



ETHICS AND ECONOMICS

Lecture Notes for Week 6

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Table of Contents

Immanuel Kant, Psyche, and Conscience	2
Immanuel Kant.....	2
Psyche	5
Conscience	9
Summary	12
Appendix 1: Terrorism and Torture	14
Appendix 2: Immanuel Kant “Toward Perpetual Peace”	21

Immanuel Kant, Psyche, and Conscience

In the first part of this chapter, we introduce Immanuel Kant and his deontological reasoning within the framework of transcendental philosophy. In the second part, the psychological concepts of the Psyche by Sigmund Freud and Carl Gustav Jung are presented. In the third part, Thomas Aquinas's understanding of conscience is discussed, along with the links among pangs of conscience, guilt, and shame. Appendix 1 presents points for discussing terrorism and torture, while Appendix 2 promotes Immanuel Kant's *Toward Perpetual Peace*.

Immanuel Kant

Immanuel Kant (1724–1804) is a foundational figure in European philosophy, known for developing a deontological ethics rooted in transcendental philosophy as an alternative to empiricist ethics.

Transcendental Philosophy investigates the conditions that make human experience and knowledge possible, focusing on how the mind's inherent structures and categories shape our perception of reality. Unlike empirical philosophy, which examines objects as they appear, transcendental philosophy explores the a priori (pre-experiential) conditions that make knowledge possible. Kant's transcendental idealism posits that while we can know phenomena (the world as we experience it), we cannot know things-in-themselves (the world independent of our perceptions). This approach bridges rationalism and empiricism, emphasizing the mind's active role in constructing reality.

In his *Critique of Pure Reason* (1781), Kant introduces concepts such as transcendental determination and transcendental difference:

- **Transcendental Determination:** This refers to the process by which the inherent structures of the human mind shape and limit our experience and understanding of reality. According to Kant, our cognition imposes certain categories and forms, such as space, time, and causality, on the raw data of sensory experience. These mental frameworks

determine how we perceive and interpret the world, thereby structuring our reality.

- **Transcendental Difference:** This is the distinction between phenomena (how things appear) and noumena (things-in-themselves). It highlights the gap between human experience and ultimate reality, underscoring that our understanding is always mediated by the a priori conditions of human cognition.

Difference between Transcendental and Metaphysical: While transcendental philosophy focuses on the preconditions for knowledge and experience as structured by the human mind, metaphysical philosophy seeks to understand the fundamental nature and structure of reality itself, beyond what is accessible through sense experience. It explores fundamental questions about existence, the nature of objects and their properties, time, space, causality, and the relationship between mind and matter. Metaphysics asks, "What is the nature of reality?" and "What exists?"

How can we know that something metaphysical exists? The Austrian philosopher Ludwig Wittgenstein (1889 – 1951) in his *Tractatus Logico-Philosophicus* (1922) gives this analogy: Eye is the condition for the possibility of its visual field. Eye is never an object of its visual field. Metaphysical is the condition for the existence of an empirical world. Metaphysical is never an object in the empirical world.

A human is not only a material being but transcends to „pure reason“. Pure reason is the condition for the possibility of practical reason - that is making right decisions about actions - and determines practical reason. In our Psyche, we must distinguish between the Transcendental Self and the Empirical Self. Transcendental Self is the condition for the possibility of the empirical knowledge of outer world and of the Empirical Self.

Kant's Moral Philosophy can be extracted from his *Critique of Practical Reason* (1788). Our will (what we want) has two motivations: transcendental and empirical. Kant speaks also about autonomous and heteronomous determination of our will. Transcendental motivation must be understood as duty, must be empirically unconditional, must be understood as “categorical imperative”. Empirical motivation is empirically conditional and Kant names it “hypothetical imperative.”

Categorical imperative is a formal moral principle. It does not contain any explicit advice for “what am I to do,” it shows how to evaluate the so-called maxims. Maxims are subjective, empirical, practical rules that even do not need to be formulated, they may be

implicit. Maxims must be evaluated with respect to the categorical imperative. That is: Our maxims ought to have the potential to become universal norms. Or: Actions based on our maxims must always consider human beings (myself included) as purposes, not as means only.

Kant's position is an anthropocentric position. Only a human personality exists as a pure purpose, not as a mean only. Only a human personality can set autonomously its duties, that is it can have free will.

Freedom is not related to any empirical causality, it is autonomous. If we follow our inclinations (if we are slaves of our appetites), we are not free. To act freely is to act autonomously, based on duties specified by our reason. Thinking about Kant's concept of freedom brings us to comparing it with the concept of liberty (as a subset of freedom from something) and with the concept of freedom of choice (freedom to something).

