

Universality in Morality: Between Objectivity and Absolutivity

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Abstract. This article discusses the internal theoretical problems of the discourse of moral universality, which are causing its external criticism. In particular, I reconstruct the difficulties faced by the discourse of universality when it tries to reconcile the act and the norm. At the first stage, I reveal the reason why the tragic choice becomes a “stubborn fact” of the discourse of universality. It turns out to be a formal interpretation of the idea of universality, which is based on the presumption of the identity between the being of an act and the thinking about the act. Since the possibility of an act and, as a consequence, the possibility of morality, is based on the non-identity of being and thinking, “universality in morality” is assessed as a *contradictio in adjecto*. At the second stage, I propose an alternative—substantive—interpretation of the idea of moral universality, based on the divergence of metaphysical identity. At the third stage, I demonstrate that the source of criticism of the idea of moral universality is the confusion of two interpretations of universality and the substitution of a substantive interpretation by a formal one. At the fourth stage, I synthesize the formal and substantive interpretations of moral universality, including its meaningful normative concretization. I conclude that the source of criticism of the idea of moral universality is the conjugation of universality and objectivity engendered by the metaphysics of the Modern Age. Universality retains its status as a substantive feature of the concept of morality as an aspect of moral absolutivity (“voice of conscience”) in ethical theory.

Keywords: universality in morality, impartiality, universal validity, general addressedness, objectivity, absolutivity, act.

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Introduction

There exist two traditions in the reasoning on the phenomenon of universality in ethics. The first (Kantian) tradition maintains and the second (critical) one denies that morality is inherently universal.

The universalist tradition is embodied in Immanuel Kant's categorical imperative and the interdependence of his three formulas: universality, humanity and autonomy. The critical tradition is exemplified by the moral imperative formulated by Nikolay Berdyaev: "[T]o be an individual and to be individual in all the acts of one's life." According to Berdyaev, the idea of the universal moral law is erroneous on two counts: first, there are no absolutely identical cases that an act suits, and second, a human being is not an automaton following the law, but the author of its act "individually solving the moral task of life and making moral inventions and discoveries" [6, pp. 143, 141].

Critique of the idea of universality in modern ethics, notably "post-Auschwitz ethics," is expressed in the categorical imperative formulated by Theodor Adorno: people should "arrange their thoughts and actions so that Auschwitz will not repeat itself" [1, p. 365]. The negative content of the imperative calls for renunciation of the Modern conceptual framework, which presumably made the Holocaust possible. To follow Adorno's imperative in this context means to counter the Modern myth, which implies moral universality, with a new myth or rather, a counter-myth and a new idea of morality. Indeed, some critically-minded philosophers derive the Holocaust from ethical universalism as the semantic nucleus of the Modern myth [16].

Are these charges justified?

On the one hand, directly deriving the Nazi "ethics" from the Kantian tradition or from his categorical imperative (reduced to its first formulation) appears to be a crude and unjustified distortion of Kant's thought. Although various maxims, even utterly immoral, can pass the test for universality, Kant responds to the problem by conjugating three formulas of the categorical imperative: universality, humanity, and autonomy. In turn, the Kantian tradition in ethics builds models of the universality principle which impose substantive limitations on this formal principle.

On the other hand, the question suggests itself: what is the worth of the new, universalist European tradition which asserts equality (of moral subjects), impartiality (of the judges) and universality (of moral principles) if its impeccable argumentation has failed to prevent unparalleled inequality, discrimination and injustice from existing *in practice* in European culture? One must either admit that the philosophical concepts are hopelessly abstract (to the extent that renders the building and study of these concepts meaningless) or to assume that the idea of moral universality has a hidden flaw. This leads us to a contradiction that needs to be revealed and reconstructed.

Explication of this contradiction and the search for ways of resolving it is the purport of this article. I submit that external criticism of the idea of moral universality stems from the internal problems within the universality discourse.¹

Analysis of the difficulties it faces should give an insight into the relationship of the three imperatives connected with the universality problems. What is the meaning of Adorno's categorical imperative in the context of the idea of moral universality? How exactly should one act—according to Kant or according to Berdyaev—so that “nothing like this would ever happen again?”

