

THE HYPOTHETICAL IMPERATIVE AS AN INDICATOR OF IRRATIONAL WILL: THE CASE OF THE 2018 TORONTO VAN ATTACK

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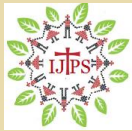
ABSTRACT

The categorical imperative inherent in Kant's ethics has had indubitable historical influence on societies worldwide whether in the form of laws, democracy or public deliberation. The Toronto Van Attack of 2018 and its subsequent legal trial is a case example that shows how the categorical imperative can be applied to assist in understanding the reasoning for the case's guilty verdict. This paper will convey the applicability of the categorical imperative for examining criminal case studies by closing the gap between ethical theory and practice. Such closure will be shown to assist in understanding why a perpetrator of a crime can be found guilty of following a hypothetical imperative to base their actions. The rationale for the verdict in this case will be shown to be based on the perpetrator's responsibility in the form of maintaining autonomy despite having an autism diagnosis. The perpetrator will be shown to have acted on an irrational will and yet was treated in the legal sense as a rational individual. Such rationality was maintained despite complications with their autonomy in the form of relativism and ethical solipsism.

Keywords: autism; autonomy; categorical imperative; criminology; ethical solipsism; hypothetical imperative.

INTRODUCTION

Applied ethics can be considered to have derived from applied philosophy and the need to have more relevant subject areas in practical education (DeMarco & Fox 1986, 11). This provokes thought on the practical implications of implementing philosophical theories of ethics for decision making. Practical ethics, which can have synonymity with practical philosophy, could be argued to equate with applied ethics while Kant can be viewed to take the former equating with pragmatic anthropology (McDermott 1986, 114). It is not that simple, however, to isolate applied ethics as a discipline due to rationalism, empiricism and pragmatism having their own respective interpretations and applications of the subject (DeMarco & Fox 1986, 223). Such conceptual semantics gives us insight into terminology that provokes thought not only on applied ethics, but also Kant's relation to it through his ideas on deontological duty in the form of the categorical imperative. What this paper will reveal is that ethical theory based on universal principles such as the categorical imperative can have a dialectic with both practical philosophy and applied ethics, leading to accurate and insightful applications of ethical theory. Ethical theory based on the categorical imperative will be shown apt to guide our analysis of the decisions made within the case of the Toronto



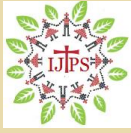
Van Attack of 2018 (henceforth: TVA18). The categorical imperative will show that the convicted murderer was indeed guilty of the attack despite their legal defense claiming lack of autonomy due to an autistic spectrum disorder diagnosis (henceforth: ASD). We formulate this guilt as due to following a hypothetical imperative that directed their action for the attack. This will be shown firstly by viewing how the categorical imperative can close the gap between ethical theory and practice which is characterized as a closure of the noumenal and phenomenal. Such closure will subsequently allow for an understanding of why it can be considered that the TVA18 attacker was guilty of following a hypothetical imperative. Their autonomy will be shown to have been active throughout the planning and eventual crime in consequence of constructing their intentions based on cultural relativism and ethical solipsism. The paper will then explore how the categorical imperative copes with irrational individuals who can be described as genuinely lacking autonomy.

1. BACKGROUND

On March 3rd, 2021, XY (*acronym anonym*), Superior Court Justice for TVA18, considered the driver of the attack, XW (*acronym anonym*), guilty of all accused 26 counts against them: 10 counts first-degree murder and 16 counts attempted murder for driving a van into a pedestrian area in the city of Toronto and coming into fatal contact with bystanders; rejecting the trial defense argument that XW's ASD led them to lack criminal responsibility for their actions (Boyko 2023). Although such a diagnosis of ASD can mean XW is susceptible to being uncomfortable in social settings and more vulnerable to the influence of anti-social movements, the legal verdict of TVA18 shows that despite the challenges of ASD, XW was not more susceptible to act out with violence or commit criminal acts (Boyko 2023). We will now see how the categorical imperative can provide a lens to examine this interpretation, but we will first need to provide details on its theoretical background.

