

# Would devils be devils with theoretical reason alone under a Kantian account?<sup>1</sup>

[*Demônios seriam demônios somente com razão teórica segundo uma leitura kantiana?*]

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## Abstract

This paper focuses on Kant's *Towards Perpetual Peace* famous statement according to which the problem of the State can be solved even for a race of devils, at least if they possess understanding. Its aim is to show that, despite Kant's phrasing, understood as possessing the power of understanding alone, a devil would not be evil, nor accountable for his acts. A substantive account of this devil's rationality can and shall be developed on the basis of Kant's approach to practical agency in general. In this sense, understood as a rational being capable of end-setting under practical laws, a devil would have to be taken as an egotistical being who systematically acts out of self-interest. Under this presupposition, and at least from a juridical point of view in Kant, the hypothesis of a nation of devils offers a more interesting case for analysis.

**Keywords:** devils; evil; imputability; perpetual peace; practical reason; understanding.

## Resumo

O artigo foca a famosa afirmação de Kant em *À paz perpétua* de acordo com a qual o problema do Estado pode ser solucionado até para uma raça de demônios, se eles ao menos possuírem entendimento. O propósito do artigo é mostrar que, a despeito do fraseado kantiano, entendido como um ser que possui apenas entendimento, um demônio não seria mal, nem responsável por seus atos. Uma concepção substancial da racionalidade de um demônio pode e deve ser desenvolvida com base na discussão de Kant sobre o agir prático em geral. Nesse sentido, enquanto ser racional capaz de proposição de fins sob leis práticas, um demônio teria de ser tomado como um ser egoísta que sistematicamente age com base no seu autointeresse. Sob essa pressuposição, e pelo menos de um ponto de vista jurídico em Kant, a hipótese da nação de demônios oferece um caso mais interessante para análise.

**Palavras-chave:** demônios; mal; imputabilidade, paz perpétua; razão prática; entendimento.

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## 1. Introduction

Kant famously states that “establishing a state, as difficult as it may sound, is a problem that can be solved even for a nation of devils (if only they possess understanding)” (ZeF, AA 08: 366). Apart from determining whether Kant really intended to say that even devils could establish a State on the basis of prudential reasoning alone (and egoistical motives correspondently), another issue, less discussed, but equally interesting and worth of consideration arises once one takes the hypothesis of a devil who possesses understanding alone to its last consequences.

To put the point in its most straightforward formulation: how could devils who possess understanding alone (i.e., a theoretical power) be deemed as accountable for their actions without the presupposition of the practical framework on which Kant deals with laws of freedom? Would they be actually evil under a Kantian account? In other words, does it even make any sense to evaluate their actions as right or wrong if theoretical reason is the only one available to these creatures (especially from a juridical point of view, which clearly is Kant’s main focus in *Towards Perpetual Peace*)?

This paper is divided in two sections. In the first one, by discussing more closely the core of William Clohesy’s interpretation of this passage, I deal with some problems raised by an interpretation of a devil as a rational being to whom the power of understanding is the only one available. In the second, I pursue a substantive account of the rationality of devils if their actions are to be deemed evil. This account, as I will finally argue, is presupposed not only in Kant’s discussion in *Toward Perpetual Peace*, but also on other passages in which the philosopher deals with practical agency in general.

## 2. The problem of a devil who possesses the power of understanding alone

I want to begin by addressing an interesting and yet very problematic approach proposed by William Clohesy in the paper *A Constitution for a Race of Devils*. In his argument, Clohesy tackles an important issue regarding a central feature of the rationality of such devils (at least if they are to be considered as devils in the most usual sense of the word). According to Clohesy, what Kant literally says in *Towards Perpetual Peace* is that the problem of the State can be solved for <für>, but not exactly by a race of devils. This distinction is emphasized as an important one because, at least the way Clohesy understands the passage, these devils are depicted by Kant in this specific context as beings who possess only the power of understanding <Verstand> (ZeF, AA 08: 366).

According to Clohesy, were these understanding devils capable of solving the problem by themselves, then the normative source of juridical and political institutions would be, at the very end, a product of “theoretical reason alone” (Clohesy, 1995, p. 738). And this conclusion, as one can imagine, would lead us to another variation of what Kersting’s once called the idea of prudence in the service of self-interest as the source of the normativity of right – which, as Kersting himself recognizes, is not the correct way to reconstruct the sources of juridical normativity in Kant’s political and juridical thought (Kersting, 1992, p. 342). On his part, to avoid this undesirable result, Clohesy argues that, despite incapable of spontaneously solving the problem by not “being able or willing to establish it <the Constitution> for themselves” (Clohesy, 1995, p. 738), these devils would nonetheless abide to “a rule of law grounded in practical reason because their prudential calculations would suggest that it would better suit their interests than any other system” (Clohesy, 1995, p. 738).

To be clear, in Clohesy’s argument, the rule of law would be the product of a “wise

and extraordinarily patient lawgiver” (Clohesy, 1995, p. 739) who externally legislates for these devils (by coercive means) under principles of practical reason. So, the main point in his view is the following: lacking practical reason, these devils would not be capable of spontaneously creating juridical and political structures akin to the one that Kant’s envisions in his writings, but, presented to a solution other than civil war, violence and constant fear, they would be capable at least of understanding how better to satisfy self-interest. By means of this theoretical use of reason they would consequently follow or act in accordance with coercive laws aligned to objective practical principles of reason, but mainly to assure mutual safety (therefore, for egotistical reasons aligned to their very self-preservation). In short, by discussing the case of devils, Kant would be emphasizing only that juridical laws (especially those aligned to moral principles) can be obeyed under any “motivating mechanism[s]” (Ludwig, 2002, p. 162) – self-interest obviously included among those. Clohesy believes that this reading safeguards the moral and normative sources of juridical and political institutions in accordance with Kant’s philosophy, while still making sense of the case of devils<sup>3</sup>.