Universality in Morality: Contradiction in Definition

Analytical philosophy sees universality as a formal property of morality and universalizability of moral judgments as their key characteristic. Universality is conjoined with objectivity: it is assumed that moral judgments can be universalized if they are objectively grounded, i.e., conform to general standards and principles. The formal (objectivist) interpretation of universality is the basis for constructing the principle of universalizability: every person like me should act like me in circumstances similar to mine and an ideal observer should approve of such an act.

The debate on the principle of universalizability² revealed “a stubborn fact” that defied the formulated principle. It is the act in a situation of tragic choice (as the choice between fulfilling filial and military duty in Jean-Paul Sartre's famous example). It turns out, for example, that such an act cannot be universally right for all such persons under such circumstances. This problem highlights a dilemma: either non-universal moral phenomena are possible and universality is not an inherent feature of morality (as Alasdair MacIntyre believes [19, p. 327]), or all moral phenomena are universal but a tragic act is outside morality because it is performed under circumstances beyond one's control (as John Atwell believes [5, p. 133]). Because Atwell's proposition contradicts moral experience (an involuntary harm doer still feels pricks of conscience) the danger of a theoretical impasse arises: since it is impossible to contemplate a tragic choice the universalist (objectivist) concept of morality becomes questionable. Let us take a closer look at the tragic choice problem. First of all, it reveals the inability of the common language to capture all the fine nuances of experiences. Studying morality at the level of judgments makes a “hilly” (Aleksandr Blok) terrain flat: complex dilemmas are excluded from ethics and the latter is reduced to banal problems.

Even so, the problem of tragic choice lends itself to two polar interpretations. The first (formal) possibility is insufficient specification of moral judgments, that is, the small number of universal laws describing an infinite variety of possible acts.

The second (substantive) possibility is the fundamental heterogeneity of logic and ethics. An act is not based on judgment, and the tragic choice dilemma reveals not a quantitative, but a qualitative deficiency of moral judgments, which cannot be overcome by the creation of refined dictionaries.

The first of the two interpretations is shared by Richard Hare. Hare believes that the difficulties of harmonizing an act with the norm stem from a confusion of concepts and proposes specifying norms in such a way that they would, on the

one hand, take into account the personal choice factor, and on the other hand, remain universal. In tackling this task Hare distinguishes the tasks of ethical theory and the moral subject with respect to establishing (1) the rules of moral thinking and (2) the content of concrete moral norms. The rules of moral thinking (formulated by ethical theory) dictate the exclusion of singular terms from moral judgments while moral norms (formulated by the moral subject) are clarified through specification of general terms [15, p. 301]. In this approach, the problem of tragic choice turns out to be imaginary: specification of general terms makes it possible to describe an individual choice, including a tragic one, without stripping it of its universality (if my personal choice is described in general terms it can be the choice of the Other, even if only hypothetically).

Hare does not consider the second possibility when an act does not stem from a judgment. That possibility, however, was explored by Russian thought, in particular by Dostoevsky. Discussing (through his character in *Notes from the Underground*) the Enlightenment hypothesis to the effect that man will learn to act as “reason and science dictate,” Dostoevsky observes that in reality man always acts “according to his own wanting” and does not voluntarily submit to the laws of nature, i.e., acts freely and not of necessity. The hero of *Notes from the Underground* in fact argues with none other than Kant:³ “And where did all these sages get the idea that man needs... some wanting? ... Man needs only independent wanting, whatever this independence may cost and wherever it may lead.” Dostoevsky’s blows targeting the formal interpretation of the act and morality (“All this ... is so far only logistics! Yes, sirs, logistics!” ([8, pp. 468, 467]; quoted from [11, pp. 22, 23, 24, 21]) are extremely powerful. They reveal that the difficulties in understanding the act stem not from confusion of concepts (as Hare believes) but from the irrationality of the human nature.

Indeed, let us imagine that, as Hare prescribes, (1) we replace the judgment “do not lie,” which is crude and ignores many specific life circumstances, with the judgment “an individual possessing properties A, B, C , must not lie in a situation which has the properties X, Y, Z ”; (2) and we have guessed the combination of properties A, B, C (X, Y, Z) by means of a reversibility of positions test.

The question arises: have we thus solved the “riddle” of the act? Have I decided “not to lie” because this is the decision prompted to me by my thought experiment? Or, on the contrary, I is only I because the subject has decided on an act (not to lie or, on the contrary, to lie) and thus decided who the I is)?