Immanuel Kant (1724-1804) can be understood to have synthesized early rationalism and empiricism. Human knowledge and understanding during his time of the Enlightenment became known as a source for the laws of nature that structure experience, in turn leading human reason to provide moral law as the basis for beliefs in freedom while scientific knowledge, religious belief and morality became compatible by relying on equal foundations for human autonomy (Rohlf 2020). Kant recognized that a separation between facts and values thus between epistemology and ethics was a necessary partition (Docherty 1994, 403). Within the realm of ethics, a division between metaethics and normative (substantive) ethics was emphasized, with each respective side containing different schools of thought. This paper will concentrate on the latter through the ethical philosophy of Kant, who argued that moral rules are established by being based on universal application and respect for others, juxtaposed to the anti-universalism of relativism (DeMarco & Fox 1986, 2).

Kantian constructivism considers that individuals construct the laws to which they abide. Such construction is an important notion to assist in understanding the TVA18 attacker's rationale as being based on a hypothetical imperative. This constructivism is not limited to the noumenal theoretical world through mere emphasis on the public nature of deliberation and rationalization by individuals in a community. Rather, rational individuals have a normative duty to treat other human beings justly as ends in themselves and construct reasons to act in accordance with this reason (Morelli 2022, 114-115). The categorical imperative states that one should act in a way for oneself or for others in which humanity is treated as an end in itself, never as a means (Kant 1993, Preface vii). Kant wanted therefore to seek out the supreme principle of morality which is categorical and imperative: to always



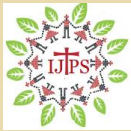
act in such a way that you also will that the maxim of your action should become a universal law (Kant 1993, 14).

Theoretically, the categorical imperative is relevant for the TVA18 in its questioning of the notion of respect for others. Other individuals are to be treated as ends, and this is categorically determined as being correct action through our reflection on its plausibility despite our freedom to potentially ignore this fact, our fallible human nature and our potential *akrasia* (weakness of will) (Morelli 2022, 119). TVA18 provokes questions on autonomy in terms of whether XW was unable to reflect on their reason or chose not to do so. The attack did not necessarily challenge their will in terms of restraining themselves from acting out against external threats, as they did not appear to be provoked nor were they acting out of self-defense.

Since our motives can be considered clandestine from the other individuals we encounter in the empirical phenomenal world, they are only revealed to our noumenal transcendental and intelligible self through self-examination and reflection. These latter processes are essential for the autonomy required to follow the categorical imperative and are to be conceived for and by oneself. Such reflection involves self-examination and pondering on motives; a personal intimacy that is required for our existence as moral agents and a possibility that is solipsistic and therefore opaque for the view from others to know or experience (Pihlström 2011, 119). Due to the philosophical impossibility of a phenomenological consciousness that could allow full understanding of another's mind, grasping and knowing another person's motives to act is limited. Despite this limitation however, comprehension is possible through the categorical imperative's capacity to bridge the noumenal and phenomenal. Such bridging can be considered between theory and practice, as it involves an understanding of someone's theoretical ideas that are put into action and considers whether they align with the categories of one's moral community or the hypotheses of one's own belief system.

The hypothetical imperative can be articulated in the example from Hill (1983) as follows: "If a person wills an end and certain means are necessary to achieve that end and are within his [their] power, then he [they] ought to will those means (Hill, 429)." We claim that XW based their actions on such a hypothetical imperative, as it can be argued that their rationale to attack can be framed as: "If I will to be glorified, and if by killing others will achieve this glorification, and I have the capacity to buy a vehicle with the potential to drive it at bystanders to kill them, then I ought to conduct the plans and actions to do this." It can be seen that this hypothetical imperative could have been potentially formulated from external influence, but what is more important is whether XW had the autonomous freedom to choose to construct this imperative or not and potentially ignore the categorical imperative.

