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**Speaker: Moshe Halbertal, New York University
Paper: Moral Conflict, Misguided Self-transcendence
and Political Violence**



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Moral Conflict, Misguided Self-transcendence and Political Violence

Moshe Halbertal

I: Lon Fuller, legality and the problem of evil

To begin an exploration of the roots of political violence with an analysis of Lon Fuller's *The Morality of Law* might seem a rather unexpected starting point. Fuller made an immensely important contribution to legal theory and to a possible nexus between law and morality, and the debate concerning the nature of law and legal positivism was at the center of his work. Yet a critical examination of his approach may lead to a broader set of observations concerning political violence and evil, though initially Fuller's focus on philosophy of law seems rather far from these concerns. Fuller attempted to show that there is a moral dimension in legal systems which he termed "the inner morality of law", a moral dimension that is embedded in the very formal structure of law. In articulating this dimension, Fuller wished to uncover a richer understanding of the nature of law, and to challenge the strict separation of law and morality that stands at the core of legal positivism.

According to Fuller, for a social and political practice to count as law, it has to adhere to a certain minimal formal structure that constitutes it as a legal system. This formal layer is comprised of eight features: 1. Generality – laws cannot be an accumulation of arbitrary whims directed ad hoc to this or that case; they must be stated in general manner treating similar cases in a similar way; 2. Publicity – laws must be promulgated and known to the public. Secret, unknown laws cannot serve as guides to lawful action; 3. Prospectivity – laws cannot generally be applied retroactively to punish and invalidate actions that were lawful and valid in the past; 4. Clarity

–inherently vague laws will undermine the very possibility of following and administering them; 5. Consistency – a legal system has to aspire to avoid contradictions that place citizens in situations in which they are simultaneously guided to perform and to refrain from performing an action ; 6. Practicability – laws have to be made possible to comply with; 7. Stability – laws have to remain relatively stable over time; a chaotic, constantly changing system of laws will make it extremely difficult for citizens to follow them; 8. Congruence - there should be a fit between the law as officially declared and the way public officials actually follow, administer, and enforce it.

Fuller claimed that prior to considering the substantive content of the laws and evaluating their morality, their formal structure already implies a moral dimension inherent in them. This “inner morality of the law” consists of two major features. The first follows from the claim that the formal structure asserts the dignity of humans who are considered as subjects capable of judgment and of following rules. As Fuller states:

To embark on the enterprise of subjecting human conduct to the governance of rules involves of necessity a commitment to the view that man is, or can become, a responsible agent, capable of understanding and following rules, and answerable for his defaults. Every departure from the principles of the law’s inner morality is an affront to man’s dignity as a responsible agent. To judge his actions by unpublished or retrospective laws, or to order him to do

an act that is impossible is to convey to him your indifferences to his powers of self-determination.¹

The second moral feature of the formal structure of the law is connected to a tendency in human life that Fuller assumes:

So far, I have spoken as if the affinity between legality and justice consisted simply in the fact that a rule articulated and made known permits the public to judge its fairness. The affinity has, however, deeper roots. Even if a man is answerable only to his own conscience, he will answer more responsibly if he is compelled to articulate the principles on which he acts. ...It has been said that most of the world's injustices are inflicted not with the fists, but with the elbows. When we use our fists we use them for a definite purpose, and we are answerable to others and to ourselves for that purpose...A strong commitment to the principles of legality compels a ruler to answer to himself not only for his fists, but for his elbows as well.²

The formal demands of generality, publicity, consistency and congruence, Fuller suggests, will direct political actors towards justice and worthier substantive practices. In line with this assumption, Fuller repeatedly returned to the observation that what enabled the atrocities of the Nazi regime was its betrayal of the principles of legality. Adhering to the "inner morality of law" might have served as a bulwark against the abuses of the "external morality of law". The demands of legality force

¹ *The Morality of Law*, p. 162. For an enlightening explication of this dimension of Fuller's inner morality of law as relational and cooperative project, see Kristen Rundle, "The Morality of the Rule of Law: Lon L. Fuller" in *The Cambridge Companion to the Rule of Law* Edited by Jens Meierhenrich and Martin Laughlin (Cambridge, 2021), pp. 186-201,

² *The Morality of Law*, p. 159.

political actors to face what they might otherwise wish to repress, and through such an inner encounter there is, Fuller believed, a greater chance that justice will prevail.

Legal positivists and others responded to Fuller's argument by claiming that the formal structure he introduced is morally neutral and that adherence to the principles of legality can exist within an abusive regime. What the formal structure of law ensures is efficacy, not morality. There is therefore no necessary embedded morality in the very structure of law.³ In the course of the debate, the question was raised whether South Africa's apartheid regime and the institution of slavery in the American South serve as counterexamples, and whether they passed the threshold of legality that Fuller introduced.⁴ Nevertheless, one pervasive historical example seems particularly difficult to reconcile with Fuller's argument: the subjugation of women in patriarchal societies. This abusive social structure was, in many cases, enshrined in detailed legal norms: discrimination against daughters in inheritance laws; denial of women's equal standing within judicial processes, including their exclusion from serving as witnesses; extensive restrictions on women's ownership of property; gross asymmetries in divorce laws; and many other forms of legal discrimination. Any study of past legal codes will reveal meticulous legal orders that constituted such abuses within a perfectly formal structure of legality. Fuller's assumption that there is an "inner morality of law," and that the formal structure of