Anatoly Akhutin argues that morality, responsibility and humanity are rooted in the dimension of metaphysical freedom, in the space formed by the gap between being and thought [2, p. 478]. This means that an act cannot be wholly covered (let alone constructed) by thought. An act presupposes the possibility, at any moment, to cross, “explode” (Emmanuel Lévinas) any boundaries, including the boundaries established by a moral judgment. The space of freedom is not opened by granting an individual the right to construct a multitude of universal specified judgments *on whose basis* an act takes place, but by positing a *gap* between a judgment and an act. Meanwhile, this *gap* (on which, paradoxically, everything depends and everything *hinges*) in Hare’s concept is signally lacking.

To say, following Hare, that the world of possible acts can be described in general terms means to fall back on a kind of “Laplacian determinism” in ethics by claiming that there exists a complete and predictable classification of right acts. Hare’s invoking the idea of autonomy determined in his context by the limited character of our knowledge changes nothing. The ideal observer who, on the one hand, shares Hare’s rational premises and, on the other hand, knows all the nuances of life’s collisions (past and future) would not be the self-law maker because he would possess the full body of laws for the whole multitude of possible situations. In his picture of the world, exactly according to Dostoevsky, “all human actions will then be calculated according to these laws, mathematically, like a table of logarithm... and entered in a calendar” ([8, pp. 468-469]; quoted from [11, p. 23]).

Hare’s concept essentially sees man as a piano key or, to use Andrey Prokofiev’s term, “‘a filler’ of a variable value” [20, p. 48]. “Moral mathematics,” even if constructed by human effort, has nothing to do with man who has an irrational nature, who can “reduce all this reasonableness to dust with one good kick” [11, p. 23], i.e., *man as such*. Moreover, the more rational, subtle and scrupulous is our approach to developing it, the more we get entangled in the basic misconception. We get entangled ourselves and entangle man in a web of inexorable necessity.

It is not only Hare who believes that an act can be covered by reasoning, *all* objectivist concepts of moral universality do so. From this it follows that none of them solves or can solve the problem of harmonizing an act with the norm.⁴ Hence, in the argument between ethical universalism (Hare) and ethical anti-universalism (MacIntyre), we have to back the critical position. And to conclude that not only a tragic, but any act cannot be imagined in the perspective of universal rules. The contradiction between the moral ideas and universality of morals can be expressed in the form of an antinomy:

(1) the discourse on *universality in morality* is based on the presumption of identity between an act and the thought about an act (the possibility of thought covering the whole act);

(2) an *act* and consequently *morality* are made possible by the divergence of being and thought: the being of the moral subject is not exhausted by the thought about its being.

This reveals the inherent contradiction of the expression *universality in morality*. It is its contradictory nature that underlies the assertion that universality is not an essential feature of morality.

Universality in Morality: Possibilities for Resolving the Contradiction

Ruben Apressyan notes that the phenomenon of universality implies that something is above a concrete situation, universally valid, impartial, supra-personal and is addressed to everyone [3, p. 58]. Andrey Prokofiev clarifies that these features can be seen as “a whole and coordinated system” [20, p. 48]. The

moral subject, being impartial, invokes universally valid principles, and moral principles, being universally valid, make his impartiality possible.

In the discourse on moral universality in analytical philosophy, we find John Atwell's remark that prompts a look at the picture from a different angle.

Atwell characterizes an individual wrestling with the dilemma of a tragic choice as "morally serious" [5, p. 130]. By "morally serious" individual he means an individual who intends to act rightly but is unable owing to clash of mutually exclusive obligations. His refinement fixes that the situation of tragic choice dictates *trusting* the moral subject assuming (but not certifying) his "moral seriousness." The innate intention to act rightly attests to the agent's *impartiality*, a readiness to be judged not on behalf of higher values and not by particular (parochial) interests. Thus, the tragic choice formula—"a moral subject cannot invoke a universal rule"—suddenly morphs into a formula that reflects disconnect between different aspects of the idea of universality: an impartial individual cannot invoke a universally valid rule (addressed to everyone).

Let us consider this formula outside the context of the author's narrative. It has a double meaning.

First, in deciding to act, an impartial individual discovers that the rule *addressed to everyone* (i.e., also to himself) cannot be relied on. The reason is that in some cases rules do not work (see Sartre's example) and in any arbitrary case an act does not spring from a judgment (being anchored in conscience and not in logic).

