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IMMANUEL KANT  
ON THE FEATURES  
OF MORALITY  
AND ITS ROLE  
IN THE SYSTEM  
OF MORALS

The subject of this article is discussed with the help of an excursus into the history of morals and the perception of Kant's teaching on morals, as well as through a polemic with some of its interpretations. Kant's examples of the application of his theory of morality prove its practicality and stability.

**Key words:** normative relationships, ethics, Copernican revolution, system of customs, moral, law, features and formulae of moral relationships.

Alongside other "Copernican turns", Kant also carried out the Copernican turn that consisted in distinguishing morality within the system of morals and opposing it to law as the second fundamental element of his systems. Certainly, it is one of the greatest achievements of the abstracting human thought. Over two thousand years of history of philosophy, the great Königsberg sage was the first to identify this component in the system of moral rules, the component featured not in every rule but only in those that are likely to influence the future conditions of human society, the ideal component that brings the system of morals to its ideal state and controls the process of historical development of this system. His contribution is so great that he is often put on a par with Confucius, Buddha, Socrates, and the legendary Christ, although, in effect, he should be put above them all, since the problem of the essence of morality and its role in social morals was solved only by him.

How did Kant's discovery affect practical philosophy? What changed after the appearance of the *Kritik der reinen Vernunft* followed by Kant's works on the problems of philosophy of morals from *Grundlegung zur Metaphysik der Sitten* to *Die Metaphysik der Sitten*?

**1. The construction  
of ethics as a science of morality**

The point is that the process of narrowing the meaning of ethics from a *science of morals* to a science of *morality* per se, as a science of morality as an element in the system of society's morals did not happen at

once, but rather through bewilderment and perplexity. Although morality is a crucial element of the system, it is still *one of the elements*, which was always emphasised by Kant.

Kant uses the term *ethics* both in its traditional and the new, Kantian sense. In the traditional sense, this term is used in historical contest, when, for example, it describes the emergence of practical philosophy in Ancient Greece and characterises its different schools of thought. In the narrow sense, as a "doctrine of the elements of *ethics*" and a "doctrine of method of ethics", ethics is the second part of the *Metaphysics of morals*. The concepts of *ethics* and the *ethical* are opposed to *law* and the *legal*.

Kant understood that if he wanted to assign a new meaning to an established concept, he should do it so that no reader could overlook this intention. In my opinion, he succeeded, even over-succeeded. Here is Hegel's reaction to his effort: "... Kantian usage prefers the expression *morality* as indeed the practical principles of Kant's philosophy are confined throughout to this concept, even rendering the point of view of ethics impossible and in fact expressly infringing and destroying it" [16, p. 63]. Apparently, Hegel is so influenced by Kant's theory of morals with its extreme characteristics (which can only be welcomed at time of formation of the concept of *morality*) that he completely neglects the "metaphysics of morals" as a whole, within which, as a result of the behaviour of morality in a system, its properties are constrained and should not frighten anyone with their rigorism. Kant's words characterising the structure of the *Critique of Pure Reason* can also be related to the *Metaphysics of Morals*: "For explanations and examples and other helps to intelligibility, aid us in the comprehension of parts, but they distract the attention, dissipate the mental power of the reader, and stand in the way of his forming a clear conception of the whole; as he cannot attain soon enough to a survey of the system, and the colouring and embellishments bestowed upon it prevent his observing its articulation or organization..." [17].

Prior to Kant, practical philosophy could be called ethics, philosophy of morality, metaphysics of morals, even philosophy of law, as is the case in Hegel's works, since the concepts of the *ethical* and *moral* were used as synonyms, which differ only in etymology.

At the same time *ethics* enjoyed the advantage of seniority. Ethos – the system of morals of the ancient Greek society – was an independent object of studies for Aristotle and the doctrine of ethos was called ethics. The Ancient Roman *morality* corresponds to the Greek *ethos* and also means *morals*. However, when Romans got interested in the subject, the science of morality – since ethics had already existed, and Greek culture underlay that of Rome – was also called ethics.

Roman theoreticians focused on the basic element of the system of morals – law. As non-traditional forms of behaviour emerge and spread, there arises a need for the development of positive (written) law that is shaped in the process of state institutionalization. It cannot be ignored anymore; morals are identified, first of all, with law; ethics is basically reduced to theory of law.

