

THE POLITICAL DIMENSION OF PATHOLOGY: KANTIAN MENTAL ILLNESSES BETWEEN FRAGILITY, FREEDOM, AND IMPUTATION

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1. *PATHOLOGY* AND *PATHOLOGICAL* IN KANTIAN PHILOSOPHY: PRIMARY PHYSICAL, MENTAL, AND POLITICAL ASPECTS

It is interesting to note that Kant does not use the term *pathology* or the adjective *pathological* [*Pathologie, pathologisch*]² in his anthropological works in the sense of that which regards diseases or the malfunctioning of the cognitive faculties and the will, but he makes use of these terms exclusively concerning inclinations and in opposition to the determination of moral laws [AA 5:19; 5:117; 5:120; 6:378]. The term “pathological” is used by Kant above all in his practical works and it is often employed as an adjective for the term *feeling*, thus defining the distinction between the practical causes and the pathological sources of feeling. The feeling of respect [*Achtung*] for the moral law, in particular, is defined by Kant in contrast to the *pathological feeling*, which is instead conceived as a “singular feeling”. The Kantian concept of the adjective “pathologic” therefore belongs to sensibility, to perceptions coming from the body and singular inclinations, and is conceived as a term linked above all to pleasure [*Lust*], through its connection to the conception of Greek πάθος and to that emotion which belongs to humans and not to gods. In this sense, in the *Critique of Practical Reason* (1788), Kant says that pathological will is a determination of the faculty of desire which is incapable of carrying out an action corresponding to the moral law and, in this sense, a “pathological” action is not a free action, but a heteronomous action. In the *Critique of Pure Reason* (1787), Kant refers to the animal *arbitrium brutum* also defining it as pathological, contrasting it with the human and rational will that conceives the freedom and determination of moral law. In the *Metaphysics of Morals* (1797), again, Kant explains that moral law is pathological if the pleasure [*Lust*]

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precedes the determination of will and action [6: 211]. In this case, will is subjective and does not follow the general law of morality, as there may be maxims based on feeling, which are not grounded on reason and on its pure use. Also, in the *Critique of Judgment*, Kant offers a distinction between a practical and pathological pleasure, the latter relating to those sensitive *stimuli* which come from what is pleasant and from subjective feelings.

Starting from the lexical complexity employed by Kant in the *Essay of the Maladies of the Head* (in German, *Versuch über die Krankheiten des Kopfes*) of 1764 and *Anthropology from a Pragmatic Point of View* of 1798 (where weaknesses and diseases are called *Gemütskrankheiten* and *Gemütsschwächen*), the term *Krankheit* is used in a very flexible way and may include any physical, psychological or mental disorder that can be identified through precise symptomatology. In this sense, illness [*Krankheit*], considered in general, does not explain a single phenomenon but, more precisely, a series of physical, cognitive, and emotional-volitional dysfunctions, not otherwise defined by exclusive psychopathology or, in modern terms, in a definitive anatomical-functional theory. Therefore, while with the term *pathology* [*Pathologie*] Kant explains a further determination of the activity of practical reason, which can be defined by subjective and natural motivations, with the word disease [*Krankheit*], he explores a condition of physiological disturbance that can affect the mind and action. In any case, the *disease* as a psychosomatic disorder and the *pathological* as a determination of the will are deeply connected.

Illness for Kant is a weakening of the balance of primarily physical forces and this definition is connected to the systematic doctrine of Haller and Stahl, according to which disease is the activity or weakness of the vital energies. Therefore, this conception of alteration of the body and mind is influenced by the traditional Stoic, Hippocratic and Galenic medical knowledge which was widespread in the German culture of Kant's time³. The Kantian interest in diseases and medicine is not linked simply to the study of pathological conditions of the body and mind but, above all, to the medical knowledge that is immediately expressed in a practical application. In this regard, Kant's attention to disease is characterized by a deepening of his knowledge of the theory of medicine, starting from an anthropological, scientific, pragmatic, and moral point of view, without excluding the idea that mental disease is an expression of the society of the Age of Enlightenment and its structural anomalies. Beyond this interest in the social emergence of some pathological phenomena, like *hypochondria*, and especially through Rousseau's philosophy, it was certainly the spread of studies of neuro-anatomy that allowed Kant to reflect on mental disorders and to work on the definition of a discipline which could classify them, following the idea formulated in *The Conflict of Faculties* (1798), according to which treatment and therapy belonged to an *art* [*Artz*] placed between philosophy and medicine. Through a critical reflection of the medical theory of his time, Kant dwelt on the study of healing and practice of treating physical and mental illnesses, through the theories of J. Brown, translated into German during that period. Alongside a general concept of disease as a "seed" and cause of natural death, Kant explains the cause of all pathologies in the concept of *asthenia* and *stenia*, dwelling on digestive irregularities (considered the cause of some mental malfunctions), on the displacement of the brain (based on madness), and on heart disease (an index of the corruption of the will). In this context, medical knowledge based on the

pharmaceutical use of antidotes or potions, on surgery (itself based on practical and mechanical knowledge), and on the already achieved dietetics, realized on an ideal of a doctor-philosopher that encompassed theory and practice, psychiatric prophylaxis and treatment.

Now, if much attention to the diseases of the body is offered by Kant's correspondence with some doctors and scientists of his time (Herz, Herhard, Hufeland, and Sömmering) - just as many references to the body and medical treatments are clear in the *Anthropology Lectures*, contained in volume XXV of the Akademie Ausgabe - the theme of mental illness and disturbances of the mind is addressed in two anthropological works, the *Essay on Maladies of the Head* (1764) and *Anthropology from a Pragmatic Point of View* (1798). The reasons for this limitation have been considered by P. Frierson,⁴ beginning with the idea that in both works Kant is offering a *pars destruens* which is necessary to prepare the *pars construens* of his system of philosophy, constituted instead by its critical works. In this sense, the pathological figures shown in the text are described as the ways in which a safe reason in its *unhealthy use* can formulate cognitive restrictions and poor judgments or, in extreme cases, give rise to a transfigured connection with reality. In *Anthropology from a Pragmatic Point of view* (1798), mental illnesses are described as dysfunctions of the faculties of the mind, through which the subject, and not the animal, is perpetually exposed to the risk of his failure: disease is essentially related to humanity and to the full development of its rational faculties. From this view, although pathologies provide a general picture of all the possible epistemological and practical errors that affect the correct functioning of reason in its theoretical and practical use, such as prejudices or difficulties in the formulation of moral judgments. Another interesting point, which perhaps the interpretation has not particularly focused on, is the re-evaluation of the illnesses of the faculty of knowledge and of desire in a phase of elaboration of some crucial moral and legal concepts, namely that of the *imputability, duty, and personality*. In this regard, reflection on illness also plays a fundamental role in Kant's moral (and political) philosophy, because it analyses the concept of normal and abnormal, in the public and private spheres from a social interpretation.

If we want to interpret mental illnesses more meaningfully, relating to Kantian moral philosophy, it should not be excluded that the conception of an *altered personality* (or of an *abnormal personality*, as also defined by Wanda von Baeyer-Katte)⁵ and the Kantian use of expressions to define psychopathology, were ways in which he described human beings, distinguishing "socially acceptable" actions from the behavior of a mentally ill person. In this sense, Kantian attention to mental illness in *Anthropology* also refers to the question of public and political order as an element excluded from public opinion and which is also legitimized by a concept of psychological normality of the subjects who are part of the community. In this regard, Kant never refers to the term *psychopathic* [*Psychopath*] and, in addition to using traditional definitions taken from a common language, he refers to *pathological phenomena* [*pathologischen Erscheinungen*], which are excluded from the *sensus communis logicus*, that is, that public and normative sense of communication [7: 219]. In this context, it does not seem strange to consider the attention to pathologies of the mind also in their relation to some moral and juridical principles of late Kantian reflection, in an interest documented in the pre-critical phase, where the pathology was a natural achievement of the society of the

Age of Enlightenment and its criticalities. In this sense, Kantian *Anthropology* would seem to describe the formation of systems of power in the modern age, that is, systems of power whose instruments would not be so many explicit laws and coercive impositions, but rather the gradual and non-gradual establishment of immediately transparent disciplinary mechanisms deeply inscribed in the social body and in the individual bodies⁶.