Kant develops also the idea of moral community; he calls it the realm of purposes. The norms of a moral community must be judged with respect to categorical imperative. Categorical imperative in this context becomes principle of justice. Only norms where consensus is possible can become universal. Moral community norms must respect dignity of all moral community members.

A different summary of Kant's moral philosophy: All actions have some purpose. Purposes are either linked with utility or with dignity. An action is morally good if its purpose is dignity, if its motive is duty guided by reason, if it is done in good will. An action is morally worthless if its motive is inclination. An action is morally bad if its motive is inclination and if it contradicts duty guided by reason. Good will is the decisive factor for the distinction between good and bad actions.

Here, Kant follows a long tradition; e.g. Thomas Aquinas (1225 – 1274) held the same position. Kant's moral philosophy is maybe too cold. E.g., Friedrich Schiller (1759 – 1805), a prominent German poet and philosopher, disputed the Kant's attitude. Good ought to be done not only from duty but also with pleasure. Schiller required harmony between the dignity of moral reasoning and sensual inclinations.

Psyche

The term "Psyche" originates from Greek philosophy and refers to the human soul, mind, or spirit. In contemporary usage, particularly in psychology, the Psyche encompasses the totality of the human mind, including thoughts, emotions, and behaviors. It is often considered the seat of personality, mental processes, and consciousness. The concept of the Psyche includes both conscious and unconscious elements, integrating cognitive functions like perception, memory, and reasoning with emotional responses and subconscious drives. Understanding the Psyche is essential for exploring how individuals think, feel, and interact with the world.

We describe in this subchapter how Sigmund Freud and Karl Gustav Jung understood Psyche. Our aim is to find if there is place for transcendental in their models.

Sigmund Freud (1856 – 1939) was an Austrian neurologist and the founding father of psychoanalysis, a revolutionary method for treating psychopathology through dialogue between a patient and a psychoanalyst. He was born in Příbor, now the Czech Republic, where you can find his museum.



We can clarify his approach to Psyche with the model in Figure 6.1:

