



Symbolic Representation in Kant's Practical Philosophy

HEINER BIELEFELDT

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This is the first book to explore in detail the role that symbolic representation plays in the architecture of Kant's philosophy. Symbolic representation fulfills a crucial function in Kant's practical philosophy because it serves to mediate between the unconditionality of the categorical imperative and the inescapable finiteness of the human being. By showing how the nature of symbolic representation affects all areas of the practical philosophy – moral philosophy, legal philosophy, philosophy of history, and philosophy of religion – Heiner Bielefeldt offers a unique perspective on how these various facets of Kant's philosophy cohere.

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I

Introduction

1. The Paradox of Liberalism: A Preliminary Observation

Since its origins in early modernity, liberalism has always been a hotly debated issue. One charge frequently raised is that liberalism mirrors a lack of ethical substance in modern society, a society that seemingly loses its normative cohesiveness, and hence can be held together only by a set of abstract procedural rules. By providing such a formal framework for a *modus vivendi* within an “atomized society,” liberalism purportedly amounts at best to a minimalist and formalist morality, if not to an ideology of self-centered individuals who are chiefly concerned with their own physical or economic well-being.

This charge of ethical minimalism and abstract proceduralism often goes along with the allegation that liberalism also suffers from a lack of genuinely political purposes. Although, as a matter of fact, liberals have certainly been involved in politics, such political activities are said to derive primarily from nonpolitical interests – that is, private and economic interests that ultimately prevail over republican commitment. From such a point of view, liberalism appears to constitute a bourgeois ideology of “possessive individualism” rather than the joint project of citizens who share some substantial political convictions as the basis of a “strong” participatory democracy.

Finally, modern liberal individuals are often portrayed as having emancipated themselves not only from “thick” ethical and political values, but from all religious and spiritual commitment too. From

this perspective, it seems that liberalism generally goes along with a gradual breakdown of religious worldviews as well as a loss of faith and spirituality. Thus, it is contended that as a result of the modern “disenchantment of the world,” the liberal individual has more and more abandoned that comprehensive horizon of meaning that religious traditions were able to provide.

Curiously, it is not only anti-liberals who in such a way depict liberalism as a minimalist procedural framework for individuals living in an atomized society and in a thoroughly disenchanting and fragmented universe. Not infrequently, liberals themselves tend to subscribe to such a picture that, paradoxically enough, can sometimes be found also among people who actually show a strong ethical and political commitment on behalf, say, of human rights or fair treatment of minorities. One indeed gets the impression that many liberals seem reluctant to profess a comprehensive ethical and political (let alone religious) position, thus leaving the rhetoric of “values,” “virtue,” and “faith” to their political or ideological opponents. One reason for this peculiar reluctance may be the fear of moral guardianship – that is, the fear that government could claim the authority of a moral (or even religious) educator at the expense of personal freedom. Another reason may be respect for ethical, political, and religious pluralism in modern society, a pluralism whose recognition apparently requires self-restraint in the appeal to common values and worldviews. Apart from these arguments, some liberals may suspect that any invocation of virtue and values amounts in the end to nothing but self-righteousness, bigotry, and hypocrisy.

These and similar reasons for the liberal hesitancy in appealing publicly to ethical and political values may well be persuasive to a certain degree. The relative persuasiveness of these reasons, however, rests on the fact that they themselves embody a *normative commitment* on behalf of “substantial values” such as liberal rights, freedom of religion, and a democratic and pluralist civil society. One may assume that in many cases, such liberal commitment is itself actually based on a strong moral and political (and sometimes also a religious) conviction that, however, does not always find an appropriate expression. Motivated by the fear of moral guardianship, by a general respect for modern pluralism, and by a deep loathing for all sorts of self-righteousness, many liberals exercise what may be called a

deliberate self-restraint in expressing their own normative convictions. As a result of this attitude, however, the awareness that there are some fundamental normative insights underpinning liberalism might be dwindling more and more, both among non-liberals and liberals themselves.

Liberal self-restraint in expressing genuinely normative convictions can lead to practical problems and serious misunderstandings. Not only does it render liberalism vulnerable to anti-liberal polemics, it may also blur the distinction between an ethical and political liberalism, on the one hand, and an attitude of possessive individualism or skeptical indifference that often is also labeled “liberal,” on the other. In other words, what is missing is not only the conceptual and rhetorical weapons needed for liberals to defend themselves against attacks from without. Perhaps even more problematic are the misunderstandings that might arise from within – that is, from the lack of clarity in identifying the very principles on which ethical and political liberalism is normatively based.

