

## June 27

I couldn't fall asleep last night. Strange. After a **moment** of insomnia (that lasted about half an hour) I took a sleeping pill, half a *Xanax*, something I rarely do. I still had trouble falling asleep. It seemed as if I didn't, when I realized that it was after two in the morning, and that I must have been asleep, because a strange dream was still vivid in my mind. I tried to reconstruct it, and managed to remember the most part. Then I decided to make a hard copy. I got up in the dark, took a writing pad, and scribbled the whole thing on paper, writing 'blindly', as it was almost pitch dark. I finished and fell back asleep. Some time later I woke again, with another, completely different dream in my head. I lay in bed, thinking about it, but decided not to write again. My next moment of consciousness was already in the morning.

I lay in bed, thinking of **dreams** and *Deja vu*. There are similarities. Naturally, I could remember the first dream much better than the second, which was almost completely lost. The only thing that remained from it was its **location**: An old, half wrecked building, that was some kind of television studio. I thought: Had I **not** made an effort to remember; had I just ignored it, as I usually do, I would probably not have remembered either dream. Had I not consciously tried to remember the place (and later written it **here**), it would most probably have been lost forever. **Or would it?** Suppose I didn't pay attention. Suppose I only had it in my mind for a moment when I woke in the middle of the night, and made no effort to remember it in the morning. **And**, suppose that years later I happened to come to a place which looked just like the place in the dream. Would I then have the feeling of *Deja vu*? I believe there is a good chance that I would.

I had no idea what Gaya had in store for me today. After yesterday, I started to suspect that she was following some kind of preplanned *syllabus*. I decided to pay close attention to the evolution of the next topic of conversation, see if it is just coincidence, or if she ingeniously diverts the conversation to a topic she was aiming at. She wasn't at breakfast, and I asked Mr. Dekker if she had already eaten. He said that she had not, and that she will be down in a few minutes. He seemed tired; He was working double shifts, because his brother has been on vacation for the last two weeks, and was due back only by the end of the month. I had a coffee, thinking about home. Never in my life have I been away from my family for so long. The girls were already calling me on the phone every single day for the last few days. It was hard for them too. Not that I had regrets or anything; I could hop on the next plane and be home in a few hours. But I wasn't finished. I made quite a distance, but the journey was not yet over. As I was thinking that, Gaya arrived; her smile preceding her person. "What a lovely morning!" she said. It was, but lovely mornings have become a **routine** here. "You are almost late" I smiled back; "It is almost ten o'clock". "So what?" she wondered. "They wouldn't serve us breakfast at ten fifteen?" Now it was my turn to wonder: "Maybe they would, but breakfast hours are until ten o'clock. Why put them in the dilemma? And if all the guests showed up after ten?" Gaya smiled again. "A rule without exceptions is not a rule. If it wouldn't occur to Eve to eat the apple, God's directive would not have been a directive; It would just have

been a **forecast**.”<sup>83</sup> I sensed an interesting topic, and pursued it before she brought up whatever she had prepared, **if** she had prepared anything. “You mean that it is in the **nature** of the concept of ‘rule’ that it has, or **may** have, exceptions?” Gaya nodded, pouring the coffee. “Precisely. I bet you cannot give me even a single example of a rule that does not.” I tried: “The law of gravity”. Gaya wondered: “You consider it a **rule**?”<sup>84</sup> I wasn’t sure what she had in mind: “You mean there is a distinction between **rule** and **law**?” She replied: “There must be, otherwise there would not be two distinct words. But never mind this distinction. We could talk about it later, if you want. I’ll take **gravity** as a rule. You think there are no exceptions? Maybe we understand the term differently. How would you define the rule you are talking about?” I phrased it carefully: “Two material objects attract each other in proportion to their masses”. I neglected the part about the squared distance. I didn’t think it mattered. Gaya said: “Would you consider my cup of coffee and your cup of coffee as objects?” She got me again. I didn’t even try to argue, or think up another example. Instead, I asked for **her** interpretation of ‘rule’. She started: “Rules **always** have to do with the **future**. Rules always specify how things **will** be. Of course, we often speak of rules in past contexts, but even then, the **way** we speak about them, is by temporarily assuming a point of view that is **prior** to the event in question. When we say that the apple fell on Newton’s head as a result of the ‘rule’ of gravity, we mean that the falling was **inevitable**, even before the event. The rule ‘pre-described’ a future event. Here lies the difference between ‘rule’ and ‘law’. You were right to assume that they are of the same nature, but language distinguishes between the cases where