³ See H. L. A. Hart, Book Review: "The Morality of Law", *Harvard Law Review* Vol. 78 1281 (1965) and Joseph Raz, "The Rule of Law and its Virtue," in *The Authority of Law: Essays on Law and Morality* (Oxford, 1979) pp. 223-226. For an extensive discussion of Hart's response to Fuller see Jeremy Waldron, "Positivism and Legality: Hart's Equivocal Response to Fuller" *NYU Law Review* Vol. 83: (October 2008) pp.1135-1169.

⁴ For an extensive study of the South-African structure of legality explored as well from Fuller's perspective, see David Dyzenhaus, *Hard Cases in Wicked Legal Systems: Pathologies of Legality* (Oxford, 2010).

legality will lead toward justice, therefore seems unable to withstand the challenge posed by unjust legal orders.⁵

The argument that thoroughly unjust laws are compatible with the formal structure of law suggested by Fuller seems correct. But there is a deeper—and one might say darker—dimension than mere compatibility. This deeper dimension becomes visible once we gain a better understanding of what the formal structure of legality actually aims to ensure. An examination of Fuller’s eight conditions of legality reveals two major concerns. The first is that the bodies or persons issuing laws are principled agents: they are driven by a “principle” to which they are committed rather than by shifting whims and arbitrary decisions that change according to their perceived interests. This concern is addressed by the conditions of generality, consistency, clarity, stability, and congruence. The absence of any of these conditions suggests that rulers lack principles to which they are genuinely committed. (The conditions of publicity and prospectivity, are not necessary to establish such a commitment: rulers might have principles that they keep secret or that they apply retroactively).

The second concern that the conditions of legality aim to secure is that these norms can serve to direct social behavior. If subjects of the law cannot know or predict what the laws are because they are inconsistent, nongeneral, retroactive, vague, impossible to comply with, or constantly changing, they cannot direct their behavior according to legal norms. Safeguarding this capacity is essential because the very

⁵ There are accounts of legality and the rule of law that are not vulnerable to this critique. These accounts add to what comprises legality substantive features such as equality and procedural fairness. For a broader account of legality see Jeremy Waldron, “The Rule of Law and the Importance of Procedure,” in James Fleming, ed., *Getting to the Rule of Law* (New York: New York University Press, 2011), pp. 3-31.

purpose of law, in Fuller's formulation, is "the enterprise of subjecting human conduct to the governance of rules."⁶ Law, at its core, is the project of shaping collective action through rules. If a set of directives is incapable of guiding behavior, it fails to meet the threshold of what can be defined as a legal system. In essence, therefore, the formal structure of law ensures that rulers and legislators who issue laws are motivated by **principles** and that these principles can **shape and direct** collective social behavior.

The critics of Fuller claimed that the formal structure of law is perfectly compatible with an unjust regime. Clarifying what is actually ensured by the formal structure of legality, however, may illuminate a darker dimension of that structure beyond mere compatibility. In many cases, the formal structure of law is not only compatible with an unjust regime; it is what enables and escalates its injustice. Commitment to principles, which is ensured by the formal structure of legality, can be a far greater source of political violence than the arbitrary pursuit of power or the ruler's narrow interests. Political violence, and what makes it particularly lethal, rests in part on the capacity to harness the organized collective action of a group or a state. It can inflict harm far greater than the mere aggregate of individual acts of violence. As we have seen, the formal structure of legality also ensures the capacity to guide collective behavior. It is therefore a powerful instrument for enlisting the body of citizens in collective action.

I will return later to the themes of principles, collective action, and violence in developing what I term "misguided self-transcendence." I wish first to focus on the

⁶ Page 96.

question of evil. In one of his comments in support of the inner morality of law, Fuller makes the following observation:

Coherence and goodness have more affinity than coherence and evil.

Accepting this belief, I also believe that when men are compelled to explain and justify their decisions, the effect will generally be to pull those decisions toward goodness, by whatever standards of ultimate goodness there are.⁷

Given the history of the organized violence unleashed by religious, national, and secular political ideologies, the empirical observation that “coherence and goodness have more affinity than coherence and evil” is highly questionable. A non-ideological tyrannical ruler who seizes power and maintains it through terror, manipulation, bribery and other means, is potentially far less dangerous than an ideological one. He is less capable of enlisting the public loyalty and zeal behind him, since ideology and principles can galvanize the collective spirit of a group. But what is more crucial at this juncture is the following observation concerning coherence: It is not only the case that coherence doesn’t ensure goodness rather than evil, coherence can serve as a condition for political evil. Coherence is what can turn badness into evil. Bad or unjust regimes become evil when their badness is elevated to the level of principle. This is by no means a general argument against coherence and principle. It depends on the content of the principles. But if principles anchor badness, they can transform it into evil.