I would therefore argue that liberals cannot afford simply to withdraw from a discussion of “values,” “virtue,” and “faith.” This does not mean that they should completely abandon their typical reluctance toward an all too straightforward invocation of strong convictions and common values. What is required, instead, is a *careful* language equally remote from enthusiasm and cynicism, or from dogmatism and skepticism. It may be advisable in many instances to avoid a direct appeal to strong moral convictions and, instead, to resort to *indirect* hints. And it may, moreover, generally be the case that the only way to speak about human “virtue” without immediately evoking the charge of naivety or bigotry is by using a slightly *ironic* language – that is, a language that mirrors an awareness of the insuperable ambivalence of all moral “phenomena.”

The general purpose of this book is to show that Kant’s practical philosophy can help us to develop an appropriate language of liberal ethics in the broadest sense. What Kant offers is a highly sophisticated language that includes, among other things, the deliberate use of *symbols*, *analogies* and, at times, a friendly *irony*. Symbols, analogies, and irony can serve as a means of expressing *indirectly* those basic normative convictions that, at the same time, must be protected against the ever-lurking tendencies of authoritarian objectification.

2. The Unconditioned Within the Human Condition

Symbolism plays a crucial role in the architecture of Kant's philosophy. This holds especially true for his practical philosophy. As Gerhard Krüger remarks, the issue of symbolic representation is "the basic problem of [Kant's] practical philosophy in general."¹ What characterizes Kant's practical philosophy as a whole is a systematic reflection on how the unconditional claims of morality can come into sight and become effective within the contingencies of human existence.² As moral beings, we are exposed to an *unconditional* vocation that, at the same time, takes shape within the *conditions* of our insuperable finiteness. This peculiar interwovenness of the "unconditioned" and the "conditioned" manifests itself in various ways in Kant's practical philosophy.

Take, for instance, the concept of moral autonomy. On the one hand, Kant points out that a person's moral responsibility is not confined to the implementation of given moral norms, but extends to the legislative *creation* of norms. That the human being operates as an active "legislator" in the realm of morality is a specifically modern idea indicating the enlarged scope of the modern awareness of freedom in general, an awareness that comes to the fore philosophically, above all, in Kant's concept of autonomy. On the other hand, Kant emphasizes time and again that moral autonomy differs fundamentally from an attitude of supermoral complacency, because moral autonomy inevitably remains under the spell of an apodictic command – that is, the categorical imperative. Moral autonomy means the existential experience of an unconditional responsibility, a responsibility, however, that at the same time is inextricably connected with the awareness of human frailty and finiteness. Hence, autonomy in the Kantian sense proves the very opposite of any pretension of human "sovereignty" in moral matters,³ a pretension to which the concept of autonomy has at times been mistakenly equated.

The emotional impact of moral autonomy is respect before the moral law, a peculiar feeling that simultaneously humiliates and

¹ Gerhard Krüger, *Philosophie und Moral in der Kantischen Kritik* (Tübingen: Mohr-Siebeck, 2nd ed., 1967), p. 83.

² Cf. Johannes Schwartländer, "Sittliche Autonomie als Idee der endlichen Freiheit. Bemerkungen zum Prinzip der Autonomie im kritischen Idealismus Kants," in: *Theologische Quartalsschrift* 161 (1981), pp. 20–33.

³ Cf. Onora O'Neill, *Constructions of Reason. Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989), pp. 75–77.

elevates the human being. By confronting the individual with his or her own moral failures, respect inevitably has a humiliating effect. At the same time, however, respect raises the person above mere animal nature, and hence also has an elevating effect. Kant points out that the humiliating and the elevating aspects within the feeling of respect before the moral law are paradoxically intertwined, thus revealing once more the interwovenness of the unconditioned and the conditioned in human existence.