However, as convincing as this approach may sound as a strategy to preserve the sources of juridical normativity *per se*, Clohesy’s argument raises major issues related to the very way these devils are described in his account. First of all, Kant does not actually say that these devils possess the power of understanding alone. What he states in *Towards Perpetual Peace*, in fact, is that these devils would only need the power of understanding if the problem of the creation of State were to be solved for them. The phrasing, as well known, is the following: “*Das Problem der Staaterrichtung ist, so hart wie es auch klingt, selbst für ein Volk von Teufeln (wenn sie nur Verstand haben) auflösbar*” (ZeF, AA 08: 366). Kant’s main concern seems to be specifically the rational requirement for a supposed solution to this problem to be possible. But that does not entail that theoretical reason would be the only one accessible to these hypothetical devils. Consider, for instance, the way in which we address and evaluate the work of a musician. Certainly, we are inclined to say that, in order to perform a piece of music, this musician needs some knowledge of music theory, needs to know how to properly read music sheets and needs to know how to play an instrument. Instrumental reasoning, in the technical sense is, undoubtedly, the only one needed for his task to be performed. We clearly would accept that without saying, at the same time, that theoretical reasoning is the only kind of reasoning that this musician is capable of. Furthermore, following the same line of objection, one could argue against Clohesy, that, given the wider teleological (and also practical) context of *Towards Perpetual Peace*, Kant never intended to use the concept of “*Verstand*” in the technical sense that entails theoretical reason alone, but, maybe, a looser and day-to-day sense of instrumental reason that would be compatible with practical reason under laws of freedom.

But let’s leave that aside for a moment and assume that Kant really meant, as Clohesy suggests, that devils do possess only the power of understanding and are endowed only with theoretical reason. What would be the consequences of that reading? At first glance, the most immediate problem can be put in the following way: possessing only understanding and theoretical reason, how could devils be deemed as accountable for their actions, and, correspondently, how could one evaluate their actions as right or wrong? In Clohesy’s scenario, wouldn’t these supposed devils end up behaving almost like non-rational animals, or even worst, like robots or machines? In this sense, wouldn’t they behave mechanically, simply complying (or not) with external laws legislated by that extraordinarily patient lawgiver without ever being capable of

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<sup>3</sup> This is a somewhat usual approach to the seemingly problematic case of a race of devils raised in *Towards Perpetual Peace*. According to this line of interpretation, one is supposed to separate two orders of problems that Kant discusses in the *Metaphysics of Morals*: i) the properly normative question that inquiries into the sources of juridical laws in moral concepts and rational principles (which Kant develops at length in the *Doctrine of Right*); ii) a secondary question, regarding the different “determining grounds of choice” (MS, AA 06: 218) admitted by external lawgiving. The example of devils, according the ‘motivating mechanism’ interpretation, deals only with the problems posed in ii). In this sense, Katrin Flickschuh observes, for instance, that “different motivational incentives with respect to juridical lawgiving are restricted to the level of law enforcement and do not support claims about self-interest as the normative ground of justice” (Flickschuh, 2000, p. 94).

questioning, for instance, whether the satisfaction of sensuous needs should be attained at all costs? How could we call these beings “devils”, saying that they are evil (as Clohesy actually does in his interpretation and we all would be inclined to admit), if the conditions for accountability and moral evaluation, due to the lack of practical reason, are apparently not met? Finally, in this situation, wouldn’t the case of such devils be almost of no coherent use, not only from a practical perspective, but even if we try to make sense of it strictly under the scope of Kant’s teleology in nature (Klein, 2014, p. 178)?

In order to address this questions in a proper manner, we need to go beyond Clohesy’s interpretation, focusing Kant’s more general approach regarding practical agency. And the first thing one should remember is that the relation between the power of understanding and the imperatives of skill (GMS, AA 04: 415) can be more clearly and directly drawn. Imperatives of skill, pertaining to the domain of theoretical sciences, are related to a “technically practical doctrine” (MS, AA 06: 218). The last one considers merely what is needed to achieve a given end, disregarding something crucial in the practical realm, i.e., whether the aimed end is rational from a moral point of view or not. It is not without reason that in the *Metaphysics of Morals*, appealing once again to the “higher division” (MS, AA 06: 218) between theoretical and practical philosophy (and juridical laws, as well as the concept of right, will ultimately belong to the last one), Kant says that a “morally practical doctrine” (MS, AA 06: 218) deals with “what is practical in accordance with laws of freedom” (MS, AA 06: 218). The technically practical doctrine, on the other hand, is not part of practical philosophy and deals with imperatives of skill which are grounded on laws of nature and presuppose a theory of nature.

Following this model of technical reasoning, one could immediately entertain a meaningful sense, under a Kantian account, in which even prudential reasoning could be put in the scope of theoretical reason. Just as technical imperatives of skill (GMS, AA 04: 416), imperatives of prudence, called “pragmatical” (GMS, AA 04: 416), are hypothetical imperatives, and presuppose rationality pertaining “suitable means to one’s end” (Merle, 2023, p. 10). Both in technical and pragmatical imperatives, instrumental reason can obviously be put to use in a theoretical sense according to which laws of nature are to be correctly understood to provide some sort of assessment of the adequate use of means to an end. To use an almost silly example, if someone is very fond of chocolate ice cream, a theoretical use of instrumental reason will be clearly concerned with the assessment of those means that, given some particular circumstances, will be (causally) necessary for one to satisfy self-interest correspondently in a physical world ruled by natural laws.

To be clear, Clohesy is right when he says that devils “may understand the constitution provided for them” (Clohesy, 1995, p. 738) in this theoretical sense. But, after all, what would this strictly theoretical rationality imply within Kant’s philosophical system? The first part of our answer becomes clear once we ask ourselves another question: since understanding and theoretical reason are the only tools available for these beings, what kind of legal and judicial system would be needed to ‘convince’ them, as understanding creatures, to unite under a constitution? Although not always emphasized enough, coercion is central to Kant’s discussion about a hypothetical nation of devils. Positive laws are supposed to prevent devils from harming each other. And, insofar as devils always perform their actions in order to assure self-preservation (in a causal way, as will be further discussed in the next section), they would have to understand that obedience to juridical laws would better fit their self-interest. The predicament of the situation is clear. The slightest prospect of impunity would mean, for an understanding devil, that the violation of juridical laws would be better for them. The first violation of a juridical law would probably trigger a chain of reactions, and one is allowed to wonder if this would not lead very quickly to systematic violations rendering a juridical state impossible.