An analogy involving an individual person might help explicate this point. Imagine someone who resides in a racist environment. He drifts into a set of racist reactions; he is disgusted by strangers, feels threatened, is resentful, blames them for every

⁷ “Positivism and Fidelity to Law: A reply to Hart,” *Harvard Law Review* 71 (1959) p. 636.

conceivable ill and acts as though he and his kind are superior. In all this field of behavior, he is drifter. Having a strong sense that he must own his life and act from principles, he awakens from his condition of merely drifting here and there, he reads racist propaganda available online and he forms a principled racism. He is now “charting his own life”; he has become a coherent principled self. From our evaluative standpoint, it seems that things have become worse with such a person. The fact that he formed a coherent self, ordering with principles his actions, does not endow that self with worth. Indeed, the opposite seems to be the case. His turning his bad general tendency and behaviour into an ideology that forms his self and endows it with coherence is what shifts him toward becoming an evil agent. (This individual example raises a challenge to the claim that inscribes intrinsic value to autonomy. It seems that being an “author of your life” can make things worse, but expanding on this matter would lead us on a wholly different path).

The role of principle formation in contributing the shift from wrong to evil was introduced by Kant’s conception of “radical evil”.⁸ In his attempt to locate the site of evil, Kant perceived the human realm as divided into three predispositions. The first, which Kant terms “the predisposition to animality in man”, refers to the natural inclination to survival and continuity of the species that humans share with the animal world. The second predisposition is related to self-love and is termed as “the predisposition to humanity”. It moves humans to compare themselves with others to seek recognition and honor. This predisposition is unique to human beings, according to Kant, because it involves comparisons with others, ambition, and

⁸ Kant developed his concept of evil mainly in his book *Religion Within the Limits of Reason Alone*. I will be referring to the Harper edition (1960) translated and edited by Theodore M. Greene and Hoyt H. Hudson.

attainment of status, all of which contain a component of rationality beyond mere instinct. The third predisposition is termed “the predisposition to personality”. It is the site of human freedom, where persons are capable of forming principles and internalizing the moral law and it is therefore the dimension that makes human beings morally accountable. The predispositions to animality and humanity - to survival and self-love - create in humans a vulnerability to transgress the moral law or to involve its performance with ulterior motivation of self-love. The predisposition to animality might become the source of vices such as “wild lawlessness”, while the predisposition to humanity could turn into a source of vices such as jealousy and rivalry. These tendencies might lead humans to moral failure; they make humans morally frail and weak. In this moral frailty human beings might find themselves as “sinners”, doing wrong in the world, but they are not yet considered evil. The realm of evil enters humans when it corrupts “the predisposition to personality” and rule formation. As Kant formulates the emergence of evil:

We call a man evil, however not because he performs actions that are evil (contrary to law) but because these actions are of such nature that we may infer from them the presence in him of evil maxims.⁹

In Kant’s vocabulary, a “maxim” is a principle that persons form to guide their actions. Evil enters the human world not with a moral failure and in blindly following natural inclination, but with the formation of an immoral maxim: “Hence the source of evil cannot lie in an object determining the will through inclination, not yet in a natural impulse; it can lie in a rule made by the will for the use of its freedom, that is, in a

⁹ *Religion Within the Bounds of Reason Alone*, page 16.

maxim”.¹⁰ In forming an immoral maxim, a person according to Kant, adopts a principle according to which, in every case of conflict between the moral categorical imperative and self-love, he will follow his self-interest.

Consequently man (even the best) is evil only in that he reverses the moral order of the incentives when he adopts them into his maxim. He adopts, indeed, the moral law along with the law of self-love; yet when he becomes aware that they cannot remain on par with each other but that one must be subordinated to the other as its supreme condition, he makes the incentive of self-love and its inclinations the condition of obedience to the moral law; whereas on the contrary the latter, as the supreme condition of the satisfaction of the former ought to have been adopted into the universal maxim of his will.¹¹

In elevating self-love to the status of a person’s ultimate maxim, it stops being an inclination that might be an obstacle to moral conduct, it becomes the person’s rule of behaviour freely adopted, it therefore perverts the “heart”:

[T]he corruption of the human heart is the propensity of the will to maxims which neglect the incentives springing from the moral law in favour of others that are not moral. It may also be called the perversity of the human heart, for it reverses the ethical order [of priority] among the incentives of the free will ... the cast of mind has thereby occurred at its root (so far as the moral disposition is concerned), and the man is hence designated as evil.¹²

¹⁰ Page 17.

¹¹ Page 31-32.

¹² Page 25.

Kant termed this perversion of the heart as “radical evil” because it occurs at the root. It perverts the very site in humans that makes morality possible: the site of principle formation and freedom. In elevating immorality to a level of overriding principle, the transformation from wrong to evil occurs because immorality becomes the organizing principle of the self. Moreover, because it is not merely a weakness but a maxim, it gains as well a quality of thoroughness. As a maxim, it will not be a cause for occasional moral failures; it will be generally and consistently pursued.

