

CHAPTER ONE

TOWARD THE UNCONDITIONED

Kant, Epicurus, and *Glückseligkeit*

Continuing demands a form of recapitulation. The nature of the overall project, as suggested at the outset, lies in the question: What if life were to be thought philosophically? The question does not pertain to biological life but to human life, namely, to that conception of life that folds biology into it but continues to be present, nonetheless, as that which cannot be reduced to the biological. To which it should be added that the possibility of such a reduction endures as the risk inherent in philosophical accounts of human life. In direct terms, the risk is either life's equation with the biological or the use of the biological as a model for the explanation of human life. Holding human life apart from its biological registration is, from a specific perspective, what inscribes freedom into human life. Freedom depends both on a nondeterministic account of the will and equally on the proposition that one of the defining elements yielding the possibility of the judgment and the evaluation of human actions is the absence of the mechanistic. That absence locates the presence of the

world as an indispensable element within judgment. Freedom has to be understood as constrained by the world. Within the “mechanistic” in which the brain figures as a “mechanism,” no matter how plastic the brain may be, the mechanistic still needs to be understood as the identification of a setting that refuses the presence of inconsistent and conflicting sets of values. What this means is that the brain as a self-organizing system is inherently apolitical. Though the claim that the brain provides any sort of model for understanding human behavior—a model that in the end obviates the need to engage with genuine conflict since the brain’s plasticity posited as a heuristic would not allow it to be thought—is of course inherently political, precisely because values marked by original conflict marks the presence of what has already been identified by the formulation “disequilibria of power.” And yet, judgments made in relation to life do not concern life as a given. On the contrary, it is present as a continuity such that life is—is what it is—in the continuity of its self-realization; that self-realization is that in which a distinction between actuality and potentiality is central. Life moves from the simply given or as that which can be incorporated into a biological model, such that as a result of this doubled movement, life has to be understood as inextricably bound up with the continuity of its being lived out. (That continuity is of course articulated within, though importantly is also the articulation of what has already been referred to as a constitutive disequilibrium of power.¹) Life, therefore, human life, is already worldly once it is identified with life’s continuity. However, an integral part of the argument to be developed here is that continuity in harboring a potentiality means that continuity is only ever the possibility for forms of discontinuity. Were this position to be denied, which would be the refusal to think both the necessity and the exigency of discontinuity, then it would depend on the naturalization of continuity. The latter is, of course, the naturalization of the power relations constituting life. The naturalization of life is not just articulated within the retained centrality of an ontology of becoming, it assumes that located articulation. Arising here is a site of engagement. Working through possible forms that could be

taken by the link between discontinuity and judgment is an essential element within the development of an ethics of the unconditioned and thus delimiting, by restricting, the hold of becoming.

1.

At the minimum human actions can be judged for two specific reasons: first, because such actions stem from the operative presence of the will, and second because any action could always have been otherwise. Their combination is integral to any definition of responsibility. These two reasons identify the possibility of judgment. And yet, what they don't identify, or at least what they don't identify initially, are the grounds of judgment. Consequently, an initial distinction can be drawn between judgment's possibility and that in terms of which judgments can be made. This distinction is central and thus needs to be noted. To the extent that the distinction between possibility and the occurrence of judgment can be maintained, what then becomes significant is how to understand the relationship between judgment's possibility and that in terms of which judgments occur. As will be seen this distinction and the differing determinations of time within it will continue to play a fundamental role in an ethics of the unconditioned. At this stage, however, it is the second aspect noted above, namely, the ground of judgment, that has to be addressed.

If it can be argued that the ground of judgment is intrinsic to human life, working here with the acceptance of the severance of human life from biological life, what is still to be furnished is any possible unanimity in relation to grounds of judgment. All that can be adduced thus far is that the locus in question is human life; the activity of life, thus the activity that is life. What this means is that the question of life—of human life—were it to be thought philosophically, at the outset, takes on an open quality. There cannot be an automatic response. (In part this occurs as a result of the abeyance of the biological and thus of the determinism of the epigenetic.) As a consequence, the initial element that endures as intrinsic

to the question of human life is the maintenance of a certain interrogative force. However, given the presence of questions a space of response or responses is maintained as open.