It is the very state of affairs that was assumed in medieval Europe and maintained through until the age of Enlightenment. Only Kant's phenomenon led to the emergence of ethics as a science of morality at the end of the 19<sup>th</sup> century, as well as philosophy of law – metaphysics of morals broke into these two independent parts, and the problem of interaction between morality and law as elements of an integral system ceased to exist. Nevertheless, the understanding of morality without its orientation towards other components of morals leads to complications and contradictions [3].

## 2. The difficulty of distinction of morality

Émile Benveniste's book *Vocabulaire des Institutions Indo-Européennes* [1] clearly shows the invariance of the development of social relations for all Indo-European peoples reflected in the commonness of languages. Their morals are represented through rites and rituals expressed in different norms, rules and rights, obligations and laws organically linked with the language, language formulae and speech. Economics, law, politics, religion and superstitions – both sacred and profane – are represented in an indestructible syncretic unity within morals as ritual traditions and conventional behaviour and actions. All these components of the system of morals are, to a degree, manifested and materialised and can be sensibly perceived. Only *morality*, as defined by Kant, is difficult to discern. It had not been explained before Kant what we should look for. Morality is represented through a certain quality of various forms of norms. On the one hand, this quality is the very essence of generic relations and, apparently, it does not matter to what level the generic relation belongs. Benveniste indicates as a general example the Ancient Greek-Roman parallel of three levels:

- 1) δῶμος – domus (a big family, house);
- 2) γένος – gens (a clan bringing together several families);
- 3) φυλή – tribus (a tribe, a community of persons of common origin, a clan union).

However, he emphasises that, initially, there was a society in general rather than a family, and, later, a clan, and a city [1, p. 206]. Within a clan-tribe, relations are of one kind, beyond it, of another. It is not a coincidence that there is an established and universal opposition *domi – foris*, i.e. indoors – outdoors. Everything that is outdoors (*fores*) is foreign and strange. And a foreign territory is always *animus*. This opposition may include a different adverb – *peregri, peregre* ("abroad", derived from *ager* – "field"), a derivative of this noun – adjective *agrius* – means "wild" [1, c. 208].

All relations within a family are accompanied by a special affective meaning of a clearly expressed positive character: *philos* – dear, *philotēs* – love [1, c. 220]. This affection crowning all relations within the phyle is the very place where one should look for *morality*, more precisely, for the developing nucleus of morality. This affect is active and its development is linked to the expansion of the social community it applies to. For example, the actual meaning of the word *ciuis* is not *citizen* but *co-citizen* [1, c. 221].

Gradually, morality forms the ultimate community of the type – *humanity* as a whole or even the aggregate of sentient beings in general. On the other hand, morality is a phenomenon of individual consciousness; it implies the development of personality.

Thus Émile Benveniste draws our attention to the words with the reconstructed stem *\*swe-* and comments that, in general, these stems relate to two properties. Firstly, *\*swe-* denotes a relation to "one's own", secondly, *\*swe-* specifies "oneself" as an individuality. It is apparent that such notion is of great interest for both general linguistics and philosophy. *Self* also expresses the category of *reflexiveness*. It is the expression a person uses when referring to themselves in order to identify themselves as an individual and draw everything to themselves. At the same time, this subjectivity expresses a relation. *\*swe* is not reduced to the speaker, in its initial point, it implies a small group of people closed around "one's own" [1, p. 218]. The process of development of such concept has two opposite directions: the scope of *one's own* tends to both expand and reduce

to one's own *I*. The history of development of personality as the ultimate phase of individual development is closely connected with this process. *I* both constitutes the clan and distinguishes itself from it.

This is what Kant defines as *ungesellige Geselligkeit* (unsocial sociability) [5, p. 11] and considers as a property of a human being that facilitates the development of world history, unification of people within the global historical process, which foregrounds the development of each person.