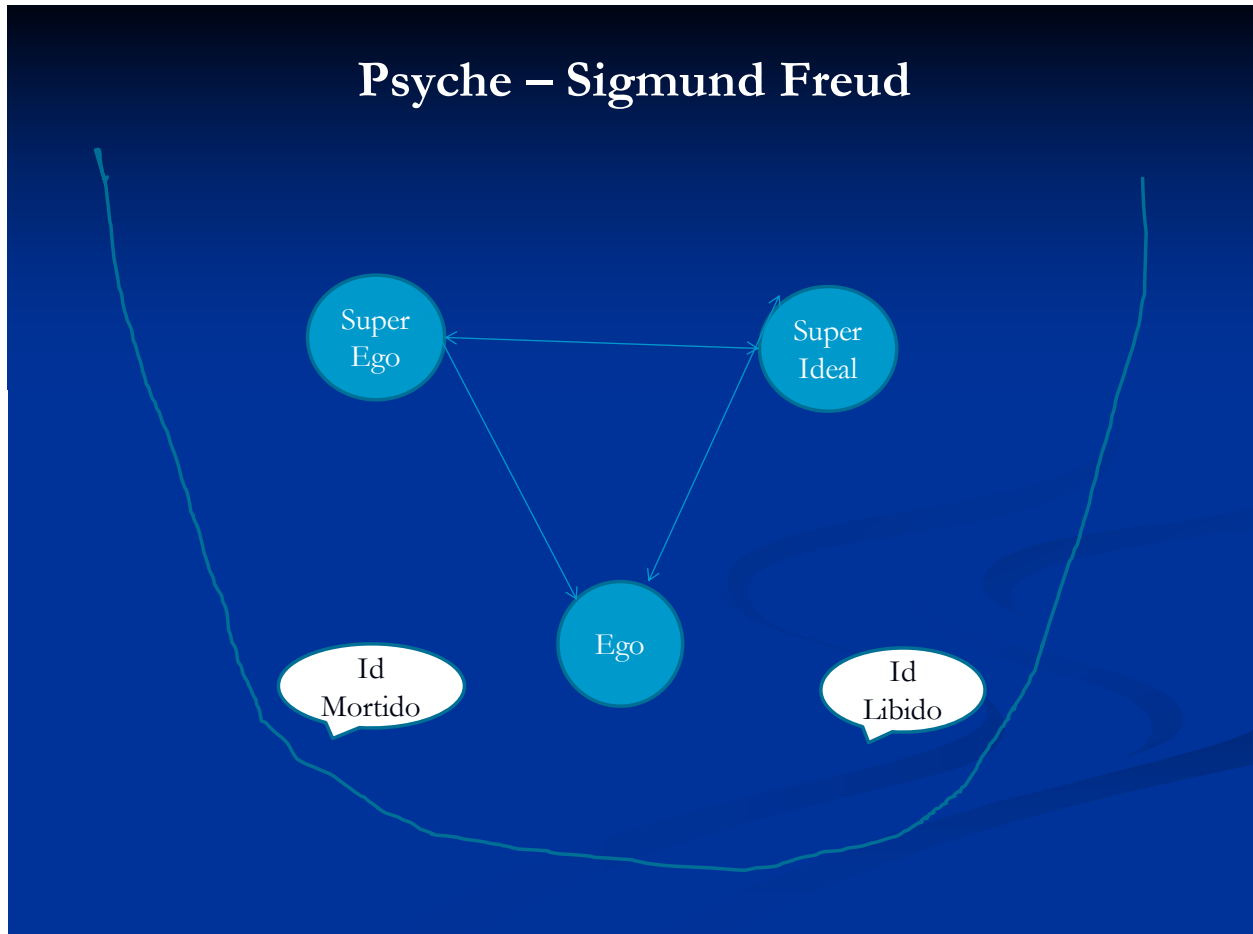


Figure 6.1: Model of Freud's Approach to Psyche.

In the Id, in the non-consciousness, we have two basic instincts: the pleasure instinct libido and the destruction instinct mortido. Ego, the consciousness, intermediates between Id and environment and is interpreted hedonically; the most important thing for ego is to enjoy itself. Superego and Superideal internalize in Psyche the outer authorities – parents especially – or ideals – e.g. book heroes - from the youth.

Superego internalizes in Psyche the outer aggression of parents - in other words constraints that parents tried to impose on the child – and performs it on Ego – instead of parents. Ego is malleable because it is afraid of losing parental love.

There exists a permanent tension between the Superego's internalized aggression,

the Superideal's internalized idols and Ego's program of pleasure maximization. Anxiety, sorrow, shame, and guilt are generated. Some of them could have been suppressed into the unconscious Id. Freud classifies them as neurosis and the basic role of the therapist is to look for them in the patient's Id and to make them conscious.

Hedonism as a life program tends to be wrecked by mortido. Morality is necessary because it constrains our destructive instincts. Religion helps against neurosis but Freud considers it to be a big fallacy; it frightens off human intelligence and fixes infantilism in people.

There is nothing transcendental in Freud's understanding of Psyche and his understanding of morality is empirical. There is a resemblance between Freud and Hume. Freud's understanding does not meet with Kant's understanding.

Carl Gustav Jung (1876 – 1961) was a Swiss psychiatrist and psychoanalyst who founded analytical psychology. He was initially a close collaborator of Sigmund Freud but later developed his own theories that diverged from Freud's views. We can clarify his approach to Psyche with the model in Figure 6.2. Compared with Freud's model, Jung adds Self and Spirit.

