

ANNALES  
UNIVERSITATIS MARIAE CURIE-SKŁODOWSKA  
LUBLIN — POLONIA

VOL. VI, 5

SECTIO I

1981

Międzynaczelnany Instytut Filozofii i Socjologii  
UMCS

Andrzej L. ZACHARIASZ

**Leon Petrażycki's Criticism of Kant's Transcendental Philosophy**

Leona Petrażyckiego krytyka filozofii transcendentalnej Kanta

Критическое отношение Л. Петражицкого к трансцендентальной философии  
Канта

The problem formulated in the title of this paper allows us to state with great certainty that Kantianism was the philosophy which significantly determined the interests of Leon Petrażycki. To broaden this concept we must add that this embraces both the thought of Kant himself and the later, internally diversified version of that philosophy, contemporary to Petrażycki and functioning in the history of ideas as Neo-Kantianism. Petrażycki's interest in Kantianism was due not only to the problems developed in his own philosophy but also to the intellectual context in which he was active. In Germany, this was the period of the almost uncontested domination of Neo-Kantianism in philosophy, or of various versions more or less close to the thought of the Königsberg philosopher. The influences of Kantianism were also considerable in Russia at that time. In that kind of intellectual atmosphere, Petrażycki, not only as a philosopher but also a law theorist, was to meet the thought inspired by Kant's ideas.

Leon Petrażycki, a Petersburg University professor at the turn of the 19th and 20th centuries and in the early decades of the 20th c., formulated a psychological theory of law and morality. This idea won many adherents who started to function in the intellectual sphere of prerevolutionary Russia as a psychological or experimental-real school of the theory of law, or as the Petersburg school. At the same time other law theorists — Novogrodcev and Kistiakovski with their followers — were active in Russia and formed the Moscow school. They reverted to Neo-

-Kantian German philosophy, especially to the theory of law and State as developed by Stammler in his *Wirtschaft und Recht*. The same problems and their different theoretical solutions had to culminate in a discussion between the adherents of the two schools. The Petersburgians were represented personally by the founder of the psychological trend in the theory of law and State, in his 1913 article in the monthly *Yuridichevskiy Vestnik*. However, Petrażycki's criticism and arguments were directed, not only against the theoretical foundations of the Moscow school but primarily against Stammler's conception. This was prompted by Petrażycki's conviction that Novogrodcev's and Kisiakovski's theoretical solutions were secondary to the conception of Stammler, whose theses Petrażycki regarded as representative of the Neo-Kantian method of solving those problems. In his article Petrażycki also presents his theory of the renaissance of the law of Nature, which, J. Finkelkraut contends, "is wrongly ascribed by some to Rudolf Stammler because of failure to understand his obscure and confused considerations that do not show the source of inspiration".<sup>1</sup> This inspiration was Leon Petrażycki's philosophy, especially his earlier works in German at the close of the 19th c.: *Die Frachtverteilung beim Wechsel der Nutzungsberichten* (1882) and *Die Lehre vom Einkommen* (vol. 1 in 1893 and vol. 2 in 1895).

Petrażycki's interests in Kant were much earlier and dated back, as he wrote, to the 1890's.<sup>2</sup> It must be added that Petrażycki's attitude towards Kant considerably changed over the two decades: from the acceptance of Kant's genius to his total negation, and even an accusation of dishonesty: "...from the standpoint of a literary cheat"<sup>3</sup> and of the accompanying swindle and plagiarism<sup>4</sup>.

Petrażycki maintains that in the first stage of his work he belonged to the admirers of the genius of the Königsberg thinker, "and still talked about him with enthusiasm in his 1907 monograph about the university and learning"<sup>5</sup>. Unfortunately, Petrażycki continues, "appropriate studies have brought many other historical discoveries of the same kind, amongst them many such as are much worse than the above and which exclude any defence and refer not only to Maupertuis but also to other thinkers, and not only to *The Critique of Practical Reason*, but to the other, supposedly original works by Kant, and first of all they refer to

<sup>1</sup> J. Finkelkraut: *Od tłumacza* in L. Petrażycki: *O ideale społecznym i odrodzeniu prawa naturalnego*, Warszawa 1925, pp. 3 and fol.

<sup>2</sup> L. Petrażycki: *O pochodzeniu metody krytycznej oraz niektórych innych nauk i idei Kanta* in L. Petrażycki: *Szkice filozoficzne*, Warszawa 1939, p. 15.

<sup>3</sup> *Loc. cit.*

<sup>4</sup> *Ibid.*, p. 3.

<sup>5</sup> *Ibid.*, p. 15.

*The Critique of Pure Reason*, regarded as Kant's main and greatest work." <sup>6</sup>

"As a result", Petrażycki states, "we have great and deep disappointment, so great and deep that the earlier admiration was replaced by disgust and anger." <sup>7</sup> That broke Petrażycki's faith in both moral and intellectual greatness of the Königsberg philosopher. As a consequence, Kant appears as a mediocre and weak philosopher, not only incapable of creating an original system "but also of the average combination and formulation of the thoughts of those against whom Kant did wrong, systematically and on a large scale, contrary to the elementary principles of conscience and honesty." <sup>8</sup> Kant, Petrażycki holds, committed those evil acts against Maupertuis and his work *Essai de philosophie morale*, and against Tetens' ideas. He writes about the latter: "My critical-historical studies resulted in explaining that Tetens was a great thinker, a real man of genius, morally great, absolutely disinterested, looking for nothing but truth, not only impeccably just but also very generous towards others; he diminished his great and fundamental discoveries and merits, in all — the exemplary *homo sapiens*, of whom few can be found in history." <sup>9</sup> Petrażycki's moral and scholarly estimate of Maupertuis was likewise very high. Against such a background of the personalities of Tetens and Maupertuis, Petrażycki's charges against Kant become even more articulate although they themselves, if true, already discredit the German philosopher as a man and scholar.