2. DISEASES OF COGNITION IN *ANTHROPOLOGY FROM A PRAGMATIC POINT OF VIEW* (1798): FROM EPISTEMOLOGICAL QUESTIONS TO MORAL DOUBTS

Kant's interest in the topic of mental illness fits in the process of autonomization of psychiatric knowledge⁷ during the eighteenth century. The philosophy of the Enlightenment made scientifically neutral a field of investigation hitherto understood as superstitious knowledge, in which the disease was described as a form of demonic possession. Through Cartesian philosophy, the exclusively somatic perspective opened up to the psychological and mental points of view. The spread of psychiatric knowledge followed the development of psychiatric institutions, that is, places and institutions dedicated to the reception and treatment of subjects suffering from mental illnesses. From the Enlightenment, according to which the optimism of reason was also expressed through scientific trust in medical-psychiatric treatments, the mentally ill gradually gained their human dignity and, following this, there was large-scale creation of institutes for people suffering from psychosis, structures disconnected from universities, and small private care homes (the *Maisons de Santé*)⁸ in which the first psychiatrists had direct contact with clinical cases.

Kant's interest in mental illness was born at the dawn of psychiatric knowledge, a discipline placed between medicine and philosophy which was also beginning to collaborate with theology and jurisprudence [7: 22]. Taking the intertwining of these disciplines as a starting point, Kant believed that judgment on mental illness was philosophical and concerned with the social responsibility of the sick subject, while the cause and cure of physical illnesses belonged to medicine and medical treatment. Diseases of the mind, on the other hand, are subject to philosophical, anthropological, and psychological judgment. The questions relating to the interrelationships between medical and philosophical disciplines, if not addressed within a systematic work on medical issues, can be found in the *Conflict of the Faculties* (1798). The text proposes the famous dispute of the Renaissance arts, in terms of a *conflict* [*Streit*] between the faculties of theology, jurisprudence, and medicine on the one hand, and philosophy on the other. While the three faculties aim for the "eternal well-being of each, then his civil well-being as a member of society, and finally his physical well-being (a long life and health)" [7:21], philosophy acquires another role. After the faculty of law and theology, "the medical faculty is, therefore, much freer than the other two higher faculties and closely akin to the Philosophy Faculty" [7:26]. Medicine is closer to philosophy than to theology and jurisprudence because it is, like philosophy, a *moralische Kultur*, i.e. a way through which the physical part of man is treated morally and is not subjected to any authority [*auctoritas*]. Therefore, in the *Conflict of the faculties* Kant 1. institutionalizes medical-psychiatric knowledge, since it achieves the

goal of the civil state in the well-being of its citizens 2. privileges the role of philosophy and medicine as “free” disciplines.

From a scientific and not merely disciplinary-cultural perspective, the Kantian approach to diseases of the soul remains substantially formalistic, that is, based on his theory of knowledge and on a descriptive and not physiological nosology. In fact, most of the theses on pathologies of the mind come from classifications documented at the time, such as that of Melchior Adam Weikard, *Der Philosophische Arzt* (1773-75) or *Krankheiten des Geistes und des Gemüthes* (1798). However, the Kantian model is very close to John Brown’s Scottish tradition, in which diseases are not explained through their causal relationships, but only through their clinical recognition. The Kantian approach to the medicine of the time succeeded in offering some conceptions that would lead the medical supporters of the critical-transcendental method beyond the stalemate of the epistemological status of medical-scientific knowledge, and furthermore it was successful in considering such knowledge not only theoretically but, above all, from a practical point of view. The Kantian perspective on medicine and health, linked to the concept of the duty to preserve life and the condemnation of suicide, suggests a position in which not only doctors but above all philosophers can comment on questions concerning the morality of therapy or cure. In summary, Kant’s view of medicine and its relations with jurisprudence and philosophy suggests a modern approach to the issues in question, including attention to weak subjects and the protection of the vulnerable⁹. Obviously, before being able to define a concept of the legal protection of the sick subject, Kant needs to define the concept of disease (and *abnormality*).

After the *Essay* of 1764, Kant develops in his *Anthropology* the theme of mental illness strictly connected to the elaboration of the mental faculties. As regards the work of 1798, Kant classifies pathologies from a cognitive point of view starting from two levels of severity, thus conceiving the taxonomy of mental illnesses from the cognitive faculties in their legitimate and transcendental use, to be able to study any anomalies and defects. First of all, there are the deficiencies of the cognitive faculty, related to a decrease in its functionality, and, although there is correspondence between the cognitive faculty and its functionality, the operations of the causal laws are different from the activity of a subject under normal conditions. Secondly, Kantian diseases regard the higher faculties, while the senses are not subject to error. The defect of sensibility is therefore not in the organ that receives the manifold but in the faculty of rules, that is, it concerns the faculty of understanding and reason.

Kant divides deficiencies [*Gemüthsschwächen*] (weaknesses), from real illnesses [*Gemüthskrankheiten*]. Only the latter are real diseases in Kant’s view because they have real subjective rules that go against the objective rules conforming to experience. While a fool is not hospitalized, mental confusions such as *delirium* (*imaginative disturbance*), dissociation, extravagance (*disturbance of reason*), i.e. *Wahnsinn*, *Wahnwitz*, *Aberwitz* are considered debilitating for the affected subject and require medical treatment and internment. Among the mental illnesses of *Anthropology* Kant also includes *hypochondria*, which is the disease in which certain bodily sensations do not reveal a true inner evil but provoke fear of an alleged existence, such as the *raptus*, which is a sudden change of mood and melancholy. It is important to see that Kant here reads diseases as a profound but also natural degeneration of humanity that

moves away from the minority, that is, away from the state before the entry of man into the Enlightenment. Illness, in *Anthropology*, is also a state of unhappy ignorance and the absence of the cognitive and practical tools with which to move out of that condition.

Three kinds of derangements are described by Kant: tumultuous, methodical, and systematic [7: 214]. While a pragmatic anthropological approach can favor the treatment of weakness and all minor defects, the causes of diseases are identified in hereditary factors, what we today call genetic and physiological factors. First of all, Kant identifies *amentia*. This is the “inability to put one’s representations in the order necessary for the possibility of experience” [7:215] and, according to Kant, the interned are mostly confused women. Delirium (*dementia*) is the methodical perturbation in which everything that the sick person says conforms to the formal laws of thought, so that experience is possible, but since the imaginative force¹⁰ works on a false element, representations based on distorted data are read as true and valid knowledge. In this sense, therefore, the inventive force is charged with productive activity and takes the place of the reproductive imagination, which instead works on data from experience and temporal syntheses. Mania¹¹ includes those who today we call *paranoid* in psychoanalytic language. Dissociation (*Insania*, insanity), is a “deranged power of judgment” in which judgment is struck by false analogies, which are exchanged with the ideas of similar things. In this way, the imagination helps the game of connecting separate things and connecting ideas that seem coherent but which in truth are not. Finally, extravagance (*Vesania*) is the “sickness of a deranged reason”. The sick person escapes any guide of experience and believes he understands the incomprehensible. This distortion is linked to reason and it is an instrument of unification of the unconditioned.