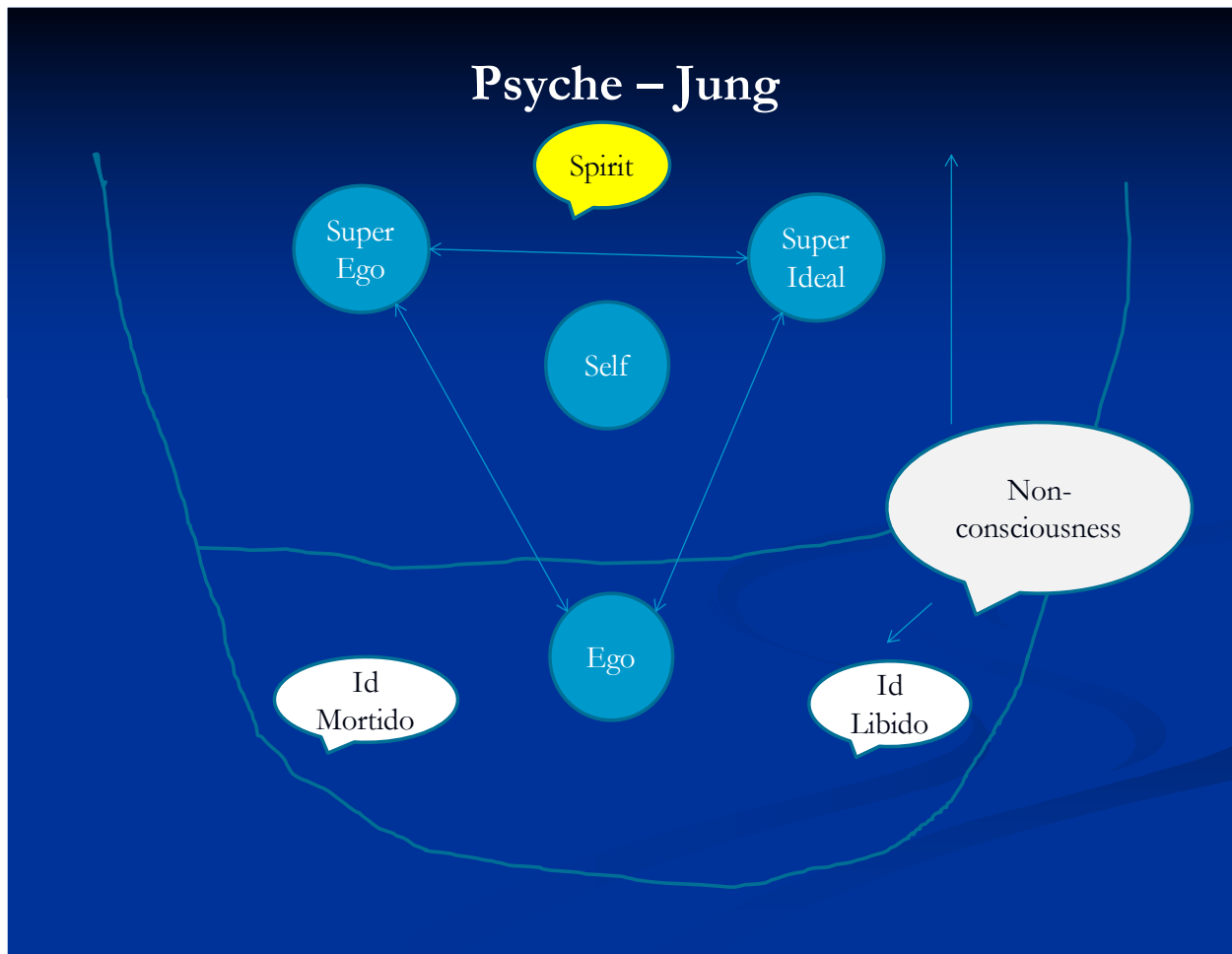


Figure 6.2: Model of Jung's Approach to Psyche.

Jung's understanding of the influence of unconscious basic instincts on Ego is like the Freud's one. But Jung's Self is transcendental; it meets with the Spirit. Spirit – in my understanding – overlaps with Jung's concept of the collective unconscious and with Kant's concept of pure reason. Kant's Transcendental Self is Jung's Self and Kant's Empirical Self is Jung's Ego.

Ludwig Feuerbach (1804 – 1872) was a German philosopher who is best known for his critical analysis of religion. He argued that the concept of God is a projection of human qualities and desires, famously encapsulated in his work *The Essence of Christianity* (1841). His reasoning is principally the same as the Freud's one. Both were atheists.

Kant and Jung were both theists and Christians. Kant was raised in a Pietist Lutheran household. Pietism was a movement within Lutheranism that emphasized personal faith, emotional experience, and a strict moral code, focusing on individual piety and a

direct relationship with God rather than formal church rituals. Jung's father was pastor in the Swiss Reformed Church. This Church can be characterized by its emphasis on the sovereignty of God, the authority of Scripture, and the belief in salvation by grace through faith. This church rejects the hierarchical structure of the Roman Catholic Church, instead adopting a Presbyterian system of governance with elected elders and ministers.

In my opinion, both Kant and Jung could accept many Feuerbach's ideas from *The Essence of Christianity* but would stress that there exists something transcendental – Spirit - on a higher level.

Conscience

Let us present how Thomas Aquinas understood conscience. In my opinion, his conscience overlaps with the Transcendental Self of Kant and with the Self of Jung.

Thomas Aquinas (1225 – 1274) was an Italian Dominican friar, theologian, and philosopher who became one of the most influential figures in Western thought. He is best known for synthesizing Aristotelian philosophy with Christian theology, a project most comprehensively presented in his seminal works *Summa Theologica* (1265 – 1274) and *Summa Contra Gentiles* (1259 – 1265). Aquinas developed the philosophical system known as Thomism, which emphasizes the compatibility of faith and reason. His doctrines have had a lasting impact on Christian theology and Western philosophy. The Catholic Church has long regarded his teachings as a foundational system for understanding theology, philosophy, and the natural law. Aquinas was canonized as a saint in 1323, and in 1567, he was declared a Doctor of the Church, a title given to saints recognized for their significant contributions to theology and doctrine.