Second, the individual has no right to universalize a particular opinion by passing it off as a *universally valid* and objectively correct one.

Let us cite an example. Once, speaking at a 19th century Petersburg salon, officer Aleksey Orlov exclaimed at the end of his speech: "No honest man can have a different opinion on that score!" Mikhail Lunin, a Decembrist revolutionary, countered that perhaps there are honest people who have a different opinion on that score. The claim that a proposition was a universal truth turned out to be a life or death question: a duel became inevitable and Lunin nearly paid with his life for "the pleasure of thinking differently" [12, p. 35].

Let us ask ourselves the question: did Orlov have the right to think so? The principle of universalizability unequivocally says yes. ("In universalizing one's judgment... the agent assumes that any other person possessing universal qualities like himself should act in the same way in a similar situation" [20, pp. 48-49]). And yet life experience provides ample proof that the reverse is true: to assume that everyone (in my situation) should act (think) in the same way as myself, means to suspect the otherwise-minded person of dishonesty and *partiality* and thus insult his moral dignity.

Insult by universalization of a judgment in turn has substantive and formal aspects.

From the substantive angle, the claim to universal validity of one's judgment implies the partiality of informed persons who *do not share that judgment*. The substantive aspect of the insult can be smoothed over by separating logical universality from empirical commonness and limiting (as per Hare) the circle of peo-

ple to whom the judgment is addressed (“an honest person in Russia,” “an honest member of the gentry,” “an honest person among those present here,” etc.).

From the formal point of view, however, the claim to the universal validity of a judgment challenges the dignity of *every person*. As Andrey Prokofiev notes, approval of an agent who behaves in accordance with universal principles “is the duty of anyone who knows the circumstances of the act performed” [20, p. 49]. Herein lies the insult. A universal judgment *enforces* an assessment an individual can and must form (or reject) through a *personal* effort. What hurt Lunin in Natan Eidelman’s story was not Orlov’s judgment on an abstract matter, but the aggressive universal *form* of this judgment (“no honest man can have a different opinion”). The form was reason enough for a duel.

Thus, the episode with Lunin confirms Lévinas’s thesis on the repressive character of the claim that one’s opinion is universal [17, p. 66], and MacIntyre’s thesis on the need for an ethical ban on universalization of personal judgments [19, p. 327]. This leads us to the conclusion that there is no coordination between the subjective and objective aspects of the idea of universality. The discrepancy is manifested in two ways: (1) an impartial individual is at liberty to act without observing the rule addressed to everyone (including himself); (2) expression of a universally valid judgment (claiming to be objectively true) may insult the person who disagrees and yet is honest (impartial).

What is the significance of the discrepancy?

First, the subjective dimension of universality that does not lend itself to mind experiments and universal rules points to the connection between the ideas of universality and objectivity.

Second, the apparent clash of the “subjective and objective” hides a deeper clash between the formal and substantive dimensions of the idea of moral universality. The clash is manifested in each of its aspects. Impartiality is juxtaposed with *impartiality* (consistency in applying the rule stands up against “voice of conscience,” which demands inconsistency).

A fair trial is juxtaposed to a *fair trial* (trial with no regard for local differences of status, ethnicity and age stands up against a trial based on the sense of fairness of the situation that may take account of the above differences). Universally valid norm is juxtaposed with *universally valid norm* (general rule “you shall not kill a human being only if conditions *X, Y, Z* are not observed”—with the ontological (absolute) law, which has a universal character “you shall not kill a human being”).⁵ There is no link between the substantive (absolute) and formal (objective) dimensions of universality leaving a gap that is impossible to bridge.

The discovery of the substantive aspect of the idea of universality makes it contradictory: different aspects of the idea are not coordinated. But the contradictory character of universality idea removes the internal contradiction from the formula *universality in morality*. Not only morality, but universality in morality are determined by the divergence of metaphysical identity. The being of an act is not contained in the thought about the act just as moral (universal) being of an individual is not contained in the thought about the universality of his moral being.

How to Think and Act? (Adorno)

In the light of the foregoing analysis, let us go back to Adorno's categorical imperative.

Three options are open for reasoning about universality: (1) sticking to the formal interpretation of the idea of universality in morality; (2) transition from the formal (principle of universality) to substantive ("the voice of conscience") interpretation of universality in morality; (3) combining the formal and substantive interpretations of moral universality.