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<sup>83</sup> This observation about the nature of a ‘Divine commandment’ was revealed to me in the abovementioned LDG seminar. It appears that the nature of a **command** is such, that it **must** be possible to disobey. This is not only the case with Divine commands, but with commands in general. This is contrary to some views<sup>117</sup> about the speech act ‘command’, taking it as something that cannot be disobeyed. This first Biblical command, which produced the first **rule** in human history, simultaneously introduced the notion of **freedom**. There is no sense in ‘freedom’, where there is no **limitation**. The ‘freedom to choose’ must **presuppose** a distinction between courses of action that are distinguished by some applicable **rule**.

<sup>84</sup> Contemporary philosophy distinguishes two basic **kinds** of rules: **Regulative** rules and **Constitutive** rules. Regulative rules are conceived as regulating some (human) activity which exists prior to the introduction of the regulative rule system, and has some external **reason**, or **purpose**, independently of the rules regulating it. E.g., traffic laws are a paradigmatic example of a system of regulative rules, whereas **driving** is an activity which is independent of traffic laws, who only facilitate efficient (safe and swift) driving. Constitutive rules, on the other hand, constitute the **framework** of the activity which they also regulate. A system of constitutive rules also constitutes the **purpose** of the activity; It is **internally** defined: The activity is **defined** by the system of constitutive rules. E.g., the rules of **games**, such as chess, are a paradigmatic example of a set of constitutive rules, whereas the game has no meaning outside of the framework provided by the rules; It has no **purpose** outside the purpose specified by them.

This distinction has a particular application in the philosophy of language, in what is known as **Pragmatics**. *Speech act theory*, developed by Austin<sup>118</sup> and Searle<sup>119</sup> maintains that language is a **rule governed system**, consisting of ‘linguistic institutions’ such as ‘assertion’, ‘question’, ‘promise’ etc. Each of these institutions is in itself a set of rules, specifying the proper usage of the corresponding speech act. I shall not go into the details and problems of speech act theory; Needless to say, I disagree with the notion of language **as a** rule governed system, although under a particular interpretation it **could** be conceived as such as I will show at the end of this footnote. A comprehensive account **against** speech act theory and pragmatics in general can be found in Stephen Schiffer’s *Remnants of Meaning*<sup>120</sup>.

human **will** is involved, and between the cases it is not.” I was confused. What she said seemed to explicitly contradict her conception of the unlimited range of human will. I said: “Wait a minute: What do you mean by ‘human will is not involved?’” Gaya smiled: “I mean that it is **agreed** amongst humans, what you call **speakers**, that they **cannot** be broken. Just like changing the past: It is **considered** impossible, just as laws of nature are considered universal, unbreakable. Although they get **changed** by scientists, every now and then. Language distinguishes between two kinds of rules: The ones that (it is agreed, constituted by language) are ‘the way things are’, beyond our influence; Those are laws of nature. The other kind are understood as humanly constituted. In fact, many of those are also called **laws**, like laws of the state. This distinction is **conventional**, or, rather, **lingual**. It is the distinction between the Greek *Physis* and *Nomos*. In the Homeric period there was no such distinction. It happens, although rarely, that a **rule** (*Nomos*) becomes a **law** (*Physis*).” I was surprised to hear this: “Really? Give me an example.” She didn’t have one ready, but in a moment’s thought she replied: “It was once considered **impossible**, because of the structure of reality, to kill a person from a mile away. Nowadays it is just **forbidden**. As civilization progresses, the number of ‘laws of nature’ constantly decreases. Last time I looked, it was reduced to just four kinds of sub-atomic ‘forces’, that supposedly explain everything. But it must have changed again since then. It is the ideal of science: To identify a single principle, or very few principles, that are ‘basic’, that explain everything. Science’s traditional goal is to uncover the ‘real’ basic laws of nature. But I believe that science today already realizes the futility of this goal. It is simply based on a false assumption. But let us not discuss the philosophy of science. Much too much has been said about it already. I think you are more interested in rules that were made **by** people **for** people. It was my claim that every such rule must, in principle, have exceptions. If it had not, there would be no need for the rule. Let me think of an example of such a rule: ‘People must breath at least ten times an hour’. Absurd, is it not?” I was not impressed with this example: “Wait, there is an ambiguity here: When you say that rules **have** exceptions, do you mean they **can** be broken or that they **may** be broken? I agree that there is absolutely no point in constituting a rule which **cannot** be broken, like your example. I thought that by ‘exception’ you meant that the rule **may** be broken; That there are **always** possible circumstances in which it **should** be broken!” Gaya seemed very happy with my complaint: “Now you arrived at the crux of the matter. Did you hear what you said? ‘A rule that (under certain circumstances) **should** be broken. This ‘should’ - is it an ‘external’, transcendental ‘should’, or is the breach permitted by the rule **itself**? If it is the rule itself that specifies the exception, then it is no exception, just part of the rule. What I mean is this: Every rule that was ever constituted, or will ever be, has a circumstance in which it is **right** to disobey it. This **right**, or **should**, is not part of the rule. It is part of a **higher** rule, a ‘transcendental’ moral rule, which has the authority to override any socially constituted rule.” I was in a disobedient mood. I said: “Rules **always** deal in moral issues;° In what is good, bad, right or wrong. There is no