Thomas Aquinas understood conscience as a complex faculty involving both the application of moral principles and the process of practical reasoning. He divided conscience into two main components: "synderesis" and "conscientia". The term "synderesis" does not have a direct one-word translation to English, but it is often referred to as "innate moral awareness" or "the natural capacity for moral principles." It signifies the inherent aspect of the human mind that understands basic moral truths and principles and is infallible. The Latin word "conscientia" translates to "with knowledge" in English.

The highest form of knowledge is "sapientia" (wisdom in Latin), encompassing

both the understanding of divine truths and the ultimate causes and principles of all things. In Aquinas's view, sapientia is not just intellectual knowledge but a deep, contemplative insight that allows one to see things in their true relation to God and the divine order. Aquinas regarded sapientia as essential for guiding both moral and intellectual life, allowing humans to align their actions and thoughts with the ultimate truth and good.

Practical knowledge (scientia) is the application of the basic moral principles to particular situations through practical reasoning. It involves deliberation and judgment about the rightness or wrongness of specific actions. Unlike synderesis, scientia can err, meaning individuals can make mistakes in their moral judgments due to ignorance, misunderstanding, or flawed reasoning.

Aquinas believes that conscience is essential for moral decision-making because it enables individuals to apply universal moral principles to concrete situations. He emphasizes the importance of a well-formed conscience, guided by reason and informed by religious teachings, to ensure accurate moral judgments and ethical behavior. Let us summarize:

- Conscience evaluates if the actions we do are good or bad.
- Evaluation of similar actions can differ in different consciences.
- Self-realization includes the duty of moral training (similarity with Aristotle).

For conscience, consequences are also important, not only the good will (difference with Kant). Aquinas distinguished conscientia before and after an action. An action done with good intentions with bad consequences brings pangs of conscience.

The central concept to Aquinas's moral and legal theories is natural law ("Lex naturalis"). It refers to a set of universal moral principles inherent in synderesis that can be discovered through reason. According to Aquinas, natural law is part of the divine order established through "Lex aeterna" (eternal law) by God and is accessible to all human beings regardless of their specific religious beliefs. Reasonability applied to these basic moral principles helps to discover and to classify goods and to create moral norms with respect to the common good and the fulfillment of human potential.

Pangs of conscience are closely related with **guilt** and **shame**. A person might first experience a pang of conscience, prompting them to reflect on their actions. This reflection can lead to feelings of guilt if they recognize that they have indeed done something wrong.

If the situation involves public exposure or touches on deeply held self-concepts, it might escalate into shame.

Guilt or shame are not just about the consequences of our actions. We can feel guilt or shame also for the rules of the society we are part of. Or we can realize that our actions have followed a false end – or a good end for too long. Or we can realize that we have used in our actions bad means for getting to our aims.

Our own actions can be private or linked with different roles we play in the society. It opens following questions:

- What for and why am I to feel shame or guilt?
- What for and why am I responsible?
- To whom am I responsible?

Are guilt and shame just feelings? Sigmund Freud (1856 – 1939) would answer yes; both are just neurotic symptoms. No guilt, just the sense of guilt exists. But it is more complicated. What about the German guilt for WWII or the guilt of Adolf Eichmann linked with the persecution of Jews in WWII? Both have been broadly discussed.

The German Philosopher Karl Jaspers (1883-1969) addressed the issue of German guilt for World War II in his 1946 work *The Question of German Guilt*. He distinguished between four types of guilt: criminal, political, moral, and metaphysical. Jaspers argued that while not all Germans were criminally guilty for the atrocities of the Nazi regime, the German people as a whole bore collective responsibility, particularly in a moral and political sense, for allowing the rise of Hitler and the atrocities that followed. He emphasized the importance of acknowledging this guilt and taking responsibility as a necessary step towards rebuilding a morally sound society. Jaspers believed that this collective acknowledgment was crucial for the moral and spiritual renewal of Germany after the war.

Hannah Arendt (1906 – 1975) was of Jewish descent and fled the Nazi regime, eventually settling in the United States, where she became a prominent academic. Her analysis of Adolf Eichmann, particularly in her book *Eichmann in Jerusalem: A Report on the Banality of Evil* (1963), presents Eichmann as a figure embodying the "banality of evil." Arendt argued that Eichmann, a key architect of the Holocaust, was not a fanatical ideologue or a monstrous figure, but rather a mediocre, thoughtless bureaucrat who was more

concerned with advancing his career than with the moral implications of his actions. She highlighted how Eichmann's inability to think critically or question the morality of his orders led him to participate in horrendous crimes. Arendt's controversial thesis suggested that the greatest evils in history can be committed by ordinary people who simply follow orders without reflection or moral consideration.