Petrażycki attributes to his criticism of Kant a historic role in the course of philosophical thought. The purpose of this criticism was to show not only the immanent difficulties and theoretical errors of Kant's conception, but also to return the due position to thinkers who were unjustly discarded into oblivion. That happened through Kant's philosophy, which concealed them behind its false glamour. Therefore, in Petrażycki's view, the restoration of historical truth requires that Kant should be unmasked as a theorist secondary to Maupertuis and Tetens. As Petrażycki admits, he wants to act as a public prosecutor against Kant. He states: "...in the interest of truth and historical justice, and of scholarly ethics, it is our moral duty, when we have discovered and know the unjust and shameful deeds of *parasites* of science (underlined by ALZ) who win fame at somebody else's expense, to have proper moral courage and bear the odium of this unpleasant function etc." <sup>10</sup>

<sup>6</sup> *Loc. cit.*

<sup>7</sup> *Loc. cit.*

<sup>8</sup> *Ibid.*, p. 16.

<sup>9</sup> *Ibid.*, p. 18.

<sup>10</sup> *Ibid.*, p. 17.

Before I proceed to analyze the substance of Petrażycki's charges against Kant, I shall try to outline the theoretical perspective of this criticism and the course of studies which finally resulted in the formulation of the work where the criticism was contained. When he embarked upon the criticism of Kant's philosophy and Neo-Kantianism, Petrażycki was himself the author of a certain theory of viewing culture, including cognition. This conception was most often defined as psychological because it was based on emotional psychology. It was in that discipline that Petrażycki saw the proper foundation for analyzing the problems of cultural and social life, especially such phenomena as law and morality.

Petrażycki's thought can thereby be placed in psychological philosophy — a trend of the later half of the 19th c. and the early decades of the 20th c., as significant and in vogue as Neo-Kantianism. Among the representatives of this tendency in German philosophy (which influenced Russian intellectuals to a larger extent, not only the Petersburg school but even Petrażycki himself) the following theorists should be named: W. Wundt, G. Simmel, W. Dilthey, and F. Brentano. We must add that the influence of this trend of thought was so considerable at that time that its elements can also be found in German Neo-Kantianslike Windelband or Sigwart, and even in the followers of the Marburg school. Despite these similarities, the differences between the two trends are fundamental and essential. Until the advent of phenomenological thought, they used to mark the basic line of division and discussion in philosophy at that time. That is why Petrażycki's standpoint should be understood as still one more voice in the discussion of the psychological trend with transcendental philosophy which Neo-Kantianism then was.

Petrażycki undertook his criticism of Kantianism guided first of all by theoretical divergences and these also decided about the consequences we discussed earlier. It is also worth emphasizing that when Petrażycki takes up his task, he directs all his criticism against the philosophy of the founder of that mode of thinking. He seems to follow a hermeneutically justified assumption that a critical analysis is more effective when directed against the foundations which were Kant's philosophy.

For that reason, when he was still in Peterburg before World War I, Petrażycki began his studies on Kant. They resulted in a large monograph devoted to the criticism of that philosophy. Its chapters were to appear one by one starting from 1914 in a German-language periodical in Petersburg. As Finkelkraut observes, these publications were, to have started a large-scale action against Neo-Kantianism.<sup>11</sup> World War I not

<sup>11</sup> J. Finkelkraut: *Od wydawcy*, in L. Petrażycki: *Szkice filozoficzne*, *op. cit.*

only thwarted those plans but even frustrated them: its outbreak prevented the publication of the Petersburg school papers. Petrażycki's work was lost in the chaos of the October Revolution. In 1918 Petrażycki returns to Poland to take the position of a Warsaw University professor. In the new circumstances he again resumes the problems of Kant's philosophy and delivers a lecture devoted to his thought in the Polish Academy of Knowledge in Cracow in 1920. The lecture was to be published but the author changed his mind and enlarged the paper. In 1923 Petrażycki abandoned the project discouraged because a part of the manuscript was lost.<sup>12</sup>

After those vicissitudes, the work devoted to Kant's philosophy appeared as late as 1939, published from Petrażycki's manuscript by J. Finkelkraut, edited by the Leon Petrażycki Society. We must add that the ultimate form of the *Szkice filozoficzne (Philosophical Essays)*, subtitled *O tak zwanej metodzie krytycznej oraz o metafizyce i filozofii praktycznej Kanta (On the so-called Critical Method and Kant's Metaphysics and Practical Philosophy)*, was not the work of their author but of the editor, who included in it other manuscripts, which were loose fragments on various questions of Kant's philosophy. The ultimate version is the basis of the present analysis of Petrażycki's thoughts on Kant's philosophy.