Finally, human finiteness manifests itself in the fact that human beings cannot ultimately comprehend the unconditional moral vocation under whose spell they find themselves. Morality in general remains beyond the scope of both empirical demonstration and theoretical speculation. The unconditional "ought" inherent in moral consciousness reveals itself as a "fact of reason," as Kant puts it. This "fact of reason" is the existential reality of the moral vocation, a reality of which we are certain in moral *practice*, even though we ultimately fail to comprehend (let alone prove) it in *theory*. We thus again confront the inextricable interconnectedness of the unconditioned and the conditioned. Practice and theory remain different, and practical and theoretical use of reason can never be one and the same thing. It is only *indirectly* that they form a unity. That is, the practical certainty of the moral vocation opens up a horizon of meaning that stretches far beyond the realm of human cognition in the scientific sense. Within that comprehensive horizon of meaning, we can reflect philosophically on the guiding principles of moral and legal practice as well as raise the fundamental questions of philosophy of history, religion, and metaphysics. The answers that we may find, however, differ from scientific propositions in that they typically have a merely *symbolic* sense. Rather than presenting direct objects of human cognition, practical insights based on the consciousness of our moral vocation need to be mediated through symbols and analogies that *indirectly* point to a dimension that remains outside of the realm of the objectifying sciences.

3. Symbolic Representation in Kant's Works

Symbolic representation has a crucial function in Kant's practical philosophy. In the academic literature on Kant, however, the role of symbolism has not received much attention. Many authors do not even mention it. The number of studies that deal in some detail

with Kant's symbolism is relatively small.⁴ This widespread neglect can partly be explained by the fact that Kant himself, although repeatedly alluding to the topic, does not elaborate it systematically. As Gerhard Krüger writes: "It is unfortunate that Kant never analyzes *indirect* representation in the same detailed way in which he analyzes *direct* representation."⁵

In his *Critique of Practical Reason*, Kant devotes a short and complicated section, titled "On the Typic of Pure Practical Judgment," to the problem of symbolic representation. However, apart from the few pages of that section, the relevant passages are found primarily outside of Kant's moral philosophy. Most important is the section "On the Final Aim of the Natural Dialectic of Human Reason" in the *Critique of Pure Reason*. The *Prolegomena to Any Future Metaphysics* also contains some hints at the significance of symbols. Perhaps the most systematic explanation of the difference between direct ("schematic") and indirect ("symbolic") representation is given in the *Critique of Judgment*.

⁴ Cf., for instance, Erich Adickes, *Kant und die Als-Ob-Philosophie* (Stuttgart-Bad Cannstatt: Frommann, 1927); Gerhard Krüger, *op. cit.*, pp. 83ff.; Lewis White Beck, *A Commentary on Kant's Critique of Practical Reason* (Chicago: University of Chicago Press, 1960), pp. 154ff.; John R. Silber, "Der Schematismus in der praktischen Vernunft," in: *Kant-Studien* 56 (1965), pp. 253–273; Johannes Schwartländer, *Der Mensch ist Person. Kants Lehre vom Menschen* (Stuttgart: Kohlhammer, 1968), pp. 154ff.; Michel Despland, *Kant on History and Religion* (Montreal and London: McGill-Queen's University Press, 1973); Gerhard Luf, *Freiheit und Gleichheit. Die Aktualität im politischen Denken Kants* (Vienna and New York: Springer, 1978), pp. 30ff.; Friedrich Kaulbach, *Das Prinzip Handlung in der Philosophie Kants* (Berlin and New York: de Gruyter, 1978), pp. 63ff., 84ff.; Heinrich Böckerstette, *Aporien der Freiheit und ihre Aufklärung durch Kant* (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1982), pp. 325ff.; Hans-Michael Ferdinand, *Einhelligkeit von Moral und Politik, Zu Kants kritischer Bestimmung des Friedens* (unpublished PhD thesis, University of Tübingen, 1987), pp. 156ff.; Paul Guyer, *Kant and the experience of freedom. Essays on aesthetics and morality* (Cambridge: Cambridge University Press, 1993); Guido Löhrer, *Menschliche Würde. Wissenschaftliche Geltung und metaphorische Grenze der praktischen Philosophie Kants* (Freiburg/Germany: Alber, 1995), pp. 217ff.; Claus Dierksmeier, *Das Noumenon Religion. Eine Untersuchung zur Stellung der Religion im System der praktischen Philosophie Kants. Kant-Studien Ergänzungshefte* 133 (Berlin and New York: de Gruyter, 1998), pp. 40ff. It is surprising that Ernst Cassirer, whose philosophical work more than that of any other twentieth-century philosopher is devoted to exploring the manifold functions of symbols in the human mind and in human culture and who, as a former student of Hermann Cohen's, has a strong neo-Kantian background, scarcely touches on the role of symbolism in Kant's practical philosophy. The main reason for this neglect might be the fact that Cassirer is primarily interested in questions of theoretical rather than practical philosophy.