Thirdly, morality in the morals of ancient societies is organically linked to *sacred* experience, constitutes the essence of such experience. Again, this fact became discernible only after Kant had formulated his theory of reducing the essence of religion to morality. The section dedicated to religion in Benveniste's fundamental work puts forward a number of arguments in favour of Kant's idea. The sacred is also of affective nature, which is manifested in the perception of something as *dear*, the reverential attitude to the highest value. The *saint* and the *sacred* are extracted from the meaning of plentiful and fertile force capable of creation and increasing natural productivity [1, p. 346], this force also belongs to the clan as a whole. Benveniste emphasises that, for example, the English *holy* is related to *whole* and that these meanings were closely connected in the ancient times. A clan as a whole is represented by a mythical forefather, a totemic ancestor, as a rule, a mother goddess, since this connection stems from the chthonic myth.

For an ancient human this overwhelming connection with the clan as a *whole* conceals the frightful, the mysterious, and the enchanting – the components of the *sacred* identified by the German theologian Rudolf Otto [8], who called spiritual phenomena of the kind "numinous experience. Such experience takes place long before the experience of religious faith as manifested in mature monotheistic religions. Benveniste's and Otto's points of view coincide here. Benveniste proves it by the fact that there is no common Indo-European word for religion [1, p. 394], which indicates that the notion originated on a limited territory that had developed necessary intellectual conditions for overcoming mytho-epic consciousness. Initially, the word *religion* means 'following the prescriptions imposed by a cult'. As a proof, Benveniste draws attention to the derivative *religious* (attentive to the cult); the one who pays attention to the recognition of the ritual [1, p. 397]. Further, Benveniste stresses that this meaning, apparent within the ancient word usage, insists on the interpretation of *religio* given by Cicero, who attaches *religio* to *legere* [1, p. 397].

Kant, who admired and had profound knowledge of Cicero, could not leave it unnoticed. And if *legere* means *to return to the initial condition* and *religere* to *return to the previous action, make another attempt*, the link between this notion and the established ritual, zealously followed tradition becomes evident. It is of special importance for the crucial part of the ancient society rite – sacrificial offering – that everything is conducted as prescribed, according to the rules, since it is a matter of life and death.

Cicero also relates the notion of *law* to the word *legere* [13, p. 94–95]. It seems that Cicero provided inspiration for Kant's idea of *moral law*<sup>1</sup>, which is of-

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<sup>1</sup> See my attempt to confirm Kant's orientation towards Cicero in the formulation of the concept of moral law and even towards the analogy between the moral law and the laws of starry heavens made in [4]. In section 7.1 "How close are the ties of kinship between heaven and morality?", I emphasise that an analogous connection can be found not only in Cicero's dialogue *De legibus*, which was mentioned above, but also in the dialogue *De officiis*. Cicero was Kant's favourite Roman author.

ten characterised by the creator of categorical imperative as sacred. The idea of man-god stems from the understanding of religion as morality as its most essential component, as a "religion within the boundaries of mere reason".

### 3. Some negative consequences of the distinction of morality and its isolation from morals

Since theoretical works on practical philosophy are still dominated by the tendency towards isolated consideration of morality and law when addressing Kant's ideas, it results in the substantial criticism of both the former and the latter. At first glance, it corresponds to the intentions of the great thinker, since he always followed the *methodological* rule, according to which, the understanding of the essence of a phenomena requires abstraction from external interactions and their consideration in *pure* form, the *purification* of the object under consideration from all extraneous and all that is concealing its true nature factors. In particular, it is the major task of the *Critique of Practical Reason*: to obtain *pure practical reason*, i.e. morality, in order to understand it per se. Kant solves this task elegantly, making experts take off their hats in admiration and proclaim that Kant has created *pure* or formal ethics as a science as exact as pure mathematics. These are the words of the greatest Russian philosopher, Vladimir S. Solovyov [9, p. 478].

However, the understanding of a phenomenon in its purity is a necessary but an interim and auxiliary step. After this cognitive operation, the *pure object* is inserted into the system, whose element it is. And now we see its true role in the system and improve our understanding of the system as a whole. Kant's thinking is entirely systemic: he is convinced that to understand something means to understand it within a system and as a system.