Due to TVA18 being considered socially mediated, it is technically considered a 'disaster' due to the behaviour involved being of a criminal nature that resulted in mass murder through a rapid sequence of death for 10 individuals (Rozdilsky & Snowden 2021, 12). The media appeared to be attracted to the mindset of XW who became associated with the Involuntary Celibate 'Incels' culture which was a term coined in 1993 (Boyko 2023). Such a linkage led to notions that although they performed their attack alone, they were involved in a like-minded community that had a strong online presence holding views that aligned with misogyny and the advocacy of violence (Baele, Brace, & Coan 2019). During XW's trial, the prosecution's psychologist for the case reported in 2019 that the suspect claimed that if they had murdered 100 people they would have been granted a top place in the rankings for mass murders; however, although the manner the mass murder occurred did not



fall under the category of a spree killing nor a string of serial murders per se, it shares attributes with such classifications due to multiple deaths (Rozdilsky & Esnowden 2021, 12).

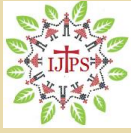
ASD could have been an acceptable defense for XW as such a condition can cause maladaptive cognitive, emotional and behavioural patterns that lead to interpersonal issues and outward expressions of social domineering that serve as reactions to threats to one's ego; hence when coupled with ruminations that trigger emotional 'flooding', there can exist more threats of retribution in the form of violence (Rozdilsky & Esnowden 2021, 12). During questioning from police, XW did not deny guilt for TVA18, however, they informed that they had aimed to kill as many individuals as possible, renting the attack van 21 days prior and choosing the vehicle's dimensions in terms of model and mobility to determine if it were able to provide maximum damage (Boyko 2023). These intentions show that XW was planning TVA18 and constructed elaborate plans to treat others as means to a disastrous end. Individuals with ASD, though potentially lacking in their capacity to empathize with others, does not equate with them lacking empathy altogether as they still retain affective and cognitive empathy to different degrees depending on the person; therefore, it can be surmised they are a part of the phenomenal moral community within which they live (Jaarsma, Gelhaus & Welin 2012, 274). It should be noted that although those with ASD can experience empathy, they can have difficulty using it to make judgements and decisions for actions that can align with the categorical imperative (Dineen 2019, 7). This could be considered useful for the defense of XW, but Supreme Court Justice XY did not consider this enough for innocence as the accused still had a choice to ignore or not ignore the rationality of the categorical imperative in the form of not treating others as means to ends. Such treatment was evident in the purpose of the attack involving the glorification of themselves and receiving potential praise from others within the Incel culture for the attack.

Now that we have a greater context of TVA18, a background on the categorical imperative's capacity to assist in examining the actions of XW and how the legal procedures were conducted, we can now explore the categorical imperative's overcoming of the impasse between theory and practice in the form of human autonomy. By highlighting our interpretation of XW being guilty of following a hypothetical imperative, we will see that their autonomy was not jeopardized, showing how the theory of the categorical imperative aligned with the TVA18 guilty verdict. We will start by viewing not only how the categorical imperative avoids relativism itself, but why XW can be considered guilty of abiding by the relative values of Incel culture in a relative and ethically solipsistic manner.

2. CONSTRUCTIVE AUTONOMY

Philosophy is important for ethics, as philosophers aim to demonstrate and clarify the truth of their positions through methodology, socio-historical context and cultural views (DeMarco & Fox 1986, 5). The TVA18 as a case study contributes to such demonstration by viewing Kant's categorical imperative as serving a normative force against contextualism and relativism, in turn assisting in the gap closure between theory (noumenal) and practice (phenomenal) (Winkler 1993, 362). This closure is important for understanding how the categorical imperative can be considered applied in the verdict for TVA18, as XW could not declare lack of responsibility from external influence on their autonomy via the Incel culture nor the influence from the impact of their ASD condition.

To understand Kant's work on ethics it is important to know how duty ethics can counter skepticism as an extreme form of contextualism and relativism. The latter claims that there can be no truth and thus no categorical imperative, since there are no foundational



theories to build upon. The categorical imperative therefore can be criticized as attempting to ‘cover over’ every type of ethical issue with generalizability (Bayles 1986, 260). Such covering can be considered in virtue of involving regulative ideas (Kettner 1993, 30) as the categorical imperative’s abstract and remote character can be seen as a problem for application. Flawless theoretical unity may be quite impossible, giving way to an unstable relationship between theory and applied ethical practice (Winkler 1993, 3). Conversely, stability can be maintained between the categorical imperative and applied ethics, as discourse ethics can be said to modify the categorical imperative’s universalizability into a dialogical one, where we need to determine which norms are willed freely through engagement in discourse. This reveals that a style of conflict resolution can be given primacy over imperativeness (Kettner 1993, 32) and considers that the categorical imperative can be included in paradigm theories of ethics built on the Kantian conception of autonomy (Winkler 1993, 351).