Kant’s insightful connection between maxim-formation and evil, helps in illuminating why Fuller’s conditions of legality are not only compatible with unjust regimes, but they might amplify its wrongness by shifting badness into evil. The formal conditions of generality, consistency, clarity and congruence guarantee that the regime is principled, that it has formed its “maxim”. Its badness or wrongness is transformed into evil through its elevation into a principle. As we have seen, the conditions of legality ensure not only that the rulers and legislators are principled but also that their subjects are capable of shaping their conduct following the rules issued to them. The conditions of legality therefore guarantee the possibility of enlisting the civic body to act collectively. The formation of collective actions through the aid of the formal conditions of legality is what gives political violence its lethal edge, far surpassing in its devastation the mere anarchic aggregate of individual crimes.

Following Kant’s own argument, it might be added that the formal conditions of legality help transform badness into “radical” evil. Kant, as we saw, described the elevation of self-love to a level of maxim as radical evil because it contaminates the very site in humans that enables moral life; the site of freely adopting the moral maxim. The same can be said of law and politics. The greatness of a legal system as

a social project lies in its capacity to shape collective action in the service of promoting social goods that could not otherwise materialize without the functioning of legal institutions. The protection of rights, the provision of a safety net for the most vulnerable, the construction of infrastructure that allows for movement and development, and the production of knowledge that advances science, health, and culture are all great achievements of a just, principled society. The formal structure of legality facilitates these achievements by structuring coordinated civic action toward their realization. When the decency of a society is elevated into a principled legal order, it shifts from general goodness toward the construction of a fully-fledged just society. But when wrongful social predispositions are elevated to the realm of legal maxim, the same public political sphere that could bring about so much good becomes debased. It constitutes the corruption of the “public heart”; hence, it is a form of political radical corruption.

II: Self-transcendence and moral conflict

Kant’s conception of evil helped in illuminating the possible role of legality in turning a polity from “bad” to “evil”. But a further exploration of Kant’s position reveals his inadequate understanding of moral conflict and political violence. To achieve a better understanding of political violence it is worthwhile to shift the focus to Kant’s own account of the moral conflict.

Kant, as already established, perceived the challenge to morality as stemming from the tendency toward self-love, a predisposition that may become evil when elevated into the agent’s ultimate maxim. At the center of the moral drama is therefore the struggle between self-love and self-transcendence. This inner drama is reflected in

Kant's formulation of the distinction between self-love and self-conceit and their relationship to the moral imperative:

In fact, however, we find our nature as sensible beings to be so constituted that the matter of power of desire (objects of inclination whether of hope or fear) thrusts itself upon us first and that our pathologically determinable self, even though by its maxims it is entirely unsuitable for universal legislation, nonetheless endeavours—just as if it amounted to our entire self ---to validate its claims beforehand as primary and original. This propensity to make oneself, in terms of subjective determining basis of one's power of choice, an objective determining basis of the will as such can be called self-love, when it makes itself legislative and unconditional practical principle, can be called self-conceit. Now the moral law, which alone is truly objective (viz., objective in every respect), excludes entirely the influence of self-love on the supreme practical principle and infinitely impairs self-conceit, which prescribes the subjective condition of self-love as laws. Now, what in our own judgment impairs our self-conceit humbles us. Therefore, the moral law unavoidably humbles every human being inasmuch as he compares with it the sensible propensity of his nature.¹³

The condition for a maxim to be considered as moral is that it can be universalized. The principle of action that postulates self-love as the ultimate rule of conduct fails that test. The self-loving person will always wish that some people around him (especially his parents) will be altruists; he is incapable of generalizing his maxim.

¹³ *Critique of Practical Reason* trans. Werner S. Pluhar, (Hackett, 2002) pp. 96-97.

The moral law, the categorical imperative, calls upon us to self-transcendence and it excludes entirely consideration of self-love; it humbles our self-conceit.

Kant's claim that the movement from a predisposition to a maxim plays a role in shifting from badness to evil seems insightful. Yet he failed to locate the heart of the moral drama. It is not the struggle between self-transcendence and self-love. Rather, *misguided* self-transcendence is far more lethal than exaggerated self-love, even when that self-love is transformed into the ultimate maxim governing a person's actions. This becomes particularly evident when we attempt to understand political violence, when we try to make sense of violence that is unleashed through the collective action of the community, the nation and the state. But before unpacking the meaning of this argument, a general observation concerning self-transcendence is necessary.

One major and important divide between different approaches to ethics concerns the place of self-transcendence in moral life. Three radically different positions have been articulated in moral philosophy. The first grants self-transcendence an essential and exclusive role in ethics; the second rejects its role altogether; and the third perceives it as essential but not exclusive.

For Kantians and utilitarians, transcending the self is at the core of morality. Both ethical theories claim that the essence of morality consists in adopting exclusively an agent-neutral perspective. Utilitarians demand that each person view themselves as one among many. In maximizing the overall utility of an action or policy, moral agents cannot give privileged status to their own preferences. They do not fully negate their preferences; rather, they ought to give them the same importance as the preferences

of any other person—or, as some would argue, of any other sentient being. If utilitarianism is a guide to personal morality, it makes one of the most demanding calls for self-transcendence of any moral theory. (Such an intense demand places a puzzling strain on the moral psychology of utilitarians. Utilitarians assume that what is good and bad is ultimately pleasure and pain and that people are motivated by the avoidance of pain and the pursuit of pleasure. Yet utilitarian adherents are expected to be among the most altruistic of moral agents, transcending their own pain and pleasure in the pursuit of overall welfare).

