

**Unsettling Encounters: A response to Katrin Flikschuh's  
'Kant's Nomads'**

***Encuentros inquietantes: una respuesta a "Los nómadas de Kant"  
de Katrin Flikschuh***

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**Abstract**

In her thought-provoking article: "Kant's Nomads: Encountering Strangers", Katrin Flikschuh pursues three aims: I- to loosen the noose of the Kantian duty of state entrance against the repeated allegations of its inflexible universality; II- to rescue Kant from a certain "belligerent" liberal discourse that has overlooked his ambivalence on the question, at the expense of his potentially constructive insights; III- to articulate the possibility of an encounter with deep and permanent differences in culture or a "reflexive openness" that can help us face the "culturally unfamiliar". Its success relies upon reading Kant's philosophy as proceeding from a first-personal experiential standpoint, that is, a regressive strategy of justification. Though sympathetic to Flikschuh's project, this paper wishes to examine to what extent it is compatible with the Kantian theory of the State, on the one hand, and his transcendental idealism, on the other. In the end, it may be that Kant's openness to the other (i.e. the nomad), however sincere, remains transitory at best.

**Keywords**

Kant; cosmopolitanism; hospitality; nomads; cultural difference; State; anthropology.

"Il n'y a pas de beauté sans voiles, et ce que nous préférons, c'est encore l'inconnu."

– Anatole France, *Le jardin d'Épicure*

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At the outset of her text, the author reminds us that such significant philosophers as Kant are destined to be subject to multiple, indeed at times incompatible, interpretations.<sup>1</sup> The reasons for this are varying, but it is partly attributable to the way we approach grounding texts in the canon, as we sometimes use them to confirm prior intuitions, be it moral convictions or a political agenda. Our respective exegeses, of course, are inevitably brushed in a personal touch and, as such, always remain autobiographical in tone. As a result, our work in philosophy tends to paint the familiar, adorning our lives with the lines and shapes that comfort us. Thus often appears Kant, under the traits of a racist who triggered colonialism or Modernity's champion leading the fight against oppression; sketched as the author of both the ills we vehemently condemn and the secular redemption we desperately seek.

Yet there is another way... Our philosophical peregrinations can lead us outside the beaten path and onto uncharted territories. They become unsettling experiences the moment we let ourselves be questioned by the aporie that haunt the philosopher's own thought. Kant's work is conducive to this. Over and beyond the unfair caricatures that reduce his writings to neat conclusions as predictable as his daily walks, we find an agonistic impetus that fuels a deep engagement with the unfamiliar. On the question of radical evil, for instance, Kant is nothing less than "at war with himself", declares Richard Bernstein (Bernstein 2002, p. 33). Karl Jaspers sustains that his philosophy springs from three enigmas – freedom, immortality and evil – that continually elude the grasp of reason (Jaspers 1958). Paul Ricoeur echoes this point when he refers to Kant as a philosopher of the limit who draws us as close to the edge of rational thought as possible, leaving us teetering before the mystery of expectation (*Erwartung*) (Ricoeur 1969). As for Foucault, the type of critical inquiry articulated throughout Kant's apology of the Enlightenment is in fact a "critical ontology", that is, a practice of freedom that consists in "the permanent critique of ourselves" (Foucault 1984, pp. 42; 43). Such views depict not the asphyxiating constraints of an exhaustive system, but the liberating possibility of a "new beginning,"<sup>2</sup> the daunting yet alluring horizon of the unknown. It is precisely the latter itinerary that Dr.

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<sup>1</sup> This text is a modified version of the response to Katrin Flikschuh's conference: "Kant's Nomads: Encountering Strangers", delivered at Memorial University, 22 September 2016. Page numbers refer Dr. Flikschuh's article directly in the text.

<sup>2</sup> Quoted in Flikschuh, "Kant's Nomads", p. 366. "New beginning", of course, is precisely how Kant defines the effect of transcendental freedom in the first *Critique* (A541/B569).

Flikschuh proposes to follow, in the footsteps of Kant's treatment of the encounter between settlers and nomads.