⁵ Krüger, *op. cit.*, p. 86 (emphasis added).

The relevant section, however, is relatively short. After briefly touching on the subject, Kant desists from a closer scrutiny, although he at least emphasizes the importance of further investigation: “This function [of judgment] [i.e., the symbolic function, H.B.] has not been analyzed much so far, even though it very much deserves fuller investigation; but this is not the place to pursue it.”⁶ Finally, Kant’s *Religion Within the Boundaries of Mere Reason* contains many examples of the use of symbols in religious faith. Again, what is missing is a systematic analysis of the subject.⁷ In this book, I will bring together Kant’s various hints, allusions, and brief explanations of the role of symbolic representation. My purpose is to highlight systematically the importance of Kant’s symbolism for a comprehensive understanding of his practical philosophy.

4. Toward a Critical Metaphysics

The reflection on the significance of symbolic representation provides us with a golden thread that runs through the various parts of Kant’s practical philosophy, thus binding them together into a complex whole and showing that Kant’s philosophy is far from being “dualistic.”⁸ On the contrary, it can be understood as a “careful holism.” The conceptual distinctions that Kant introduces – for instance, between freedom and nature, duty and inclination, ethics and aesthetics, morality and religion – serve as devices designed to clarify the *open interconnectedness* between various validity claims that make up human experience as a whole. Thus, clear conceptual *distinction* and systematic *connection* are two sides of the same coin. The importance of symbolic representation can be seen not least in its function of facilitating an understanding of the (frequently only indirect) interconnectedness of the various dimensions that together constitute the fabric of human “experience” in the broader sense of the word.

⁶ Critique of Judgment, p. 227 (5: 352).

⁷ Cf. Despland, *op. cit.*, p. 261, who sees in Kant’s *Religion Within the Boundaries of Mere Reason* “only the beginnings of a systematic theory of symbols.”

⁸ This charge of “dualism” has often been raised against Kant. It can be found even with scholars who generally profess a critical sympathy for Kant, such as, for instance, Seyla Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics* (New York: Routledge, 1992), p. 131.

Such a comprehensive perspective also opens up the possibility of understanding Kantian metaphysics. Despite the fact that he is the harshest critic of the dogmatic metaphysics of the philosophical schools, Kant is convinced that metaphysics remains a legitimate purpose of philosophical reflection. He even praises metaphysics as the final and highest end of human reason. The way in which human beings pose metaphysical questions and seek answers, however, has substantially changed in modern times. Kant's philosophy may be the most evident manifestation of that fundamental transformation. For Kant embarks on a systematic and critical investigation of the dogmatic propositions that are typical of traditional metaphysics (and that can still be found in the metaphysical edifices of pre-Kantian enlightenment). He relentlessly undermines the purportedly scientific foundations of metaphysical propositions by which finite human beings pretend to be able to achieve an "objective" knowledge of the order of being. Torn as he is between admiration and fright, Moses Mendelssohn therefore calls the author of the *Critique of Pure Reason* the "all-destroying Kant."⁹

With his systematic criticism of dogmatic metaphysics, Kant pursues two purposes: an epistemological one and a practical one. On the one hand, he attempts to define precisely the scope and limitations of objectifying human cognition in order to foster epistemological and methodological clarity in the sciences. Hence the critical refutation of a dogmatic metaphysics that ignores the limits of human understanding and thereby undermines the integrity of scientific research. By cutting back the pretensions of vain metaphysical speculation, Kant, on the other hand, broadens the scope for the practical awareness of freedom whose inherent unconditionality has often been obscured by excessive claims of theoretical knowledge. If human beings pretend to have a comprehensive insight into the cosmic order of things, the course of human history, or the will of the divine creator, they will not be able to fully realize their unconditional moral vocation. Moral practice is practice of freedom. It cannot ground itself immediately on a purportedly objective knowledge, say, of a given teleological order of nature or a divine plan of salvation. It is hence also

⁹ Moses Mendelssohn, "Morgenstunden oder Vorlesungen über das Daseyn Gottes" (1785), in: *Werke*, Vol. III/2, ed. by Leo Strauss (Stuttgart-Bad Cannstatt: Frommann, 1974), p. 3.

on behalf of moral autonomy that we have to clarify the difference between theoretical knowledge (including metaphysical speculation) and the claims of morality. A critical investigation into the scope and limits of human cognition will therefore help to sharpen both the epistemological awareness within the sciences and the practical awareness of morality and moral freedom.