So, following Clohesy’s view to the letter, the legal and judicial systems would have to be, on the level of efficacy, almost perfect. The application of positive law would have to follow the *modus operandi* of a causal law of nature (especially for beings with theoretical reason alone). It is

no overstatement to say that the legislator (and also the judge) would have to be as omniscient and omnipotent as God himself to apply the law in that way. Beyond that, punishment would need to be harsh enough, even against the most insignificant deeds, to prevent devils from systematic violations. It is very doubtful that our legislator and judge would be extraordinarily patient. In fact, he would look much more like an irrational and sadist despot demanding that these beings should act in accordance with the rule of law without giving them the proper rational tools to do so. It is hard to see how Clohesy solves the problem posited for a race of devils in a convincing fashion.

More importantly, it is even harder to see how Clohesy's approach is capable of making a meaningful use of this hypothesis in the context of Kant's whole discussion regarding human race and the accomplishment of its rational ends (which is Kant's main focus in *Toward Perpetual Peace*). The point can be put as follows: by stressing the hypothesis of a devil to whom theoretical use of reason is the only one available, despite his efforts, Clohesy is not arguing from the perspective of a being to whom prudential reasoning is available in the relevant practical domain (i.e., under laws of freedom).

This particular problem becomes especially pressing if we consider the sense in which even prudential reasoning is linked to practical reason – in what Jean-Christophe Merle, for instance, calls practical reason in a “narrower sense” (Merle, 2023, p. 10) – and is correspondently brought up in Kant's discussion regarding moral evaluation. Without practical reason, what Clohesy has in mind seems to amount to a partially rational being to whom: i) the satisfaction of sensuous needs has to be given solely by nature as an end; ii) the only rational problem is the theoretical one, namely, how to better fit sensuous needs by making use of the appropriate means, as skillfully as possible, according to causal laws of nature. Thus, given this kind of rationality, the only rational approach is the one regarding suitable means to satisfy sensuous needs. Properly speaking, the mechanical course of nature is not being used instrumentally to promote reason's end towards the rule of law. Instead, it is the rule of law that is being instrumentally used to mechanically satisfy what is already imposed solely by nature (as will be clear in the next section).

Given certain empirical conditions, maybe these devils could come to understand that a juridical condition would be the best means to satisfy their needs as finite beings and would act accordingly. But that's all that they are capable of as beings who possess theoretical reason alone. If instrumental reasoning in theoretical sense is the only kind of rationality available, devils are no longer devils because they simply can't pursue something else than the satisfaction of what nature mechanically imposes upon them (precisely due to the limited theoretical rationality available to them).

Kant's enlightening remarks concerning the complete lack of distinction, from a technical point of view, between a medical doctor who administrates a given drug to save his patient and a killer who uses the same drug (but on a different dosage, for example) to kill his target are clarifying enough to understand the problem (GMS, AA 04: 416). Clohesy's devils would be something closer to what Henry Allison briefly describes in his comments on Arendt's assessment of Eichmann's judgment, since they would be completely incapable of questioning “the nature of the end for which these means were intended” (Allison, 1996, p. 172). The only difference is that, by lacking reason in its narrower practical sense, these devils lack, due to an actual incapacity (which, of course, clearly was not the case of Eichmann), the rationality which literature usually calls a rationality “pertaining to end-setting” (Merle, 2023, p. 10) – in opposition to rationality regarding mere suitable means to achieve a given end. In properly practical terms, when laws of freedom come to play, rationality pertaining to end-setting is as necessary to distinguish a medical doctor from a cold-blood killer, as it is to understand what is typical of devils.

Now, to better understand how practical reason is absolutely essential to this whole discussion about imputability and evil, another step is necessary. First of all, prudence deals

with happiness. More specifically, prudence is concerned with hypothetical imperatives by means of which a rational being is able to represent the means needed to achieve happiness (GMS, AA 04: 416). Happiness, as an end set by a rational being to himself, is related to his sensuous nature, his needs and desires. In this sense, prudential reasoning is relevant to a deeper understanding of Kant's morals account precisely because a given action is deemed as wrong or evil in those cases in which sensuous needs and desires (in the form of a self-interest under principles) rule the deliberative process and underlies a maxim or course of action that is contrary to what the categorical imperative demands from the agent. In this case, however, reason will serve inclinations in an instrumental (prudential) way that is completely different from the one implied by Clohesy's view regarding devils who possess theoretical reason alone. In a practical domain, under laws of freedom, the agent is responsible and accountable because he "spontaneously makes it his rule to act on a given inclination" (Allison, 1996, p. 175). That means that inclination-based actions, and prudential reasoning correspondently, are subject to rationality pertaining to end-setting and are integrated into a practical domain in which imputability is possible. That kind of operation, precisely, would be a problem for a devil to whom theoretical reason is the only one available.

Although Kant explicitly says that devils need understanding alone if the problem of State is to be solved for them (statement that unfolds the problems above if understood as literally meaning that these devils possess theoretical reason alone), we should remember that also for Kant this whole discussion is advanced as a philosophical hypothesis. Nothing prevents us from augmenting the hypothesis, especially if we do that on the basis of a systematic approach.

In this sense, there is textual support, not only in *Towards Perpetual Peace*, but in Kant's more general approach to practical agency in other major texts, to say at least that he would accept a more substantive account of the rationality of a devil for whom the problem of the State is supposed to be solved. Clohesy himself, despite attributing only theoretical reason to these Kantian devils, surprisingly presupposes such an account when he says that they "are capable of moral thought" (Clohesy, 1995, p. 739), are evil and act out of wickedness "willing to reject or use the moral law whenever it serves their own ends" (Clohesy, 1995, p. 739).