The ailments listed by Kant derive from alterations in the functioning of these faculties. As noted, insanity (*Wahnwitz*) is an “unbalanced power of judgment”: in this case, the ordinary function of judgment and its power to produce analogies is confused with the activity of the understanding, and its ability to subsume the particular subcategories, through a confusion of faculties and operations. In particular, madness is a disturbance of the content of thought in which the *sylogistic structure* is intact and the error consists in the false application of the rules: judgment can create false analogies or fallacious syllogisms. The madman mistakes a logical presumption for a rational deduction, concludes the total identity of the subjects from a partial identity of the predicates, and treats different species as belonging to the same species. *Amentia* (*Unsinnigkeit*, *amentia*) is a defect of the imaginative association and interprets the perversion of the understanding as an inability to give one’s representations the necessary coherence for the possibility of experience; in madness (*Aberwitz*; *vesania*), the mentally ill subject goes beyond the whole experience and aims at incomprehensible principles. All the diseases listed by Kant are alterations of the faculty of the mind in their normal use and alienate the individual from “*Sensorio communi* that is required for the unity of life (of the animal), it finds itself transferred to a faraway place (hence the word ‘derangement’)” [7: 216].

The theory of error plays an important role in the conception of Kantian disease, as pathology is the radicalization of the human capacity to make logical mistakes. In the *Essay* of ‘64, Kant says that the senses produce no errors, while the logical mistake is something that

belongs to the higher cognitive faculty. In particular, there is a logical error in the functioning of reason and understanding, the first regarding the erroneous construction of the syllogistic connection¹², the second the erroneous comparison of a predicate with something. Kant explores in this text the possible alterations of the senses and the imagination, such as the *hallucination* [*chimera*] which is the production of an object/ghost that is projected into the experiential dimension through a judgment of subreption. The chimera is therefore the result of an incorrect application of that faculty that manages space-time representations, especially in those who have a brain injury. In this sense, physiological data and functional elements of the brain are interconnected. In *Anthropology* the theme of illness is linked to the problem of logical error since the passage made by Kant in the *Critique of Pure Reason* involves a rethinking of the connection between logical error and truth in transcendental philosophy. In the *Dissertatio* of 1770, in fact, Kant believes that the senses and sensitive knowledge were subordinate to understanding, in a logical and real sense. In this context, sensibility does not offer any objective knowledge but requires the logical function of understanding to build a connected experience. The Kantian vision between the *Dissertatio* and the *Critique of Pure Reason* is mediated by the study of Leibniz and Baumgarten, and by the role played by aesthetics as an autonomous science (in the sense of philosophy of art, but also as a science of the principles of sensibility). Kant progressively problematizes the role of sensibility in its relationship with understanding for explaining transcendental appearance and illusion. In the *Transcendental Dialectic* of *Critique of Pure Reason*, it is possible to identify three meanings of the term appearance [*Schein*]: 1. a deception of the senses concerning the relationship of understanding and the sensation in judging correctly or incorrectly; 2. a logical deception concerning the incorrect form of the syllogism; 3. an illusion concerning reason and the use of principles. The latter illusion is also called *transcendental illusion* [*transscendentalen Schein*] because it is connected to the a priori conditions of knowledge. Some interpreters have compared the logical error presented by Kant in the *Transcendental Dialectic* to a *mechanical process*, but this would exclude the role of the subject in his activity and the weight that Kant still attributes to physical and genetic deficits of malformations and pathologies. The logical mistake, according to Kant, is effected “only through the unnoticed influence of sensibility on understanding, through which it happens that the subjective grounds of the judgment join with the objective ones, and make the latter deviate from their destination” [3: 351]. Likewise, Kantian treatment of mental illnesses also has important epistemological implications because it can show the limitations that transcendental philosophy hides. Kantian philosophy, as described in the first *Critique*, does not study the possible errors deriving from an incorrect application of transcendental principles, but it focuses on the construction of experience through the ordering of the manifold offered by space and time and by the unification of the understanding which confers universality and necessity. The study of mental illnesses can be considered, above all, as a *general problem of Kantian knowledge*, since it reveals *negative aspects of reasoning* in its operations, from logical prejudices to cognitive errors. In a discussion on the possibility of a *a priori* knowledge, the role of contingent elements relating to human nature is highly relevant, within the constitution of a unitary and objective cognitive experience. In this regard, the logical dimension, which is expressed in an adequate application of the a priori

principles of understanding, could also be determined by some *psychological elements* and, thus not necessarily guarantee objective knowledge. In this sense, transcendental rules govern healthy reason and the normal operations of the higher cognitive faculty, while the study on mental illness analyzes the psychological (and not only transcendental) characteristics of human thought. Nevertheless, man can err through various *restrictions and subjective obstacles*, not proceeding within his normative standards, because it is possible to make mistakes by formulating judgments inappropriately: a healthy intellect can make errors; the sick intellect does not simply make errors but radicalizes them into a “new”, coherent system of reality. The errors that Kant lists from the various pathologies are not, however, connected only to logical prejudices, but to problems of general application of principles and concepts in the formation of judgments. Kant also refers to an incorrect comparison of predicates with objects, syllogistic defects, and errors given by illusory projections which exchange a logical presumption for a rational deduction. But *Didactic Anthropology* is also a “cure for error” because “Understanding is positive and drives out the darkness of ignorance-- the power of judgment is more negative, for the prevention of errors from the dim light in which objects appear. - Reason blocks the sources of errors (prejudices) and thereby safeguards understanding through the universality of principles” [7: 228]. In this regard, *Anthropology* “can furnish examples of each of these principles, but it can furnish even more examples of their opposite” that is, despite different minds, it provides a series of public and liberal maxims for intersubjective communication: 1) To think for oneself 2) To think oneself (in communication with human beings) into the place of every other person. 3) Always to think consistently with oneself.

In *Anthropology*, as we have seen, in addition to listing the diseases of cognitive faculty, Kant recognizes an essential characteristic of madness “The only universal characteristic of madness is the loss of common sense (*sensus communis*) and its replacement with logical private sense (*sensus privatus*); [...] For it is a subjectively necessary *touchstone of the correctness* of our judgments generally, and consequently also of the soundness of our understanding, that we also restrain our understanding by the understanding of the others, instead of isolating ourselves with our understanding and judging publicly with our private representations, so to speak” [7: 219]. We thus have a specific interpretation of the disease: on the one hand the loss of common sense, on the other the fact that the power of an “unhinged mind still arranges itself in a system, and that nature even strives to bring a principle of unity into unreason, so that the faculty of thought does not remain idle. Although it is not working objectively toward true cognition of things, it is still at work objectively toward real cognition of things, it still at work subjectively, for the purpose of animal life” [7: 216]. In this sense, the Kantian illness must be interpreted from an epistemological and moral point of view, that is, as an inability to formulate judgments in relation to others and as a closure within a private and totally subjective experience. As Kant says, “Mental derangement indicates an arbitrary course in the patient’s thoughts which has its own (subjective) rule, but which runs contrary to the (objective) rule that is in agreement with laws of experience” [7: 202].