I would like to pursue this issue further in the light of the wonderful book by Norbert Hinske entitled *Zwischen Aufklärung und Vernunftkritik: Studien zum Kantschen Logikcorpus*, where he demonstrates that the true innovation of Kant's concept of systems lies in the concept of *end* (author's italics) that underlies the "scientific idea of the whole" [12, p. 144]. N. Hinske finds the classical definition of system in the section *Architectonics of pure reason* in *Transcendental doctrine of method*. I will quote the definition in more detail than Hinske in order to address the problem of end as a factor that determines the system. Kant writes: "Reason cannot permit our knowledge to remain in an unconnected and rhapsodistic state, but requires that the sum of our cognitions should constitute a system. It is thus alone that they can advance the ends of reason. By a system I mean the unity of various cognitions under one idea. This idea is the conception — given by reason — of the form of a whole, in so far as the conception determines a priori not only the limits of its content, but the place which each of its parts is to occupy. The scientific idea contains, therefore, the end and the form of the whole which is in accordance with that end. The unity of the end, to which all the parts of the system relate, and through which all have a relation to each other, communicates unity to the whole system, so that the absence of any part can be immediately detected from our knowledge of the rest; and it determines a priori the limits of the system, thus excluding all contingent or arbitrary additions. The whole is thus an organism (*articulatio*), and not an aggregate (*coacervatio*); it may grow from within (*per intussusceptionem*), but it cannot increase by external additions (*per appositionem*). It is, thus, *like an animal body* (author's italics), the growth of which does not add any limb, but, without changing their proportions, makes each in its sphere stronger and more active" [17].

In accordance with the principle of identity of indiscernible, any comparison is insufficient; in this case, the comparison of the development of system of moral with that of an animal body, naturally, does not achieve complete similarity, since the emergence of positive law can be interpreted as a fact of evolutionary ariomorphosis; the proportional significance of law and morality is obviously different in a civilised society and in the *childhood* of society characterised by ritual-traditional systems of moral norms.

N. Hinske emphasises that, in Kant's lectures on logic, the methodological principle is demonstrated in its most essential moments. He quotes Kant, who points out in the *Logik Philippi* that, when constructing a system, one should start with the whole, the basic concept, rather than with the parts. Firstly, Kant suggests drawing up a plan of the whole and then filling it in with parts. The ideal or the whole comes first; only within the whole, one can conceive parts [AA, XXIV, S. 399], [12, p. 151]. From the *Logik Busolt*, Hinske quotes the fragment stating that a system requires that the idea of the whole precedes the identification of parts, while in case of an aggregate, the knowledge of part precedes the understanding of the whole [AA, XXIV, S. 631], [12, p. 151].

What do we see here? The actual studies and interpretations of the practical philosophy of the Königsberg sage are, as a rule, limited to the first – preparatory and auxiliary – task. It never comes to the consideration of the role of ethics, as well as law, in the *system of metaphysics of morals*; the actual role of morality in the system of morals of society remains unrevealed. Instead of a system, there is an aggregate with all its consequences.

I will give a representative example. This year we celebrate the 285<sup>th</sup> anniversary of the birth of the greatest philosopher in the world. But Kant himself, according to his precepts, should be considered in the system of equally great figures in world culture. This year we celebrate the 250<sup>th</sup> anniversary of the birth of one of them – the greatest poet and Kantian philosopher Friedrich Schiller. It is but reasonable to pay heed to him, since both geniuses contemplated each other with increasing and fruitful interest. I would like to consider Schiller's famous epigram *Scruples of Conscience*, which explains vividly what happens when morality is isolated from its natural environment and considered independently. Here is the epigram:

I like to serve my friends, but unfortunately I do it by inclination.  
And so often I am bothered by the thought that I am not virtuous.

Decision

There is no other way but this! You must seek to despise them  
And do with repugnance what duty bids you. [18, p. 177].

Most philosophers of morality and historians of ethics, who address this epigram to prove the evident, from their point of view, rigorism of Kant's understanding of morality, its complete isolation from life and absolute inapplicability, read this epigram in its immediate interpretation. They assume that Schiller presented Kant's final point of view on the relation between morality and human inclinations: morality allegedly excludes inclinations, demanding their annihilation.

At the same time, they ignore the fact that art is not prone to impartial depicting of the facts of reality, that there is always a supertask; and there is one in this epigram.