By attributing to devils the power of understanding only (and, correspondently, a very limited use of instrumental rationality concerning suitable means), however, one has to deal with serious issues regarding the accountability of such hypothetical beings. Once we give up the proper practical framework by saying that devils would have access only to theoretical reason, we are no longer dealing with devils (i.e., with evil beings), but with beings who, at the same time: i) are incapable of acting on the basis of something different than the almost mechanical satisfaction of their sensible needs, and, what is even worst, cannot reflect upon their actions and maxims in the relevant practical framework on which end-setting becomes a central matter for imputation; ii) possess merely the rational tools, in a technical sense, to understand the best means to satisfy what is imposed upon them by nature. Hence the importance of another account of the rationality of a devil.

### 3. Towards another account of the rationality of an evil devil

Again, just like Clohesy, we are allowed to speculate about devils. And we can begin this endeavor by remembering that Lucifer himself willingly disobeyed God and was cast out of heaven. As we know, other angels followed him, also willingly, and were expelled from heaven because of that. Lucifer did what he did, out of pride, believing he could do things better or at least as well as God was doing. So, he made his choice and decided to willingly act against God's command. Sure, as Clohesy says, devils "are evil" (Clohesy, 1995, p. 738). But the main point, and the criticism directed towards Clohesy's view, is that this last conclusion, on a Kantian basis

at least, is not possible to be drawn when we are dealing with beings who possess theoretical reason alone. To begin with, just like Lucifer, devils must be capable of making their own decisions and must be able to set plans of their own. They must be the authors of what they do. And if that is to be possible, they must have what Kant calls the power of “choice” (MS, AA 06: 218).

Now, to avoid the problems discussed in the last section, these devils must have a specific kind of choice. In this sense, they appear to be much more like human beings than we would like to admit (and this is why the case of Kant’s hypothetical devils is so interesting for us). In the *Metaphysics of Morals* human choice is what Kant defines, as he already said in the *Critique of Pure Reason* (KrV, AA 03: B 562), an *arbitrium liberum*. This *arbitrium liberum* differs from what Kant calls an *arbitrium brutum*, which is typical of non-rational animals. *Arbitrium brutum* is causally determined by sensible impulses and by no other means. Two elements are central to the characterization of *arbitrium liberum* in the *Metaphysics of Morals* (MS, AA 06: 213): i) first, the mere affection by sensible stimuli (which, in the case of non-rational animals is a causal determination, i.e., an effect of nature); ii) secondly, a relation between reason, as a legislative power of laws, and choice, by which although choice can be determined by sensible stimuli, said determination does not occur by means of a causal determination (since *arbitrium liberum* is merely affected by sensible stimuli).

But, if this determination does not occur by sensible stimuli in a causal fashion in the case of *arbitrium liberum*, how should one understand it? In the *Antinomy of Pure Reason, Section 9*, Kant starts with the basic concept of sensible choice in general as the one that is “pathologically affected (by motivations of sensibility)” (KrV, AA 03: B 562) and then proceeds to depict *arbitrium brutum* as the one that is “pathologically necessitated” (KrV, AA 03: B 562). Human choice is said to be “a power of spontaneous self-determination, independently of coercion by sensible impulses” (KrV, AA 03: B 562). To this negative characterization Kant adds a positive one, according to which *arbitrium liberum* “can be determined independently of sensible impulses and, therefore, by motives that can only be represented by reason” (KrV, AA 03: B 830). Reason operates on “reflections regarding that which in relation to our state is desirable, i.e., good or useful” (KrV, AA 03: B 830) and is spontaneous in the sense that it can represent “laws that are imperatives, i.e., objective laws of freedom which say what ought to happen, although this may never happen” (KrV, AA 03: B 830). These laws of freedom are distinguished from “laws of nature, which deal only with that which happens” (KrV, AA 03: B 830).

In his *Lectures on Ethics*, by addressing the concept of moral coercion, Kant already mentions the same distinction between causes and motives as an important one for our understanding of human choice. He starts by saying that coercion in general is related to a “necessitation to action” <Nötigung zur Handlung> (V-Mo/Collins, AA 27: 266). The main feature of a necessitation is that it operates as a necessary condition for an action that would not take place otherwise (V-Mo/Collins, AA 27: 266). But, just as we have two kinds of *arbitrium*, we also have, correspondently, two modes of coercion. One is the pathological coercion, by which one action is made necessary “*per stimulus*” (V-Mo/Collins, AA 27: 266). The other, a properly practical coercion, involves making necessary an action, unwillingly, but only “*per motiva*” (V-Mo/Collins, AA 27: 266). Due to *arbitrium liberum*, only this second kind of coercion is a necessitation in the case of human beings (non-rational animals, on the other hand, are pathologically coerced).

Kant makes use of two examples to illustrate his point and to highlight the importance of the distinction between stimuli and motives as conditions for action. First, he considers the case of a stingy person who, although always preferring to earn as much benefits as possible from all situations, if faced with the unavoidable need to choose between two deals, would pick the most advantageous one motivated by his inclinations, even if this entails not getting the most benefits possible (which would occur only by closing both deals).

Secondly, addressing the problem of torture, Kant says that even a person submitted to the cruelest acts would be capable of doing the opposite of what his torturer demands. In human's case, sensible stimuli do not necessitate in a pathological way. The victim would not give in, unless led by a motive of inclination (to avoid, let's say, the pain caused by the torturer). But the victim could endure the pain, led by his inclinations, to protect a relative. Both stimuli are not enough unless taken as motives to perform an action that would not occur without necessitation. According to Kant, even in the hard case of torture, a human can "refrain from acting, independently of all sensible impulse" (V-Mo/Collins, AA 27: 267).

