep in mind here Kant's distinction between *Wille* and *Willkür*, the two different aspects of a unified faculty of volition. Whereas *Willkür* is the faculty of free spontaneous choice, *Wille* designates the will's pure rational aspect. *Wille* does not act at all, but offers to *Willkür* the incentive of willing in accordance with the moral law (MS 226). If this incentive is actually chosen, the volition is identical with practical reason itself (MS 213). It is manifest, then, that a perverted *Wille* would make morality impossible. For it would offer as a law something incapable of becoming universal and necessary. This leads to the second reason. If diabolic evil were a constitutive feature of our practical rationality, man would be constrained to act in conscious opposition to the moral law. Then, the choice between good and evil would disappear and be replaced by a mere compulsion to immorality, which could not be meaningfully imputed to the agent.

Kant's reasons to reject devilishness can be overcome if we interpret the possibility of a malignant *Wille* not as a constitutive feature of human practical reason, but as the source of (psychological) interest that certain individuals may take to be motivating.⁸

Is this suggestion utterly un-Kantian?

Commentators divide at this juncture. Someone like J. Silber believes that the incorporation of evil as incentive is incompatible with Kant's rationalistic view of morality.⁹ For him, Kant yokes reason and

freedom in a way that bans the possibility of self-consciously opposing the moral law. On the other hand, someone like R. Bernstein argues that "there is no free choice (*Willkür*) unless there is the free choice to be morally perverse." (Ibid. p. 53)

I am inclined to follow this latter position, for a consistent theory of freedom is one in which the possibility of moral self-determination does not exclude the possibility for immoral self-determination. Since this latter is trivialized by reducing evil to the principle of self-love, the consistency of Kant's view seems to demand a more complex moral psychology, in which devilishness designates the interest certain agents have in doing evil for the sake of evil.

ENDNOTES

¹ The following paper contains an excerpt from an article by Pablo Muchnik to be published in *The Academic Forum*, Fall 2001 Issue, entitled "On the Possibility of the Language of Radical Evil." *The Academic Forum* is a publication of the Office of Academic Affairs of the New Jersey City University. Realia gratefully acknowledges the generosity of *The Academic Forum* in allowing *Contemporary Philosophy* to publish the excerpt.

² I am using the English translation by T. Green and H. Hudson of Kant's *Religion within the limits of reason alone*, Harper Torchbooks, 1960, and Surhkamp's German Edition, vol. VIII of Kant's *Werkausgabe*, Frankfurt, 1968. From the *Critique of Practical Reason*, I quote "KpV" followed by the page number in the English Translation by L.W. Beck, Macmillan Publishing Company, 1993. From the *Metaphysics of Morals*, I quote "MS" and use M. Gregor's translation, Cambridge University Press, 1993.

³ As I read Kant, the "goodness" of autonomy resides in the fact that it guides moral deliberation according to universalizable principles that, being based on the structure of rationality, are shared by all agents and allow them to constitute a common world of moral experience. Kant calls this world a "kingdom of ends." On the other hand, the "evilness" of heteronomy resides in the fact that it appeals to the agent's feeling of pleasure and displeasure as the ultimate reason for selecting maxims. Since this feeling is intrinsically subjective and private, no common world of moral experience can be based on such a principle. Rather, it generates a Hobbesian-like situation in which the conception of the good must be decided on the basis of might, instead of on reason. I call this world "a jungle of means." Such a mode of deliberation is "evil": It gives rise to evil maxims of action and observable wrongdoing.

⁴ In the *Religion* Kant makes a similar point, but in the context of his broader notion of agency (i.e., humanity as a whole). Man's *predisposition to personality*, i.e., "the susceptibility (*Empfänglichkeit*) for respect for the moral law as in itself a sufficient incentive of the will" (Rel. p. 675, 22-3), is given us from within. Otherwise, "we should never by any ratiocination subtilize it into existence or win over our will to it." (Rel. note p. 673, 21) If the consciousness of the law were not something given, there would be no possible argument to justify its existence. For, from the fact that "a being has reason it by no means follows that this reason, by the mere representing of the fitness of its maxims to be laid down as universal laws, is thereby rendered capable of determining the will unconditionally, so as to be practical of itself." (Ibid.) The capacity to be motivated by duty is incommensurable with the use of instrumental reason and cannot be derived from it. Thus, it requires the assumption of an original predisposition to account for its presence. This assumption is an extension of the doctrine of the fact of reason, which Kant originally designed to work at the level of individual morality, to the broader domain of the morality of the whole race. The predisposition to personality, therefore, cannot be appealed to within the system of inferences. For this system is meant to prove the immorality of the individual's *Gesinnung*—a proof that is independent from the evaluation of the moral character of the whole race and rests on a different notion of agency. The proper use of the concept of "predisposition" is in relation to the "propensities to evil." These concepts refer to the moral make up of humanity (understood as the species of finite rational beings), and have different explanatory status than the concepts referring to the moral make up of the individual.

⁵ H. Allison makes a similar point. Cf. *Kant's Theory of Freedom*, (Cambridge University Press, 1993), chap. VIII, p. 147.

⁶ Cf. *Groundwork of the Metaphysics of Morals*, edited by M. Gregor, (Cambridge University Press, 1997).

⁷ Richard Bernstein makes this point in "Radical Evil: Kant at War with Himself" (still unpublished), pp. 46 ff.

⁸ Cf. Bernstein, Ibid.

⁹ Cf. J. Silber, "Kant at Auschwitz", *Proceedings of the Sixth International Kant Congress*, eds. G. Funke and T. Seebohm, (Center of Advanced Research in Phenomenology & University Press of America, 1991), p. 180ff.

THE ACADEMIC FORUM

▪ THE ACADEMIC AFFAIRS PUBLICATION ▪ NEW JERSEY CITY UNIVERSITY ▪ VOLUME TEN, NUMBER ONE ▪ 2001 ▪

IN MEMORIAM

This issue of The Academic Forum is dedicated to the members of the New Jersey City University community, family members, and friends who perished in the attacks on the World Trade Center on September 11, 2001.

May their lives serve as an inspiration for us in the restoration of peace and vitality to our city, country, and community.