However, Kant's critique of speculative metaphysics is by no means meant to abandon metaphysical questions in general. What is at issue in his critical project is not a destruction, but rather a transformation, of metaphysics. The unconditional command of the categorical imperative – and hence the consciousness of human freedom – provides the basis for a new and *critical* metaphysics – that is, a metaphysics that does not pose as science but instead amounts to a practical faith. It is with this intention that Kant formulates his famous statement in the preface to the second edition of the *Critique of Pure Reason*: “Thus I had to deny *knowledge* in order to make room for *faith*.”¹⁰ The idea of freedom that remains beyond the grasp of scientific knowledge opens up the possibility of addressing the old metaphysical questions in a new way.¹¹ Kant's answers to these questions do not claim the status of scientific findings but constitute a practical faith that finds expression in the *language of symbols*.

One cannot leave aside Kant's interest in metaphysical questions without neglecting an essential component of his philosophy, as Gerhard Krüger rightly warns.¹² This admonition, which Krüger three generations ago formulated with regard to a neo-Kantianism chiefly interested in epistemology, continues to be relevant. It holds equally true with regard to those “postmetaphysical” transformations of Kant's philosophy that have recently been proposed in discourse ethics¹³ – that is, if these transformations are meant to be *post-metaphysical*, they

¹⁰ Critique of Pure Reason, p. 117 (3 :19/B XXX).

¹¹ Cf. Max Wundt, *Kant als Metaphysiker. Ein Beitrag zur Geschichte der deutschen Philosophie im 18. Jahrhundert* (Stuttgart: Ferdinand Enke, 1924), p. 198: “The renewal of metaphysics is the task which critical philosophy has established and the purpose to which it aspires.”

¹² Cf. Krüger, *op. cit.*, pp. 6–7.

¹³ Cf. the programmatic title in the essay by Karl-Otto Apel, “Diskursethik als Verantwortungsethik – eine postmetaphysische Transformation der Ethik Kants” [= Discourse Ethics as an Ethics of Responsibility – a Postmetaphysical Transformation of Kant's Ethics], in: Gerhard Schönrich and Yasushi Kato, eds., *Kant in der Diskussion der Moderne* (Frankfurt: Suhrkamp, 1996), pp. 326–359.

will, at the same time, also be *post-Kantian*. Indeed, they go beyond Kant, not only in that they develop some of his insights further, but also in that they abandon an essential part of Kant's philosophical project.

If philosophy remains mute vis-à-vis the metaphysical questions of the human being, however, the danger arises that metaphysics will become the reserve of an esotericism that leaves no room for critical thought. This would certainly be unfortunate. Herbert Schnädelbach is right in insisting that metaphysical reflection is not a relic of bygone ages, but continues to constitute an important part of human self-understanding, and hence should remain worthy of philosophical investigation: "I still consider metaphysical questions as inescapable because they are imposed upon us by reason itself (Kant). And if certain types of answers are no longer acceptable this does not mean that those questions cannot be raised any more."¹⁴

5. Overview of the Book

The theme of this book is not a special "domain" within Kant's practical philosophy. Instead, my purpose is to reconstruct the role that symbolic representation plays in the *entire architecture* of Kant's practical philosophy. My claim is that a systematic account of symbolic representation can facilitate, among other things, a better understanding of how the various parts of Kant's practical philosophy – moral philosophy (in the narrow sense), legal philosophy, philosophy of history, and philosophy of religion – are essentially interwoven.

Before embarking on a detailed analysis, I give a short *characterization of Kant's way of philosophizing* about practical matters in general. In Chapter II, titled "Kant's Socratic Enlightenment," I describe his approach as a modern form of Socratic "midwifery," because his intention is merely to bring to light the normative principles that, in a way, have always operated as guidelines for moral judgment. The need for philosophical clarification of those principles arises from a "sophistic" tendency within human reason itself – namely, to obscure

¹⁴ Herbert Schnädelbach, "Metaphysik und Religion heute," in: *Zur Rehabilitierung des animal rationale. Vorträge und Abhandlungen 2* (Frankfurt: Suhrkamp, 1992), pp. 137–157, at p. 137.

the unconditional command of morality by turning it into a mere object of human cognition. For Kant, symbolic representation offers a way to avoid the complementary “sophistic” pitfalls of dogmatism and skepticism by addressing the morally unconditioned *indirectly* – that is, by means of a deliberate use of symbols and analogies.