In part because *arbitrium liberum* is merely affected by sensible stimuli (even in the worst cases like torture), human choice is not subject to a merely causal determination. When sensible stimuli come into play, this determination occurs by means of motives (including sensible ones) that are represented as such by reason in its practical sense. Since *arbitrium liberum* is not determined by mere causes, but only by motives (due to an operation of reason), human choice is inscribed in the logical space of motives as reasons to act.

As Henry Allison proposed in his interpretation of Kant's practical philosophy via the well-known "incorporation thesis" (Allison, 1990, p. 5), rational agency, in the practical domain, presupposes spontaneity in the sense that something becomes a reason to act only when taken, by the agent, as a motive to do so. Despite arguing at length that the incorporation thesis is pivotal to a proper reconstruction of Kant's practical philosophy as a whole, Allison emphasizes that its most direct textual support is found in a passage in the *Religion within the Boundaries of Mere Reason* where Kant says that "the freedom of the power of choice has the characteristic, entirely peculiar to it, that it cannot be determined to action through any incentive except so far as the human being has incorporated it in his maxim" (RGV, AA 06: 23).

In the *Doctrine of Virtue*, the same thesis is clearly presupposed in the specific discussion regarding end-setting. There, Kant notes that "an end is a subject of free choice, the representation of which determines it to an action (by which the object is brought about)" (MS, AA 06: 385). In the same context, end-setting is outlined as "an act of the freedom on the part of the acting subject, not an effect of nature" (MS, AA 06: 385). And finally, reasserting what is typical human choice, he says that the "capacity to set oneself an end – any end whatsoever – is what characterizes humanity (as distinguished from animality)" (MS, AA 06: 392). As Arthur Ripstein already pointed out, humans are different from animals because they can "choose which ends to pursue" (Ripstein, 2009, p. 362).

This is quite relevant for our discussion about devils and the kind of rationality that must be presupposed if their acts are to be taken as evil. In fact, for fully rational beings, inclination-based actions (like those performed by a devil) are also a product of practical reason, and not merely an effect of nature. If we take Kant's remarks on the concept of interest in the *Groundwork to the Metaphysics of Morals* this becomes clear enough. That's because interest is defined as a dependence of choice on principles, whether on those from practical reason itself, or on those linked to the satisfaction of inclinations (GMS, AA 04: 413). What precedes these two possible ways according to which choice can be determined by principles is the very definition of reason as the "capacity to act according to the representation of laws, i.e., according to principles" (GMS, AA: p. 412). For human beings (affected but not causally determined by sensible impulses), these laws appear in the form of imperatives which dictate what ought to happen.

That said, the relation between choice and practical reason (for rational beings who possess *arbitrium liberum*) should clarify how accountability and responsibility presuppose the practical framework on which motives as reasons to act and end-setting rationality are developed. Indeed, at least on a Kantian approach, it appears to be the case that the whole idea of *end-setting* is dismissed once we depart from the concept of *arbitrium liberum* (our intended paradigm to reconstruct the rationality of a devil) and move to the concept of *arbitrium brutum*. To a being

who possesses the last kind of choice, sensible stimuli operate as necessary and sufficient causes of certain types of behavior in a properly causal way. In other words, *arbitrium brutum* is causally determined or, to keep Kant's own phrasing, pathologically necessitated. Of course, one could still loosely refer to ends even in this natural domain, since even non-rational animals' behavior is directed towards something. But, in this last case, "instinct cares both for the means and for the ends" (Merle, 2023, p. 10). Ends are not *set*, but an "effect of nature" (MS, AA 06: 385), the origins of which are to be also strictly understood under a causal law of nature.

One way to understand why non-rational beings are not responsible for their acts (in the same way rational beings are recognized as such) is by saying that, for them, means and ends are imposed as effects of nature that take place according to causal laws. Non-rational beings do not act under the representation of laws of any kind (let alone laws of freedom). Although their behavior is in accordance with laws of nature and can be deemed the cause by which objects are brought about in nature, they are not the authors of what they do (in the specific sense that rational beings are). Without reason, they follow mechanically what nature commands, or, as Kant says, they behave according to "this voice of God which all animals must obey" (MAM, AA 08: 111). Without the capacity to entertain any possible outcome outside the limits set by nature, they are absolutely incapable of setting themselves apart from the domain of natural causes (where every event happens in accordance with the concept of causality). And Kant defines imputation precisely as "the judgment by which someone is regarded as the author (*causa libera*) of an action" (MS, AA 06: 227). In this sense, non-rational animals are not *causa libera* of any action and, consequently, are not capable of imputation.

Why *arbitrium liberum* meets the conditions for imputation? A Kantian answer can be sketched as follows. The relation between choice, as a power of maxims, and reason, as a power of laws (MS, AA 06: 223), is one by which choice is said free not only by means of his (causal) independence regarding sensible stimuli, but, in a positive sense, when reason is "itself practical" (MS, AA 06: 213). In this last case, the bringing about of the object of choice is based on a rule set independently of one's inclinations, i.e., according to laws of freedom, which Kant calls, in the *Metaphysics of Morals*, "moral laws" (MS, AA 06: 214). For human beings particularly, this moral law is represented as a categorical imperative which commands an action as an end in itself.

What is interesting and distinctive about rational human beings is exactly that they do possess practical reason and, therefore, do represent laws. More specifically, human beings represent laws under the idea of freedom, even if they do so strictly on practical grounds (and have no means to prove this idea theoretically). But rational human beings also represent themselves as acting under those very laws of freedom. Once we move to practical grounds, the independence from a causal determination by sensible stimuli – implying a mere affection by said stimuli – should be interpreted in the light of the power of reason to be practical itself.

In this sense, operating under an idea that originates from their own practical reason, human beings are able to represent a set of outcomes that are not restrained within the boundaries of causal law (in other words, they represent what ought to be). On practical grounds, sensible stimuli do not determinate causally due to the fact that practical reason always pushes the agent towards the representation of the unconditional and unveils a world ruled by "laws that are imperatives, i.e., objective laws of freedom which say what ought to happen, although this may never happen" (KrV, AA 03: B 830).