So, first of all, the experience of the pathology of the mind through the limitation of the subject’s cognitive potential excludes him from common and intersubjective knowledge: the sick subject is locked up and isolated in his private reality and is unable to relate his

private representation to that of others, thus judging publicly. But, at the same time, its private representation is not totally “unreasonable”, because he has another subjective rule, realized from a different point of view. This particular condition, according to Kant, makes up a system, a sort of connection, and even if the patient cannot have the objective knowledge of things, he remains on the subjective level of knowledge. In a certain sense, therefore, the mentally ill person creates his own cognitive system and is capable of setting general goals - though they may be logically incorrect - and can conceive singular desires, without however defining a relationship between the elaboration of a maxim and its realization in an action. Unlike animals, as stated in *The False Subtlety of the Four Syllogistic Figures* [2: 60] (1762), which distinguish representations confusedly and only through the body, without differentiating them, sick subjects seem to have a status of subjectivity and spontaneity that seems to define them in a different sense, because animal life is preserved through the creation of a private systematic rule. In particular, Kant says:

“The dog differentiates the roast from the loaf, and it does so because the way in which it is affected by the roast is different from the way in which it is affected by the loaf (for different things cause different sensations); and the sensations caused by the roast are a ground of desire in the dog which differs from the desire caused by the loaf, according to the *natural connection*¹³ which exists between its drives and its representations. This consideration may induce us to think more carefully about the essential difference between animals endowed with reason and those not so endowed. If one succeeds in understanding what the mysterious power is which makes judging possible, one will have solved the problem. My present opinion tends to the view that this power or capacity is nothing other than the faculty of inner sense,⁷ that is to say, the faculty of making one’s own representations the objects of one’s thought. This faculty cannot be derived from some other faculty. In the strict sense of the term, it is a fundamental faculty, which, in my opinion, can only belong to rational beings.”

If the animal is guided only by sensations and differentiates desires in an unconscious way, the human being is able to represent a specific desire through internal sense, in a *rational and systematic connection*. In the case of one who is mentally ill, on the other hand, and who therefore creates a totally personal system of understanding of the world, there will be a further way of forming their singular desires. In any case, the presence of a sick reason, albeit limited to a use that does not make it the motive for the action but only an instrumental function of instinct, which directly affects the will and determines it despite the objections of reason, explains the madness in the human subject both in a constitutive sense (as in the cases of severe malformations, where madness manifests itself somatically) and in an accidental sense (when it refers either to cases of an irrational action which is not necessarily a pathological action or to cases of morally educable madness). Furthermore, even in normal subjects not only does the law of obligation operate, but there are cases in which the maxims are formulated through habit or inclination. If the madman maintains a link with his cognitive faculties, though they may be altered or sick, it will be necessary to hypothesize his ability to represent his desires through an ability to provide subjective maxims and principles of action. While animals have representations that give rise to inclinations through a form of reflection, he who has a mental illness has a form of connection and unity of his representations which is still tied to logical laws, and, in this sense, we can refer to proper consciousness, and not to a simple “awareness”.

3. FREEDOM AND RESPONSIBILITY BETWEEN HEALTH AND MENTAL ILLNESS: THE JUDGMENT OF IMPUTABILITY AND THE LEGAL PROTECTION OF FRAGILE PERSONS

Now, let us go back to the concept of madness, in addition to the classification offered in the *Essay on the Maladies of the Head* and in *Anthropology from a Pragmatic Point of View*. If we refer to the post-Kantian juridical debate on madness¹⁴, there was a unitary definition of this notion, especially in the context of criminal trials, where materialist and metaphysical positions are met. According to Kant, and his treatment of mental illnesses, insanity seems to be a *limitation* of reason or of the use of its operations and functions of its faculties, above all due to affection in the material organs assigned to the activities of the mind. Kant also seems to admit that mental illnesses can be caused by social and degraded contexts or by a diminution of the functioning of the mental faculties of knowledge. Between the aforementioned suggestions, and since madness is expressed through acts and actions that are observable from an anthropological-pragmatic point of view, the phenomenon of craziness seemed to consist of an overall lack of rational self-determination, because it materially affects the brain and, subsequently, the correct production of representations. The representations of objects of nature, or of objects of desire, are activities of consciousness connected to the logical and psychological structures of the human subject. In this genetic and functional context, the representations of a healthy subject represent an activity capable of 1. configuring objects according to precise epistemic and transcendental structures and 2. programming practical actions aimed at realizing objects of desire. These systematic-transcendental connections, through which external objects become phenomena of consciousness, are altered in subjects affected by pathologies. However, as we have seen, the sick subject builds his own subjective system of representations and can, in this sense, be motivated to act also on the basis of private and personal motives and inclinations.

In *Critique of Pure Reason*, Kant distinguishes *arbitrium rationalis* from *arbitrium brutum*, i.e. the human consciousness of acting starting from rational motives or representations and the necessary action that follows the laws of nature. Rational motives, according to Kant, are principles of reason that allow us to predict the objective consequences of an action. In a human being, and as opposed to an animal, these representations define the faculty of desire; the animal, on the other hand, realizes its desires by distinguishing the objects of instinct through the body. Obviously, and this is a very interesting point, a normal man often demonstrates a lack of rational self-determination, without being insane and, that is, without having any kind of limitation in the use of reason or cognitive functions. The cause may lie in the fact that these rational reasons can sometimes have a weaker influence than sensibility and the subject can act in an erroneous way because there are errors or imperfections related to certain representations. In the case of a mental illness, the dysfunctional acting is given by a defect, analyzed from a physiological perspective, and this physical impairment has an immediate connection with the superior cognitive capacity and with the faculty of desire. This physical impairment compromises the adequate formation of mental representations and, at the same time, defines a distorted link between maxims of the will and practical actions. In the *Essay* of 1764, this condition is given by a *gestörten Gemüths* (unbalanced mind) and in *Anthropology* by “an unbalanced brain [*gestörten Gehirns*]”. Kant believes that mental illness

derives from physical diseases of the material organs and, in particular, of the brain and not from an immaterial substance called “soul”. In summary, if a sort of “weakness of will” (or inclinations) explains the problematic relationship between the principles of rational action and effective action in a healthy subject, mental illness as an anatomical dysfunction explains the difficult connection between representation and acting in the sick subject. In this sense, their degree of foresight and self-determination - which normally authorizes men to define themselves free - is limited.

The lack of freedom, which is related to the decrease in self-determination, is a very important aspect of mental illness even in a juridical discourse, where, for example, it is necessary to decide the possible condemnation of a mentally ill criminal. Referring to imputability from a legal and moral point of view, the fact that the pathology is based on a physical disease and therefore arises almost as if by natural necessity, however, seems to exclude it from any concept of punishment. As Kant says:

“Thus if someone has intentionally caused an accident, the question arises whether he is liable and to what extent; consequently, the first thing that must be determined is whether or not he was mad at the time. In this case, the court cannot refer him to the medical faculty but must refer him to the philosophical faculty (on account of the incompetence of the court). For the question of whether the accused at the time of his act was in possession of his natural faculties of understanding and judgment is a wholly psychological question; and although a physical oddity of the soul’s organs might indeed sometimes be the cause of an unnatural transgression of the law of duty (which is present in every human being), physicians and physiologists in general are still not advanced enough to see deeply into the mechanical element in the human being so that they could explain, in terms of it, the attack that led to the atrocity, or foresee it (without dissecting the body). And forensic medicine (*medicina forensis*) when it depends on the question of whether the mental condition of the agent was madness or a decision made with sound understanding - is meddling with alien affairs, which the judge does not understand. He must at least refer it to another faculty, as something not belonging to his competence.” [7: 214]

The concept of responsibility is linked to the freedom to act and to the subject’s ability to understand and to will. In particular, it is the philosophical-psychological faculty that establishes whether the subject, at the moment of the fact, was insane or normal and that decides the degree of responsibility: forensic medicine can assist philosophy in providing an imputation judgment. The madman, therefore, is recognized as physically ill because his thought is completely altered in their ordinary function. Legal action against a madman, with the threat of punishment, would therefore be senseless, especially from the perspective of an overall consideration of the pathology and the charge. Kant writes in *Anthropology*, describing the case of a woman who killed a child:

“[out] of despair, because she had been sentenced to the penitentiary, such a judge declared her insane and therefore exempt from the death penalty. For, he said, he who draws true conclusions from false premises is insane. [...] On the basis of this argument it might easily be possible to declare all criminals insane, people whom we should pity and cure, but not punish [*die man barren und current, aber nicht bestrafen müßte*] [7: 214].