Kantian ethics holds that normative duty-based reasoning depends on the human mind and does not exist before any actions occur. Actions are non-arbitrary and objective due to being based on principles that reason constitutes; hence constructivism is based on the notion that rational reflection is required for the categorical imperative to be followed as it allows moral principles to reflect on the reasons that provoke action (Morelli 2022, 116). It is the potential lack or incapacity of this reflection that could be considered central to the verdict of TVA18. XW, however, did not lack this reflection and was never prevented from constructing rational bases and laws on which to act. Rather, they can be considered to have freely allowed the influence of Incel culture to direct their decision to attack, in turn holding XW responsible for their actions. Such freedom reflects XW’s irrational will at the time of the attack while allowing them to be considered a ‘rational person’ by possessing this freedom. Central to the autonomy required for the categorical imperative is such freedom, since choice is a fundamental requirement for its operation. Following this imperative means to always choose in such a way that within the same volition the maxims of the choice are at the same time present as universal law; a practical rule for Kant (1993) is an imperative where: “the will of every rational being is necessarily bound to the rule as a condition (44).”

Autonomy provokes thought on analyses between the normativity of Kantian duty ethics and motivation, as the former’s external character can conflict with an individual’s internal authority and the motivational force of practical judgement. Normativity is based on reasons for an individual to act with authoritative effect. Such authority derives from the retrieval of autonomy an individual conducts as a form of self-regulation because individuals follow and are subject to laws they have constructed through rational self-reflection. Morelli (2022) states: “Only by independently reflecting on why a given principle is right (therefore rational) can the subject really be motivated to act according to it (Morelli 2022, 110-111).” From this it can be argued that the TVA18 attacker had a ‘defective reflection’ that was based on a hypothetical imperative rather than claim they were unable to reflect autonomously. The ‘material’ used to construct their hypothetical imperative could be said to have derived from their Incel culture which adhered to beliefs that XW allowed to trump over the Municipal laws of Toronto and the Provincial and Federal laws of Canada.

3. UNIVERSALIZING WITH THE CATEGORICAL IMPERATIVE

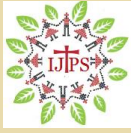
The ethical reflex for Kant’s ethics is its universalizing, in which we act as if the maxim of our action is in principle applicable to everyone. Such reflection alludes to the notion that there is a human dignity that is intrinsic. Ethics can be defined in this sense as



involving a duty to others in our association with them (Kant 1993, Preface v). Kant's freedom thus relies on autonomy instead of heteronomy, as the individual self is the beginning of first philosophy (i.e. metaphysics) where their behaviour and relation to things in the phenomenal external world of others gains meaning and direction in virtue of accordance to the laws the self noumenally assigns to itself in a theoretical fashion (Dimitrova 2011, 42). Within Kant, the moral will is the ethically correct conception of the will, as this will's willing involves a process conducted in a manner that becomes independent of alien external influence whilst at the same time is free from relative ethical solipsism. To will something in the genuine sense through reason requires an individual to: A) need a reason to act and B) need a reason to adopt the general maxim of acting in such a way that they will the maxim of the action to become a universal law; in turn reflecting on if they have a reason to act. Without such bifurcation of reason, the will is heteronomous and not autonomous and free. Alznauer (2015) states: "this demand generates a regress unless we can arrive at some reason that is categorical, that does not itself depend on having some desire or having made some choice (Alznauer, 53)." It could be argued that XW's will was heteronomous in this sense by lacking (B) due to ASD, serving as a potential legal defense for them: being unable to adopt the reason required for the general maxim of being categorically dutiful to humanity. What the legal judgement decided, however, was that XW chose not to entail (B) to the appropriate and sufficient extent in their decision to act. Through the paradigmatic lens of the categorical imperative, XW's will was still autonomous although irrational due to what appeared in the case to be their conscious following of a hypothetical imperative that did not attempt to categorically align with the moral community via the follow through of (B).