As a result of the question that was posed at the outset—What if life were to be thought philosophically?—then once life is clarified as “human life,” the question can be taken as naming, at the beginning, a locus of contestation as to what would secure and thus establish the “good life” as a potentiality that is intrinsic to life. If the good life is a potentiality that is intrinsic to life, thus to the being of being human, such a setup attests to both the viability and the utility of the formulation, *virtue in being*. In addition, there is the attendant recognition that human being involves living within the presence of an original disequilibria of power. As a result the term *good* should not be identified automatically with the moral. The “good life” is not a life that is lived in one way rather than another (as though the “good life” were simply a matter of choice). *Good* here marks the possibility of that which is proper to life, where that involves both human life and then that life’s relation to all other forms of life. Holding to relationality does not exclude thinking the particularity of the being of being human. The possibility of the “good life” still insists within relationality. Given this context, what counts as the good life is to be understood as a locus of contestation, and while there will also be conflict concerning how agency is to be understood, what inheres in attempts within the history of philosophy to think “life,” is the recognition that this thinking cannot be separated effectively from a sense of propriety. This is a position that circumvents philosophical nihilism by rendering it impossible. This is even clear in Nietzsche. When Nietzsche argues in *The Anti-Christ* that a “free spirit” is already implicated in a “revaluation of values,” what is at work is a sense of propriety. In the case of Nietzsche, however, this is nothing other than the expression of a radical subjectivism that identifies freedom with the quality of a subject who attains this state through individual and individualizing actions. Even if Nietzsche writes *we*, and thus defines a position held by “we free spirits” (“*wir freien Geister*”) the state of “freedom” that results is no more than a grouping of freed

individuals.² A position reinforced by his underscoring of the self as the locus of transformation in the ascription of a productive power to a form of "selfishness" ("*der Selbstucht*") in *Ecce Homo*.³

Present as a generalized term, the argument has to be that "propriety" is intrinsic to any thinking of a conception of life that differentiates that conception from an understanding of life as a given and thus as a reiterated generality. (The latter would be the conception of life within the primordially of "eternal return.") Even if what life is, is still to be discovered and established, it remains the case that what endures is the supposition of there being that which is proper to life. What this means is that there is a sense of propriety that is intrinsic to human being and consequently to the being of being human. As has been suggested at the outset, the result of such a positioning is that there is an anoriginal relation between the ontological and the ethical. The ontological does not precede it in any direct sense, nor should the ethical be added to it, let alone be protected from it. Propriety here depends on the possibility, perhaps the necessity of having to think the being of being human. What is meant by propriety in relation to existence is not mere existence, nor can existence be equated with any one historical or given determination of human being, hence propriety is not normativity, nor can it be reformulated in terms of historical relativity. Rather, the term *propriety* holds open the space in which the question of what it is that is appropriate to and thus proper to human being can be posed. Accepting the question of propriety as a question, and then in positioning the philosophical task as responding to it, has fundamentally important consequences. The most significant here concerns overcoming the way the relationship between the ethical and the ontological is conventionally understood. It is overcome because an insistence on propriety, or perhaps more accurately allowing propriety to insist, means that the philosophical task would never have been reduced to finding ways of connecting the ontological and the ethical. Indeed, the contrary is the case. That relation is always already present. In sum, again, there is *virtue in being*. Part of the overall position to be developed in the course of this undertaking

is that the grounds of judgment are already present within the fact of existence when the latter is understood ontologically. There is an important reciprocity here. The ground of judgment cannot be separated from the *fact of existence* or the *worldliness of the world*. The existence of their inseparability, however, does not entail an equation between the ontological and the ethical. As a result of this setup it is their relation that has to be thought; in other words, the always already present relationship between ethics and ontology is that which determines this specific formulation of the philosophical task.⁴

The question then is how to begin to think the relation between the ethical and the ontological. The quality of that which is "already there," understood as the anoriginality of commonality, relationality and place provides a point of departure. There isn't an *arché*. Rather beginning occurs *in medias rei*. In sum, a beginning can be made with that which is already there, namely, the relationship between the affective and the *fact of existence*, since to be in the world is to have been affected. Affect is bound up with worldly being. To be affected is to be a subject of affect within the world. Even though being a subject is to have been affected, there is an additional element here, namely, time. Time, however, is not being adduced. The contrary is the case. Time has an original quality. While its presence can be assumed, time has a greater complexity than that which is revealed by what is given with this assumption. To evoke the world is to evoke the hold of time. Time is not an empty condition. With the advent of philosophical modernity, time is present as that which can be interrupted and challenged. Events occurring within time can be affirmed or disavowed in ways that have an effect on how time is understood. As a result time acquires an ineliminable complexity. Time is revealed to be originally complex. The themes of destruction, progress, recurrence, negation, and so on, each with a project for action that stems from the way these times work, work to denature time by undoing any attempt to identify time with either nature or chronology. (Hence, what is at work is a plurality of times.) Time is now subject to the possibility of both continuity and discontinuity. Within such a setting all that is now settled is the impossibility of time as