The inability to use the practical reason to act also refers to the notion of legal imputation and those cases in which it is not possible to impute someone for an act committed. The concept of imputation is defined by Kant in the *Metaphysics of Morals*, in the paragraph on the *Preliminary Notions to the Metaphysics of Morals (philosophia practica universalis)*. The imputation in the moral sense is “the judgment in which someone is regarded as the author (*causa libera*) of an action, which is then called a deed (*factum*) and stands under laws [...] the natural or moral person that is authorized to impute with rightful force is called judge or a court [6: 227]. But let’s see what the relationship between imputation and person implies, and then consider the specific case of a fragile or sick subject.

Starting with the use of deductive reasoning, through a juridical argument, namely the *modus ponens* and the *modus tollens*, Kant explains the notion of imputability: “the good or bad results of an action that is owed, like the results of omitting a meritorious action, cannot be imputed to the subject (*modus imputationis tollens*)”. Furthermore, “the good results of a meritorious action, like the bad results of a wrongful action, can be imputed to the subject (*modus imputationis ponens*)” [6: 228]. The degree of imputability (*imputabilitas*) of the actions must be calculated subjectively, that is, according to what Kant believes to be the magnitude of the obstacles that had to be overcome. In this sense, the greater the natural - or sensible - obstacles, so much the more merit is to be accounted for a good deed. On the other hand, according to Kant, the less the natural obstacle and the greater the obstacle of the grounds of duty, so much the more is the transgression to be imputed. In this perspective, that is, within an assessment of the degrees of the indictment, the judge must take into account the state of mind, that is, whether the subject has committed the act dragged by passion or with quiet reflection. The analysis of a judge during a trial is not only of the facts but, above all, of the psychological intentions that motivated the action.

Returning to the Kantian argument, the *modus ponens*, therefore, is intended as a *modus imputationis ponens*, to explain how the positive consequences of meritorious deeds and the negative consequences of guilty deeds are both to be attributed to the acting subject. In this perspective, therefore, if I perform the action P, Q will be the consequence of P and of the choice of doing action P, according to a choice that is not obligatory but free. The *modus tollens* is interpreted as *modus imputationis tollens*, which explains the consequences that arise from omissions of meritorious actions that cannot be attributed to the acting subject. This argument is useful for Kant to link imputability to all those consequences of acts that do not derive directly from the moral law. While the consequences that arise from acts that conform to the practical reason are not attributable because they remain within the range of practical obligation, all the consequences that are attributable to non-mandatory acts are attributable to the person who carries them out. In this way, Kant explains the action that remains within the sphere of the determination of moral law and that action that is exposed to infinite consequences and contingent possibilities.

The concept of imputation referred to in the discussion above, regarding the personality and other juridical concepts is of great importance. Kant defines *person*: as a “subject whose actions can be imputed to him” [6: 223]. Therefore, in this sense, the connection between

a subject and the actions is of a causal kind, that is, to be referable to a specific subject, the actions must be explained as the *effect* of the activity of a specific subject. The connection that exists between the person and the actions, on the other hand, is not of a causal kind since, to be attributed to a person, the *actions* must be considered as desired facts. Therefore, Kant believes there is a connection between a human behavior that is a cause A) concerning an effect/event, and B), in which it is sufficient to attribute a natural causal relationship and a determination of an event through a subjective will. In this second case, a person is considered by law as the *author* of action. The moral personality is therefore nothing other than the freedom of a rational being under moral laws (whereas psychological personality is merely the capacity of being conscious of one's identity and the different conditions of one's existence [6: 223]). Therefore, the concept of imputation is linked exclusively to the capable and healthy subject, that is, one's personality. The object of the law is the person as the author of acts, while the conception of the psychological personality as a unity of the consciousness of states is perhaps attributable to the insane, capable of creating a subjective and private cognitive system.

In this regards, the human person appears endowed with a moral conscience [*Gewissen*] and awareness [*Bewusstsein*], unlike things, animals, partially women, and individuals subjected to protection because they are minors. To be charged, the action must be free and it is precisely for this reason that, if the action of a drunkard or a maniac is to be criminally evaluated, the actions can be ascribed to the subjects, but it is not possible to impute them. The charge exists only when a legal and political power is established and legitimized, while in the state of nature, there is no charge because there is no judge. The imputation, therefore, exists only where the law by which a certain effect or an obligatory act derives is known and, therefore, no imputation can be given without the observation of the original legislation of this right. Furthermore, the possibility of indictment also derives from the freedom of the subject, just as the freedom to transgress a rule implies free adherence to a maxim of action adopted by a criminal. In this sense, for Kant, if the action is derived from some sensitive impulse, the transgression would not be committed freely and, therefore, could not be imputed.

In *Immanuel Kant's Vorlesungen über Prakt. Philosophie 1780-81*, Kant concentrated on the concept of imputation, in relation to Wolff's philosophy. Kant believes that "in the charge, there must therefore be free action and law. We can ascribe something to someone, but not impute it to him; for example, we can ascribe their actions to a maniac or a drunkard, but we cannot blame them. For there to be imputation, the action must be free". Distinguishing the *imputatio facti* from the *imputatio legis*, Kant explains that someone may have killed another without murdering him. The example reported by Kant is that of the general who kills enemies in battle: he can be attributed to the death of the enemies, having acted by the imposition of law, but not murder. The action, in this case, was not free and therefore could not be attributed to him. In the case of one who is affected by manias (mental illnesses, pathologies) the action is attributed, but the penalty cannot be imputed.

Now, in the absence of a full capacity to understand, the attribution of guilt cannot be given and the action can only be referred to as a subject, but not accused, since "the subjective conditions of freedom are the ability to act and the knowledge of what is related to it [...] in the

absence of such subjective conditions, no imputation can take place.” In this case, for example, the fact that a child tampers with objects useful for something cannot be attributed, because he is unable to know the objective aim of the action he is carrying out. In the case of drunkenness, his condition can be attributed to the intoxicated subject but not the actions performed in this state. In this sense, in fact, “the degree of the morality of an action must not be confused with the degree of imputability of the fact”. According to Kant, whoever kills someone because he is taken by anger, therefore under an emotional motion, is not perverse like whoever prepares a murder and with lucid coldness “vibrates a fatal blow”. In the first case, there is an action of greater magnitude, but less attributable, since according to Kant the second action is instead performed with greater use of will. Furthermore, a hungry person who steals food will not be attributable except up to a certain degree, since the obstacles to refraining from committing the crime have been burdensome and difficult to avoid.