So, it is the power of reason, not nature alone, that underlies the power of choice, by means of imperatives that are represented as such by finite human beings. Rational beings do not simply comply with nature because they represent laws (in the form of imperatives) and, more importantly, are aware of the fact that all their actions are performed under such representations. What is typical of this kind of representation under imperatives is exactly some sense of normativity. But normativity, as a basic notion related to what ought to happen

(without the constraints of natural causality), presupposes at least the intention to follow a rule. The point is that one cannot follow a rule (or at least attempt to do it) unless he adopts the rule as his own, i.e., as the rule by means of which he brings about the object of his choice. In this particular sense we can understand how an end, under the representation of laws, far from being a mere effect of nature, has to be freely set by a rational being who acts under the representation of those very laws.

Sensible stimuli, instead of determining choice in a causal manner, are subdued to the rulemaking of reason, via hypothetical imperatives of prudence. This operation is a necessary condition for the bringing about of the object of choice in the case of rational beings. In this sense, self-interest is related to sensible inclinations the satisfaction of which is set as an end under principles of prudence (which entails the instrumental use of practical reason in general). Precisely when a human spontaneously incorporates “incentives of his sensuous nature” (RGV, AA 06: 36) against the moral law, his deeds can be considered properly evil. Without proper end-setting within the domain of practical reasoning, then, it seems that deeming actions wrong or evil makes no sense. In short, without practical reason, nature takes care of all, and no creature is capable of pursuing ends that are not already imposed as a matter of causal necessity.

To bring this discussion under concepts developed in the *Groundwork to the Metaphysics of Morals* is useful to remember, as Paton does, that there are two possible senses of heteronomy for Kant (Paton, 1971, p. 215). As related to unanimated objects or non-rational beings, heteronomy implies the causal necessitation of nature, the laws of which merely say what happens (the almost mechanical behavior on the basis of sensible impulses included). But, as applied to rational beings, heteronomy is to be understood under the practical framework of reason and is subject to end-setting as an act of freedom of the agent. These different senses of heteronomy are clearly referred when Kant distinguishes the “heteronomy of will” <*Heteronomie des Willens*> (GMS, AA 04: 444), typical of rational beings and necessary for imputation, from mere “natural necessity” <*Naturnotwendigkeit*> (GMS, AA 04: 446), which is also a kind of heteronomy, but operates in a completely different manner as a “property of the causality of all irrational beings” <*aller vernunftlosen Wesen*> (GMS, AA 04: 446).

What remains to be said about a hypothetical being who has only theoretical reason and understanding? Could we say that Clohesy’s devil is the author of his acts in the sense required by the concept of imputation? What kind of heteronomy can we attribute to him? Without practical reason, it appears that the bringing about of the object of his choice follows the model of *arbitrium brutum*. In the case of this being, the satisfaction of sensuous needs is not an object of end-setting. Since this being possesses theoretical reason which allows him to understand causal relations according to laws of nature, sensible stimuli are, correspondently, a matter of causal necessity. For a being who does not operate under laws of freedom in the narrower practical sense, the only rational mediation is the one present in a calculus regarding the best means to satisfy what nature imposes as a natural necessity. All his ‘purposiveness’ is inscribed in the domain of nature and is also understood (theoretically) as such. Clohesy’s understanding devil uses his power of choice (not a free one) to pursue an end (preservation) that is imposed as a mere “effect of nature” (MS, AA 06: 385). Therefore, he is not capable of rationality pertaining to end-setting and is not accountable for his acts. Paradoxically, by seeking his own preservation at all costs (even at the expense of others), this devil, with understanding alone, would be simply obeying the voice of God.

Answering the questions that initially inspired this whole discussion, if devils were to be deemed accountable and responsible (and, consequently, evil), it seems that they must have a power analogous to human *arbitrium liberum*, with all its consequences. More particularly, they must act on the basis of reasons and must be capable of setting their own ends. And that presupposes not only understanding and theoretical reason, but practical reason in the narrower sense. Only under this account (at least when it comes to a proper Kantian discussion about evil) one can make sense of Clohesy’s affirmation according to which “devils are beings

capable of moral thought who have renounced its impartiality for ruthless self-aggrandizement” (Clohesy, 1995, p. 738).

What would be the difference between human beings and these devils discussed in *Towards Perpetual Peace*? A simple, but important one: devils are rational but evil beings fully capable of moral reasoning who, *ex hypothesis*, without the limits imposed by an external legislation, would systematically and without exceptions act out self-interest to maximally satisfy inclination-based interests even against the categorical imperative (presumably infringing upon other’s freedom in the name of self-benefit<sup>4</sup>). Hence, Kant’s insistence on the fact that “what is of paramount importance in organizing the State well [...] is that the State directs the forces within it against each other in such a way that the one hinders or nullifies the destructive effects of the other” (ZeF, AA 08: 366). In other words, Kant’s discussion regarding the instrumental use of inclinations to promote reason’s ends, in *Towards Perpetual Peace*, cannot be correctly understood except under the presupposition of legal coercion (according to moral concepts) as means to necessitate even devils to refrain from violating each other’s freedom (even if they do that unwillingly). That is the manner by which the mechanical course of nature, through inclinations, can be used to perform reason’s ends in regard to a rule of law.

The first and most obvious point one could raise against this reading can be put as follows: since Kant seems to explicitly attribute only understanding to these devils for whom the problem of State could supposedly be solved, wouldn’t a more substantive account subvert the whole meaning of the text?

Firstly, as unavoidable as this interpretation appears to be (as opposed to the reconstruction proposed above), one should remember that nowhere in the text Kant directly states that these hypothetical devils only possess the power of understanding. What he says, once again, is that the problem of State can be solved from them, “if only they possess understanding” (ZeF, AA 08: 366). The main point here is the role played by a specific kind of rationality in the solution of the so-called problem of State which arises once devils are forced to interact with each other.