Looking at the options successively, let us note that Goethe (through the mouth of Mephistopheles) summed up the formal way of thinking in an exhaustive manner: "To know and note the living, you'll find it / Best to first dispense with the spirit: / Then with the pieces in your hand, / Ah! You've only lost the spiritual bond" [13].

I believe Goethe's idea holds not only for life in general, but also for morality as part of life.

Let us look at the second and third options of how universality can be cogitated about. Transition to the substantive interpretation of universality is impossible without reference to "the voice of conscience." The reference stresses the existence of the *gap* between the being of morality and the idea of its being referred to above. Several factors make it important to fix theoretically this gap.

First, it pre-empts the possibility of substantive interpretation being supplanted by formal interpretation. Indeed, in the process of intellectual procedures of universalization, a situation may arise when *opinion* is elevated to the status of a universal *law*. This may be the result of arbitrary selection of substantive properties in the process of generalization.

Such substitution may provide a scheme for justification of violence. This is how it works: (1) the norms created by a subjective and arbitrary selection of features gain universal status; (2) moral judgment makes it obligatory for all to approve the arbitrarily formed norm; (3) norms are approved (and fulfilled) formally and are not produced in the depth of conscience. This provides a theoretical basis for the situation described by the poet Aleksandr Blok: "He who moved controlling / Puppets of all countries / He knew what he was doing / Spreading humanistic fog" [7, p. 271]. Parochial interests, volitional and power intentions, the "banal evil" of formal execution of the law are covered up by the "humanistic fog" of universal propositions.⁶ This is what Russian thought and "post-Auschwitz ethics" warn about. *Second*, awareness of the gap between "the voice of conscience" and its rationalizations makes it possible to forestall the insult of dignity by claiming to have a universal point of view.

Hare believes that logical characteristics of universalizability is matched by the ethical principle of universalizability, that is, the moral subject must follow the logic of the judgments it makes. Because the judgment "*X* is not a decent man" refers to objective standard thus implying that anyone who disagrees is biased, he who expresses this judgment must assume that the person who disagrees is partial (witness the case of Orlov and Lunin).

The distinction between the substantive and formal universalizability prompts a different conclusion: what flows from the logical fact of universalizability of moral judgments is not the principle of universalizability, but the wish to soften their imperative character. This was what Konstantin Paustovsky meant when he said that the most valuable feature of a person was tact. Moral judgment may nudge us toward thinking that we judge rightly, but this does not yet mean that we must comply with its demand. We have the capacity to *resist*; we know that the gap between logic and ethics allows for a different judgment and thus *our* judgment cannot be *objectively right*. Logical truth does not determine the ethical position: we may keep the universalist claims of moral judgments at bay by citing a private “point of view” (i.e., display tact).

The utterance “I don’t think he is a decent person” may be contradictory from the logical point of view. And yet it has high ethical value. Softening of the imperative strength of moral judgments stresses respect for another person’s dignity and prevents conflicts. The case of Lunin and Orlov is potent proof of that.

However, let us ask ourselves this question: is the recognition of the gap between the formal and substantive interpretations of universality sufficient for us to be able to cogitate about universality? I do not believe it is because the space between the two, the irrational freedom is inhabited not only by good (“the voice of conscience”) but also by evil (the license of the “underground man”). It is impossible to rely on the conscience of every single individual, which means that renunciation of any attempts to interpret an act makes the establishment-arrangement of the space of human community impossible. It follows that the irrational aspect of life which makes evil possible needs to be illuminated by the laws of humanity (a ban on inhumane acts) while the rational side of life, which allows for substitution, must be illuminated by “the voice of conscience.”

The solution of this task calls for a combination of the formal and substantive interpretations of universality that would include an indication of the difference between them. While Kant’s teaching on the antinomies of pure reason demands that the thought about being include the idea of being as separate from thought [2, p. 475], the revealed antinomic character of the idea of universality similarly demands that the thought about moral universality include the idea of noninclusion of its being in thought.

How can such an inclusion be accomplished?

I have stated that the main difference of the absolute law from a norm arrived at through generalization is not the degree of generality but, first its character of constituting space of humanity and second, the method by which it is achieved (direct “grasping”). The expression of the ontological law in language therefore implies that the desired formulation of the law indicate its “supra-ideological” nature.