The general question raised in Chapter III is *how the morally unconditioned can be mediated by the human being’s cognitive and emotional faculties*. Kant points out that the unconditioned can be represented to the human mind only by employing the understanding [*Verstand*] whose universal lawfulness constitutes the mediating link between the morally unconditioned, on the one hand, and the human lifeworld, structured via maxims, on the other. This universal lawfulness finds a symbolic representation in the law of nature, which thus provides the “type” of the moral law. At the same time, nature also symbolizes a comprehensive purposive order (the “kingdom of ends”), which the moral agent has to bring about actively. Moreover, for an understanding of the emotional impact that the morally unconditioned has on the human mind, nature again offers an analogy, because the experience of the sublime in nature (“the starry heavens above me”) bears a structural resemblance to that feeling of respect that “the moral law within me” causes. In short, given its inherent lawfulness, purposiveness, and overwhelming majesty, nature constitutes the crucial symbol of human morality in general.

Chapter IV is devoted to Kant’s *applied ethics*. The universal lawfulness that the moral imperative commands can only take shape through maxims that themselves are contextualized subjective principles. Beyond the development of individual moral maxims, the moral imperative also requires the human being to strive for a comprehensive purposive order symbolized in the “kingdom of ends” (as well as in the idea of the “highest good”). The two fundamental ends the individual is bound to promote – one’s own perfection and the happiness of others – imply the recognition of genuinely social duties (*vis-à-vis* the state, the church, and society at large). In this context, the rules of societal politeness deserve to be cherished as a playful – and at times ironic – way of expressing symbolically the respect that human beings ought to accord one another as morally autonomous subjects.

For Kant, the *order of rights* (the topic of Chapter V) is also an important part of applied ethics because the public guarantee of equal

rights of freedom expresses the due recognition for every person's moral autonomy. For all the difference between moral autonomy and the order of rights, there is at the same time an *analogy* between those two dimensions of human freedom, an analogy that makes it possible to understand the right of freedom as an institutionalized symbolic representation of autonomy. The order of rights itself takes shape through republican legislation, which ought to proceed in accordance with the normative idea of the "united will of the people." To protect the republic against the dangers of despotism, Kant insists that the legislative and executive functions of the state be institutionally separated. In addition to this requirement of separation of powers, the legitimacy of the state as an administrator of "public rights" depends on the government's readiness to expose its political maxims to public discourse.

Although the moral quality of a human being's action ultimately rests on his or her goodwill rather than the effects that that action might cause in the external world, moral agents will necessarily be interested also in the *actual success* of their moral commitment. Without cherishing at least some *reasonable hope* that moral action can yield meaningful results in the world, the moral imperative itself would amount to an absurd demand. The search for traces in nature and history on which such a reasonable hope can be grounded constitutes one of the primary goals of Kant's *teleology* (which is addressed in Chapter VI). In order to preserve the independence of the moral imperative from any worldly expectations and results, the relationship between the order of freedom (i.e., morality) and the order of nature (including the realm of human history) must be conceptualized as an *indirect* one. Again, symbols have a crucial function in facilitating an understanding of that indirect relationship.

The need for moral hope cannot be satisfied by traces of purposiveness in this world. Since the "highest good" (i.e., a perfect reconciliation between virtue and happiness) that the moral agent feels called upon to promote actively can never be completed by finite human beings, the categorical imperative itself points to a *religious dimension of hope* without which morality would lose its comprehensive horizon of meaning. Thus Kant's understanding of morality inevitably leads to religion (which is the topic of Chapter VII). Religion in turn always implies the use of symbols. The only way to speak about God without

falling into idolatry, Kant argues, is by means of a “symbolic anthropomorphism” that rests on the awareness that no direct cognition of God is possible for human beings. In his philosophy of religion, Kant also deals with the role of the church as an institutionalized symbolic representation of that “ethical community” (or “invisible church”) with reference to which human beings can understand their struggle for virtue as a *common* task.

In Chapter VIII, I briefly summarize the various ways in which symbolic representation comes to the fore, as well as the different purposes it serves in Kant’s practical philosophy.