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<sup>4</sup> This was one of the main points of discussion about the interpretation advanced in this paper: what would be, after all, the difference between Kant’s devils and human beings? Crudely taken, the passage of *Towards Perpetual Peace* seems to leave no room for any relevant difference to be outlined. However, careful attention to Kant’s discussion on public right and the duty to enter a “civil condition” (MS, AA 06: 312), for instance, brings to light at least one important distinction. As Reinhard Brandt correctly observed, Kant never assumes that human beings are evil (Brandt, 2012, p. 189), let alone discusses the duty to enter a civil condition under anthropological and empirical presuppositions of this sort. As a matter of fact, according to him, even those “well-disposed and law-abiding” (MS, AA 06, p. 312) would still need a State equipped with precise and public adjudicatory rules set specifically to solve conflicts independently of unilateral conceptions of right. At most, Kant suggests in the *Doctrine of Right* that human beings could be presumably evil – “praesumitor malus” (MS, AA 06: 307). But that statement should be taken in a much weaker sense according to which humans simply pose a potential threat to each other by coexisting in the same planet *qua* finite beings, as Pauline Kleingeld also correctly pointed out (Kleingeld, 2004, p. 318). This assumption, however, is not tantamount to being actually evil, which seems to be the case of devils in *Towards Perpetual Peace*. Admittedly, this is a different and maybe more radical depiction than the one presented by Otfried Höffe, for instance, in *‘Even a Nation of Devils Need the State’: the Dilemma of Natural Justice*. In his discussion, Höffe assumes a rational devil as a being who, “in his coexistence with others like him, allows himself to be guided by prudence alone” (Höffe, 1992, p. 125). Cooperation would be achieved only to assure “mutual advantage” (Höffe, 1992, p. 125). Outside that, devils would be “unhesitatingly tending towards dishonesty and deception” (Höffe, 1992, p. 125). I follow Höffe’s account only partially. On one hand, it undoubtedly seems that, on a Kantian view, far from a someone who does the evil for the sake of evil, *Towards Perpetual Peace*’s devil is an archetype of an egotistical being who acts on the basis of a prudential reasoning alone (namely, in order to satisfy inclination). On the other hand, however, this supposed ability to cooperate for the sake of mutual advantage is not the defining trait that is being stressed out as a way of understanding what would be typical of a devil who *has evil intentions*. Kant’s point can be read as emphasizing that devils not necessarily would cooperate precisely because they are willing to make an exception of themselves even when their preservation, as a group, is put under the scope of universal laws. They are rational, but evil. Now, if they are rational, then the ‘evilness’ of their intentions is to be taken as entailing something to which they would rationally commit (Ripstein, 2009, p. 108). Otherwise, it would be a matter of mere wishful thinking not to be taken that seriously (and devils would more likely be fools in Kant’s discussion). Once this commitment is taken as a matter of actual prudential reasoning, the evilness of these devils, as well as the instrumental role of State in redirecting these devils’ actions by coercive means (through inclinations), are the points to be discussed in *Towards Perpetual Peace*.

Emphasizing that role does not imply denying practical reason in the narrower sense.

Secondly, further textual evidence seems to show that a devil would not be responsible, and, consequently, would not be evil, without *arbitrium liberum* or free choice (which is not possible, again, except under laws of freedom and narrower practical reason). Indeed, in *Religion within the Boundaries of Mere Reason, Part One*, the whole discussion about the sources of evil is linked to its possibility under a free choice. Kant says quite directly that “moral evil [...] is only possible as the determination of free power of choice” (RGV, AA 06: 29) and that it “must reside in the subjective ground of the possibility of the deviation of the maxims from the moral law” (RGV, AA 06: 29)<sup>5</sup>. Moreover, Kant further adds, also explicitly, that these laws of freedom are related to “obligation and imputability” (RGV, AA 06: 35). In the *Introduction to the Metaphysics of Morals*, similarly, the distinction between persons and things, from a moral point of view, is put under the concept of imputation and presupposes the “freedom of a rational being under moral laws” (MS, AA 06: 224). But imputation, as already mentioned before, is defined precisely as a matter of authorship (MS, AA 06: 227).

Still on textual grounds, but on the basis of a somewhat different approach, in *Towards Perpetual Peace* Kant himself suggests that the main focus of his discussion is not exactly a hypothetical being who possesses only the power of understanding, but, instead, one who acts (and interacts with others) under practical laws. This becomes clear, for instance, when the problem for a race of devils is finally described by Kant:

To form a group of rational beings, which, as a group, require universal laws for their preservation, of which each member is, however, secretly inclined to make an exception of himself *<insgeheim sich davon auszunehmen geneigt ist>*, and to organize them and arrange a constitution for them in such a way that, although they strive against each other in their private intentions *<Privatgesinnungen>*, the latter check each other in such a way that the result in their public conduct is just as if they had no such evil intentions *<bösen Gesinnungen>* (ZeF, AA 08: 366).

For all those who are familiar with the main discussions themed in the *Groundwork to the Metaphysics of Morals*, Kant famously refers the case of ‘someone who makes an exception of himself’ when arguing that, even by acting against the moral law, a rational being allows few exceptions on his behalf, but still recognizes the “validity of the categorical imperative” (GMS, AA 04: 425). Leaving aside the deeper issues raised by this controversial passage (especially those related to the well-known problem of self-deception), it is quite interesting that Kant describes these devils as beings who are somehow aware of universal laws for their preservation, but, despite having that kind of awareness, are secretly inclined to make an exception of themselves. Moreover, the problem of State arises precisely due to their evil intentions. In this sense, it is difficult to understand, especially on a Kantian account, how devils would have that kind of awareness of universal laws and how their intentions could be deemed evil on purely theoretical grounds, i.e., outside the practical framework on which proper end-setting, under laws of freedom, is not only relevant, but actually possible.