Summary

The first subchapter introduces Immanuel Kant (1724–1804). He is a key figure in European philosophy, known for his **transcendental philosophy** and **deontological ethics**, which focus on the a priori conditions that make human knowledge and morally good actions possible. Kant's transcendental philosophy distinguishes between phenomena (the world as we perceive it) and noumena (things-in-themselves, beyond human perception).

All actions have some purpose. Purposes are either linked with utility or with dignity. An action is morally good if its purpose is dignity, if its motive is duty guided by reason, if it is done in good will. Good will is the decisive factor for the distinction between good and bad actions.

Freedom is not related to any empirical causality, it is autonomous. If we follow our inclinations (if we are slaves of our appetites), we are not free. To act freely is to act autonomously, based on duties specified by our reason.

The second subchapter introduces Psyche. Insights of Freud and Jung are compared and put into relation with Kant's ideas and Feuerbach's critical opinion on religion. Freud emphasized the empirical and mechanistic aspects of the Psyche, while Jung incorporated a spiritual and transcendental dimension; this bridges his ideas with Kant's transcendental philosophy. Both Jung and Kant diverged from Freud and Feuerbach in their acknowledgment of higher, universal forces influencing human experience.

The third subchapter introduces conscience and is built around the ideas of Thomas Aquinas. He connected conscience to natural law (*lex naturalis*), which represents universal moral principles grounded in divine law and discoverable through reason. These principles guide the classification of goods and the creation of moral norms for the common good. Aquinas believed in the importance of consequences, distinguishing his view from

Kant's emphasis on goodwill alone.

Conscience often brings pangs of guilt or shame when actions conflict with moral principles or result in bad consequences. Freud viewed guilt and shame as neurotic symptoms. Discussions of Karl Jaspers and Hannah Arendt, give deeper insights. Jaspers identified four types of guilt (criminal, political, moral, and metaphysical) and emphasized collective responsibility for rebuilding moral societies. Arendt analyzed Adolf Eichmann's role in the Holocaust, portraying him as embodying the "banality of evil"—a thoughtless bureaucrat whose lack of moral reflection enabled atrocities.

Appendix 1: Terrorism and Torture

Terrorism is the unlawful use of violence, threat, and intimidation, especially against innocent civilians, to achieve political, religious, or ideological objectives. It typically involves acts of individuals or subnational groups intended to create fear, coerce governments, or disrupt societies, often targeting symbolic sites or large gatherings to maximize impact and media attention. The motivations behind terrorism can vary widely, including attempts to influence public opinion, destabilize governments, or advance particular agendas through the spread of fear and chaos.

We could try to find some better definition. In our strategy for doing this, we ought to be conservative – to disturb the existing usage as little as possible, precise – especially with respect to distinguishing terrorism from other phenomena such as war and crime, and impartial and non-arbitrary - especially with respect to the acts of violence done by our compatriots or groups we have some sympathy with.

Can terrorism ever be morally justified? We can morally justify acts of violence of soldiers in a just war but not of criminals. Are terrorists soldiers or criminals?

Terrorists are generally considered criminals rather than soldiers in a just war:

- **Criminality:** Terrorists engage in unlawful acts of violence and intimidation, typically targeting civilians and non-combatants to achieve political, religious, or ideological objectives. These acts violate both national and international laws, including laws of armed conflict and human rights standards. The indiscriminate nature of terrorist attacks and their focus on spreading fear and chaos among the civilian population further underscores their criminality.
- **Just War:** Just war theory provides ethical guidelines for engaging in warfare, including principles such as legitimate authority, just cause, right intention, proportionality, and discrimination between combatants and non-combatants. Terrorist actions generally do not align with these principles. They lack legitimate authority, often have unjust or unclear causes, and deliberately target civilians, which contravenes the principle of discrimination.

- **Soldiers:** Soldiers in a just war are typically part of an organized military force that operates under the command of a legitimate government or authority. They are expected to follow the laws of war, including the protection of non-combatants and adherence to rules of engagement. In contrast, terrorists operate outside the bounds of lawful combat, disregarding these ethical and legal constraints.

Therefore, while terrorists may perceive themselves as fighters for a cause, their methods and disregard for lawful and ethical conduct position them as criminals under international and national legal frameworks, rather than legitimate soldiers in a just war.