II

Kant's Socratic Enlightenment

1. Leaving the State of Tutelage

"Enlightenment is the human being's emergence from his self-incurred minority."¹ This famous opening of Kant's *Answer to the Question What is Enlightenment?* provides a first clue to understanding Kant's practical philosophy in general. The German term *Unmündigkeit* has been translated in English Kant editions as "immaturity," "tutelage," or "minority."² *Unmündigkeit* has a moral or legal meaning: It refers to a person who, like a minor, lacks full moral or legal responsibility. "*Unmündigkeit*," Kant defines, "is inability to make use of one's own understanding without direction from another."³ At the same time, however, Kant assumes that the person is already responsible for this state of tutelage, a state which, he says, is "*selbstverschuldet*." The English translation as "self-incurred" obscures the strong moral and legal connotation of "*selbstverschuldet*," a term that includes the component of guilt [*Schuld*]. Hence, what Kant wants to point out is that people are responsible for their not being fully responsible, which is certainly a paradox.

Assuming that this paradox is not tantamount to an outright logical contradiction, we had better understand *Unmündigkeit* as a relative

¹ Enlightenment, p. 17 (8: 35).

² All these translations are referred to by Allen W. Wood, "Rational Theology, Moral Faith, and Religion," in: Paul Guyer, ed., *The Cambridge Companion to Kant* (Cambridge: Cambridge University Press, 1992), pp. 394–416, at p. 410.

³ Enlightenment, p. 17 (8: 35).

(rather than absolute) situation of tutelage or minority. Kant indeed emphasizes that *Unmündigkeit* is *selbstverschuldet* only “when its cause lies not in lack of understanding but in lack of resolution and courage to use it without direction from another.”⁴ The “inability to make use of one’s own understanding” is not an unchangeable fate; it is a state of affairs that the person could, at least in principle, overcome by struggling for a higher degree of self-responsibility. The challenge of enlightenment therefore manifests itself as an appeal: “*Sapere aude!* Have courage to make use of your *own* understanding!”⁵

Enlightenment appeals to a faculty that the human being ought to realize on behalf of his or her own human dignity. Hence the imperative character of that appeal (underscored by the two exclamation marks). What is at issue is a fundamental duty – namely, the full realization of the faculty of moral self-responsibility. Since human dignity is based upon the person’s moral vocation, the deliberate denial to develop one’s self-responsibility would amount to a violation of one’s own dignity. And a formal renunciation of any further enlightenment, sometimes spelled out in the terminology of Kant’s day as an authoritarian form of social contract, would be the utmost absurdity. As Kant emphasizes, such a contract would be “a crime against human nature.”⁶

The imperative of enlightenment presupposes that the human being is both in need of enlightenment and, at the same time, able to strive for it actively. Kant is convinced that the project of enlightenment is still far from being fully realized. When he raises the question “whether we at present live in an *enlightened* age,” his answer, remarkably, is “No.” However, then he goes on to declare: “but we do live in an *age of enlightenment*.”⁷ This is to say that enlightenment poses a challenge that can never be met once and for all. In order to take up this challenge, however, we have to assume that people, in principle, are capable of embarking on the process of enlightenment. If this were not the case, the only way of “enlightening” people would be by means of an external indoctrination designed to “create” the

⁴ Enlightenment, p. 17 (8: 35).

⁵ Enlightenment, p. 17 (8: 35).

⁶ Enlightenment, p. 20 (8: 39).

⁷ Enlightenment, p. 21 (8: 40).

responsible subject. It would mean to do what Rousseau expects from a superhuman utopian legislator – namely, to “alter, so to speak, human nature.”⁸ Kant rejects such a presumptuous idea with determination. He supposes that human beings are in a state somewhere between total dependency, on the one hand, and a mature self-responsibility, on the other. Enlightenment therefore is an everlasting process: It is the human being’s permanent “emergence” [*Ausgang*] from a state of relative irresponsibility (for which people nonetheless are already responsible) to a higher degree of self-responsibility. Unlike the English term “emergence,” the German term *Ausgang*, which literally means “going out,” implies an active endeavor on the side of the individual. Hence, what counts is active efforts in embarking on the burdensome and never-ending movement of enlightenment.