Another possible objection takes a systematic point of view to say that it really doesn’t matter whether the rationality of these devils presupposes this practical framework or not because, after all, at the very beginning of the *First Supplement*, Kant announces that his main goal is to deal exclusively with the guarantee of the accomplishment of reason’s ends in regards to perpetual peace under the teleological perspective of a “mechanical course of nature” (ZeF, AA 08: 361).

Although a full answer to this point depends on a widened and more detailed reconstruction of Kant’s teleology of nature, it suffices to say that, even under this specific scope, nature is to be understood as operating as an influence on a rational being who acts

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<sup>5</sup> It is interesting to remember that in the essay ‘*Devil’s Apology*’, wrote in 1795, Johann Benjamin Erhard states similarly that “the capacity of moral decision is freedom, which can decide for and against the moral law and which thereby gives the maxim to the will” (Erhard, 2019, p. 204).

under laws of freedom. In fact, “reason can use the mechanism of nature, in the form of selfish inclinations <selbstsüchtige Neigungen>” (ZeF, AA 08: 366). In short, once one correctly understands the difference that Kant draws between heteronomy as mere natural necessity and heteronomy as applied to rational beings – which entails inclinations, as sensuous interests under principles (GMS, AA 04: 413) –, it becomes clear that this teleological perspective has its meaningful use only in its relation to a narrower practical point of view. What is distinctive about this standpoint is that a fully rational being can represent “a duty to work towards” (ZeF, AA 08: 368) perpetual peace and his inclinations can therefore be used to perform reason’s ends. As already pointed out, however, for a rational being who possesses theoretical reason alone, the rule of law is no longer a rational end, but means used to assure self-preservation as an end imposed by nature.

Finally, also within the limits of *Towards Perpetual Peace* main philosophical thesis, it could be argued that even the presupposition of fully rational devils under practical reason would not be enough to assure the stability of State without at least a minimum shared concept of good. Admittedly, an answer to this objection goes far beyond the scope of this paper. The main point here is not exactly to discuss whether a political organization of devils such as the ones described by Kant would be feasible or not, but simply to establish the most basic practical framework that shall be presupposed, along Kantian lines, if a devil is to be taken as both accountable for his acts and actually evil (and, as argued before, if that is to be possible, then devils are to be understood as rational beings under laws of freedom and practical reason in the narrower sense).

However, this objection is still interesting in the sense that it opens space for further inquiries into another (perhaps controversial) exegetical hypothesis that has been addressed, albeit briefly, in this paper<sup>6</sup>: maybe Kant’s main point in discussing a nation of devils is not that these hypothetical beings would be capable of spontaneously organizing themselves under a rule of law out of prudential reasoning, as the standard interpretation of this passage usually assumes (Kleingeld, 2004, p. 308), but that they would not. Led by their evil intentions, secretly willing to make of themselves an exception in regard to universal laws for their own protection, maybe Kant’s devils would actually relapse into barbarism (insofar as they would be willing to subjugate each other). If that is the case, then the point, in *Towards Perpetual Peace*, would be precisely the central role of coercion under public law in this hypothetical community. In other words, devils would be externally coerced by positive laws of a well-organized State to interact with each other in accordance with republican laws designed to protect free choice (as a capacity for end-setting). Of course, this interpretation would demand us to reframe the very way in which we understand what Kant actually describes as being the problem of State for a nation of devils (ZeF, AA 08: 366).

In any case, what is interesting about this approach is that, although under coercion, and acting out of compliance with duty, devils would still be fully righteous according to Kant’s moral concept of right and universal principle of right (MS, AA 06: 230). Apparently, there would be room to discuss at length how Kant’s political insights in *Towards Perpetual Peace* (especially when it comes to the separation between right and ethics) are strictly aligned with his philosophical investigation regarding the rational sources of right in the *Doctrine of Right*<sup>7</sup>. But, in order to engage in this last discussion, the framework of practical reason in narrower sense has to be presupposed, something which this paper at least attempts to provide on a textually and systematically grounded basis.

<sup>6</sup> See footnote 4.

<sup>7</sup> Something similar could be said about the relationship between Kant’s moral concept of right and his political insights in the essay *On the Common Saying: This May be True in Theory, but It Does Not Hold in Practice*. Take, for instance, his criticism against a “paternalistic government <väterliches Regierung>” (TP, AA 08, p. 290) and the way in which the political principle of “freedom <Freiheit>” (TP, AA 08, p. 290) is presented: “[...] each may pursue happiness in the way that he sees fit, as long as he does not infringe on the freedom of others to pursue a similar end, which can coexist with the freedom of everyone” (TP, AA 08, p. 290).

## 4. Concluding remarks

As a concluding remark it is worth mentioning that this account of the rationality of devils is developed, as an attempt, under some of Kant's most relevant moral and practical insights. In other words, even a reader willing to reject it on the basis of Clohesy's approach to the text of *Towards Perpetual Peace* must at least admit that there is textual support to say that a devil would not be evil with the power of understanding alone. With that in mind, it is also relevant to note that, reconstructed as the most radical case of a juridical community of beings who always and without exception act out of self-interest (despite fully capable of moral thought), the hypothesis of a race of devils (as an archetype of a radically egotistical being) offers a much more interesting case, at least from an exegetical point of view.

On one hand, Kant discusses the mechanical course of nature as a guarantee of the accomplishment of reason's ends under the presupposition of a practical framework on which rational beings are subject to duties (more specifically, the duty to bring about the rule of law prescribed by reason). On the other hand, this perspective unfolds interesting questions that are deeply related to Kant's philosophical approach regarding the normativity of right. In that sense, finally, one can be immediately tempted to ask, for instance, which would be the consequences of accepting that even egotistical devils could be righteous under Kant's criterion of right, as it seems to be suggested in *Towards Perpetual Peace*. This matter becomes of the utmost importance especially when the difference between a "morally good person <ein moralisch-guter Mensch>" (ZeF, AA 08: 366) and a "good citizen <guter Burger>" (ZeF, AA 08: 366) is directly addressed by Kant. Together, these remarks seem to offer good reasons in favor of a more substantive account of the rationality of a devil.

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