Is the use of an atomic bomb an act of terrorism? The use of an atomic bomb can be considered an act of terrorism depending on the context and the intentions behind its deployment. Key factors to consider include:

- **Intended Target:** If the atomic bomb is used to deliberately target civilians and non-combatants with the intent to spread fear and achieve political or ideological objectives, it aligns with definitions of terrorism. The massive destruction and indiscriminate killing associated with such use would be seen as acts of terror.
- **Legal and Ethical Frameworks:** Under international law and just war theory, the use of an atomic bomb raises serious ethical and legal questions. Just war principles, particularly proportionality and discrimination, are violated by the widespread and uncontrollable harm caused by nuclear weapons. The indiscriminate nature of atomic bombings makes it difficult to justify under these frameworks.
- **Historical Context:** The historical use of atomic bombs during World War II on Hiroshima and Nagasaki was justified by the United States as a means to quickly end the war and save lives by avoiding a protracted and bloody ground invasion. However, these bombings resulted in significant civilian casualties and long-term suffering, prompting debates about their moral and ethical justification.
- **Modern Perspective:** In contemporary times, the use of nuclear weapons is widely condemned and viewed as disproportionate and inhumane. The international community, through treaties like the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Treaty on the Prohibition of Nuclear Weapons, seeks to prevent the use of nuclear weapons and reduce their proliferation.

In summary, while the use of an atomic bomb can be argued as an act of terrorism due to its indiscriminate and devastating impact on civilians, historical and contextual factors complicate the classification. However, from a modern ethical and legal standpoint, such use is generally seen as unacceptable and akin to acts of terror.

Does not the current bombing in Gaza contradict the principle of discrimination? The current bombing in Gaza can be argued to contradict the principle of discrimination under international humanitarian law if it results in significant civilian casualties and fails to adequately distinguish between combatants and non-combatants. The principle of discrimination, or distinction, mandates that parties to a conflict must differentiate between military targets and civilian objects, ensuring that attacks are directed only at legitimate military objectives.

Key considerations include:

- **Civilian Casualties:** High numbers of civilian deaths and injuries, as well as damage to civilian infrastructure such as homes, schools, and hospitals, suggest a failure to discriminate adequately between military and civilian targets.
- **Target Selection:** The choice of targets and the methods used in the bombing must be scrutinized to determine whether reasonable efforts were made to avoid or minimize harm to civilians.
- **Proportionality:** Even if military targets are identified, the attacks must be proportional, meaning the anticipated military target must outweigh the potential harm to civilians. Indiscriminate or disproportionate attacks can violate this principle.
- **Intent and Conduct:** The intent behind the attacks and the conduct of the military forces are crucial. Reckless disregard for civilian life contravenes the principle of discrimination.

Reports from international bodies, human rights organizations, and independent observers often provide assessments of whether the actions taken in conflicts like those in Gaza adhere to or violate these principles. If these assessments indicate widespread civilian harm and inadequate precautions, it supports the argument that the principle of discrimination is being violated.

Torture

Can torture be morally justified? Let us discuss it with the use of the “Ticking Bomb Scenario.” It is a hypothetical ethical dilemma used to discuss the justification of torture or extreme measures in extraordinary circumstances. The scenario posits the following situation: A terrorist has planted a bomb set to explode imminently, potentially killing many people. Authorities have captured the terrorist but he refuses to disclose the bomb's location. In this high-pressure situation, the question arises whether it is morally permissible to use torture or other extreme interrogation techniques to extract the necessary information to prevent the catastrophe.

Key elements of the scenario include:

- **Immediacy and Certainty:** The threat is immediate, and there is a high degree of certainty that the bomb will explode soon, causing significant harm.
- **Knowledge of the Terrorist:** Authorities are confident that the captured individual has the critical information needed to locate and defuse the bomb.
- **Moral Dilemma:** The scenario creates a moral conflict between the prohibition against torture and the imperative to save innocent lives.

Proponents argue that in such extreme cases, the use of torture might be justified to prevent a greater harm. Critics, however, contend that endorsing torture undermines legal and moral standards, can lead to false information due to the unreliable nature of information obtained under duress, and sets a dangerous precedent that can erode human rights and ethical norms. The ticking bomb scenario remains a contentious topic in debates about ethics, law, and counterterrorism policies.

Ought torture be legalized? This highly controversial and raises significant ethical, legal, and practical concerns.

- **Ethical Concerns:**
 - **Human Dignity:** Torture is widely considered a severe violation of human dignity and fundamental human rights. Legalizing it undermines these core

ethical principles.