I believe that the following can be such a formula: “*no logic can justify X*” (where *X* is an infringement of absolute norms that form the space of humanity: murder, violence, humiliation of the individual, etc.)⁷ In fact, such a formula (where *X* is homicide) is offered by Dostoevsky in his *Crime and Punishment*. Dostoevsky, again challenging Kant, shows that only a profoundly personal irra-

tional “voice of conscience” (being ashamed of an act performed), contrary to rational arguments and the test for universality, leads to punishment smashing the seemingly indefectible intellectual construction. This is how the society-arranging arguments of the Great Inquisitor in *The Brothers Karamazov* are countered not with (stronger, more consistent and sophisticated) logic, but by an asymmetric action: although “the old man holds to his former idea,” “the kiss [of Christ]” burns “in his heart” (i.e., weighs down on his conscience) ([9, p. 296]; quoted from [10, p. 222]). An “extra-rational” kiss turns out to be above all “rationalities.”

The proposed formula (“no logic can justify X”) is of fundamental significance.⁸ It does not lend itself to manipulation. It makes impossible the case of Eichmann (or Raskolnikov), i.e., sophisticated explanations/justifications of violence (which easily pass the test of universality). It meets the categorical imperative of Adorno: it explains “how to arrange their thought and actions so that Auschwitz will not repeat itself” [1, p. 365].

Conclusion

I have shown that the idea of universality in morality can be considered from two angles: the formal and the substantive. In the light of the metaphysics of the Modern Age, only one (formal) side of the universality idea is visible; the other (substantive) side expressing the individual’s conscience and willingness to judge on behalf of values remains in the shadow. The disclosure of the substantive side makes it possible to separate the idea of universality from the idea of objectivity. The fact that the *substantive* side of the universality idea in the light of the Modern Age metaphysics remains in the shadow dictates transition to a new metaphysics, a new method of understanding, a new fundamental principle to replace the principle of *objectivity*. In light of the new principle, both sides of the idea of universality must be taken into account and coordinated.

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Notes

- ¹ The subject of analysis in this article is Kant-related discourse on moral universality in analytical philosophy.
- ² See analysis of the discussions in [18; 22].
- ³ The implications of the mental argument with Kant in Dostoevsky's work are fully revealed in Yakov Golosovker's book *Dostoevsky and Kant* [14].
- ⁴ I turn to Hare's concept of moral universality because I believe it shows the greatest "finesse" on the issue of harmonizing the act and the norm. For other concepts (in the

framework of analytical philosophy) Dostoevsky's argument either remains in force or, as in the case of Singer and his consequentialist criterion [21], can be reduced to the question: "Does man know what is good for him?"

- 5 The fundamental difference of the ontological law from the general rule is that the ontological law is the "gut" human law which (1) defines the space of humanity, (2) cannot be obtained through mental procedures and (3) is revealed in the course of Dostoevskian anthropological experiments. Meanwhile, the rule formulated in general terms (a universal rule, according to Hare) is arrived at through generalization of the characteristics of the situation (which does not rule out arbitrary choice of essential characteristics).
- 6 The case of Eichmann described by Hannah Arendt [4] warns of the danger of substituting conscience with formal consistency (in following the law).
- 7 The joining of the ideas of universality and absolutivity overcomes the vicious circle of the critique of universality (universally relevant rejection of a universally relevant law). Universalization of moral judgments is ethically justified if it involves (1) a minimum number of laws that are absolute: "no honest person can have a different opinion about the immorality of murder"; (2) circumstances in which absolute laws are violated: "no honest person can have a different opinion about the immorality of the Holocaust." These judgments are essentially tautological: man is *human* insofar as he believes that murder, violence and humiliation of human dignity (including tactlessness) are immoral.
- 8 Perhaps a substantial argument against this formula is that it is not suitable to the analysis of socio-ethical problems. The formula "no logic can justify *X*" is indeed at odds with social ethics problems. However, it draws a clear line between *ethics* and (social) ethics, a line that is often unnoticed because of the deceptive identity of words. Drawing attention to this line (and probably the challenge of a more rigorous, including terminological, distinction between the two ethics) meets a vital need of life in which the tendency to act "according to law and not [moral] concepts," is becoming ever more pronounced.

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