In my opinion, it is still an important question: whom does Schiller ridicule in the poem — Kant or his inapt interpreters? If we keep in mind that the epigram is a part of a work entitled *Philosophers*, which presents satirically the widespread school interpretation of the major modern philosophical systems from Descartes to Fichte and Schelling depriving these systems of all details and, as a result, attaching to them almost the opposite meaning, we should read the epigram more carefully.

Schiller knew that, according to Kant's practical philosophy, inclinations differ. If an inclination ensures the *legality* of an action, such inclination is welcomed by Kant, since, sooner or later, the legal actions that are similar to moral ones in form but not motive can become truly moral. Schiller had more than a nodding acquaintance with university routine; the poem *Philosophers* ridicules not Kant's theory of morality but the superficial thoughts that come so often from university rostrums. Schiller dedicated his famous essay *On grace and dignity* to the motivation of behaviour: "That which we are rigorously forced to distinguish in philosophic analysis is not always separated also in the real" [20]. Schiller understood perfectly that Kant had been too scrupulous in his aspiration to prove the *autonomy* of morality and commented his epigram as follows: "Whatever precautions the great philosopher has been able to take in order to shelter himself against this *false* (author's italics) interpretation, which must be repugnant more than all else to the serenity of the free mind" [20]. However, these precautions were not enough.

The real Kant and not the Kant of Schiller's epigram often says quite the opposite attending to that inclinations towards goodwill and good deeds emerge in the souls of people. Even a misanthropes can develop such inclinations if they perform moral actions. For example, in the *Introduction to the doctrine of virtue*, there is a small section entitled *Love of the human beings*. Here, Kant instructs us: "To *do good* to other human beings insofar as we can is a duty, whether one loves them or not; and even if one had to remark sadly that our species, on closer acquaintance, is not particularly lovable, that would not detract from the force of this duty" [20, p.161]. Below, the philosopher expounds: "*Beneficence* is a duty. If someone practices it often and succeeds in realizing his beneficent intention, he eventually comes actually to love the person he has helped. So the saying "you ought to *have* your neighbor as yourself" does not mean that you ought immediately (first) to love him and (afterwards) by means of this love do good to him. It means, rather, *do good* to your fellow human beings, and your beneficence will produce love of them in you (as an aptitude of the inclination to beneficence in general)" [20, p. 162].

However, inclinations might contradict morality in most cases. Moral imperative, Kant writes, applies "to *human beings*, rational *natural* beings, who are unholy enough that pleasure can induce them to break the moral law, even though they recognize its authority; and even when they do obey the law, they do it *reluctantly* (in the face of opposition from their inclinations), and it is in this that such *constraint* properly consists" [20, p.145]. He continues this reasoning with an expressive passage "The man, for example, who is of sufficiently firm resolution and strong mind not to give up an enjoyment which he has resolved on, however much loss is shown as resulting therefrom, and who yet desists from his purpose unhesitatingly, though very reluctantly (which means hesitations and internal struggle of motives — *L. K.*), when he finds that it would cause him to neglect an official duty or a sick father; this man proves his freedom in the highest degree by this very thing, that he cannot resist the voice of duty" [20, 148].

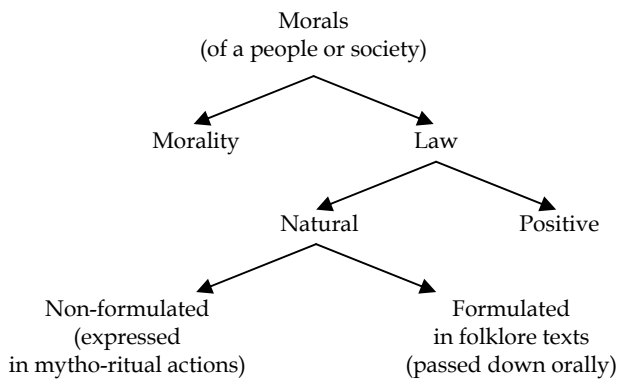
It means that morality hardly exists as a pure motive, i.e. as the only motive of soul. In effect, there is a complex interweaving of different motives both non-moral (strong desire to have enjoyment), moral and legal (necessity to perform an official duty), and solely moral (concern for the sick father). It is great that, in Kant's example, the moral (!) motive prevailed. However, it could have happened otherwise.