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° The focus of my discussion will be, rather, on the accepted distinction between **regulative** rules and **constitutive** rules in general. I claim that this distinction is the product of a particular implicit premise: The premise of objectivism, or **realism**. My claim is based on another basic premise, explicitly stated repeatedly throughout this thesis, that **every** human activity has a **purpose**, and that it is always ‘external’, in the sense applicable to regulative rule systems. People never do **anything** which is **not** for this purpose: The purpose

question about that. There is no **point** in making a rule that is morally neutral. So the whole **body** of rules of some society at a given point in time, the punishable ones as well as the ones dealing in manners and customs, can be viewed as this society's **moral code**. There **is** no supreme, 'divine' moral code which stands 'above' this society's moral code..." As I was speaking, Gaya's smile was becoming wider, and I saw my mistake. I started over, trying to correct: "Wait. I think I see what you mean. **The** moral code of **the** society is **objective**. It has no **place**, except in the individual minds of its members.

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of attaining **good** for themselves (and/or their surroundings, which amounts to the same thing, whether they realize it or not). Let us examine a system that allegedly does **not** comply with this claim: The game of chess. It is claimed, that it has no (external) purpose: That its purpose is to 'capture the opponent's king', a goal defined by the rules of the game. If this were the case, playing chess would not be a human activity. Engaging in a game of chess is no different (with respect to its **purpose**) from taking a fun ride in a new convertible car. I am at home with my wife. I say to her: What would you rather do - have a nice game of chess or go for a nice ride in the new car? If she chooses chess, we play by the rules of chess. If she picks the ride, we drive by the rules of traffic. There is **absolutely** no difference. 'Driving' is not some transcendental, God-given activity, that was always there. It is man-made; It is **good** for something. Chess, on the other hand, is not just a time-passer: For some people it is a way to make a living, for others a means to enhance their intellect. If people do it, it is good for **something** - at least for the ones who do it, and often for others as well.

What, then, is the source of the mistake? Why the consensus over the distinction between 'regulative' and 'constitutive'? It is because **realism** takes **reality** for granted. Realists assume, that there is one "super-context" which is **the real** context. The context of the game of chess, the one the rules constitute, is considered 'unreal': The king is not real, the fight is not real, the victory is not real. **Traffic**, on the other hand, is a **real** context: It is **there**, regardless of the rules. Wrong! without the rules, it wouldn't be **driving!** Can you imagine driving with **no** rules at all? I will spare you the description. It's not that there would be more accidents. The rules of driving include the rule 'put the key in the ignition'. It is not in the book, because there is no point in putting it there, but it is a rule as any other. If anyone would park his car in the middle of the road, there would be no traffic to **regulate**. Driving is a context like any other, not a "super context", a '**real**' context, as opposed to the 'unreal' context of chess. Regulative rules are taken to regulate activities that 'are already there'. There is no such thing, 'are already there'. It is man-made. It was **constituted** at one time or another, and at that moment it already required a set of (constitutive) rules to govern it, otherwise it couldn't be a **social** activity. Wherever more than one person is involved, rules are required to define both the 'wide' context and also particular details associated with the activity.