Even this brief outline of the development of Petrażycki's thought on Kant and Neo-Kantianism is sufficiently convincing to demonstrate that Kant's philosophy, along with the theoretical problems of the conception of emotional psychologism, was one of the fundamental questions which occupied Petrażycki's mind almost throughout his scholarly life. We shall not proceed to consider Petrażycki's charges against Kant's philosophy. It must be stressed at this point that the present analysis does not include all the charges by Petrażycki against Kantian thought. This discussion is confined to the questions presented in the foregoing remarks. It is based on the interpretation of Petrażycki's ideas about Kant and on the views of the author of this paper on transcendental philosophy.

It should be stressed at the outset that when undertaking the task to unmask Kant's plagiarism, Petrażycki by no means tries to show the identity of secondary contents of Kant's philosophy with the thought of Maupertuis or Tetens. On the contrary, he wants to prove that he has in mind the fundamental and essential ascertainments which determine the character of Kant's doctrine. One of them is certainly the theory named the Copernican revolution in philosophy. Kant regarded himself as the author of this philosophical discovery. By giving it that name, he obviously emphasized the importance he attached to it. He is also regarded

<sup>12</sup> *Loc. cit.*

as its author in the history of philosophy. In Petrażycki's view the real author of the Copernican revolution is not, however, the Königsberg thinker, but Tetens and Maupertuis. Contrary to the principles of the scientist's morality, Kant, appropriated both the idea and its theoretical solutions, which he presented as his own, the greatest discovery in philosophy since Aristotle. It was Tetens, Petrażycki holds, who advanced not only the phenomenality of all cognition, therefore both external and internal (which was later repeated by Kant with all the errors committed by the original author), but also giving "to this raw material through the active working of intellect, thinking, comparison, explanation of causality and others, etc."<sup>13</sup> Consequently, in accordance with Petrażycki's interpretation of Tetens' view, cognition "does not give us a copy of reality, but it is in a way a relation of analogy to the reality: true and proper science is analogous to the reality."<sup>14</sup>

A significant moment in Kant's Copernican revolution was, according to Petrażycki, an attempt to reconcile empiricism with rationalism. In cognition, this attempt is expressed by taking into account both the senses with their forms and intellect with its categories. It is at this point, in Petrażycki's view, that Kant changed his views under the influence of Tetens. To substantiate his argument Petrażycki points out the fact that in his dissertation *De mundi visibilis atque intelligibilis forma et principis*, while taking the rationalist stand, Kant still confirmed its opposition to empiricism. He was even proud that in the dissertation he deepened that divergence still further by "purifying intellectual and *eo ipso* metaphysical cognition from the admixtures of experience and he promised to go even further in that direction in his next work..."<sup>15</sup> Petrażycki is convinced that Kant changed his view so much under the influence of the 1777 work by Tetens that his later *Critique of Pure Reason* is in fact a presentation of Tetens' theses.<sup>16</sup> He also used Maupertuis' teachings in an analogous way.<sup>17</sup> However, Petrażycki states, Kant concealed those borrowings, having additionally disguised and obscured them, with the form of his work and with the peculiar language characteristic of his transcendental philosophy.<sup>18</sup>

When proceeding to the theoretical analysis of Petrażycki's objections, it must be stressed that the interpretation of Kant's thought which they present was carried out within the doctrine of emotional psychologism.

<sup>13</sup> L. Petrażycki: *O filozofii*, Warszawa 1939, p. 17.

<sup>14</sup> *Loc. cit.*

<sup>15</sup> *Loc. cit.*

<sup>16</sup> *Loc. cit.*

<sup>17</sup> Petrażycki: *O pochodzeniu metody...*, p. 5.

<sup>18</sup> Petrażycki: *O filozofii*, *op. cit.*, p. 17 and fol.

therefore, Petrażycki, does not accept Kant's transcendentalism (essentially remote from his doctrine); furthermore, he does not even seem to understand it. That is why he analyzes the whole idea of Kant's Copernican revolution within the philosophical context of the mode of thinking preceding Kant, characteristic of such philosophers as Tetens or Maupertuis. The essence of that mode of philosophical thinking was a conviction that the constitutive principle of the validity of theoretical cognition is a thesis about the identity of being and idea. Hence, I believe, all the formulations of the problem before Kant can be basically reduced to various interpretations of that thesis, especially to the interpretations of its concepts of being, idea, and reciprocal adequacy. The same formula is used by Petrażycki to interpret the Copernican revolution in philosophy and *The Critique of Pure Reason*. He reduces their contents to a thesis that in all kinds of cognition, external and internal, sensible and intellectual, the reality is deformed. As a result, cognition, including theoretical, is not a representation of things in themselves but only of their phenomenal reflections. With such a notion of the validity of its theorems, science itself, will thus lose its status of valid knowledge and become the knowledge about appearances.<sup>10</sup> In view of that, Petrażycki has theoretical grounds to assert that the solution offered by Tetens is more acceptable than the fundamentally fallacious theory of Kant's. For Tetens, adhering to the formula of the validity of scientific cognition based on the identity of idea and being, views scientific results as analogous to reality. However, according to Petrażycki, Kant not only commits plagiarism but also errors which his predecessors avoid.