a locus of contestation ever having a final resolution and thus of there being an image of the future. Time will have always been *times*. The image, to the extent that it is constrained by having to present time as a singularity, is pitted against the plurality of times. In other words, while the politics of time has an inevitability, the outcomes stemming from it are not just far from settled, they are equally the site of genuine contestation.⁵ As a result time is more complex than would be indicated by its complete identification with the present, were the latter to be thought as a singularity. Moreover, once destruction and inauguration are connected, and the possibility of finality as event or image is deferred, then the present as a site is defined by a founding irreducibility. Constructing that irreducibility, holding it apart from a setting structured by mere quantitative differences, depends on time harboring a potentiality. The latter, potentiality's insistent presence, becomes time(s) within time. It is times within time that has already been recast as the *now*, where the *now* is thought in terms of a site of anoriginal irreducibility.

As has already been suggested, the potentiality noted above is the potentiality for what "is" to be *otherwise*; to become other than what it "is." There cannot be an *otherwise*, that which will have become other, unless there is both the potentiality for it to occur, and a recasting of the present in terms of locus defined by the possibility of its being other. The present is also, and at the same time, the presence of this possibility. The latter position involves what has to be described as a specific form of recognition. Part of what is recognized are the consequences of holding to a conception of the present as a site whose naturalization is a construct; there are only ever constructions rather than nature. Construction obtains in the place of "nature." Nature can only be posited. The processes of naturalization, differing forms of the positing of nature, appear in different ways. One form involves the incorporation of the present into time as chronology, while another would be to conceive of the present as a singularity within a generalized ontology of becoming. Occurrences regulated by place within becoming. The direct consequence of such processes is that they will have obviated the need to account for

the possibility of the present's capacity for its own transformation. (*Othering* as a potentiality.) The distinction between actuality and potentiality is effaced by repetition as continuity and continuity as repetition. As a result judgment becomes both unnecessary and impossible. Again, as noted at the outset, one of the overall contentions of this project is that the processes at work in the naturalization of time, and thus the type of response that necessitates the "denaturing" of this conception of time are implicated, first, in the politics of time and then, second, in the recovery of an ethics of the unconditioned within which judgment has a genuine task.

Once time becomes a site of contestation a different set of questions arise. Rather than being at the end of time, time stages the inevitability of contestation as a contestation over times. This is the time of the present. It is within this setting, thus within this determination of the present, that it becomes possible to respond to those positions within philosophy that posit the possibility of a "good life" as consistent with the time in which that possibility is posed and the realized. The "good life" becomes therefore a type of fulfillment and the *telos* appropriate to life. The relationship between an evocation of fulfillment and the inevitability of confrontation, where the latter has structural rather than mere dispositional force since it cannot be extricated from the disequilibria of power that marks the present, creates the domain in which it becomes possible to respond to differing permutations of fulfillment and different ways of understanding the "end" of time.

There are, of course, other forms of fulfillment within the history of philosophy. The overall point is, however, that fulfillment understood as the actualization of an end (*telos*) has a particular register insofar as once a type of reality is attributed to it, then the presence of an actualized end (putative or not) emerges as a genuine problem for the development of an ethics of the unconditioned precisely because the unconditioned presupposes its own nonactualization (thus it acquires the quality of being un-ending or in-finite). Fulfillment is deferred in advance and, thus, what is opened up as a result is the space in which judgment is possible. An instance of an argument against both fulfillment and fulfillment's

actualization can be located in Kant's response to Epicurus. Kant's Epicurus is constructed in opposition to the Kantian philosophical project. That opposition can however be questioned. This does not occur in order to undo its implications, or to show Kant to have been incorrect. Rather, it would be to indicate that the presence of a greater affinity between them than would have been imagined, especially by Kant, furthers the project of developing an ethics of the unconditioned and thus of showing that *virtue in being* had the quality of being already present. Working through Kant's relation to Epicurus is of paramount importance. Moreover, it will be essential to continue to return, almost incrementally, to the presence of Epicurus in Kant. Programmatically what this means is that the structure of this chapter sustains a set of returns. Kant and Epicurus continue to confront each other since what has to be determined is how their relation is to be understood. This necessitates working through some of the different ways in which that relation is thought by Kant. In order to create a setting, a start will be made here with the writings of Epicurus and then with responses to Epicurus, most notably the response made by Cicero. The significance of Cicero is considerable. Kant's access to a great deal of Epicurean and Stoic thought was via Cicero. Moreover, Garve's translation of the latter's *De Officiis* had, it can be conjectured, a profound effect on Kant's own conception of duty.⁶