If we agree to posit one superior "super context" above all other contexts, like "**this is the reality**", then the distinction starts to make sense. **Then** we might say: 'Every set of rules that is designed to govern an activity that is included in this "super context" shall be hereafter called "regulative". And every set of rules **defining a sub-context**, an inferior, "unreal" context within the wider "real" context, shall hereafter be called "constitutive".' I don't think there is anything **wrong** with this terminology, as long as we understand what we are talking about. The situation could also be perceived in reverse: The distinction between 'regulative' and 'constitutive' **helps define** a particular context that humanity chooses to **prefer**. By making the distinction, the **real reality** is defined.

The world can go on **without chess**. Nevertheless, it can also go on **without driving**. The need people have to get from one place to another **seems** more basic to the 'nature' of humanity than the need for a recreational game. I don't think Bobby Fischer or Kasparov would agree. Chess is as much a part of reality as traffic. Large parts of the world have no traffic. Some of them may, however, have chess. In fact, chess was probably around **before** traffic (as we know it) was. People have the tendency to take a part of their *worldview* **for granted**, positing it as the real reality, while taking another as contingent, unessential; The **real** part acting as the base, the unquestionable 'substratum' for all the rest. The problem is, that different people have different substrata.

Naturally, each member has its own **version** of this objective moral code: What **he** believes 'reality' to be. This 'picture', or *worldview*, changes constantly. Nothing is **immune** from change. When you said that, in principle, every rule has an exception, you meant that the rule **itself** is subject to change. No rule, nor any other part of reality is inevitable, essential. Except for the **private** notion of **Good**, of course." Gaya completed my short speech: "Which, itself, provides the **motivation** for these constant changes."

She **couldn't** have planned this in advance. I paid close attention: This whole thing started with her (almost) being late for breakfast. She read my mind, as usual: "It depends **why** I am late for breakfast. If I was saving someone's life, I amend my rule: It is **allowed** to be late for breakfast, **if** it is for the purpose of saving someone's life. I didn't have a 'ready made' rule for this case. I never saved someone's life before breakfast. But **when** this happens, the rules change. **My** rules change. If the painter who was washing his brush in the bucket was in a great hurry, for what **he** considered a good reason, he would be **allowed** to wash his brush in the canal." This invoked another question: "But it is conceivable that his reason was **not** good enough: Suppose he was in a **great** hurry to finish his beer?" She replied: "Who are you to decide for **him** what's important? If it is not **really** important, **he** will know. And if he contaminated the canal for no good reason, **he** will have to live with it. He probably knows this, because we saw him use the bucket. When we see someone that is breaking what **we** consider the rules to be, we should not hastily judge him. This does not mean that society should not have punishable rules. Society very conveniently provides its members with clear circumstances, so the moral dilemmas are more intelligible. It provides a basic scale, a list of priorities: What is more important than what, what crimes are severe, and what are just slight vices. The law of the state changes, when many of its members have an 'internal' priority which is significantly different from it; Like the case with the prohibition on alcoholic drinks, or homosexuality."<sup>o</sup>

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<sup>o</sup> Let us now turn to the implications of the above claim to the philosophy of language, particularly speech act theory. It takes language to consist of a set of **constitutive rules**. This implies that speech has no purpose **outside** of these rules! I shall disregard the question in what **language** these rules are supposedly formulated. Can we seriously consider the claim that language serves no purpose outside the purpose specified by the rules of language? Why do people communicate? So they can communicate? There must be an **external** purpose! If language **were** nothing but a set of rules, they would be **regulative**! they would serve some **external** purpose, understood (and shared) by all its speakers.