In short, Petrażycki interprets the Copernican revolution in philosophy as a position where the value of scientific cognition is made dependent upon the psychophysical structure of the cognitive subject. Or: it is a view according to which man (human existence) as the subject is placed at the centre of cognition. The consequence of that interpretation is the reduction of Kant's transcendentalism in the field of theoretical cognition (including the *Critique of Pure Reason* and the *Prolegomena*) to a description of the process of how, with subjectivity so conceived, scientific cognition takes place. At the same time the problem of the status of this kind of cognition seems to be posed in a paradoxical way as Kant proves the phenomenal character of the sources of our knowledge on the one hand, while also demanding that scientific cognition be apodictic or non-relative. If we follow that kind of interpretation of Kant's philosophy, is it not likely that we find his doctrine, apart from other charges, full of errors and contradictions in reasoning, which cannot be avoided without introducing theoretical fictions like consciousness in general or

<sup>10</sup> *Op. cit.*, p. 13 and fol.

the unity of aperception? Under such circumstances it is justified to charge that Kant's thought, in Petrażycki's view, is secondary to the great but forgotten philosophers and psychologists who were Tetens and Maupertuis. We must observe that with such an interpretation of Kant's thought its whole transcendentalism appears as an entirely incoherent superstructure reducible to concepts and names. Rather than resemble science, Petrażycki remarks, it looks, more like "the use of religious rites by those who do not understand what they are doing, who do not know what it is all about, what is important and what is not. That is why they are very anxious not to do something in the wrong way and they try to follow well-known patterns only externally, in purely accidental and minor details."<sup>20</sup>

The presented interpretation of Kant's thought is not the only one and it would be in order to consider whether it is correct. If it were, it would be difficult to discard Petrażycki's charges, that is not to recognize Kant's thought as secondary to the psychological conception of cognition of Tetens and Maupertuis. The problem of determining the theoretical conditions of the correctness of interpretation is not simple, however. It is even more complicated with the thought of Kant's, which, already at his life time, was the object of various, often mutually exclusive interpretations and continuations. It is enough to name such thinkers as Reinhold, Schulze, Becke, Maimon, or Fichte. In fact, Kant himself admitted of so diverse interpretations and maintained, as Schleiermacher and Dilthey did later, that it is possible to penetrate more profoundly and understand the author's thought better than sometimes he could have understood himself.<sup>21</sup> Better may also mean in a different way. This indicates, I believe, that the problem of a correct interpretation is by no means easy to solve. Nor is there much help in asserting that this is to be an interpretation in accordance with the author's intentions: they themselves are the object of interpretation. As a result, there are many interpretations of the same philosophies in history which sometimes produce even opposing pictures. This is what seems to take place with the psychological and transcendental interpretations of Kant's doctrine.

The transcendental interpretation is based on entirely different foundation than the psychological one because it is an attempt to establish the validity of theoretical cognition independently of Parmenides' thesis about the identity of idea and being and the classical theory of truth which expresses it. This is, we must say, an attempt to establish the

---

<sup>20</sup> L. Petrażycki: *Szkice filozoficzne*, p. 4.

<sup>21</sup> See J. Litwin: *Interpretacja i nieokreślenie* in J. Litwin, ed., *Problemy filozofii historii*, Ossolineum 1974, p. 7 and ff.



validity of cognition on the basis of the immanent structures of theoretical thinking.<sup>22</sup>

It should be observed that the works by Kant really do give grounds for so diverse and even mutually exclusive interpretations of his thought. They are due to the formulations by Kant himself, for example, of such essential concepts like the inner and outer senses and their forms which include space and time or to the intellect with its categories. The content of these concepts often implies that Kant understands them as real categories within which he wants to present the participation of the senses or of other cognitive powers in the cognitive process. If these concepts are understood in the above way, this may produce an impression that Kant is essentially concerned with certain studies in the psychology of cognition. The perspective of these analyses through species also changes very little because the psychology of cognition views its problems from that angle as well. Besides the empirical moments, which are the premise of psychological interpretations, Kant's transcendentalism is also burdened with the remnants of rationalist metaphysics. The latter includes Kant's involvement at some level of his reflection in the arguments about existence (both of God and of things in themselves) and the categories of consciousness in general. All this indicates that Kant's work is not uniform. This can be fully understood, however, if we take into consideration that epistemological transcendentalism, a new philosophical stand at that time, was emerging both from the "metaphysical slumber predominant so far" as Kant held and resulted from an empirical stimulus, which was Hume's philosophy.<sup>23</sup> These points and Petrażycki's psychological, theoretical perspective provide grounds for his interpretation of Kant's philosophy. Obviously this position was not exceptional and had such adherents in the history of philosophy as Helmholtz, Müller, Ueberweg, A. Lange, Dilthey or Simmel. It can also be found in the theories of concinists who tried to join logic with psychology and theory of cognition. They include, first of all, Wundt, Erdmann, and also Sigwart, reputed to be a Neo-Kantianist.

When analyzing Petrażycki's charge that the thought of the Königsberg thinker is devoid of any originality, it is in order to recall a similar charge made by Grave in his 1792 review of *The Critique of Pure Reason*

---

<sup>22</sup> For a broader presentation of Kant's conception of scientific cognition see my article: A. L. Zachariasz: *Problem prawomocności poznania teoretycznego w filozofii transcendentalnej* in „Studia Filozoficzne”, 1979, No. 4.

<sup>23</sup> See I. Kant: *Prolegomena zu einer jeden künftigen Metaphysik, die als Wissenschaft wird auftreten können* — Polish trans. *Prolegomena do wszelkiej przyszłej metafizyki, która będzie mogła wystąpić jako nauka*, Warszawa PWN 1960, p. 10.

in the *Göttingische gelehrte Anzeigen*. A significant point in Kant's reply is that he did not at all exclude the fact that his thought could converge with the solutions of some philosophical problems offered in the past. Kant maintains that the human reason devised various fantasies over the centuries about countless objects; therefore it can easily happen that for every new thing an old one could be found which will be similar to it in some respect.<sup>24</sup> In connection with our discussion a question arises about the character of the convergence on the basis of which Petrażycki formulates his charge of plagiarism.