I would like to conclude my digression on the great Schiller with stating that his reliance on Kant gave him an opportunity to create a number of splendid works of art and treatises on aesthetics and philosophy of arts, philosophy of history and history proper.

#### 4. The interaction between morality and law in the system of morals (some aspects)

According to Kant's practical philosophy, morality is just an element in the system of morals. This system is quite plain, since its major elements are morality and law, which, if we keep in mind that it consists of natural and positive law, complicates the system enormously. Natural law is unwritten law, most of its rules and requirements have not been formulated clearly, i.e. it includes traditional norms in the form of rites and customs, everyday and etiquette rules prescribing behaviour in all or almost all situations. In most cases, it relates to ethnic culture, which is, nevertheless, supplemented by the system of ethnic values.

A simplification of this conclusion might look as follows:



In one of his crucial works dedicated to practical reason, Kant scrutinises the fundamental structural relation in the system of modern morals – the relation between morality and (positive) law. As to Russian Kant studies, this relation was analysed in the comprehensive works of Eric Yu. Solovyov [10; 11] as a *mutually supplementing* nature of morality and law: morality without law is incapable and tends to elude the consciousness of society, however, law without morality degenerates into a system of despotic violence. Russian 20<sup>th</sup> century history is a vivid example.

I suggest we analyse why it happens this way by means of a thorough examination of the supplementing relation between morality and law on the basis of Kant's practical philosophy. I would rely on, firstly, the *General Introduction to the Metaphysic of Morals* and, secondly, the *Introduction to the Doctrine of Right* and the *Introduction to the Doctrine of Virtue*.



If we generalise everything said by Kant regarding the fundamental difference between the rules of morality and law, we obtain the following table:

| Properties of rule-based relation                  | Rules   |  |
|--|---|--|
|  | Moral   | Legal  |
| Relation to the subject                            | <b>Absolute rules</b> apply to all subjects – both individuals and groups of all levels up to humanity as an integral subject; they equally apply to everyone   | <b>Relative rules</b> apply to some subjects: for example, they apply only to legal entities but not natural persons, are in effect in these countries but not the others...   |
| Chronotopic relation to<br>a) space<br><br>b) time | <b>Local rules</b> are valid on the whole territory of the Earth and even extraterrestrial space (in case of a contact with alien civilisations)<br><br><b>Unlimited in time</b> , unchangeable, in effect from the emergence of human reason throughout the history of humanity – both the past and the future | <b>Local rules</b> are valid in the confines of one municipality but not another, in one state but not another...<br><br><b>Limited in time</b> , their effect is stipulated by legislation, the relation to recurrence is taken into account. These rules can be introduced and abolished |
| Motivation, relation to motive                     | <b>Automotivated rules</b> , the rule is a motive for itself, they require no other motives or conditions and are, thus, characterised by maximum freedom   | <b>Heteromotivated rules</b> , their ends regularly lie beyond legal rules and could differ depending on peculiar conditions in a peculiar situation faced by the subject  |
| Nature of sanction                                 | <b>Autosanctioned rules</b> , the sanction is included in the rule and supplements it. Following the moral rule or rejecting it, the subject rewards themselves with moral satisfaction and good conscience or punishes themselves  | <b>Heterosanctioned rules</b> are protected by the powerful state system, represented by public prosecution, judicial system, penitentiary institutions, police, army, etc. Both reward and punishment are in public rather than the subject's jurisdiction                                |

Within the system of moral rules, morality is the end of the whole system of morals; it is the ideal of the system, while law is just a means. Law, regardless whether we understand it as *ius strictum* or *ius latum*, must be oriented towards morality, which Kant emphasises in his definition: "right is ... the sum of the conditions under which the choice of one can be united with the choice of another *in accordance with a universal law of freedom*" [19, p. 24]. Below, he continues: "thus the universal law of right: so act externally that the free use of your choice can coexist with the freedom of everyone in accordance with a universal law" [ibid]. The universal law of freedom is the categorical imperative of morality. Kant also stresses that "we know our own freedom – from which all moral laws and consequently all rights as well as all duties arise – only through the moral imperative, which is an immediate injunction of duty; whereas the conception of right as a ground of putting others under obligation has afterwards to be developed out of it" [19, p.31]. Thus, morality is a reference point for law, it penetrates law, trying to adapt legal rules to its own features, eliminating their relativity and facilitating the emergence of moral-oriented rules of law. Such area of law is, for example, human rights, which, under the influence of morality, trans-