In the beginning of this discussion I said that under a certain interpretation, language **could** be perceived as a rule governed system. Let us pursue this line. Let us take language as a set of **regulative** rules (the only kind of rules there is, I say). As such, an essential **presupposition** is in order: An agreed, shared, objective **purpose** which language **serves**. Without this presupposition, the whole account of language as a rule governed system loses its meaning. What could this purpose be? The **same** purpose for all speakers! As I consider myself a speaker, **my** purpose in engaging in the language game must therefore be the same purpose as other speakers' purpose. I **know my** purpose: I want to feel **good**. This is my personal **sole** purpose in doing **anything**. How is it possible that this should be a universal purpose?

Well, it is not; Not under the **realist** premise employed by most (all?) pragmaticians. If realism is presupposed, **Good** becomes **relative**, not universal, not **absolute**. The only way language **could** be perceived as a rule governed system, is to abandon realism. In doing so, an **objective** notion of absolute,

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universal **Good** becomes possible, coherent. And it can act as **the** purpose of the activity (discourse) that language is designed to **regulate** (not constitute!). So here you have it: **(1)** If realism is presupposed, language cannot be a rule governed system; and **(2)** If language is assumed to be a rule governed system, then realism is incoherent (which it is for many other unrelated reasons). This is speech act theory's modest contribution for the substitution of the metaphysical paradigm of **realism** with another metaphysical *worldview*: That of an **objective moral reference**.

What does speech act theory **become** under this new set of hypotheses? As I said, language may still be viewed as a rule governed system, only this time the system is **regulative**, not constitutive. It regulates the speakers' shared objective goal: providing each other with descriptions: Descriptions of the objective moral reference: **the Good**. Each speaker has (is) a belief system. The 'topic' these systems are 'about' is not the **world**, but the **Good**, each speaker with his own 'version' of it. When speakers engage in the language game, they **exchange beliefs**. Discourse is a mutual 'trade' of beliefs: Speaker S1 **exports** his beliefs to S2, and **imports** S2's beliefs (the ones he decides to accept). Speech act theory is thus **reduced** to just **two** basic speech acts: 'Export', also known as **assertion**, in which S1 **offers** a belief to S2, and (a request for) 'import', also known as **question**, in which S1 **requests** to offer a belief. A conversation between two speakers is thus perceived as an **erotetic dialogue**<sup>120</sup>, a dialectical 'ping-pong' of beliefs. This explains the significance of the phenomenon of **lying**: When a speaker exports a proposition he **does not hold**, he breaks the basic rule of the language game: To export (genuine) beliefs.

But let us disregard lying now, and assume the speakers play by the rules. Let us investigate two paradigmatic examples of conversations. First, let us consider a case where S1 tells S2 about some experience he had. Here S1 is the principal 'exporter'. He provides most of the information. The 'data flow' is uni-directional: S1 supplies S2 with 'facts' concerning his experience. At some point in the flow of information (beliefs) from S1 to S2, S2 encounters an **incoherence** in S1's story. It seems to S2 that S1 uttered a belief which contradicts another belief, previously exported (and previously accepted by S2). S2 does not tolerate contradictions in his system (whereas he is equipped with the syntax of P<sub>1</sub>), and therefore stops S1's sequence of beliefs, and injects a **question**. He must have **misunderstood** (we ruled out **lying**). This question is a **request** for a specific belief S2 is interested in. This **request** S2 made, is in itself **also** an instance of **export**: S2 exports the belief 'I did not understand...'. S1 supplies the requested belief, clarifies the situation (there should be no problem, whereas S1's system is also necessarily coherent; the problem was in **language**, not in his belief system), and can proceed with his story.

The second paradigmatic example is that of an **argument**. S1 and S2 are in **disagreement** regarding (the truth value of) some proposition B. The dialectic process goes something like this: S1 exports 'B'. S2 takes B to refer to a belief he clearly does **not** hold (Again, lying is here disregarded). S2 protests: He claims that B is impossible. He substantiates his claim by the following proposition:  $C \supset \sim B$ . If S1 takes this proposition to be true (holds it as a belief), the argument is over. (Provided, of course, he also holds C). **However**, S1 may **deny** the truth of C, **or** of  $(C \supset \sim B)$ . Let us assume he denies C (the case is similar if he denies  $C \supset \sim B$ ). He then claims:  $\sim C!$  and substantiates it with  $D \supset \sim C$ . If S2 accepts both D and  $(D \supset \sim C)$ , the argument is over. This dialectical process continues until one of the parties is convinced, or until time is up and the argument ends unresolved. (Truthful) discourse has the effect of **convergence** of S1 and S2's belief systems. Every conversation brings their systems a bit closer together (in terms of their logical structure) – a little more isomorphic..