If we accept that both empirical and metaphysical moments are nothing but the remnants of the previous modes of philosophical thinking and do not belong to the essential content of Kant's philosophy, the psychological interpretation would have to be regarded as theoretically unfounded. As a result, this would have to mean that the convergence of Kant's thought with the philosophies of Tetens and Maupertuis is accidental and insignificant. This is tantamount to rejecting Petrażycki's charge of plagiarism on the part of Kant on all counts we have analyzed. The transcendental perspective of understanding this philosophy also points to its originality against the formulations of epistemological problems before Kant. His merit and the Copernican revolution in philosophy do not lie in that he ascertained that our cognition of the reality is not adequate on account of the psychical structures that shape up our subjectivity. Conversely, Kant's merit is that, independent of those structures and the object of cognition, he sought to formulate such conceptual conditions (forms, categories, and judgments) within which science should be pursued so that its results could be regarded as non-relative (apodictic) knowledge. Kant thereby transferred the epistemological question to an entirely different plane: from the empirical sphere (of material and psychical forms of existence), where the problems of the subject and object of theoretical cognition had so far been analyzed, he placed it upon the ascertainment of the necessary conceptual conditions beyond which it is impossible to think about science. Or: upon the plane of duties within which we should think if we want to think in a theoretical way<sup>25</sup>. At the same time Kant had an illusion that those conditions were the conditions (or forms) of thought itself and expressed its structure. Hence he thought that, upon the analysis of his contemporary science, he not so much formulated as discovered them.

<sup>24</sup> *Ibid.*, p. 3.

<sup>25</sup> This obligatory character of theoretical categories found a peculiar expression in the theory of cognition of H. Rickert, a Neo-Kantianist. He regards, for example, theoretical truth as a value. This is also evident in W. Windelband's conception of normative *Bewusstsein*.

This does not have to mean that Kant did not know Tetens' philosophy, which he does not quote or that Maupertuis' thought had no effect on his philosophy, although Kant holds that the thinker who woke him from his metaphysical slumber was Hume and none of the philosophers named by Petrażycki. However, even if Kant had drawn from the research work of not only the above thinkers but also of others, it would not necessarily mean that his philosophy could be regarded as secondary to them or a plagiarism. That he drew from the philosophical tradition is obviously doubtless. This is expressed not only in that he named his philosophy the Copernican revolution against that tradition but also in Kant's direct references to Plato's idea of certain knowledge, to Aristotle's categories or the Cartesian *cogito*. This, too, does not exclude some convergences admitted by Kant himself. The greatness of every thinker, not only Kant, and his originality does not lie in that he ignores the work of the past. On the contrary, it lies in that he uses it as fully as he can to create a new perspective of viewing the world philosophically. This perspective was formed by Kant with his transcendentalism.

An example showing that Petrażycki did not understand the idea of epistemological transcendentalism in Kant's philosophy is the problem of the fundamental question of the *Critique*: "*Wie ist ... möglich?*" and the so-called postulates of practical reason. We shall deal with the former problem first. This formulation of the question "How is ... possible?" and its frequent repetition is for Petrażycki only a ritual expression which not so much introduces a new perspective into philosophical problems as obscures and complicates the essentially banal content<sup>26</sup>. However, within the plane of interpretation of the present paper, this problem looks quite different. Kant's question has a function similar to that of doubt in the system of Descartes who achieves his *cogito* as a result. It also functions as Husserl's reductions which are to change a natural attitude into a phenomenal one. With Kant, the purpose of this question is to pose the problem of the validity of thought in a new way, to pose it on the transcendental plane. In other words, Kant wants to find out with his question what conditions should be satisfied so that a definite experience or cognitive act could acquire the status of theoretical cognition.

A similar theoretical situation takes place in Petrażycki's criticism of Kant's conception of practical reason, especially its postulates. They include the existence of God, the immortality of soul, and the freedom of the will. These postulates and other assertions in Kant's thought are interpreted by Petrażycki not in terms of transcendental thinking but in terms of pragmatism alien to Kant. "This method", writes Petrażycki

---

<sup>26</sup> L. Petrażycki: *Szkice filozoficzne*, p. 3 and ff.

about Kant's critical method, "consists in confusing the above defined categories of thinking, in logical errors notoriously and consistently committed in such a form that if somebody (Kant, Neo-Kantians etc.) finds that the existence of something or acceptance of something as truth is a necessary, indispensable means or condition to achieve something or realize some practical principle, they accept the existence of something or accept as truth what is regarded as practically indispensable."<sup>27</sup> Kant's postulates are thus regarded as the same utilitarian categories that justify religious beliefs or morality. Petrażycki states further that the situation presented by Kant in *The Critique of Practical Reason* is that of a hunter who went hunting but forgot to take his cartridges to shoot game with. According to Kant's doctrine, Petrażycki holds, this hunter should find comfort in the following reasoning: "I went hunting and I am to shoot game. If I want it to be possible, I must assume that the cartridges are in my hunting bag, no matter whether they are there or if I really forgot them at home. If I am to hunt, I must necessarily assume that they are in the bag."<sup>28</sup> That kind of reasoning, says Petrażycki, can only prove the naivety of such a hunter. Here the hunter is Kant and the continuators of his ideas.