The underlying intention of her text appears to be threefold. The first and perhaps more precise aim is to loosen the noose of the Kantian duty of state entrance against the repeated allegations of its inflexible universality (p. 349). In doing so, Dr. Flikschuh hopes to rescue Kant from a certain "belligerent" liberal discourse that has overlooked his ambivalence on the question, at the expense of his potentially constructive insights. This being said, it seems to me that both of these objectives are predicated upon a more fundamental effort, one that Dr. Flikschuh identifies as central to Kant's political theory, but that she makes her own throughout the article: to articulate the "ability to countenance *deep and permanent* differences in culture, practices, beliefs" (p. 347; my emphasis). Its purpose, then, is to uncover in Kant a "reflexive openness" (p. 349) that can help us face the "culturally unfamiliar" (p. 348),<sup>3</sup> that is, to address "*intractable*" conflicts "where the position of one party is diametrically opposed to that of the other", such as one finds between the nomad and the settler (p. 354; my emphasis). As the author rightly points out, "reciprocal interaction is unproblematic" when there is familiarity between the parties involved (p. 8). Profound challenges arise when their differences are considerably more pronounced, if not – at least at first sight – "insurmountable" (*ibid.*). Perhaps Kant's thought, itself vitalized by the unknown, can offer ways to address these unsettling encounters.

The whole project hinges upon reading Kant's philosophy as proceeding "from a first-personal experiential standpoint", that is, a regressive strategy of justification that "is addressed to those, and only those, whose own experiences are relevantly at issue" (p. 350). Obviously, a duty for Kant is valid a priori. Is it not, then, also unconditional? Only for the *experiencing* subject whom as such becomes aware of the conditions of possibility of the given duty. In the case of state entrance, the argument would run as follows: state entrance frames intelligible possession, itself predicated upon the act of acquisition (i.e. of seeing an object as mine). Hence, only those who experience the actual act of acquisition can raise property claims against each other and, subsequently, consider the duty of state entrance as binding. In other words, it is from within the perspective of acquisition that

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<sup>3</sup> The author borrows this expression from David Harvey, *Cosmopolitanism and the Geographies of Freedom*.

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state entrance subsequently becomes an unconditional duty. Nomads, who have no such experience of contractual arrangements, cannot therefore be compelled by it. On the contrary, it is rather the settlers who must bend to their conventions. The author does not hesitate to emphasize the “radical nature” of this conclusion and of its ramifications: “Where contact does become unavoidable, it is essentially the indigenous populations who determine terms of use and, possibly, transfers of lands” (p. 363).

It is difficult not to share many of the views – and hopes – presented in this text. Rich and provocative, the latter is bound to raise a number of questions. Because of the brevity of this exercise, I will limit myself to two. (1) How flexible can the duty of state entrance be within the context of a philosophy that sees a “rightful constitution” as the safeguard of its most valued principle, freedom? That Kant should reconsider the universality of state entrance following his own (theoretical) encounter with the nomads is not only a legitimate interpretation based on textual evidence, it is also a promising insight that can help us frame relations with societies that do not share similar political structures. This said, how far exactly can he be pushed on this? Is the state not indispensable to the exercise of morality, the single most important achievement of human beings and the very ground of their dignity? If this is so, that is, if the necessity of state entrance emerges from the imperative to frame ethics more heavily than it does from the act of acquisition, is Kant’s “reflexive openness” to the nomads merely a transitory one, until they grow out their alleged state of innocence – or “ignorance”<sup>4</sup> – and comply to the “universal” conditions of flourishing as Kant takes to have been deployed in Enlightenment Europe? (2) The second question is rather straightforward, if not somewhat blunt: Why Kant? Can his transcendental idealism, which seems to rely on a capacity for abstraction from experience for knowledge and morality to be possible, appreciate the inherent and inalienable value of cultural difference, let alone frame a durable encounter with it? Does his thought prevent the type of uprootedness provoked by contact of indigenous societies with European culture – in particular its self-attributed “civilizing mission” – or does it in fact accelerate it? I will address these two queries successively.