The phenomenological result from TVA18 manifested in actions that reflected XW's noumenal world at the time which aligned with the Incel manifesto rather than the phenomenal community around them. The formula of autonomy considers that one should always act in a manner that their will can at the same time regard itself as legislating its maxims' universal laws; hence the constructivism that is entailed (Kant 1993, Preface viii). This autonomy is not an ethical solipsism in which we individually believe what is ethically rational is constructed by oneself in isolation, rather the universal character of the categorical imperative requires the moral community for our individual reflection to take place. The categorical imperative informs of the need to universalize maxims that the self as itself must follow; a possibility only when it is expressed as human nature's rationality (Dimitrova 2011, 43). This means that the self is in coincidence with its will as the self is executor and lawgiver at the same time whilst judging this same will. XW's will, though flawed in terms of unwilling to align with the categorical imperative, can be said to have been guilty of choosing to construct the irrational judgement acted upon through their hypothetical imperative. This construction could not claim ASD nor Incel culture as casual determinants, as XW's irrational actions can be said to have still derived from an individual who was rational and autonomous in virtue of their freedom at the time of the attack. Guilt can be said therefore to be based on rational individuals conducting irrational actions via irrational wills, not simply irrational individuals acting irrationally.

Self-determination and self-legislation can be seen to provide moral discourse, as an individual's setting of moral law for themselves, by referring to conditions that every human subject would be obligated to recognize and follow, is not setting it in isolation in an ethical solipsistic sense. Instead, Kant's moral philosophy is grounded on what Wicks (2003) claims as: "the impartial and neutrally intersubjective self-legislating standpoint (Wicks, 232)." For



ethical solipsism, the locus of evaluation for an individual considers that value judgements are about oneself in the form of character and will which are noumenal, not moral objects of value existing independent of oneself; thus value, including guilt, in a categorically imperative sense, depends on our own attitudes and the way we relate to the phenomenal world of others through individual meaning-making in the noumenal world (Pihlström 2011, 18). The categorical imperative can be considered the application of ethics in that when one acts, one is setting an example for everyone else. We are requested to act in accordance with the maxim for which we at the same time will that it would also become a universal law (Kant 1993, 14). Existentialists can be considered aiming to avoid such universal principles in favour of more pragmatic modes of living that do not depend on reason directly, but rather authentic styles of living that require maximizing possibilities through moral orientations to the world that encourage human potential and communion (Guignon 1986, 88). That stated, the categorical imperative we claim does not undermine human possibility, development nor communion as its emphasis on freedom and universalizing can be taken as paramount to its philanthropy and promotion of authenticity.

Since the categorical imperative is not proven logically by the mere analysis of its concepts due to being a synthetic proposition, autonomy and freedom are retained in Kant as moral law is imposed by reason internally by individuals (Kant 1993, Preface vi). Such internal reasoning could be argued to be conducted in isolation without any requirement for other human minds, however, such solipsism is not the case for this reasoning. The external community is equally important in the functioning of the categorical imperative as we saw above, in the need to set examples through our actions. XW can be considered therefore as having been incongruent with the categorical imperative in their actions by advocating ethical solipsism and cultural relativism. With regards to the former, XW was considered autonomous and culpable of having deliberately chosen not to follow the categorical imperative by constructing their own noumenal ideation without public interest. Whereas for the latter, XW is guilty of relativism by believing their Incel cultural ideas were morally correct and rational without reference to the phenomenal moral community around them in the city of Toronto. Both these claims show how XW followed a hypothetical imperative that revealed their decision to ignore the categorical imperative of human dignity and respect.

4. THE PROBLEM OF IRRATIONALITY

We now see that autonomy is required for the categorical imperative to function universally, as choice derived from freedom allows an individual to cohere with the imperative and apply it in their daily undertakings. For Kant, we now see there is a first principle of practical reasoning that can be considered implicit in all moral reasoning, that of the principle of universalizability, in which everyone is considered to reason when they do so morally (DeMarco & Fox 1986, 8). Nevertheless, universalization can bring forth ethical issues when it comes to the fact that not everyone is equally moral. Kant considered that ‘talents of the mind’ or virtues are not always executed if one does not have a will or character that is ‘good’, supporting the notion that irrational individuals who do not possess autonomy, freedom, or choice, should not be ignored in society as there is the contention that one’s character can developmentally become good (Kant 1993, 7). For XW, the verdict of guilt implied that they were not completely lacking in freedom and autonomy due to external influences rather they executed the choice to act irrationally. The diagnosis of ASD was not XW’s choice to inherit, but despite the condition’s affects, XY considered there was enough evidence that XW was aware of the consequences of their actions (Boyko 2023).