However, this interpretation is a negation of transcendentalism and therefore cannot really discredit Kant's reasoning. On the contrary, it is a flagrant example of misunderstandings and absurdities which must result from a psychological and utilitarian interpretation of Kant's thought. It must be pointed out first of all that Kant was not only fully aware of but also strongly stressed the difference between practical or pragmatic knowledge and theoretical knowledge, including philosophical knowledge as well. He included in the latter, together with the knowledge obtained within the forms and categories of pure theoretical reason, the knowledge obtained within the forms and categories of pure practical reason and the power of judgment. We should observe not only the distinct character but even the absence of a connection between the fields of practical reason and the knowledge connected with practical action or with the principle of utility resulting from social life. An example of this type of distinction are Kant's concepts of doctrinal faith and pragmatic faith used in *The Critique of Pure Reason*. The latter has its origin in the practical (every-day) existence of a man in the world. For Kant such a kind of faith will be a doctor's conviction that his patient suffers from this and not some other illness when the familiar symptoms or knowledge do not permit to decide the question unequivocally. On the other hand, doctrinal faith, connected with the category of pure

<sup>27</sup> *Ibid.*, p. 17 and ff.

<sup>28</sup> *Ibid.*, p. 18.

practical reason must in Kant's view assume the existence of such categories as God, freedom of will, and immortality of soul. Or: each postulate is constitutive for religious faith. We cannot speak about it with any sense or consider ourselves believing Christians if we reject the category of God or the other two. They are thus not purely accidental or even hypothetical, prompted by social utility (God as useful for the functioning of the society) or by the comfort of thinking. This is asserted by Kant himself who writes that in the first case his assumption and recognition of certain conditions as truth is only accidental faith, in the other — it is a necessity.<sup>29</sup> We should add that understanding the postulates in that way does not at all mean the certainty about the existence of their designations in the theoretical sense. For faith cannot be juxtaposed with knowledge derived from experience or from the principles of theoretical reason. Faith contains uncertainty (doubt) which is, incidentally, a constitutive condition for it. Without that doubt, faith would not be faith but knowledge.

Kant's postulates should therefore be viewed in a way different from Petrażycki's. They should be seen as the necessary conditions of thinking in a given field of man's cultural life. Consequently, when we recall Petrażycki's example of the hunter, the question should not read "how can we shoot game with the postulate-cartridges" but whether religion or morality is possible with the exclusion of God, freedom of will, and immortality of soul. In the case presented by Petrażycki we should ask: "is it possible to shoot game without a rifle, cartridges, and the game?". Obviously, Petrażycki must also answer that it is not possible. We would then have to say that they are necessary conditions of that kind of hunting. Every hunter should know that before he goes out hunting. It is in this context that Kant's postulates should be considered. It is a different point whether Kant's postulates of practical reason, behind which morality and religion lie, are really their necessary conditions.

Just as with the teachings in *The Critique of Pure Reason*, so too Petrażycki seems to view Kant's thought contained in the other two *Critiques*. That is why the charge that Kant plagiarized the thoughts of Tetens and Maupertuis is not confined only to the already discussed questions, but also comprises the division itself into theoretical and practical reason and the contents connected with the latter. Petrażycki is convinced that the division into theoretical and practical reason (the way Kant did it was, incidentally, regarded by Petrażycki as fallacious because it omitted the principle of purpose<sup>30</sup>) was taken from Maupertuis' philosophy. This thinker, Petrażycki holds, had already separated the

<sup>29</sup> I. Kant: *Krytyka czystego rozumu*, vol. 2, Warszawa 1957, p. 568.

<sup>30</sup> See L. Petrażycki: *Szkice filozoficzne*, p. 3 and ff.

field of theory from religion before Kant, regarding the latter domain as the realm of heart rather than reason. To substantiate his thesis Petrażycki quotes Maupertuis: "I said: it is necessary here that heart could convince the mind."<sup>31</sup> Somewhere else, maintaining the pragmatic understanding of the postulates of practical reason, Petrażycki interprets Kant's moral doctrine in the utilitarian or even hedonistic spirit. He is also trying to demonstrate that the real author of the theory of "moral reckoning" and "budget of happiness" was not Kant with his categorical imperative but Maupertuis. Before Kant used Maupertuis' work in *The Critique of Practical Reason*, this theory, Petrażycki says, had been developed in detail by Bentham.<sup>32</sup> Following these remarks Petrażycki contends that "...the content of his appropriate teaching in *The Critique of Practical Reason*, these are not original products of Kant's creative thought, they were borrowed by him from another thinker and, contrary to the categorical imperatives, of scientific-literary ethics, presented as original discoveries."<sup>33</sup>

In Kant's doctrine Petrażycki also sees the theory underlying the pessimistic philosophies of the 19th century — those of Schopenhauer and Hartmann. He is also trying to prove that even in that case Kant cannot be considered an original thinker since the real forerunner of modern pessimism was nobody else but Maupertuis, whose views were only taken over by Kant.<sup>34</sup> However, even here, although he adopted Maupertuis' idea, the Königsberg philosopher failed to comprehend its positive aspect — the overcoming of pessimism through the ethics of altruism and love. For the pessimism he advanced, he found a solution in the doctrine of egoism and in hedonism.