Let us return to the claim I made in footnote 20: People often say "I understand you, but I don't **agree** with you". It is my claim that disagreement consists as **proof** of (a case of) misunderstanding. It is impossible to **understand and disagree**. When S1 and S2 disagree regarding the truth of B, this means that by 'B' they mean different things. When my little daughter says 'there is a witch in my closet' I cannot say 'there is no witch in your closet', and still mean **the same as she** by 'witch' and 'closet'.

This observation is particularly significant in day to day situations. People are often in disagreement, and yet claim to fully understand each other's claims. This conception is counter productive, because what they

There was one more thing that needed clarification: “You said that rules always concern the **future**. Please elaborate.” Gaya replied: “Reality is composed of two main ‘blocks’: The past and the future. The past provides the shared context, everyone’s joint, social circumstances. The future, on the other hand, is where people are ‘allowed’ to express their will, carry out their intentions. But society does not tolerate chaos. It has to regulate the future as well, so people don’t wake up to a different strange world every morning. So society has **very** basic rules, such as ‘the sun **will rise** in the east every morning’, and rules on the periphery, such as ‘no vehicles **will park** in this street.’ The punishment for breaking the first rule may be getting committed in an asylum, while the punishment for the second is just a fine. Even table manners are like that: ‘Guests in restaurants **will use** a fork and knife’, the violation of which resulting in getting punished by other guests in the restaurant, or its manager. Rules are intrinsically **social**. They support **objectivity**, makes the objective world intelligible.” I still had another question: “How does this fit with **Kant’s**<sup>85</sup> conception of ‘rule’?” “oh, dear Kant” she said. “We almost forgot him.

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**should** do, is find where the misunderstanding **lies**: Which is the ‘crucial premise’, the one they do not share, and focus on **it**. This is what a dialectical dialogue is all about. None of the parties is ‘objectively wrong’.

<sup>85</sup> I was greatly influenced by Kant’s *Fundamental Principles*<sup>121</sup>. The first sentence of the first chapter will always remain in my mind: “*Nothing in the world, nor outside the world, could be considered infinitely good, but the **good will alone***”. This sentence comes as close to the **definition** of ‘Good’ as I have ever seen. Kant pointed to the close, inseparable association between the concept of ‘Good’ and the concept of ‘will’. Nevertheless, this statement implies, that there is such a thing as ‘bad will’, while the position I portrayed thus far, is that the meaning of (the) ‘Good’ is ‘what one **wants**’. At first sight, there seems to be a clear contradiction between those two positions. But only at first sight; What **is** ‘bad will?’ It is not to **want** the **bad** for oneself. It is to want something which is (wrongly) **thought** to bring about (the) Good, but does **not**. A person with a bad will is making a **mistake** in identifying the (some)**thing** as good.

Kant perceives the **will** to be subject, subordinate, to **reason**. Reason has **control** over will. It can **direct** the will so it becomes **good**. The will is **blind**. It can be good or bad (in Kant’s terminology), but it needs reason to **determine** which is which. The will is the capacity to **act**, to carry out, always for the purpose of attaining the good for its owner. Failure of **reason** to direct this force **properly** will result in will’s **failure** to attain this good (or to **be** good, in Kant’s terminology). Therefore, Kant appeals to **reason**, and supplies it with information to do the job (of directing) successfully. For this purpose he posits an entity: (the) **law**, (in his jargon - the categorical imperative). This entity ‘exists’ in the mind (conceptual scheme) of any creature that has **reason**. It is up to reason to **recognize** it, and direct the **will** to adhere (**cohere** seems more appropriate) with it. It is the **duty** of **will** to **cohere** with the **law**. The requirement is one of **coherence**. The problem remains, of course, to identify this entity, the ‘law’ (what Gaya called ‘rule’), and find out its content: **What** does it prescribe?