Some reasons that Kant considers important elements for reducing imputability are the fragility and weakness of human nature, which also includes the case of psychological impairments and the natural tendency to evil. In fact, in man, there can be both the absence of positive good and the presence of positive evil, as a natural tendency to evil. According to Kant, *fragilitas* and *infirmitas* can only be evaluated in others and their actions, and the judge and legislator have a duty to consider these two concepts when judging those guilty of a crime. The weakness consists in the fact that it “lacks the degree of moral goodness necessary to make the action adequate to the law”. The fragility of human nature consists in the fact that not only is there a lack of goodness but “there are even consistent principles and motives that push to do evil”. These two concepts open Kantian legal theory not only to the theme of personality and imputation but also to other dimensions of human subjectivity. The Kantian concept of imputability explains, in an articulated way, the action of a free subject, therefore not subject to natural necessity, the behavior of a fragile man, the crime of a criminal who consciously perverts the moral law, and, in general, the entire sphere of irrationality that is found beyond the legislation of the moral law and the determination of the will according to pure principles. Those suffering from debilitating and serious illnesses are “admitted to insane hospitals, that is, where certain men, regardless of maturity and strength of their age, must be kept in order in the slightest circumstances of life by an extraneous reason”. Referring back to *Anthropology*, Kant refers to the exercise of protection as

“An understanding that is in itself sound (without mental deficiency) can still be accompanied by deficiencies with regard to its exercise, deficiencies that necessitate either a postponement until the growth to proper maturity or clean the representation of one’s person through that of another in regard to matters of a civil nature. The (natural or legal) incapacity [*Unfähigkeit*] of an otherwise sound human being to use their own understanding in civil affairs is called immaturity. If it is based on immaturity of the age, then it is called nonage (being a minor) [*Unmündigkeit*]; but if it rests on legal arrangements with regard to civil affairs, it can then be called legal or civil protection [*gesetzliche oder bürgerliche Unmündigkeit*]” [7: 208].

Therefore, those who are in a state of incapacity need protection as they are unable, not having a healthy understanding, to represent their person autonomously in processes or matters

of a civil nature. In this sense, in addition to reducing the charge in processes involving weak subjects, Kant excludes a civil role of any kind for incapacitated persons. The total exclusion of these subjects from civil life, and the need to guarantee them adequate internment within specialized structures, leads Kant to a legal reflection regarding the protection of physical, mental, and sensory disabilities. In summary, although the Kantian approach to disability remains firm in a juridical, medical, and philosophical tradition typical of the Eighteenth century, it is interesting to note the Kantian concern in legal protection, as an institution for the safeguard of fragile subjects and the idea of protection and care in institutions that can guarantee interventions of real support.

4. KANTIAN PASSIONS, ILLNESSES OF DESIRE, AND EMOTIONS IN POLITICS

The theme of emotions in philosophy has received considerable success in recent years, in particular starting from studies relating to human nature and feelings, such as the relation between mind and body, the conception of empathy, and the emotional phenomena involved in rational deliberation. In particular, emotions have been studied in anthropology, cognitive psychology, and philosophy of mind. A strong reconsideration of the sphere of emotion and feeling has also had a strong impact in the context of the history of ideas¹⁵, in classical German philosophy, and Kantian philosophy¹⁶. In recent decades, there was a decisive enhancement of Kantian anthropological writings and an interesting reflection on human passions understood as important elements of empirical and transcendental psychology. The translations of the *Lectures on Anthropology* have favored a reflection on the role of emotions in practical-empirical reason, although it is very difficult to speak of a complete and definite “theory of emotions”.

Talking about a theory or a taxonomy of Kantian emotions is very complicated, both for a terminological question and for a theoretical problem and, in this sense, my use of the word “emotion” will be made here in a general sense. First of all, Kant uses many technical words to define some emotions connected to the faculties of the mind (inclinations [*Neigungen*], affects [*Affekten*], passions [*Leidenschaften*], desires [*Begierden*]). Furthermore, it is very difficult to establish if there is a connection between Kantian emotions and our way of interpreting the sphere of affectivity, especially in the light of contemporary neuroscience and brain studies. However, what is interesting for my discourse on the pathologies of the mind is the Kantian treatment of the diseases of the faculty desire in *Anthropology from a Pragmatic Point of View*. The “positive” and “corrective” interpretation of Kantian human affects can in fact be relevant to understanding the political meaning of these “feelings”, especially in relation to the role assumed by the theory of emotions in contemporary political philosophy. Kant’s attention to human passions derives from Rousseau who believed that political, institutional, and social values were linked in a transformative sense to the concrete life of social subjects (“take men as they are and laws as they might be”). Feelings such as self-love or sympathy are recovered, however, by Hume, in addition to the ideal that morality aims to eliminate “negative” emotions and “encourage” positive passions¹⁷.

In *Anthropology from a Pragmatic Point of View*, defects of volition are not physical diseases but are treated as if they were. Indeed, just as disorders of the cognitive faculty compromise the right production of objective knowledge, so too the higher faculty of desire (and the faculty of feeling) may not function properly. The human capacity to produce an action starting from principles of self-governance is subjected to different forms of deviations, both from what is properly defined as “evil” and from two forms of “illnesses”, i.e. affects and passions. These defects of volition compromise self-governance above all, questioning the human principle of moral responsibility. In the *Metaphysics of Morals* and in *Anthropology*, Kant defines affects (*Affekten*) as a “lack of virtue” [7: 252] and passions (*Leidenschaften*) as “properly evil” [7: 252], starting with the distinction between the lower faculty of desire and the higher faculty of desire. In his general scheme concerning the description of human feeling and motivation, the faculty of lower desire is motivated by the sensibility and feeling, desire and action follow from sensations not be mediated by any principle of reflection on them. The faculty of higher desire, on the other hand, has a principle of reason as its motivation. According to Kant, affects are generally disorders of the faculty of feeling and passions are disorders related to the faculty of desire. Affects and passions are similar with regard to the loss of self-control and, more specifically, they exclude the total government of reason in practical action. In Kant’s view, affects are “not the intensity of a certain feeling that constitutes the affected state, but the lack of reflection”. Affects, according to Kant, are “thoughtless” and suspend the mind’s composure, making reflection impossible (like the traditional conception of *akrasia*). Affects flow away quickly, and Kant compares them to the physiological states of the body, both referring to those that increase vital forces and to those that relax the same forces. Kant speaks about affects starting from the faculty of feeling and, for this reason, the discussion on these defects of volition does not seem to concern their motivational efficacy.

Like affects, passions are defined as illnesses of the mind that “shut out the sovereignty of reason”. Passions involve reflection and Kant also thinks that passions are disordered inclinations, that do not evolve towards higher faculties. Nevertheless, identifying passions with inclinations could imply that passions, as well as affections, exceed the superior faculty of desire and could become motivating for action without relying on the activity of deliberation and reflection. Therefore, it seems clear that passions allow reflection because they are particular inclinations, understood as direct principles to inclinational ends. Passions, then, do not exclude the role of imposing a maxim as a motivational principle of action. However, in the case of passions, the object of the determination of the faculty of desire will be offered by inclination. The passionate person is completely overwhelmed by the principles imposed by his passion and does not consider the moral implications of his actions. Passionate action always requires the intervention of the higher faculty to desire, even if the principle governing action is passionate and reflection precludes both morality and happiness.

In *Metaphysic of Morals*, Kant says [6: 408] that affects “can indeed coexist with the best will”. In this sense, unlike the passions which are “cancers of reason” and inextricable “vices”, the affects in Kantian philosophy are also explained in a positive sense, concerning morality. In particular, the concept of *enthusiasm*¹⁸ [*Schwärmerei*, but also *Enthusiasmus*] is a particular moral feeling, closely linked to the practical reason and, in some ways, to the