form from natural law to positive law and claim the same level of subject absoluteness as morality. Is not there a tendency in the field of law towards the elimination of local limitations and the expansion of geographical and political scope of legal norms, which affects national legal systems? Such is the case of the European Union legal system. A similar tendency is evident in other regions of the world. And for us, the residents of the Kaliningrad region surrounded by the European Union states, the harmonisation of our legal system with European law is a pressing need. And this process rests on universal human morality, which brings people together and creates *humanity*, where everybody is a human being and a citizen of the world.

By all other normative parameters, morality strives to assimilate rules of law to itself, inspiring respect for law and motivating people to be law-abiding as a result of understanding of the significance of law for their own lives and society rather than out of fear of punishment. Morality cultivates the understanding of the importance of law as a necessary condition, without which normal life collapses. Without respect to the rights of others, one cannot respect themselves and be a true human being.

### 5. The formulae of moral and legal relations

The analysis of features of moral rules shows that all of them stem from the same source, namely, the *relation of equality* between all subjects of moral relations, since each moral subject subordinates his will to or, rather, contains in his will the same universal law. As to morality, all subjects are equal; if this initial equality is undermined, relations between people become amoral. Moral relations imply *innate equality* – Kant emphasises it in italics – *that is*, "independence from being bound by others to more than one can in turn bind them" [19, p. 30].

Mathematically, it can be expressed in the following formula:

$$a = b = c = d = e = f = g \text{ etc.},$$

where letters stand for subjects of moral relations.

A legal relation is not an immediate relation of equality, which was analysed by Plato in the dialogue *Republic*. Law rests on the relation of *equity*. Kant uses *iustum* and *iniustum* for what is right or wrong in accordance with external laws [19, p. 23]. Since Plato, it has been known that equity is an equal measure for the unequal or a measure of equality of unequal persons or their positions in relation to each other. When defining the nature of law, one should "be spun out into the most subtle threads of metaphysics". Legal relations between people are different, but they must carry an *equal measure* of rights and obligations, rights should be balanced by a sum of obligations. Thus, the formula of equity is a formula of equality of unequal magnitudes:

$$\frac{a}{a} = \frac{b}{b} = \frac{c}{c} = \frac{d}{d} = \frac{e}{e} = \frac{f}{f} \dots,$$

where subjects are represented by equal fractions indicating the same measure of initially unequal rights and obligations, i. e.

$$a \neq b \neq c \neq d \text{ etc.}$$

The fact that unequal subjects can be equalised means that morality is an integral element of law. It is not a coincidence that Kant describes moral duty as duty in wide sense, since it is present in law, while the opposite is obviously impossible. It also means that morality is the true basis of the system of morals and,

at the same time, plays the role of the ideal all other moral rules aspire to, as well as that of entelechia, if we apply the term of Aristotle's metaphysics.

Morality as a measure of equality within law, as an integral part of the structure of law is not always found in a certain and balanced condition. Equality is regularly disturbed, balance is lost. Kant draws the following example, apparently, from his own experience: "a domestic servant is paid his wages at the end of a year in money that has depreciated in the interval, so that he cannot buy with it what he could have bought with it when he concluded the contract. The servant cannot appeal to his right to be compensated when he gets the same amount of money but it is of unequal value. He can appeal only on grounds of equity (a mute divinity who cannot be heard); for nothing was specified about this in the contract, and a judge cannot pronounce in accordance with indefinite conditions" [19, p. 27]. Indeed, no strict rule has been violated; civil right (*forum soli*) remains silent. However, morality has been compromised. The servant did everything he had to according to the contract. It means that the change in the economic situation did not affect his master but affected him personally. The equality of the contracting parties, as well as equity, has been disturbed. If it is a "silent god" and the court cannot hear it, equity is voiced by morality. The master has the right to add another clause to the contract and will be absolutely fair having restored equity.

The last example shows clearly how topical Kant is and how perfect his theory, which is also practically applicable, is. Indeed, there is nothing more practical than a good theory. Nor more long-standing.

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