Self-transcendence is equally essential to Kant's moral philosophy. Kant describes the role of unconditional moral duty in the following manner: "[Duty] can be nothing less than what elevates a human being above himself (as part of the sensible world)." In following the categorical imperative, moral subjects extract themselves from their conditioned, embodied selves and adopt the universal perspective of humanity as a whole. Kant's thorough connection between self-transcendence and morality dictates not only the content of moral duty but also the motivational structure of the moral subject. While following the moral law, any motivation that stems from self-love drains the action of its moral meaning. The demand to transcend the self is therefore not merely a guide to action; it penetrates to the very depths of human motivational psychology.

In contrast to the exclusive centrality of self-transcendence in Kantianism and utilitarianism, there is a deep tradition in moral philosophy that rejects its role in shaping ethical life. Aristotle's ethics is structured around human flourishing and well-being. The themes of sacrifice, duty, and self-negation are absent from the Aristotelian moral vocabulary. Ethical life constitutes the accomplishment of the

human *telos*; hence, it results in *eudaimonia*, the state of self-fulfillment achieved through living a virtuous life. Care for others is aimed neither at maximizing utility nor at adhering to universal duty but rather at shaping a common life that expresses human beings' social nature. Thomas Hobbes avoids self-transcendence from a very different perspective. Hobbes attempted to base political order on the pursuit of rational self-interest, assuming that any other motivating factor is too weak and fragile to sustain a well-ordered social life. The movement from the anarchic state of nature to the social contract is predicated on rational self-interest. The great rival of self-transcendence in ethics was Nietzsche. Kantian self-transcendence, for Nietzsche, is a perverse form of directing the will to power against the self, a version of secularized Christian ethics of resentment. The Kantian demand for purity of motivation is, in this view, disguised cruelty toward who we are: self-hatred and universalized obedience dressed in the ideal of autonomous self-transcendence. Postulating self-love as the source of moral failure expresses a form of life-denial, a nihilism that rejects the here and now of our existence. Nietzschean aristocratic ethics, however, does not consist in egoistic self-interested hedonism. Hedonistic maximization of pleasure is another form of taming the will, creating an addiction that is an obstacle to genuine greatness, which consists in the strength to bear pain. Noble morality expresses the capacity for care and generosity not as a consequence of an abstract sense of universal duty but as an outcome of an overflow of power and internal abundance. In contemporary moral philosophy, Bernard Williams revived the rejection of self-transcendence in his critique of utilitarianism as transforming the self into a mere vehicle for producing impersonal ideal outcomes and crushing our capacity to direct and make sense of our own lives.

A third approach to the place of self-transcendence in ethics perceives it as essential to moral life but does not ascribe to it the exclusive role it has in Kantian or utilitarian ethics. For Thomas Nagel, agent-neutral, impersonal obligations do not exhaust our moral horizons. Leading a moral life in its full complexity also consists in granting moral weight to our agent-relative commitments. Kant and the utilitarians perceive agent-relative concerns as posing an external obstacle to moral life; therefore, the moral subject must transcend these concerns. In Nagel's approach, such a conflict is internal to moral life, and working out, though tentatively, the tension between these two perspectives is itself what morality calls for. As he formulates it: "I believe the human duality of perspectives is too deep for us reasonably to hope to overcome it. A fully agent-neutral morality is not a plausible human goal."¹⁴ A different variation was articulated by Samuel Scheffler, who gives room to agent-centered prerogatives as a response to the excessive demands of purely consequentialist positions. (It is important to note that agent-relative concerns are not reducible to what Kant described as self-love. They might include deontological constraints, such as a steadfast refusal to harm another person even when doing so might reduce overall harm, including harm to oneself).

A general and rather schematic overview therefore reveals a deep and telling division in moral philosophy concerning the place of self-transcendence. Three radically different positions emerge, each taking a distinct approach to the fundamental question of morality and the relation of the moral agent toward the self. Though it is far beyond the scope of this paper to present a fully developed argument on the matter, there seems to be much to say in support of the third position.

¹⁴ *A View from Nowhere*, page 185

Self-transcendence has an essential, though not exclusive, place in moral life. My aim is to introduce into this discussion another broad human phenomenon: misguided self-transcendence. It will help us locate moral conflict in a different place from the way Kant articulated it—as a drama between self-transcendence and self-love.

III: Misguided Self-transcendence

In order to make sense of what misguided self-transcendence is, it is worthwhile to explore a horrifying example of such a stance and its lethal consequences. In October 1943, in the Polish city of Posen, Heinrich Himmler, one of the leading figures of the Third Reich, addressed the officer corps of the SS. This group consisted of some of the most devoted and loyal strata of the Nazi regime, and the officers present at the address were actively involved in the immense war crimes committed on the Eastern Front and in the implementation of the “Final Solution”—the extermination of the Jews of Europe. The speech presents a rare document because it was not part of the propaganda machine of the regime, addressed either to its subjects or to the outside world. It is a transcription of an internal dialogue occurring in the midst of the war, providing a window into the convictions of the leadership as it guided its most ardent followers.¹⁵

Himmler reaches the point in his speech in which he addresses the “Final Solution.” He emphasizes that it is a matter that should not be discussed publicly and that the policy and its execution should remain confined to the inner circles of the most loyal.