XW did not lack a will, as such a fact would not allow them to retain autonomy, rather they can be understood to have allowed their will to become irrational through the construction of a hypothetical imperative to be followed. Alznauer (2015) links the irrational will with the hypothetical imperative, stating: “in Kantian terms, the natural and arbitrary wills are subject merely to hypothetical imperatives, whereas only the rational will is subject to a non-hypothetical or categorical one (Alznauer, 49).” We can thus have the power to believe it is beneficial to dismiss what is rational and follow a hypothetical imperative. Such adherence can lead to the notion that we are able to do this because we are autonomous and conscious of our irrational action. Such irrational action can be based on an irrational will which differs from the notion of someone being completely irrational as an individual person who lacks autonomy (Morelli 2022, 117-118). XW was found guilty of such an irrational will rather than incapable of deliberation due to ASD. They can be considered therefore to have acted freely, but not rationally in accordance with the categorical imperative. Generally, such a lack of accord means an individual acts in such a way that they are either: A) not aware of the irrationality of their actions and are deemed ‘insane’ or B) they are aware of the irrationality of their actions and freely choose to not act in accordance with the categorical imperative and instead act on a hypothetical one. XW can be said to have been guilty of (B) and had arbitrarily decided to act in accordance with their own hypothetical imperative rather than the categorical. Their will was irrational but as an individual person they maintained rationality because being responsible is to be under the law of freedom, autonomy and accountability for action whether or not they are consistent with the ‘law of the land’ (Alznauer 2015, 5).

For the categorical imperative, true moral laws are considered maxims that are applied universally, contrasting with the epicurean and empiricist view that morality is based on feeling (DeMarco & Fox 1986, 9). Kant can be said therefore to be a pioneer in the founding of a science of ethics through the revelation of moral reasoning’s logic. Conversely, opponents of the categorical imperative, such as anthropologists, tend to consider cultural relativism as responsible for moral practices, countering the idea that it is possible to discover universal moral principles like the categorical imperative. Such impossibility is considered due to the categorical imperative being external, impersonal and relying on the notion that rational human beings must confirm themselves as capable of being moral in the first place to recognize such a maxim. This confirmation requirement can be a very limiting approach to ethics, since an individual can relieve themselves of personal responsibility due to the notion that if every situational possibility depends on universal principles like the categorical imperative, one might be ignorant of them through no fault of their own (Guigon 1986, 79). Irrational ignorance could have been considered for XW’s defense, particularly in relation to their condition of ASD, but also from this condition leading them to have a propensity to be influenced easily by others such as the Incel community. What the verdict showed was that XW had a choice to be ignorant of the categorical imperative and this respected their autonomy and rationality as a human being.

We can take from the above that since Kant’s categorical imperative is not relativistic, it can be absolutist in the sense that actions are either ‘right or wrong’ (DeMarco & Fox 1986, 222). The categorical imperative’s moral foundation therefore must take account of the unclarity it has on those who are not able to rationalize, as we saw above with the notion of those potentially ignorant of moral principles (i.e. lack of *compos mentis*, dementia, children, and intellectual disabilities). To respond to this, Alznauer (2015) states: “For Kant, as for many other historical advocates of merit-based views, the relevant feature is



the special kind of control human agents have over their actions: the freedom to have done otherwise. Since this sort of freedom appears incompatible with causal determinism, advocates of control-based approaches [like Kant's] immediately face the challenge of showing whether this sort of freedom is even possible (Alznauer, 8)." Demonstrating this freedom for XW is a challenge, however, due to the current impossibility of phenomenologically understanding their motives, rationale, and reasons for acting, legal systems play their role in interpreting such determinations.