political activity of the subject. Enthusiasm is, in a general sense, an excitement, an intense feeling of joy and participation, a fervor that concerns morality, the “idea of good with affect” [5: 271]. The Kantian enthusiasm is interpreted both as an individual and anthropological affection, linked to the relationship between the cognitive faculty and the imagination, and explained as a collective feeling connected to the event of the French Revolution. In this sense, if enthusiasm characterizes poetic *furor* (fury) in classical literature, for Kant this sensation is a moral, anthropological, and, in my opinion, also political feeling. While, in fact, the passion in general described by Kant refers to a form of domination, the affection of enthusiasm seems to be a pluralistic and democratic feeling. Passion, in fact, “starts, however, from the fear of being dominated by others, and is then soon intent on placing the advantage of force over them, which is nevertheless a precarious and unjust means of using other human beings for one’s own purposes [7: 273]. Passion comes closest to technically practical reason, that is, to the maxim of prudence and “for getting other human beings’ inclinations into one’s power, so that one can direct and determine them according to one’s intentions is almost the same as possessing others as mere tools of one’s will [7: 272]”. Passion, therefore, has a solipsistic and intimately selfish principle, by which others are understood as simple tools useful for control. The affects, on the other hand, in addition to promoting health mechanically, are positive for the subject’s temperament. If from a gnoseological point of view the term enthusiasm [*Schwärmerei*] is used by Kant to clarify the human predisposition that goes beyond the limits of human reason (and, in this sense, we also speak about *fanaticism*), in a positive sense Kantian enthusiasm represents a collective emotion of joy, oriented towards the realization of a moral and political ideal, in its republican version. The exaltation and happiness connected to the revolutionary experiences explain the intimate movement of peoples towards the construction of more advanced social ideals, as well as the emotional motivations and the political strategies and institutions to be created. Enthusiasm, as a feeling of participation in the good, explains the push of the people towards the realization of an ideal of perpetual peace. In a positive sense, enthusiasm is a moral and political feeling and can facilitate the transition from a *League of Peoples* [*Völkerbund*] to the *World Republic* [*Weltrepublik*], as an international and cosmopolitan institution. In this sense, the “forceful” participation [*Theilnehmung*] in the “highest cosmopolitan good” could even “approach the most powerful moral incentive” (19: 612) and this is the practical concept of enthusiasm, understood as a constructive and political emotion.

In conclusion, the interpretative position that valorizes emotions in Kantian discourse explains that they are morally interesting. This characteristic of moral feelings, and their cultivation, is very clear in the *Critique of Power of Judgment*, where they play an important role in the physical preservation of the health of the body and are preconditions for moral action. The enthusiasm, in particular, which emerges from the reasoning on morality, is the emotion through which a shared moral feeling is recognized, as that supersensible substratum of nature and freedom. This moral feeling is realized in a precise political ideal, namely the idea of a cosmopolitan republic guided by international law and in the experience of the constitution of a public sphere.

Abstract. Taking the Kantian interest in mental illnesses in *Anthropology from a Pragmatic point of view* as a starting point, the following will focus on some aspects concerning cognitive disorders from agnoseological perspective and some observations of practical and moral philosophy. After a terminological examination of the concept of pathology [*Pathologie*] and disease [*Krankheit*], I will analyze the relationship between 1. mental illness and cognitive faculty and the impact that cognitive disorders have on the formation of representations which can motivate practical action; 2. public sphere and private sphere as regards illness and normality. Secondly, I will investigate if and how it is possible to speak about “autonomy” in the case of mental disorder or if, for Kant, the mentally ill patient is only defined by the necessity of natural laws. In addition to this theoretical question, the third part of the paper will focus on the problem of the judgment of imputation in fragile subjects and psychopaths, explaining the Kantian position of legal protection. In the last paragraph, however, I will provide a *positive interpretation* of the illnesses of the faculty of desire, i.e. the Kantian conception of passions in politics.

Keywords: pathology / emotion / fragility / autonomy / imputation

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NOTES

¹ Ilaria Ferrara, Ph.D. at the University of Turin (Consorzio E.I.N.O.), research fellow at the I.I.S.F. of Naples. I dealt with the theme of pleasure in Kantian philosophy, in relation to the ambit of practical action. My main interests are related to aesthetics in its relationship with moral philosophy. I dealt with the connection between politics and passions and, in general, with the role of the “pathological” as a Kantian category, concerning the concept of legal imputation.

² M. Willascheck, J. Stolzenberg, G. Mohr, S. Bacin, *Kant-Lexikon*, De Gruyter, 2015, p. 1740 and ss. provides an exhaustive lexical and terminological explanation of the term pathological in Kant's philosophy.

³ This first Kantian interest in the theme of the balance of forces, also in relation to the mathematical dispute on the concept of motion and force, demonstrates the attention to strongly felt themes and problems in the context of the culture of the time, in particular in relation to the principle of life. In fact, although biology was not yet an independent discipline with respect to the natural sciences, much of Kant's interest found its subject of investigation in a very precise cultural context, in which Georg Ernst Stahl and Leibniz on the one hand and Carl Friedrich Kielmeyer and Friedrich Schelling, on the other hand, described the beginning and the end of an intellectual path which, from the French vitalistic materialism, arrived in Germany with renewed theoretical presuppositions. Stahl's vitalism, according to which the living body is an organism and not a mechanism, conceived the existence of a living principle inside the aggregate matter, proposing itself as the first theoretical perspective on biological themes, which would give life to the conception of vital force from the mid-eighteenth century onwards. C. F. Wolff considered the *vis essentialis* not simply as a forming force capable of forming new bodies but as a force capable of acting through mechanisms of attraction and repulsion of similar and dissimilar substances. The *vis essentialis* maintained its differentiation from the physical forces of attraction and repulsion and, in this way, although not a teleological principle, it came to be understood as a physical force responsible for the growth and nourishment of tissues. In this sense, the *vis essentialis*, as the first formulation of the forming force, succeeded in eliminating the conception of the anima still present in the theory of Stahl and Maupertius. Blumenbach's theories postulated the existence of a vital action in each species, characterized by a specific *Bildungstrieb*, a concept that was able to explain the transformation of an embryo from an undifferentiated substance into an adult organism belonging to a specific species. Living bodies, in Blumenbach's perspective, possess an activity that directs their matter and follows every stage of the organization of its development. The forming force is, in this way, different from the *vis essentialis*, as the latter is a force through which nutritional material is directed to the nourishment of plants and animals, while the *Bildungstrieb* is responsible for the entire development process of the organism, being characterized by a tendency towards organization that defines the difference between what is living and what is lifeless, between the organic and the inorganic. The Kantian response to these themes is certainly evident in some passages of the second part of the *Critique of Judgment* dedicated to the teleological judgment, although the references to the forming force, to life and to the principles of organization of living organisms were topics already known by Kant during the first elaboration of his thought and also fall within themes that are not purely physical. Unlike the external purpose, which has a driving force (*bewegende Kraft*) and requires an external producing principle that is the cause of its own production, organisms have an internal *Kraft bildende*, that is, they are characterized by the ability to be the principle of their own organization, capable of organizing and self-producing. The studies by J. Zammito, *The Gestation of German Biology Philosophy and Physiology from Stahl to Schelling*, Chicago University Press, Chicago, 2018, but also Gambarotto, *Vital Forces, Teleology and Organization. Philosophy of Nature and the Rise of Biology in Germany*, Springer, 2018; Instead, I. Goy, E. Watkins (eds), *Kant's Theory of Biology*, De Gruyter, 2014 offers a more general discussion of the relationship between Kant and the reference cultural context.

⁴ P. Frierson, *Kant on Mental Disorder 1: An Overview*, History of Psychiatry 20: 267–89

⁵ Wanda von Bayer-Katte, *Immanuel Kant über das Problem der abnormen Persönlichkeit*, ed Condicio Humana, Berlin – New-York 1966, pp. 35–54.

⁶ For a contemporary interpretation of the problem, I refer to M. Foucault, *Abnormal: Lectures At The College De France, 1974–1975*, ed. by Marchetti, Salomoni, Ewald, Picador, New York, 2016.