¹⁵ The speech was presented at the Nuremberg trials read and transcribed, for an audio version of the relevant sections - <https://www.historyplace.com/worldwar2/holocaust/h-posen.htm>

He then presents the hardship of implementing the Final Solution in extremely congratulatory terms:

Most of you must know what it means when 100 corpses are lying side by side, or 500 or 1000. To have stuck it out and at the same time—apart from exceptions caused by human weakness—to have remained decent fellows, that is what makes us hard. This is a page of glory in our history which has never been written and is never to be written...

Ordinary people, in Himmler's account, would not understand the magnitude of this glorious achievement. The executioners had to overcome their humanity; they had to withstand the horrible sight of mass killing. As Himmler articulated it to the officer corps, "We realize that what we are expecting from you is superhuman, to be superhumanly inhuman." It meant overcoming moral inhibitions in performing something understood as higher and greater. It was a selfless act that, in his view, only such an elite group could perform.

The Final Solution also included dispossessing its victims of their property and belongings. As Himmler went on to describe:

We have taken from them what wealth they had. I have issued a strict order...that this wealth should, as a matter of course, that this wealth should be handed over to the Reich without reserve. We have taken none of it for ourselves...whoever takes so much as a mark of it, is a dead man. A number of SS men—there are not very many of them—have fallen short, and they will die, without mercy.

The strict prohibition on looting, and the avoidance of personal enrichment by many of those involved, serves in Himmler's account as evidence that the murder was not carried out to gratify self-interest. It was presented as an act of self-transcendence. Indeed, there were incidents of "human weakness"—of succumbing to self-love—but these were presented as marginal and were met with merciless punishment.

Himmler then concludes his evaluation with perverse satisfaction: "Altogether we can say, that we have fulfilled this most difficult duty for the love of our people. And our spirit, our soul, our character has not suffered injury from it."

Self-love, even if it were made the maxim of action, could not motivate such systematic monstrosity. What is it about misguided self-transcendence that gives it such lethal potential? Before exploring this question, it is important to emphasize the following claim: it is not that vast killing requires self-transcendence. Rather, a sense of self-transcendence can *enable* such horror to be carried out. The SS officers involved in the Final Solution were motivated, at least in part, by the conviction that they were performing something superhuman and selfless.

The upheaval unleashed during the Russian Revolution and the subsequent formation of the dictatorship of the proletariat provides another grand manifestation of the connection between self-transcendence and violence. In articulating the communist ethos, Lenin stated the following principle:

The class struggle is continuing and it is our task to subordinate all interests to that struggle. Our communist morality is also subordinated to that task. We say: morality is what serves to destroy the old exploiting society and to unite

all the working people around the proletariat, which is building up a new, communist society.¹⁶

The old society that communism aimed to destroy consisted, in this account, of people pursuing their self-interest and exploiting others. It produced the kind of person “who is concerned only with himself, and does not care a rap for anybody else.” Among the self-interested were peasants who owned private land: “If I work this plot of land, I do not care a rap for anybody else; if others starve, all the better, I shall get the more for my grain.” Communist education of the young was therefore oriented toward countering such egotistical tendencies. It was to be an “education in the struggle against the exploiters, education in alliance with the proletariat against the self-seekers and petty proprietors, against the psychology and habits which say: I seek my own profit and don't care a rap for anything else.”

In the early 1920s, Lenin himself was forced to compromise with the peasant population by allowing private ownership of land and providing some room for a market in agricultural produce. It was Stalin who subsequently initiated a fierce policy of forced collectivization of farmland. Resistance to collectivization among peasants in Ukraine and Kazakhstan was met with mass violence; hundreds of thousands were executed or deported, and millions starved to death in the famine that ensued. This brutality was undertaken in the name of ending exploitation. It was an act of ideological self-transcendence directed against what was perceived as the pursuit of private ownership and self-interest.

¹⁶ The following quotations are drawn from Lenin's speech delivered in October 2 1920, at The Third All-Russia Congress of The Russian Young Communist League. For the full speech see - <https://www.marxists.org/archive/lenin/works/1920/oct/02.htm>

Another manifestation of misguided self-transcendence and its connection to violence can be drawn from the religious sphere and, specifically, from the concept of worship. In certain religious traditions, adherents may be called upon to overcome their moral constraints as an expression of devotion. Kierkegaard articulated this ideal and termed it “the suspension of the ethical” in *Fear and Trembling*, his book devoted to the biblical narrative of the binding of Isaac.