(1) The irruption of the nomad troubles Kant’s thought and indeed forces him to reconsider the duty of state entrance, if not the “other” altogether. This being said, are we

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<sup>4</sup> See the passage from the Doctrine of Right quoted below and found in Dr. Flikschuh’s article (6: 353).

speaking here of a radical change of perspective, an ontological shift to recognize the other not only as fundamentally different but *justified* in this difference? Or are we dealing with a momentary acknowledgment of diversity, one that recognizes the novelty whilst expecting it to eventually fall into rank? In Levinasian terms, does this opening to alterity end up returning to homogenous universality, to “sameness”? Let us recall the context in which the *Doctrine of Right* is published: not only the French Revolution, but its bloody aftermath, i.e. the Terror. It is worth repeating part of the important quote on the nomads found in this work and emphasized in Dr. Flikschuh's article:

“(...) this settlement may not take place by force but only by contract, and indeed by a contract that does not take advantage of the ignorance of those inhabitants with respect to ceding their lands. (...) But all these supposedly good intentions cannot wash away the stain of injustice in the means used for them. Someone may reply that such scruples about using force in the beginning, in order to establish a lawful condition, might well mean that the whole earth would still be in a lawless condition; but this consideration can no more annul the condition of right than can the pretext of revolutionaries within a state, that when constitutions are bad it is up to the people to reshape them by force and to be unjust once and for all so that afterwards they can establish justice all the more securely and make it flourish.” (6: 353)

The reference to the revolutionaries is telling. This passage itself follows by just a few pages the important section on “The Right of the State”, where Kant discusses at length the issue of sedition. He cannot find words strong enough to condemn it: regicide constitutes one of the worst crimes imaginable, he writes, as it “strikes horror in a soul filled with the idea of human beings' rights” (6: 321n). A people, he continues, “has a duty to put up with even what is held to be an *unbearable abuse* of supreme authority” (6: 320; my emphasis). In fact, so uncompromising is Kant's position against disobedience to the ruler, that some commentators have accused him of promoting blind submission at the expense of political resistance, including within the context of totalitarian regimes.<sup>5</sup> These lines, written in a precise historical context, reveal a profound fear regarding social unrest or chaos, an anguish that haunts his whole political theory. As a result, and despite having no theoretical sympathy for either the Ancient Régime or the so-called lawlessness of certain indigenous societies, he still yet prefers such established systems to precipitated, indeed forced attempts at improving them.

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<sup>5</sup> See for instance John Silber, “Kant at Auschwitz” in *Proceedings of the Sixth International Kant Congress*, ed. by Gerhard Funke and Thomas M. Seebohm, 1991, pp. 177-211.

Hence, the fragile harmony of a nomadic community is still better than the unpredictable violence that comes with the abrupt, if not brutal attempt to “make it flourish”. However, if it is true that statelessness does not threaten morality as does sedition, it remains unclear how it can actually promote it. Ultimately, the “well-being” of a state (i.e. its rightful constitution and not its welfare) remains a “condition which reason, *by a categorical imperative*, makes it obligatory for us to strive after” (8: 318; emphasis in the text). The Fifth Thesis of Kant’s “Idea for a Universal History...” adds that “the greatest problem for the human species (...) is to achieve a universal civil society administered in accord with the right” (8: 22). This is so because the state represents the external condition of morality; its central importance is derived not so much from the act of acquisition than from the ethical necessity to frame the exercise of freedom. From Kant’s perspective, “we know our own freedom (from which all moral laws, and so all rights as well as duties proceed) only through the moral imperative, which is a proposition commanding duty, from which the capacity for putting others under obligation, that is, the concept of right, can afterwards be explicated” (8: 239).

As such, if Kant alleviates the universality of the duty of state entrance, it is not for the sake of the nomads themselves, but in the name of the moral law which simply cannot be upheld within anarchy. Once the nomads eventually emerge from statelessness, in some ways a state of innocence – the quote says “ignorance” – and awaken to the majesty of the moral law, state entrance will impose itself universally and unconditionally. In sum, Kant’s “reflexive openness” towards the nomads appears momentary at best, if not conditional. This may be sufficient to some, but it seemed from Dr. Flikschuh’s text that she was looking for a more lasting and radical encounter with the other, one that does not witness the unfamiliar only to subsequently hope for its eventual waning. Kant does indeed appear to open up to the nomads’ way of life, but somehow only “in the meantime”, transiently so...

