

## Necessity in Kant and Nancy, or from the Imperative to Law

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“Necessity [*Notwendigkeit*], finally, is nothing but the existence that is given through possibility itself.” (Kant, CPR, B111). This formulation of necessity comprises the combination of the elements of Kant’s modal category within transcendental logic, that which, according to him, conditions the way one produces synthetic a priori, i.e. ‘valid’, knowledge of the world. Necessity and its close cousin ‘absolute universality’ are also central to his pure practical reason, and specifically, the categorical imperative. This, in turn, can be linked to his political and legal philosophy of right via the necessity to conform the (popular) will to universal law.

Kant is far from fashionable amongst ‘progressive’ scholars of law and society. There have been numerous critical appraisals of Kant’s totalising and dehumanising tendencies, from Nietzsche to Adorno to Deleuze. Indeed, even Kelsen had his own disagreements. There is no doubt much truth in their concerns and there is no doubt that Kant, politically, was very conservative, ruling out for example any public right of rebellion against the sovereign. If one’s philosophical outlook is a major determining factor in one’s political orientation (which is why some cannot forgive Heidegger), then perhaps critical scholars should look elsewhere.

But then, if in doing so, we were to consider the work of Jean-Luc Nancy, and if one managed to get past his celebrated refocusing of Heideggerian *dasein* towards *mitsein*, ironically we would end up back with a highly sympathetic reinterpretation of Kant, replete with sublime possibilities. By locating crystal aporias and refracting Kantian lines of thought through them, Nancy illuminates new directions in and beyond Kant, releasing freedom from necessity and giving space to the pirate and the outlaw, thereby radicalising Kant on his own terms.