The assumption in the categorical imperative that reasoned subjects have a capacity to reason and this is a requirement for the function of the imperative is a topic of contention. Reason cannot show itself as completely universal due to the existence of those who lack rationality, but also due to different cultures being tolerant of actions and activities that can be considered irrational to others (i.e. exorcisms, alternative medicine, religious beliefs and customs). This indicates that Kant's categorical imperative could lead to relativism in the end as a community of rational individuals could claim to be ethical relative to their 'rational' culture. Kant's ethical constructivism avoids relativism through the consideration of the retrieval of normativity by individuals as a requirement for internalization that is taken as a humanly universal activity. The categorical imperative relies on the power of moral obligation that depends on this rational reflection. Reasoning's normativity derives not from motivational desire as was the case in XW's hypothetical imperative, but rather from the rationality of the acting individual which we see needs others thus the community and society around them. Reason examines itself to allow for its decisions to be just which is the essence of the process of normativity's return to the individual and their noumenal world whilst staying in the phenomenal public domain in a dialogical and reflexive sense (Morelli 2022, 117-118). Furthermore, what can be of interest is considering whether universal principles must be considered logically preceding judgement or not. Kant considered the categorical imperative to be presumed in all moral judgements, employed as a guide to make choices based on them (Kant 1993, Preface vi). In this respect, applied ethics can show that the categorical imperative can be tested and Kant's substantive ethics as a dominant tradition in ethical theory is not 'doomed' to relativism.

Irrational individuals may have difficult relationships with the phenomenal world of others where a community for example is based on and populated by rational agents who meet the criteria for being moral. The rational requirement of willing the maxims of action as universal can place non-rational individuals to the margins of rationality and the community in general. The problem then arises with the moral community of beneficiaries equating with one of moral agents, as these beneficiaries are considered as such in virtue of their rationality (Bayles 1986, 252). The claiming of rights as a rational action in this sense suffices for being moral, inadvertently claiming irrational people are not able to make such claims. XW, if found innocent due to their ASD diagnosis, would have been considered unable to claim the same rights as those without ASD diagnoses which would have been unfair to XW's autonomy by considering them an 'irrational person'. Although legally XW was considered 'rational' in the TVA18 verdict as it was determined they were aware of the consequences of their actions, the categorical imperative needs to consider how to address those that might be considered 'irrational' persons. Kant's normative theory attempts to provide the categorical imperative as an *a priori* principle by stating necessary and sufficient conditions for the evaluation of the conduct of subjects in a community and thus must respond to irrational individuals in a community if the imperative is to be ethically applied universally (Bayles 1986, 249).



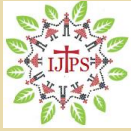
We can argue that the categorical imperative addresses irrational individuals by not taking a ‘black and white’ absolutist approach to ethics as it might be criticized as holding. The categorical imperative, when used as a paradigm to understand TVA18, shows that it functions case by case and this does not limit its universalizability. Rather, it shows that the imperative is universal by addressing the context in which a case and its actors is found and respects the fact that such context can change due to circumstances. Applied ethics needs to pay attention to actual contextual conditions, such as rational citizens living amongst irrational citizens in their community if it is to justify itself as a discipline. The categorical imperative contributes to this purview by respecting the universal freedom that humans possess via a device that measures the irrationality of will rather than just the individual.

CONCLUSION

Instead of considering XW as holding a label of ASD and automatically lacking autonomy, the categorical imperative was able to allow us to see the degrees to which they were guilty of following a hypothetical imperative. Although maxims that guide our own behaviour claim their validity over other individuals in the same sense or degree for oneself, such impositions of universal moral laws on others via oneself can lead to the ignorance of an other’s alterity and in turn result in a violence over them through their treatment as an object (Dimitrova 2011, 44). XW is guilty of such treatment of others by instrumentalizing their victims through their imposition to XW’s hypothetical maxims, in turn ignoring their victims’ otherness and human identity. This is characteristic of the defective nature of XW’s reflection and reasoning which did not attempt to align with the categorical imperative. Maxims can be considered truly universalized when they are conducted in line with the categorical not hypothetical imperatives, and this is a process that is not conducted through any relative ethical solipsism as seen in TVA18, but through genuine relationships with our fellow human beings.

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