(2) Perhaps the previous point can be further explicated by asking the following: Why Kant? If the aim, once more, is “to countenance *deep and permanent* differences in culture, practices, beliefs”, why turn to Kantian idealism, which has been repeatedly brought to trial by philosophy and socio-anthropology alike for having edified individual autonomy on the ruins of both “togetherness” (*Mitsein*) and any potential account of a

common good? So many efforts to make him cosmopolitan, postcolonial, almost a communitarian, despite his claims to formal universality, his moral individualism, his subjectivist epistemology... How convincing could he ever be in the role of the cultural particularist or the transcendental anthropologist?

This is not to downplay experience in Kant: knowledge, moral duty and political commitment all suppose an *experiencing* subject. This said, the same subject also exists in this world as *detached* from it. If intuitions cannot be found outside experience, such matter can only be represented through the *pure* forms of intuition that structure the mind a priori; if one's moral character requires a concrete, everyday commitment, it is predicated upon one's capacity to abstract from his instincts and inclinations; and if religion is key towards seeing the law as divine, it must shed itself of the rituals that had hitherto shaped it. There is no moral, epistemological or aesthetic experience in Kant that does not presuppose a detachment from the said experience. As such, our presence in the world often takes in transcendental idealism the form of an *absence*: absence of history, culture or gender, for instance, or any other a posteriori element that warps my judgment. Perhaps this is the price of emancipation, but in the meantime, transcendental subjectivity stands in the world as an emptied identity.

Now, recent investigations have clearly demonstrated the central importance of "community" in Kant, as revealed by such key concepts as the Kingdom of Ends or the Ethical Commonwealth. However, what could possibly be understood by this term within the aforementioned philosophical framework? Are we speaking here of a collection of self-instituted rational agents who became autonomous precisely by distancing themselves from the customs and moors of their given society? Is it a mere association that fosters mutual support for agents who share similar ethical aims? Granted, the term "community" itself is equivocal and evasive, and as such remains a perilous one to define. Still, it is difficult to see how Kant's use of the word could ever lead to the kind of "reflexive openness" that resists assimilation and values the *permanently* different, when reflexivity for him appears to imply abstraction from one's identity. One elevates himself above his cultural context when pursuing moral perfection; he does not embrace it.

At this point, we could perhaps contend with Dr. Flikschuh that "Kant has reached the end of his road" (p. 365). The encounter with the nomads unsettles his position and

awakens him to the unfamiliar, alongside his readers. He cannot, however, get the nomads into civil society with us. While this is an intrinsically worthwhile journey, it seems to me, again, that Dr. Flikschuh is engaged on a different and more adventurous path, one that leads to a continued and durable engagement with the culturally alien. In the end, it may be that “unsettling” is simply not enough, that the initial astonishment of the encounter should accept the unfamiliar in its own right, in its radical – perhaps even *intractable* or *insurmountable* – difference.

Unless of course cultural homogenization had been the inevitable outcome of this contact all along, perhaps even the ineluctable conclusion of global reasoning. Dr. Flikschuh and the reader will, I hope, forgive the somewhat morose, fatalistic tone of these last words, yet I cannot help but recall the tragic fate of the encounter with the other, as related by Claude Levi-Strauss in his magnificent *Tristes tropiques*:

“The paradox is irresolvable: the less one culture communicates with another, the less likely they are to be corrupted, one by the other; but, on the other hand, the less likely it is, in such conditions, that the respective emissaries of these cultures will be able to seize the richness and significance of their diversity. The alternative is inescapable: either I am a traveller in ancient times, and faced with a prodigious spectacle which would be almost entirely unintelligible to me and might, indeed, provoke me to mockery or disgust; or I am a traveller of our own day, hastening in search of a vanished reality. (Lévi-Strauss 1963, p. 45)

It is perhaps the fate of today’s “google-ready” traveler to be always-already acquainted with the world. There is little left to discover, to *surprise* us, when our itineraries have already been mapped out. The tragedy of contemporary cosmopolitanism is to offer reflexive openness when there is so little unfamiliar left. The beauty of the unknown, it seems, withers away the moment it becomes remotely familiar.

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