In Epicurus, "tranquillity" ("αταραχία") is "the goal of the completely happy life" ("του μακαριως ζην εστι τελος").⁷ That "tranquillity" was a state of affairs that was taken to be actualizable and which can be noted in the formulation presented above by the use of the term *goal* (*telos*; τέλος) is also clear from Seneca's report of the carving above the entrance to Epicurus's garden. The latter read: "*Hospes, hic bene manebis. Hic summum bonum voluptas est.*"⁸ The reiteration of a specific locus, what can be understood as placed presence, is, of course, carried by the reiteration of *hic*. Even with the advent of Christianity and in a Christianizing response to Epicurus, evident, for example, in Lorenzo Valla's *De voluptate* (1450), the pleasures that occur in heaven are simply a translation of the earthly. The problematic element occurs in how virtue

allows for another sense of happiness. The latter is heavenly happiness; hence, Valla writes that virtue, "is to be desired as a step towards that perfect happiness (*ad eam beatitudinem*) which the spirit or soul freed from its mortal position, will enjoy with the Father of all things from which it came."⁹ While this sets up a series of philosophical and theological problems—for example, the nature of the distinction between the earthly and the heavenly—what it provides is an image of the life of pleasure. There is an image and hence there is the literalization of place. A critique of the possibility of ends involves therefore a concomitant critique of the image (of any possible image). Equally it would necessitate breaking with specific conceptions of action. This is especially the case in regards to moral action, in which acting would be a form of emulation. Moral action has to be original and thus not a mere imitation. Moral action has to be both original and exemplary.¹⁰

Taking up the Epicurean conception of "tranquillity" is as much to question time as it is to question the possibility of identifying one particular affective state with a sense of either an end or a completion and thus with that which has an image (the image of a specific and determined place and to that extent place as an image of an actual place rather than "place" as that in relation to which human being is thought). With this deferring of the image, what is then demanded is a setting within which an "end," the realized *telos*, which is defined in purely affective terms, is able to be judged. Judgment is implicated in the need and thus also in the possibility of discriminating between affective states. (Though it should be added immediately that once this move is made then what will always need to be adduced are concerns defined by delimiting the grounds of judgment.)

There is a difficulty inherent in any thinking that posits an end. To posit an end is to think that time has come to an end; it would be an end in which time continues unendingly as the repetition of what can be described as the *always the same*.¹¹ (This is a conception of *sameness* in which difference, as has been suggested, is only ever present as variety and therefore defined in purely quantitative terms.) However, such a setting for time—the setting of time—can be contested. The quality of

the world, which is the locus of affect and the site where disequilibria of power relations unfold, is such that affect cannot be understood independently of its articulation within a set of relations whose intrinsic quality also demands judgment. Consequently, even if “tranquillity” were thought to be a mere potentiality and not a state whose presence depended on overcoming the differentials of power that may have rendered it impossible and thus not actual, the philosophical question linked to action concerns how the actualization of a potentiality is to be understood. Hence, there is a different question. Allowing for the insistent presence of potentiality means that the *now*, and this will be true of every *now*, is always incomplete insofar as it comprised of the possibility for it to be other. The *now* eschews finality. This *now* will return insofar as Kant defines the locus of the law as that which occurs in a *now* (*Jetzt*). This means that any one now is charged with different possibilities in the precise sense that the *now* becomes a site that has two different yet related qualities.