Kant uses the German word *Achtung* to describe the proper attitude towards this **law**. It can be translated as ‘observing’ or ‘obeying’, but I prefer the Heideggerian term **care**: ‘**Caring** for the law’. What **is** this important entity? Here is my understanding of Kant’s categorical imperative: My *worldview*, or belief system (or conceptual scheme) implies certain **rules** of behavior, even for circumstances I never experienced. E.g., in **my** world, racism is **bad**. This belief has a (potential) consequence, even if I never made the inference: That I **should** not object to my daughter marrying a husband that has black skin. What Kant prescribes, is **coherence**: ‘Act in coherence with your beliefs’. If I am against racism, and **still** object to my daughter marrying a black person, my *worldview* is incoherent. It’s as simple as that. Kant makes no claim regarding the question whether **in fact** racism is bad. His advice concerning the **generality** of the applicable rule is but a convenient way to make himself understood, and his advice relatively easy to follow.

Kant didn't speak about **society**, neither about **language**. I suspect he was a genuine solipsist, like me. When Kant said 'rule', he **only** referred to the **private** one, the one by which an individual acts. Kant was preaching for **consistency** as the means to happiness. He said: 'Act in accordance with your beliefs, otherwise you will be confused and unhappy'. He even prescribed **how** to do it. He said: 'Make your rules **general**, applicable to everybody' (including yourself). That is why I suspect he was a solipsist: Because he didn't think it at all **possible** to apply a rule differently to **oneself** than to someone **else**. The 'else' for him was just a part of **his** illusion. You know that he considered the *worldviews* people have as illusions, a creation of the mind. He denied his solipsism, of course. He was an extremely wise man. He would not have gotten half of the attention if he admitted his Idealism".<sup>86</sup>

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A person with a completely coherent set of beliefs (factual and normative alike - they are inseparable anyway) such as Kant himself, can never be immoral. He (apriori) wants the **good** for himself, and by the requirement of coherence, he **automatically** wants the good for everyone, and acts accordingly.

<sup>86</sup> Kant perceives the human being (or, rather, a **rational** being) as a **legislator**, and human society as composed of sovereign **legislators**. Each person, in a way, **makes the rules** (creates his own *worldview*). When I first read Kant's expression, 'kingdom of ends', I had the visual image of many 'Leibnizian monades', a multitude of isolated 'bubbles', each enclosed within its own universe, of which it is the sovereign, the maker of the rules. It is **absurd** for a legislator to break her own rules. It is of course possible, that **others** will disobey, but what of it? Rules were **made** to disobey (see *Eve*). But the legislator **herself?! the legislator** may, of course, change the rules from time to time. It is only natural that this would happen in time. Things change; worlds change; *worldviews* change. But at any point in time, there is **one** world, one set of prevailing rules. Not adhering (cohering) with one's own rules inevitably results in unhappiness.

I already stated my belief that Kant was an Idealist. He insisted on the 'existence' of *the thing in itself*, but in *Fundamental principles* as well as in the second critique, the nature of the thing in itself is revealed (although not explicitly): It is the **legislators** themselves. Kant was greatly influenced by Leibniz, and I believe that he shared his view regarding 'the structure of reality': What there 'really' **is** behind everything, the mysterious, inaccessible thing in itself, is nothing but the (community of) speakers themselves. Kant persisted we cannot, in principle, **know** anything about it. Still, I am sure that Kant considered **himself**, particularly his **reason**, to be no other than **the** thing in itself.

Moral dilemmas are notoriously difficult to solve, theoretically, because when considered, they are viewed from **outside**: Speakers S1 and S2 are discussing a (real or hypothetical) dilemma of **speaker S3**. This cannot be done. No wonder ethical problems are as obscure nowadays as they were in ancient Greece. In order to assess the dilemma S3 is in, S3's whole *worldview* (his world!) must be taken into consideration. S3 cannot be judged by S1's standards. It is senseless; Or, rather, another inevitable consequence of metaphysical realism. If there is just one 'real' world in which we all roam, the **good** will remain relative and **ethics** an eternal mystery. Somewhere in the Jewish canon it says: 'Judge not thy friend before you have taken his place' or something similar. A moral dilemma is intrinsically private, whereas it hinges on the particular structure of the belief system in question. This does not mean that **advice** is impossible, particularly if there is reason to believe that there is some similarity between the beliefs of the two speakers. But if they happen to be in disagreement regarding a moral issue, it certainly proves a **difference** between the two systems.