Abraham was commanded by God to sacrifice his beloved son Isaac:

Sometime afterward, God put Abraham to the test—saying to him, ‘Abraham.’ He answered, ‘Here I am.’ ‘Take your son, your favored one, Isaac, whom you love, and go to the land of Moriah, and offer him there as a burnt offering on one of the heights that I will point out to you.’¹⁷

Abraham, obedient to God’s command, walked with Issac for three days and on the mountain that he was shown he built an altar and bound Issac to the altar. As he raised his knife to slay his beloved son, an angel called him from heaven - “Do not raise your hand against the boy, or do anything to him. For now I know that you fear God, since you have not withheld your son, your favored one, from Me”. Abraham avoided offering his son and sacrificed a ram to God as a substitute: “When Abraham looked up, his eye fell upon a ram, caught in the thicket by its horns. So Abraham went and took the ram and offered it up as a burnt offering in place of his son”.¹⁸

Generations of readers have struggled with this ominous trial. How could God demand the killing of an innocent person as a test of loyalty? Did the Torah itself not

¹⁷ Genesis 22, 2.

¹⁸ Genesis 22, 12-13.

prohibit and condemn the sacrifice of children to the gods? How can we harmonize Abraham's defiant moral critique of God when God announced that He planned to destroy the city of Sodom and kill the innocent with Abraham's obedient response to God's immoral commandment to sacrifice his own son? Wasn't Abraham's virtue precisely in following what is just and right, as it is said of him: "For I have singled him out, that he may instruct his children and his posterity to keep the way of God by doing what is just and right"?¹⁹

As an answer to these concerns, some interpreters have claimed that the main purpose of the narrative is to discredit child sacrifice, that is why Abraham was ultimately commanded not to raise his hand and kill Isaac. But there is also a tradition of readers that perceived the narrative as establishing a religious ideal of worship; Kierkegaard was among the most prominent of them. In his reading, Abraham's willingness to sacrifice his son was unique because it did not serve any instrumental purpose but instead it expressed his loyal worship of God and his trust in Him. Child sacrifice in the pagan world was often an attempt to appease the gods: Agamemnon's sacrifice of his daughter Iphigenia aimed at pleasing Artemis, so that winds would blow enabling his fleet to sail to war with Troy. Agamemnon was a tragic figure not an exemplar of faith. Abraham, by contrast, was not forced by circumstances; he did not aim at gaining an advantage through the offering of his beloved child, it was a gesture of pure surrender and trust:

It was not for the sake of saving a people, not to maintain the idea of the state, that Abraham did this, and not in order to reconcile angry deities.

...Abraham's whole action stands in no relation to the universal, is a purely

¹⁹ Genesis 18, 19.

private undertaking. Therefore, whereas the tragic hero is great by reason of his moral virtue, Abraham is great by reason of a purely personal virtue.²⁰

Moral principles are universal; by observing them, we participate in humanity. From a purely utilitarian perspective, sacrificing one child to save many may be ethically required. (For adherents of utilitarianism, what is appalling about such a practice is not necessarily the sacrifice itself but the metaphysical picture underlying it: the belief that the sacrifice has causal efficacy and that our fate lies in the hands of angry gods whom we must appease. If that causal picture were correct, child sacrifice might be the right thing to do). Agamemnon, therefore, acted within the sphere of the universal, compelled to make a tragic choice. Abraham, by contrast, achieved his individuation through the suspension of ethical norms; he stood before God as a unique individual.

The binding of Isaac became a paradigm for the idea that obedience to God's command overrides moral commitments. More radically, it suggests that the faithful suspension of conscience constitutes the ultimate expression of genuine worship. Articulating the dialectical human stance between glory and submission, Rabbi Joseph Soloveitchik, one of the towering figures of modern Jewish thought, wrote in a similar spirit about Abraham's trial:

What was the most precious possession of Abraham; with what was he concerned the most? Isaac. Because the son meant so much to him, God instructed him to retreat, to give the son away [...] What does man cherish

²⁰ *Fear and Trembling*, Philo of Alexandria of the first century anticipated Kierkegaard's claim in his description of Abraham's devotion, when he attempts to answer the claim that nothing was special about Abraham's actions since child sacrifice was common in his period and place, on that see Philo, *On Abraham* chapters XXXIII-XXXV.

more than the intellect, around which his sense of dignity is centered?

Precisely because of the supremacy of the intellect in human life, the Torah requires, at times, the suspension of the authority of the logos. Man defeats himself by accepting norms that the intellect cannot assimilate into its normative system.²¹

This religious ideal creates a deep and enduring connection between self-transcendence and violence. The "suspension of the ethical" is portrayed as a great achievement of devotion, as though Abraham - or anyone who follows in his footsteps - exemplified devotion by surrendering his humanity. Yet whenever morality itself must be transcended, another human being becomes the victim. Giving up property, comfort, or the pursuit of material success may be saintly; when one gives up conscience, however, someone else pays the price. Abraham, though he had to surrender his conscience was not the victim of the trial; the potential victim was Isaac. That is what makes this form of self-transcendence both misguided and lethal. In crimes committed in the name of the sacred, it was the urge toward self-transcendence, not self-love, that motivated the violence.