The first quality is straightforward. The *now* is the site of a founding irreducibility. The *now* is not a point (or not just a point). The *now* is always in excess of the instant and thus the *now* is not the particular within a generalized becoming. More significantly, the *now* in question is constructed by tensions created by the interplay of actuality in the first instance, and the potentiality for the actualization of that which is other, in the second. The elision of a potentiality awaiting actualization would reduce the *now* to the instant in which it then becomes no more than a particular within a generalized becoming. The second quality of the *now* can be discerned as a result of the recognition that what pertains in any “now” is a set of different possible times. Consequently, the “now” is a locus in which there is the constant potentiality for what is other; for what is to be other. Potentiality acquires that which is integral to its force since potentiality allows actuality to be thought. The “now,” construed as involving this modality of potentiality, is not a mere occurrence it is a plural event in the precise sense that it is the locus of an irreducibility that is always already there; a setup that has already been referred to as involving *anoriginal irreducibility* which when it takes on a

specific form can be understood as a plural event—for example, any one *now* is a plural event.¹²

Returning to Epicurus and the possibility of the actuality of tranquillity, though by extension the argument pertains to the actualization of an already determined end, a specific question arises: Does it mean, as a result of this reconfiguring of the “now” such that tranquillity may not be actual, that it is too early for tranquillity?¹³ As a result would any evocation of tranquillity, of peace, have been precipitate precisely because such an end can only be conceived within a progressive teleology of continuity (a continuity within an envisaged, and envisageable, *telos* and thus a literally imagined end)? Moreover, might it even have been precipitate in advance? Or could tranquillity only ever be belated? At work with these questions are differing modalities of time. A certain modality, for example, is already there in Nietzsche when he suggested that Lucretius’s destruction of the very basis of the Christian view of both punishment and hell, namely, the continuity of their presence within the Roman Empire, meant that they “came too early” (“*kam zu früh*”).¹⁴ Christianity stabilized and transformed the belief. Moreover, punishment understood as “eternal torment” continues to return in the guise of either the “life sentence,” in the first instance, or the “death penalty,” in the second. The latter is an act in which any salvation is *post factum* impossible as justice as a possibility in this life would have ceded its place to the (im)possibility of justice in the next life.¹⁵ If, within this configuration, Lucretius were simply too early, what then of the temporal presence of Epicurus? By the end of paragraph 72 of *Daybreak*, Nietzsche locates in “science” (“*Wissenschaft*”) an Epicurean impulse. With the advent of science there is, for Nietzsche, a sense of having been freed from an oppressive and determining concern with “the after-death” (*das “Nach-dem-Tode”*).¹⁶ As such death and that which occurs after it “no longer concerns us.” Having been freed from its hold means that with the emergence of “science” and its account of both life and death, for Nietzsche, there is a return in which “Epicurus triumphs anew” (“*von Neuem triumphirt Epikur*”). This “newness” which occurs within repetition, is the evocation of a certain sense of timeliness; it could be an

exaggeration of the present's timeliness, or even the extravagant positing of the timeliness of the untimely. Suffice to say that all such evocations of the present, in remaining oblivious to the complexities of the *now*, are themselves premised on the continuity given within repetition, which can be described as the hold of the *always the same*. Effaced is the presence of the *now* as harboring potentialities for that which is genuinely other. *Sameness* would dictate that its now is always able to "return." It would contain the unity and accord of project for there to be a singularity whose willed return would in fact be possible precisely because it is premised on the retained presence of an ontology of becoming in which every element of the now would be different, one in relation to the other, in terms that were strictly quantitative. Once, however, the *now* is the site of *anoriginal irreducibility*, then its return cannot be willed because the unity of the now is undone in advance. There isn't any one thing to return.

Epicurus becomes the name in both Nietzsche and Kant for a specific mode of thought; a mode, which, even if Nietzsche's path were not followed, is still significant.¹⁷ Ending the fear of death *via* an elimination of any concern with the "after-death" means that with the distancing of death it will be life itself that delimits finitude. As such, time returns. Finitude as the effect of a delimitation attains significance. However, both time and finitude have to be thought in relation to a conception of the "now" as allowing for the presaging of possibilities and thus as containing genuine potentialities, the *now* of *anoriginal irreducibility*. In sum, what has been shown in this instance is the way in which potentiality has the effect of delimiting finitude on the basis that within life what endures as operable is a distinction between the unconditioned and the conditioned. This is the position that Nietzsche's argument demands though which he was unable to furnish. The demand remains. Finitude *qua* finitude has to be thought. What endures as necessary is the effective presence of the unconditioned and the conditioned. The latter is finitude, the former that which delimits it. Hence finitude would be present as an after effect. (The supposition, once again, is that finitude is only ever the *aftereffect*.) Indeed, it is possible to locate the entire tension