In footnote 84 I discussed regulative rules vs. constitutive rules, and concluded with the claim that the distinction is 'artificial', and leans on a realist worldview. I further maintained that all rules are in essence regulative, whereas they all regulate one shared, superior purpose: The 'quest' for the **good**. While discussing Kant, it is time to review this conclusion in the context of 'speakers as legislators'. Kant

It was too late (and too hot) to go for a walk. It was already after eleven. And I had to call my office. Before we parted, I said to Gaya: “So, the **law**, including manners, customs and habits of a particular society, is simply **What most people believe to be good**. What **I** take the objective law to **be**, is a kind of ‘average’, of what I **believe** the ‘standard’ person’s beliefs regarding the **good to be**. Every **law** which I happen to disagree with, is a manifestation of the **difference** between my beliefs regarding the good, and what I take to be the **common** belief about it. But this ‘common’ belief is **also in me!** How does this discrepancy come about? How is it possible for me to have ‘two opinions’ regarding what is right: One is ‘mine’ in one sense, the other ‘mine’ in another?” She answered, in a serious tone: “It is a manifestation of a discrepancy **within yourself**. I suggest you follow Kant’s advice, and try to find out what is wrong with **your personal** view, not what is wrong with **‘the’** law. The law is always right, not because of its contents, but because of what it **is**: The law”.<sup>o</sup>

I spent most of the day with Kant. He was not as **lively** as Gaya (and he wasn’t smiling either), but other than that, he was just as impressive. Amazing man. He reminded me of my mother. She is the only person I know that completely behaves in accord with his principles. I always took her complete disregard for her own personal interest as naive, a product of a strict moral upbringing. I could never understand why she volunteered to do something unpleasant just because it was **more** unpleasant to somebody **else**. She always said: “But I don’t **mind** doing it; He **does** mind; It’s completely **logical** that I should be the one to do it!” I sometimes even got **angry** at her for this attitude. It seemed to me that people were taking advantage of her good nature. Only in reading Kant I realized that she did the right thing, although I doubt she had the theory to back it. She constantly exercised (exercises) **care**: Care for **her** world. It never mattered to her that people didn’t understand the **reasons** for her ways. I doubt there even **were** logical reasons, although she insisted it was ‘logical’. Logic was only a rationalization of something that came naturally. It must have simply **worked** for her. And it took me forty years to understand. Well, better late than never.

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perceives reason to **constitute** its own rules; He sees a rational creature as **self constitutive**. It may be claimed, that this Kantian legislation renders the **purpose** of the legislation **internal**: That the rule system created by a rational creature is constitutive, not regulative.

<sup>o</sup> Kant himself answered this hypothetical polemic, by claiming that the categorical imperative is **objective**. Whereas the **practical rule** employed by a particular person in particular circumstances is **subjective**, there is only **one**, objective categorical imperative. The concept of **duty** is the same for everyone. This conception differs from mine, whereas I see the **Good** as what is objective, but still, the **purpose** is external: It is **not** speaker-dependent. And as such, the rule system **legislated** by the speaker remains **regulative**.

Kant also offered a second ‘version’ of the categorical imperative. He suggested to act in a manner that renders **humanity** (both in oneself and in any other human) an **end**, and never just as **means**. In other words, never to treat (other) people just as **things**, but as a **purpose**. For some reason, Kant limited the scope of this prescription to **humans**, to exclude, for instance, animals. I prefer to understand him in a broader sense; To treat the **whole** surroundings as the ends, and never just as means. You may breed **cows** for their meat, and treat them as means (for food), but as long as they are in your care, **care** for their well being as an **end** in itself. Treat them as living things; as an end **in itself**. This idea of a person as an end is known in some ancient cultures as *Love thy neighbor*.