The relationship between self-transcendence and violence thus emerges across a broad range of political life. To grasp the core of this moral conflict fully, we must answer the following question: What is it about misguided self-transcendence that makes it so lethal, and from where does it derive its violent force? Before attempting to answer this question, however, a possible objection must be addressed. In defense of the Kantian view that moral drama resides in the conflict between self-love and self-transcendence, one might argue that examples of misguided

²¹ "Majesty and Humility" *Tradition* (spring of 1978) pp. 12-13

self-transcendence can themselves be interpreted as expressions of self-love. They attest, in this view, to an enlargement of the self as it identifies with supposedly higher goals. The argument takes the following form: if the self wishes to give itself up, then self-renunciation becomes its own interest; there is no way to escape the cycle of self-love. This claim seems redundant. All non-coerced actions performed by a person are, analytically speaking, expressions of that person's aims. This is true, but it is a tautology, and it does not make every selfless action self-serving. A second, less tautological objection might take the following form: if people identify wholeheartedly with an act of renouncing their interests, fulfilling that aim will make them happy, since happiness derives from accomplishing what one strives for. Self-gratification, therefore, must lie at the root of such actions. But this argument reverses the causal order. Parents who emigrate and give up a great deal to secure a better future for their children may be immensely happy when their children prosper and flourish. Yet the parents did not aim at their own happiness. They didn't predict that happiness would result from sacrificing for their children, and then decide to emigrate wishing to be happy. The order is the reverse: they aimed at their children's well-being, and because their children flourished, they became happy.

We can now return to address the question of self-transcendence's power. As noted above, self-love cannot serve as an organizing principle of collective action, while political violence derives much of its lethality from the coordinated actions of many people acting as a group. A tyrant who seeks to gain and retain power may bribe, threaten, and terrorize, but these methods alone will not enable him to mobilize the people's energy and participation. He or she must establish a common goal beyond their own retention of power. (When the effort is cynical and manipulative, it usually

invokes a threat - real or fabricated - that the people must confront together).

Self-transcendence is a condition of collective action, especially when such action is costly. Historical experience also teaches us how easy it is to enlist people, especially the young, in sacrificing themselves. Millions of young men have been recruited to the front in the service of higher goals: the nation, the race, the sacred, or the proletariat; the defense of liberty; or the restoration of dignity and agency to the oppressed. This widespread phenomenon is a stark reminder of the limitations of the economic conception of human beings as preference maximizers. Among other things, human beings are meaning-seeking animals, and frameworks of self-transcendence provide meaning. They offer goals and purposes that transcend life's finite and transient achievements, attaching individuals to a temporal horizon greater than their own lifespan. When such a framework of meaning is false and misguided, it becomes lethal. In religious terminology it is idolatry; a focus of a life of devotion that is not worthy of such devotion.

Besides its power to mobilize collective action, self-transcendence endows the goal it serves with apparent value and justification. It is structured around a misleading reversal. It makes sense that valuable goals call for self-transcendence and sacrifice; but this logic is inverted when the very act of self-transcendence is taken to confer value upon the goal. In this reversal, it is not only the end that justifies the means; the means also justify the end. Self-transcendence gives agents a false sense that what they are doing is "just." It both immunizes them against criticism and provides them with the motivation that a sense of justification supplies. The conjunction of self-transcendence and violence also sometimes allows aggressors to portray themselves as victims. For the SS officers listening to Himmler's speech, their

targets lost their lives, but the officers themselves had lost their humanity - as though they had paid the greater price.

Locating the center of the moral-political drama in misguided self-transcendence, and arguing that misguided self-transcendence is far more lethal than exaggerated self-love does not imply rejecting the value of self-transcendence altogether. A retreat into rational self-love might offer an easy way out of the challenge. Yet for a position that regards self-transcendence as essential, though not exclusive, to moral life - and as a source of much that is worthy and admirable - the challenge becomes more acute. In the same human capacity to transcend the self resides both what is most noble about human beings and what makes them so dangerous.

Given this intimate and uncanny proximity, some initial distinctions between worthy and misguided self-transcendence are needed. One way to identify misguided self-transcendence is when the self is called on to transcend the moral realm directly in the name of some higher goal. This form appears within religious traditions when the "suspension of the ethical" is celebrated as an exalted expression of devotion. Morality itself, however, ought not to be transcended; there is no higher source of normativity that can suspend it. When morality is suspended, what appears to be virtuous surrender always comes at someone else's expense. Such self-transcendence is therefore misguided. Another straightforward sign of misguidedness concerns the goal that self-transcendence serves. At times, that goal is itself blatantly criminal, as in Himmler's appeal to self-transcendence in the service of Aryan racial supremacy. By contrast, the aim of uprooting exploitation is not *prima facie* wrong; it possesses moral appeal in its own right. In that respect, communist self-transcendence is not tainted by its stated aim alone. What is troubling about the

violence attached to that self-transcendent calling is the mass and brutal murder of innocent people as a means of achieving its end.

Self-transcendence can therefore be misguided in at least three ways: by its very structure, when it transcends the ethical; by the problematic goal it serves; and by the way it justifies murderous means. This is only a rough and initial outline. There will be cases in which the line between worthy and misguided self-transcendence is far more difficult to draw. In such cases, recognizing the dark side of self-transcendence may help us resist its dangerous allure.