We should observe that while interpreting Kant like that, Petrażycki is aware of other interpretations of his moral doctrine. The Polish philosopher treats those interpretations, especially the ones negating pessimism and hedonism in Kant's moral philosophy, as fallacious and based upon misunderstanding.

Just as with the Copernican revolution in philosophy and accompanying transcendentalism, those charges are directed against the fundamental questions of Kant's thought. One such problem is the relationship between theoretical and practical reason, and the content of the latter. This is even more worth emphasizing because Kant deals with that problem in the mode of the Enlightenment thinking, whose the representatives frequently asserted that reason (science) could embrace

<sup>31</sup> Quoted after L. Petrażycki, *ibid.*, p. 20.

<sup>32</sup> Petrażycki: *O pochodzeniu...*, p. 26.

<sup>33</sup> *Ibid.*, p. 3.

<sup>34</sup> *Ibid.*, p. 40.

all fields of existence and life and could find justification for them or reject them. As a result, Kant adds essential contents to this idea of rationalism. His contribution lies, on the one hand, in broadening the denotation of that concept with the domains often assigned to the order of heart since Pascal. On the other hand, it rejects the universal character of scientific rationality and confines it to one of the forms. We shall first discuss the question of the denotation of theoretical rationality.

When he takes up the task of separating the spheres of theoretical and practical reason, Kant tries to mark the boundaries of their sensible use. In other words, Kant, was aware that scientific cognition has its limits: when it goes beyond them, it is no longer science but its parody. This takes place especially when science seeks to solve the problems beyond its possibilities of experience. These include for example the question of the existence of God, the immortality of soul and also moral problems. In the last case Kant realized that the description alone or the analysis of facts within the theoretical forms and categories, even when valued as absolute truth, could not permit, without accepting other tacit assumptions, to derive obligation judgments, and thereby moral norms. Having that in mind, Kant separates the two spheres and tries to determine their actual denotations. Thus, religion, morality or even art will not yield to theoretical categories — it will be possible to understand them within their appropriate structures of thinking.

When he took up that problem, Kant may have been familiar with Maupertuis' ideas, and Petrażycki contends that he certainly knew them. However, Kant may well have known them in the version formulated by an earlier French thinker, Pascal. Petrażycki wants to see a specific continuation of this idea in Kant's division. But is this really the case that the Pascal-Maupertuis division into the orders of reason and heart corresponds to Kant's division into theoretical and practical reason?

I believe that this is not the case. This has been indicated by earlier considerations. Pascal and Maupertuis would have religion entirely outside reason and within the sphere of heart, that is emotions and experiences, the irrational moments of human subjectivity. Contrary to these two philosophers, Kant does not consent to this solution. While excluding them from the sphere of science, he does not want by any means to exclude them from the sphere of reason in general, only from one of its forms, which is the rationality of scientific thinking. We could therefore say that beside rationality appropriate for scientific thinking, which Kant embraced with the category of theoretical reason, he admitted of other forms of rationality, which he embraced with the term of practical reason and with the concept of the power of judgment. At this point his view seems to be essentially different from the ideas of both Pascal and

Maupertuis, who recognized only one formula of rationality identified with scientific thinking. In its extreme version — as was the case with Descartes or Spinoza — this formula assumed the form of mathematical thinking.

A separate problem raised by Petrażycki is the question of the utilitarian and hedonistic character of Kant's moral doctrine. It is primarily centred around the interpretation of the categorical imperative as the fundamental moral norm. Here too, Petrażycki seems to follow his line of the pragmatic interpretation of the category of practical reason. He derives the norm of categorical imperative from the practice of social life and identifies it with the principle of utility. Incidentally, Kant's categorical imperative was similarly interpreted by John Stuart Mill in his *Utilitarianism*<sup>35</sup>. Such an interpretation, following what I have written about the category of practical reason, is based upon misunderstanding and it ignores the idea of transcendentalism. Consequently, Petrażycki, while interpreting Kant's thought only in practical and psychological terms, does not seem to perceive the essential difference between the psychological and transcendental layers of his works.

This is exemplified by Petrażycki's discussion of the pessimism and hedonism of Kant's moral doctrine. While analyzing the category of practical reason, Petrażycki adduces Kant's arguments in the *Anthropology* and thereby he analyzes *Anthropology* and *The Critique of Practical Reason* on one theoretical plane. The *Anthropology* is primarily a research work which not so much establishes the conditions of the validity of scientific cognition or the condition of analyzing morality or religion, as, within the theoretical categories, takes up the problems of man in certain fragments of his individual, social and cultural life. "Some knowledge about man systematically formulated (*Anthropology*)", says Kant, "can be the knowledge either in the physiological or practical aspect. The physiological cognition of man deals with what nature does with man, the pragmatic deals with what man, as a free being, does, can and should do with himself."<sup>36</sup> Kant examines here the psychophysical conditions of man's culturemaking behaviour and his possibilities of realizing practical duties.

It is a different point how man, despite (or independent of) these conditions, should act so that his behaviour would be estimated as moral. This problem seems to be the proper object of the *Metaphysics of Morals* and *The Critique of Practical Reason*. Those principles, Kant himself states, are to be *a priori* deduced from the principles of pure reason

<sup>35</sup> J. St. Mill: *Utylitaryzm*, translated by M. Ossowska, Warszawa 1959, p. 8.