that exists between a domain of pure affect in which all that is at work are different modalities of affect and thus a version of the naturalization of philosophy in which affect is thought within and as philosophical naturalism and, then, a position involving a ground of judgment as having been given by the relation between the conditioned and the unconditioned. Once the conditioned can be identified with the domain of affect, what then becomes important is understanding what is meant by a ground of judgment in relation to which genuine differences within affect can be both noted and judged. One specific way of approaching this question is to begin, again, with Epicurus. And yet, it needs to be asked again, why begin, once again, with Epicurus?¹⁸ In other words, why start an extended essay the result of which is to secure a reworked version of the Kantian unconditioned as the basis of a philosophical thinking of the ethical, and which moves through Arendt, Kant, and Derrida, with Epicurus? The answer will have been given in advance. Epicurus does not just appear. The name is already there. Indeed, the continual construction of the figure of Epicurus marks a determined set of possibilities within both the history of philosophy and the history of religion. Precisely because of the centrality of Epicurus as figure within the development of those elements of Kant's philosophical project that are central here, his figured presence continues to provide a way into the former's concerns. What matters are the terms within which Kant's critical engagement with this figure is itself staged.

Epicurus endures as one of the philosophers to whom Kant continues to return.¹⁹ His presence is explicit. He continues to be named. There is a continuity of occurrence in which a specific figure of Epicurus is the result. Kant's critical engagement with Epicurus is sustained throughout his writings. While Kant has obvious objections to fundamental elements of the cosmological theories in both Lucretius and Epicurus, in this instance what is central is Kant's project to locate in Epicurus's work a specific and limited philosophical thinking of life.²⁰ Moreover, what will become the figure of Epicurus is a mode of thought that is, from Kant's perspective, correct insofar as it attests to the ineliminability of

a conception of the “greatest good” and thus the possibility of a good life. There is, in other words, the concession of the necessity of thinking the “greatest good.” Nonetheless, there is a problem. From Kant’s perspective, a limit can be located in Epicurus’s inability to provide that thinking and thus the necessity of the “greatest good” with a secure basis.

Epicurus remained an ambivalent figure. In the *Critique of the Power of Judgment* Kant argued that: “Epicurus, who made out all gratification as at bottom bodily sensation, may to that extent perhaps not have been mistaken, and only misunderstood himself when he counted intellectual and even practical satisfaction as gratification.”²¹ As indicated above for Kant while Epicurus kept on formulating distinctions within life correctly insofar as there were important gradations within the “good,” he did not have the philosophical resources to think the “greatest good,” even though the formulation—τὸ μέγιστον ἀγαθὸν—appears in the *Letter to Menoeceus*.²² Integral to this identification of a limit to thought appearing as a demand for thought that cannot be realized, is the term *eudaimonia*, which appears in its translated form in Kant’s writings as *Glückseligkeit*. It is both the perceived centrality of *eudaimonia* in Epicurus and the impossibility of its grounding a sense of moral worth that is essential to the limitation, for Kant, of Epicurus. Again this is a formulation that stages the severance of happiness from moral worth and to which a return will continue to be made.

Kant’s engagement with Epicurus, his construction of the figure of Epicurus, needs to be understood as occurring within the setting established by the set of philosophical exigencies established by the difference between the conditioned and the unconditioned. As indicated above, Epicurus names a limit condition. Even within this limit, however, there are moments that complicate the surety of the division between Kant’s project and Epicurus’s. Part of what can be argued, an argument that complicates the possibility of clear divisions, is that Epicurus’s critique of superstition coupled to Kant’s advocacy of the Enlightenment as leaving superstition to one side and thus as having the courage to think, an act named by Kant in terms of *sapere aude*, brings them into a far closer

alliance than Kant may have imagined. Moreover, the argument posed in relation to what Kant calls “legality” would itself be close to an Epicurean mode of argumentation. Kant argues against an identification of the moral with a simple following of the law. His claim is that while the “letter of the law (legality)” would be found in such “actions” what would be missing is “the spirit of it in our dispositions (morality).”²³ The key point here is not what is meant by “spirit” per se, but in how the difference between “spirit” and “law” is itself to be understood. What would difference mean in this context? It is in the nature of this difference that the continuity of the relation (or nonrelation) between Epicurus and Kant needs to be presented.