⁷ The essay by S. Poggi, *Omnia vincit animus, focuses on some aspects of Kant's reflection on psychology. Moral therapy and diseases of the nerves in German psychiatry between the eighteenth and nineteenth centuries, in Kant and the conflict of the faculties. Hermeneutics, historical progress, medicine*, ed. by C. Bertani and M. A. Pranteda, il Mulino, pp. 285–302

⁸ The topic of psychiatric internment of the mentally ill in specific structures is an interest that arose from the eighteenth century. In particular, for Pinel and other hospital theorists, the rules on which to organize these institutes were very important as these structures became fundamental for treatment and therapy. The behavior towards the recovery of the sick had to be tolerant, liberal and open and the structures had to be structured according to a precise organization by wards. Pinel, who strongly rejected the use of chains for inmates, did however allow the use of a straitjacket. Manual work and a form of civil reintegration at the time of recovery were also contemplated in this dense organization. The entire psychotherapeutic treatment had to be under the authority of a doctor. In this respect, Kant seems to be very close to Philippe Pinel's *Nosographie* of 1798, a work that appeared the same year as the publication of *Anthropology from a Pragmatic Point of view*, and to *Traité médicophilosophique sur l'aliénation mentale*, of 1801. In his writing, Pinel is not interested in formulating hypotheses about the human reason but his task, at times much more sober, is to research observable facts and organize them through psychiatric treatment methodologies. The primary cause of mental illness is a previous disorder, understood as the psychological cause preceding the onset of the disease. One of the major causes of mental illness is heredity. The second cause found by Pinel is, however, is the lack of educational and social institutions useful for the education of the individual. The third cause is the irregular life, the fourth spasmodic passions and, the fifth cause, moving passions. The sixth cause is the cheering passion and the seventh the melancholy constitution. Only in eighth place does Pinel find physical phenomena among the causes of mental pathology. Moving on to symptoms, in mania Pinel finds phenomena such as irascibility, bodily strength, greed and sexual disease. The manic are disturbed in the perception of external objects, and have completely confused thinking. In the case of the melancholy, for example, thought is concentrated on a single object and the memory and the associative capacity of ideas malfunction. The reasoning madness [*folie raisonnante*] is expressed in an inability to judge, while the demented and idiots can demonstrate good judgment - albeit deceptive. According to Pinel, in the life of the mentally ill it is the emotional dimension, the character and the emotional balance of the subject that are upset. In mania,

for example, more than an upset of the ability to judge or ideation, there is a general fury that affects the mentally ill. Pinel also lists four forms of mental illness: mania, melancholy, dementia, and idiocy. Mania, or delirium, is located in the stomach, and is characterized by bizarre behavior. Melancholy is characterized by concentration on a single sad object and can lead to aphasia or suicide. *Dementia*, according to Pinel, derives from the lack of thinking capacity, where thoughts become incoherent and ideas appear isolated from one another (while in mania, even if concepts are false, they can be organized coherently). Idiocy is the absence of spiritual faculties and is comparable to cretinism, the analysis of which is useful for Pinel to talk about legal problems related to psychiatry.

⁹ See also, for contemporary debate, Cavarero and Butler. For the theme of capabilities in its Aristotelian re-reading, see Nausbamm

¹⁰ With regard to the use of the imagination in a critical context, it is worth pointing out the following. The understanding can be understood either as a faculty of rules, that is, as an a priori legislative activity for the knowledge of nature, or as a faculty of concepts (faculty of knowledge) which is capable of subjecting the manifold of given representations to the unity of apperception. The understanding, in its cognitive activity, brings the manifold given in intuition back to the unity of the concept, on the basis of a system of rules, and is able to produce representations by itself, being spontaneous and non-receptive root of knowledge. Imagination is a particular cognitive faculty, placed at the basis of intuition, and outlined here and there by Kant between the first and second draft of the *Critique of Pure Reason*, in *Anthropology* and in the *Critique of Power of Judgment*. The action of the faculty of judgment is aimed at granting imagination and understanding to prevent the former from being dispersed into images of the imagination, thus allowing a form of legality to emerge even in the freedom of the imagination, according to a particular compliance with the rule. In this sense, Kant is able to distinguish the *Einbildungskraft* from the *Phantasie*, that is that completely subjective game of images, explained precisely in pragmatic anthropology as an activity and, in this context of deepening of mental pathologies, as one of the possible ways through which an imaginative and ideational production that does not take into account the law-making of the understanding has another function. The concepts of the understanding, in view of theoretical knowledge, must always be exhibited, that is, the object that corresponds to each concept of the understanding must always be given in intuition, since only in this way is objective knowledge possible. On a cognitive level, Kant believes that the exhibition is made possible through the doctrine of transcendental schematism, as the transcendental schema is the product of the imagination that relates to intuition and concept through a priori determinations of time. A different case is given for aesthetic judgments, as the exhibition is not aimed at knowledge but at the feeling of pleasure and, therefore, at what is called beautiful and sublime. As a faculty of exhibition, the imagination can also go beyond experience, approaching a display of the ideas of reason, in which no intellectual concept is ever completely adequate. Precisely, the reproductive imagination, also called re-evocative, is subject to the laws of association and always presupposes an empirical intuition; the productive or inventive imagination is instead an *exhibitio originaria*, it precedes experience and contributes to the explanation of the possibility of a priori knowledge.

¹¹ Many people with schizophrenia, depression and bipolar disorder express their creative gifts in art, science and literature. Schizophrenics express themselves in psychotic art but autistics and those suffering from Alzheimer's disease and frontotemporal dementia are also creative subjects. On this point, I refer to the work of Eric R. Kandel, *The altered mind. What brain anomalies say about us*, Cortina Editore, 2018, p. 159.

¹² Closely connected to the theme of error and falsity is that of judgment which, understood as a logical space, can give rise to errors. In this respect Kant analyzes reason as a real and formal faculty and, in the latter case, it is defined as the faculty of inferences or syllogisms. The syllogisms are the enunciation of rules (the premises and the average term) on the basis of which a subject can be subsumed under a predicate and elaborate a judgment. Kant, believing that the error occurs only in place of judgment, considers the problem of false or inauthentic syntheses in terms of their representative content, but which can be considered as real. In this sense, therefore, the Kantian approach distinguishes the truth of empirical syntheses and the falsity and impossibility of metaphysical syntheses based on simple concepts. For further information, I refer to the remarkable study by M. Visentin, *Il significato della negazione in Kant*, Il Mulino, 1992.

¹³ On this point, I refer to N. Fischer, *Kant on animal minds*, Ergo, vol. 4, n. 15, 2017.

¹⁴ To deepen the theme of the relationship between imputability and pathology, I refer to F.G. Howitz, *Su follia e imputabilità. Un contributo alla psicologia e al diritto*. Ed. by I. Basso, Mimesis, 2017.

¹⁵ For an in-depth analysis of the issues in question, I refer to *Philosophy and the Emotions*, Ed. by a. Hatzimoyisis, Cambridge, 2009; M. Borges, *Emotion, Reason and Action in Kant*, Bloomsbury, 2019.

¹⁶ See Marcia Baron, *Kantian Ethics Almost without Apology*, Ithaca, Cornell University Press, 1995; M. Borges, "What Can Kant Teach Us about Emotions?" *Journal of Philosophy* 101: 140–58, 2004; Barbara Herman, *The Practice of Moral Judgment*, Harvard University Press, 1993; Nancy Sherman, *Making a Necessity of Virtue* New York, Cambridge University Press, 1997; Paul Guyer, *Kant and the Experience of Freedom*, New York, Cambridge University Press, 1993 and *Kant on Freedom, Law, and Happiness*, New York, Cambridge University Press, 2000; Allen Wood, *Kant's Ethical Thought*, New York, Cambridge University Press, 1999.

¹⁷ See also M. Nussbaum, Constructing Love, Desire and Care in D. M. Estlund and M. Nussbaum (ed.), *Sex, Preference and Family*, Oxford, 1997, pp. 17 - 43.

¹⁸ See also R. Clewis, *The Feeling of Enthusiasm*, Cambridge UP, 2018, pp. 184 - 207.

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