<sup>36</sup> I. Kant: *Anthropologie*, in Kant: *Werke*, vol. VIII, Verlag bei Bruno Cassirer, Berlin 1922, p. 3.



rather than from the fact that man is a being which is subject to pain and tends to avoid it and overcome pleasures. The last assertions have a character of factual, descriptive ascertainments. The categorical imperative, however, has the status of the moral norm. It is thus a category which expresses obligation. With that in mind and also the division into practical and theoretical reason, we should not, within Kant's thought, derive from those facts any moral obligations with the categorical imperative ahead.

Therefore even in this case it would be difficult to justify Petrażycki's charge that Kant's thought is secondary to the conceptions of Tetens and Maupertuis.

To conclude, I would like to stress that the present considerations do not comprise the whole of the problems of the criticism of Kant's philosophy by Petrażycki. The weak point of the present analysis is perhaps the absence of direct confrontation of Kant's thought with those of Tetens and Maupertuis. I do not think, however, that this confrontation is necessary because the aim of my paper was to present Petrażycki's views on Kant's philosophy and to analyze them in a critical way rather than ascertain the actual connections of that thought with the philosophies that preceded it. I confine myself here to the most controversial problem: the question whether Kant can be regarded as a plagiarist of the psychological (and utilitarian) theories if we assume the transcendental interpretation of his thought. The answer to that problem must be found in the interpretation of Kant's philosophy. Petrażycki, who follows the psychological line himself, interprets this philosophy according to the spirit of psychology. At the same time he sees in it a repetition, as he asserts, of the psychological views of Tetens and Maupertuis. That interpretation, however, although some lack of uniformity and the diversity of meaning in Kant's work may provide its premise, is based, as I have tried to demonstrate, upon misunderstanding. Hence Petrażycki's accusation is also a misunderstanding. It is an example of the role of the differences in interpreting philosophical thoughts.

Like Husserl's philosophy over a century later, that is methodological (phenomenological) transcendentalism, Kant's epistemological transcendentalism should, be read in the entirely opposite way: as a protest and dispute with relativism-oriented psychologism.

#### STRESZCZENIE

W artykule omawiam stosunek Petrażyckiego do filozofii Kanta. Petrażycki, profesor Uniwersytetu w Petersburgu (1898—1918) a po Rewolucji Październikowej profesor Uniwersytetu Warszawskiego (zm. 1931) sformułował tzw. psychologistyczną

koncepcję prawa i moralności. Teoria ta pozostawała w opozycji do ówczesnych neokantowskich teorii prawa, a w szczególności do koncepcji prawa i państwa Stammlera.

Petrażycki twierdził w swoich pismach, że jego stosunek do filozofii Kanta z biegiem lat ulegał zmianie. W pierwszym okresie był on pełen uznania dla jego geniuszu. Z czasem jednak przekonał się że ten jego pogląd nie jest uzasadniony. W późniejszych pracach, a zwłaszcza w rozprawie *O pochodzeniu metody krytycznej oraz niektórych innych nauk i idei Kanta* zarzucał on nawet królewickiemu filozofowi plagiat. Dowodzi on, że Kant swoje podstawowe idee przejął od Tetensa i Maupertuis. Należy podkreślić, że Petrażycki kantowską filozofię interpretował w sposób psychologizyczny. Wskutek tego nie zauważał on transcendentálnych treści tej filozofii. Dodajmy, że także kantowską koncepcję etyki Petrażycki interpretował w duchu psychologizmu i utylitarysty.

W artykule tym twierdzą, że interpretacja Petrażyckiego opiera się na niezrozumieniu myśli kantowskiej. Stąd też zarzut plagiatu. W artykule podają także własną propozycję interpretacji filozofii Kanta, zgodnie z którą kantowski transcendentalizm przedstawiam jako sformułowanie koniecznych warunków poznania teoretycznego będącego jedną z dziedzin kulturowego życia człowieka. Równocześnie odwołując zarzut plagiatu jako rezultat niewłaściwego rozumienia myśli kantowskiej.

#### РЕЗЮМЕ

В данной работе обсуждено отношение Л. Петражицкого к философии Канта. Л. Петражицкий — профессор Петербургского университета (1898—1918), а после Октябрьской революции Варшавского университета (умер в 1931 году), сформулировал т.н. психологическую концепцию права и морали. Эта теория находилась в оппозиции к неокантовским теориям права, а в особенности к концепции права и государства Stammlera.

В своих письмах Л. Петражицкий утверждал, что его отношение к философии Канта со временем изменилось. Вначале отзывался о Канте с большим уважением. Со временем убедился, что суждение Канта не обосновано. В следующих своих работах, а особенно в трактате „О происхождении критического метода и некоторых других учений и идей Канта” обвинял знаменитого философа в совершении плагиата. Он доказывал, что Кант свои основные идеи перенял от Тененса и Мопертуи. Следует подчеркнуть, что Петражицки кантовскую философию рассматривал психологически и поэтому не заметил трансцендентальной сущности этой философии. Также кантовская концепция этики рассматривалась Л. Петражицким в духе психологизма и утилитаризма.

В данной работе утверждаю, что интерпретация Л. Петражицкого основана на непонимании кантовской мысли, отсюда обвинение в плагиате. В работе представлено собственную интерпретацию философии Канта, согласно которой кантовский трансцендентализм представляю как формулировку необходимых условий теоретического познания, являющегося одной и отраслей культурной жизни человека. Одновременно опровергаю обвинение в плагиате, вытекающее из несоответствующего понимания кантовской мысли.