- **Moral Integrity:** Allowing torture can erode the moral integrity of a society, promoting a culture where extreme measures are accepted over humane and ethical treatment of individuals.
- **Legal Concerns:**
 - **International Law:** Torture is prohibited under international law, including the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), to which many countries are signatories. Legalizing torture would breach these international commitments.
 - **Rule of Law:** Legalizing torture poses a significant threat to the rule of law, potentially leading to abuses of power and undermining the legal system's credibility.
- **Practical Concerns:**
 - **Effectiveness:** Evidence suggests that information obtained through torture is often unreliable, as individuals under extreme duress may provide false information to stop the pain.
 - **Negative Consequences:** The use of torture can have severe long-term consequences, including psychological damage to victims and perpetrators, increased anti-government sentiment, and potential retaliation against captured soldiers or civilians.
 - **Precedent and Slippery Slope:**
 - **Dangerous Precedent:** Legalizing torture could set a dangerous precedent, leading to its use in less extreme situations and increasing the potential for widespread abuse.
 - **Erosion of Standards:** Once exceptions are made, the boundary between acceptable and unacceptable treatment can blur, leading to broader acceptance of inhumane practices.

Given these significant ethical, legal, and practical concerns, many argue that torture should not be legalized. Instead, efforts should focus on effective, humane, and lawful interrogation techniques that respect human rights and uphold the rule of law.

What rights do terrorists have?

It depends: if terrorists are criminals, they have rights of criminals. If we are in war with terrorism, then terrorists have the soldiers 'or prisoners of war's rights.

David Luban's article *The War on Terrorism and the End of Human Rights* from 2002 explores the significant shift in governmental response models following the September 11 attacks. Luban contrasts two models of state action: the criminal law model and the war model. The criminal law model treats acts of terrorism as crimes, focusing on apprehending and punishing perpetrators through judicial processes. In contrast, the war model, which was adopted post-9/11, broadens the scope of action by framing terrorism as an act of war, thus justifying military interventions and expanded governmental powers that often sideline human rights considerations. This shift raises critical concerns about the erosion of human rights in the pursuit of national security, highlighting the tension between maintaining security and upholding legal and moral standards

- The War Model for Handling Terrorism:
 - Efficiency advantages:
 - Lethal force is permissible on enemy troops regardless of their degree of personal involvement,
 - Casualties are permissible,
 - The requirements of evidence and proof are much weaker,
 - Legitimate targets are those that might harm us, not those that have harmed us.
 - Efficiency disadvantages:
 - Fighting back is a legitimate response of the enemy,
 - Other nations may opt for neutrality,
 - It is impermissible to punish enemy soldiers for their role in fighting the war,
 - When the war ends, the enemy soldiers must be repatriated. (This disadvantage is not effective, because the war with terrorism does not have an end.)

- The Criminal Law Model for Handling Terrorism:
 - Efficiency advantages:
 - Fighting back is not a legitimate response of criminals (it is a crime),
 - Other nations may be rightly asked for help,
 - It is permissible to punish criminals.
 - Efficiency disadvantages:
 - It offers some protection to suspects:
 - Detention of suspects is constrained,
 - Suspects have right for a due process,
 - Casualties are not allowed in the course of fighting crime.
- The Hybrid War – Criminal Law Model for Handling Terrorism selectively combines elements of both models. The aim is to maximize the ability to mobilize lethal force against terrorists while eliminating most traditional rights of a military adversary and allowing casualties.

Appendix 2: Immanuel Kant “Toward Perpetual Peace”

Immanuel Kant (1711 – 1776) was a German philosopher born in Königsberg, Prussia (now Kaliningrad, Russia). He is best known for his critical philosophy, particularly the *Critique of Pure Reason*, which explores the limitations and scope of human understanding. Kant's moral philosophy, articulated in works like the *Groundwork of the Metaphysics of Morals* and the *Critique of Practical Reason*, introduces the concept of the categorical imperative, emphasizing duty and universal moral laws. His ideas on perpetual peace and the conditions for lasting international harmony have also had a lasting impact on political philosophy and international relations.

Kant credited David Hume with awakening him from a "dogmatic slumber" in which he had unquestioningly accepted the tenets of both religion and natural philosophy.

Toward Perpetual Peace is a philosophical essay by Immanuel Kant in which he outlines a framework for achieving lasting global peace. Published in 1795, Kant proposes a series of articles and principles aimed at preventing war and fostering cooperation among nations. Six "Preliminary Articles" describe the steps that should be taken immediately, or with all deliberate speed. Three „Definitive Articles“ would provide not merely a cessation of hostilities, but a foundation on which to build a peace.

Key elements include the establishment of republican governments, the formation of a federation of free states, and the adherence to international laws that respect sovereignty and human rights. Kant argues that peace can only be achieved through the rule of law, mutual respect, and the promotion of democratic principles, suggesting that these measures create the conditions necessary for enduring peace and international stability.