Once the name Epicurus is allowed greater extension such that it is present as a figure within philosophy’s history, then it can be argued that the “name” stands as much for the identification of pleasure (hedonism) taken as an end in itself, as it does for a refusal of the import of divine law. For Maimonides, as well as within other significant instances within the history of Jewish philosophical and religious thought, in addition to a range of Greek and Roman philosophers, “Epicurus” named the apostate. In the *Mishnah Pirkei Avot*, for example, the study of Torah has a necessity for a range of different reasons. One is that studying Torah, it is argued, equips the reader to respond “to Epicureans” (“תא סורוקיפא”). However, what is meant by “סורוקיפא” is “heretics.” A position that is also clear from references to the same figure in the *Babylonian Talmud Sanhedrin* (cf 96b–100a). Maimonides in *The Guide to the Perplexed* bases his evocation of Epicurus on the Talmudic tradition, even if his knowledge of Epicurus’s actual writings, and hence the construction of the figure in that particular context, will have come more directly from Arabic translations of Alexander of Aphrodisiensis.²⁴ As Maimonides argues the Epicureans, “did not recognize the existence of God, but believed that the existing state of things is the result of accidental combinations and separation of the elements.”²⁵ It is clear that for Maimonides the ethical and cosmological theories of the Epicureans intersect. The further supposition was that this name—“Epicurus”—named not just a form of

atheism but also the denial of the divine nature of divine law. It is of course possible to keep compiling examples which, when taken together, indicate that Epicurus, now the name of a figured presence, names from a differing set of perspectives, the refusal to think the active presence of God and equally the refusal of a conception of the good that was transcendent in relation to finitude. The good had been actualized and therefore was from the start an actualizable possibility. Hence, the earlier reference to the interplay of “tranquillity” and place.

This construction of the figure of Epicurus can, of course, be subjected to questioning; a process that can only occur by referring to the extant writings. As a beginning, it is complicated by the claim that can be found in the writing of Epicurus concerning “God.” In the *Letter to Menoeceus*, he argues that integral to a sense of “the beautiful life” (“τοῦ καλῶς ζῆν”) is the recognition that “God” is “a blissful and immortal being” (“τὸν θεὸν ζῶον ἄφθαρτον καὶ μακάριον”).²⁶ That this conception of the divine is also evident from the writings of the pre-Christian Epicureans is also significant.²⁷ The latter position combined with a critique of superstition locates both Epicurus and subsequent Epicureanism as having a specific relation to both God and religion. He was not as writing and thinking contra God or even religion, but rather against a certain form of religion. Within that process a space for the philosophical, as a philosophy of life, is being cleared; a space with a space for God. Whether this occurs in the name of atheism or necessitates atheism are separate questions. Indeed, it can be more plausibly argued that the critique of religion only occurs to the extent that religion is equated with superstition.²⁸ To maintain religion, in the wake of this critique, would be to define it in relation to both reason and judgment.²⁹ Part of what has to be argued in this regard is that in Epicurus the object of critique was a not religion per se. Rather, what was subject to critique was the presence of religion as superstition thus leading to what might be described, as a result of that critique, as the repositioning of religion such that it can be located within the “bounds” of reason. This will account for why as Diogenes of Oenoanda’s inscriptions attest, it is not as though Epicurus was a figure attracting public disdain.³⁰

Equally, it accounts for why Gassendi, writing in an ostensibly Christian garb, in his *De vita, et moribus Epicuri*, will also take up, as part of his defense of Epicurus, an examination of what is at work in Epicurus's identification of certain religious practices with superstition.³¹ Again, it is possible to continue to cite other instances in which both Epicurus's commitments to civility and to God (and thus via extension to religion) endure as central. However, precisely because Kant's knowledge of Epicurus, if both the content of his library and the texts to which Kant had direct access can be taken as setting the measure, will have come from Cicero, Seneca, and it can be conjectured from the first volume of J. J. Brucker's *Historia Critica Philosophiae*, rather than from a detailed study of the extant texts which at the time were only to be found in Diogenes Laertius, a return needs to be made to the presence of Epicurus in Cicero. In this instance to the *De Finibus*.³²

In the *De Finibus*, Cicero's critique is specific. It stems from the identification by Epicurus of the "greatest good" (*summum bonnum*) with "pleasure" (*voluptas*). It should be noted that the difficulty lies in the identification. As a way into Cicero's concerns it is important to note the actual terminology deployed in the following line, which is presented by Cicero as a citation from Epicurus: "the Wise Man (*sapienti*) is but little interfered with by fortune (*fortunam*) the greatest concerns of life, the things that matter are controlled by his own reason (*ratione*)."³³ While Cicero goes on to locate reason in relation to sensation, which is a position that is clearly not opposed to the project that can be located in Epicurus's own writings, it remains the case that what is identified is a distinction between "fortune" and "reason." This distinction needs to be recalled.

In *De Finibus*, Book 11, Cicero's form of argumentation does not pertain to the presence of the "greatest good" within Epicurus, as though its status could be posed as a question in its own right. What the absence of this specific form of questioning means is that there isn't an argument against the presence of the "greatest good" as such. The argument is against its identification with a particular construal of "pleasure."³⁴ There is a direct correlate here with Kant's own argument in

the *Critique of Practical Reason*, where he suggests that Epicurus along, “with many morally well disposed men of this day . . . do not reflect deeply enough on their principles” (“über ihre Principien nicht tief genug nachdenkende”).³⁵ Note of course that Epicurus is “well disposed,” hence, the question is how the process of “reflection” would be understood in this context and what would be its object? A way in has already been provided since, as was made clear in the *Critique of the Power of Judgment*, “critics” as opposed to the critical philosophers did not “reflect.” The terminology is the same. The process of reflection will return because Epicurus will also use a related term. Consequently, it is essential to underscore the presence of “reflection” here. Remembering that for Kant in the *Critique of the Power of Judgment* reflection is not determined by a concept but occurs in relation to one.

The formulation of the relationship between the “greatest good” and “pleasure” in Cicero, however, warrants attention. Cicero’s claim is that for Epicurus the assertion that “the chief good is pleasure” gives rise to a specific philosophical project. Namely, that it necessitates, for Cicero, an examination of “what pleasure is.” The identification of one with the other creates the framework of investigation. Arguments continue within the text. They mirror arguments taking place elsewhere within both Greek and Roman philosophy as to the definition of pleasure and thus whether any one definition is adequate to the “greatest good.” A similar position can also be found, for example, in Seneca’s Letter 90 where it is suggested that the Epicureans “bestowed virtue on pleasure” (“*virtutem donavit voluptati*”).³⁶ However, what remains undiscussed in Cicero, and equally in Seneca, is the nature of the “greatest good” itself. While in the *De Finibus* there may be a tentative conclusion in terms of an identification of the “greatest good” as involving a relationship between the “conduct of life” and the operation of “natural causes” (Book III, ix), what continues, as a question, is how the greatness of the “greatest good” is to be understood (to the extent that “greatness” is not thought in merely quantitative terms). The questioning is orientated by a search for a definition of the “greatest good” that results from an identification (i.e., a definition of X in terms of Y). What

remains undiscussed, as has been suggested, is the presence of the “greatest good” as an end in itself. While this question remains unexamined by Cicero, such that all that would seem to be of concern is a description of pleasure that allows a certain definition of pleasure to be identified with “the greatest good,” there are elements in the earlier citation from *De Finibus* concerning the connection between wisdom and reason that opens up another significant domain of inquiry.

Prior to noting that positioning, one that will bring a concern with “reason” into consideration precisely because of the evocation of “wisdom,” another presentation of Epicurus within the writings of Cicero needs to be taken up. In the *Academica* (I.ii, 6) Cicero asserts that the Epicureans, “think that the good of cattle is the same as the good of human being” (“*pecudis enim et hominis idem bonum esse consent*”). In other words, it is as though the nature of the “good,” for the followers of Epicurus, can be transferred unproblematically across the animal/human divide. What needs to be noted here is that in the case of Cicero, even though this is not the case with Kant, there is the failure to engage the problem of human animality. For Cicero the nonrelation to the animal is decisive; a position mirrored at the same time in Greek, if the arguments of Plutarch’s *De Pythiae Oraculis* are followed, and in which the language of prose overcomes the possibility and the necessity of attributing sense to sounds made by animals.³⁷ Not only therefore is the separation of the animal from the human already complete and consequently there is a projected relation of nonrelation between them, it can also be argued that what is put out of any consideration is the possibility that the question of what “the greatest good” is would have to take up the problem of how the relation between the “greatest good” and human animality is itself to be understood. Allowing that relation to maintain a problematic status means maintaining it as a relation that demanded negotiation rather than excision. (This, as will be seen is fundamental to the argumentation of Kant in *Religion within the Bounds of Mere Reason*, in which the ineliminable presence of human animality—a positioned named in the *Critique of the Power of Judgment* in terms of “socially determined creatures” [“*die Gesellschaft bestimmten Geschöpfs*”] establishes the site of engagement.³⁸)