According to Kant, enlightenment is conceivable only as *self*-enlightenment. Only by respecting every individual as a subject of (at least potential) self-responsibility can enlightenment protect itself against the danger of degenerating into authoritarian indoctrination. Respect for every individual’s self-responsibility is not only the final purpose, but also a necessary precondition of enlightenment. At the same time, however, Kant emphasizes that enlightenment can succeed only as a *common* project that people have to undertake in solidarity. He argues that besides having individual handicaps, such as a lack of courage and resolution, people also have to reckon with structural obstacles to enlightenment. Relationships of personal dependency and guardianship show a tendency to harden structurally. Not only may he who has grown accustomed to being patronized find it convenient to give up his responsibility to an authority that pretends to take care of him,⁹ with the result that dependency “has become almost nature to him.”¹⁰ The guardians, too, are often interested in maintaining their authority, and therefore denounce enlightenment as a dangerous error: “[A]fter they have made their domesticated animals dumb and carefully prevented these placid creatures from daring to take a

⁸ Jean-Jacques Rousseau, *Du Contract Social*, book II, chapter 7 (Oeuvres Complètes, Vol. III, Paris: Éditions Gallimard, 1964, p. 381).

⁹ Cf. Enlightenment, p. 17 (8: 35): “It is so comfortable to be a minor! If I have a book that understands for me, a spiritual advisor who has a conscience for me, a doctor who decides upon a regimen for me, and so forth, I need not trouble myself at all.”

¹⁰ Enlightenment, p. 17 (8: 36).

single step without the walking cart in which they have confined them, they then show them the danger that threatens them if they try to walk alone.”¹¹

Since it faces such structural obstacles, enlightenment must become a *public* project in which people join together in order to accomplish a liberal culture of public discourse. Individual enlightenment and public enlightenment presuppose one another mutually. On the one hand, public enlightenment presupposes the individual’s vocation to self-responsibility, a vocation that must always be respected as something inalienable. On the other hand, it seems unlikely that people will be able to practice their faculty of self-responsibility if public and political debates, by which they can train their intellectual faculties, do not exist. Kant raises the rhetorical question: “How much and how correctly would we *think* if we did not think as it were in community with others to whom we *communicate* our thoughts, and who communicate theirs with us!”¹² Enlightenment, which as a merely individual endeavor is probably doomed to failure,¹³ thus calls for critical public discourse, as Kant points out: “But that a public should enlighten itself is more possible; indeed this is almost inevitable, if only it is left its freedom.”¹⁴

2. Philosophy in the Service of Enlightenment

A philosophy operating in the service of enlightenment must abstain from all sorts of authoritarianism. The fact that the philosophical faculty merely occupies the “lower” rank within the university system

¹¹ Enlightenment, p. 17 (8: 35).

¹² What Does It Mean to Orient Oneself in Thinking?, p. 16 (8: 144).

¹³ Cf. Enlightenment, p. 17 (8: 36): “Hence there are only a few who have succeeded, by their own cultivation of their spirit, in extricating themselves from minority and yet walking confidently.”

¹⁴ Enlightenment, p. 17 (8: 36). Given such clear statements on the necessity of public enlightenment, is it surprising that the prejudice against the allegedly radical individualism or even solipsism of Kant’s practical philosophy has persisted to the present day. This prejudice can be found, for instance, in Wolfgang Kuhlmann, “Solipsismus in Kants praktischer Philosophie und die Diskursethik,” in: Gerhard Schönrich and Yasushi Kato, eds., *Kant in der Diskussion der Moderne* (Frankfurt: Suhrkamp, 1996), pp. 360–395. For a strong criticism of the common stereotype of Kantian “individualism” cf. Allen W. Wood, *Kant’s Ethical Thought* (Cambridge: Cambridge University Press, 1999), pp. 300ff.

might thus be a good thing, as Kant remarks ironically.¹⁵ For unlike the “higher” faculties, most notably theology and jurisprudence, philosophy can never resort to external authorities. The philosopher does not lecture in the name of a divine revelation or on behalf of the government, but merely appeals to the common human understanding. As Kant puts it metaphorically, philosophy occupies the “left bench” in the parliament of the faculties because it subjects the claims of the governing faculties, which themselves sit on the “right bench,” to a critical scrutiny. “The rank of the higher faculties (as the right side of the parliament of learning) supports the government’s statutes; but in as free a system of government as must exist when it is a question of truth, there must also be an opposition party (the left side), and this is the philosophy faculty’s bench.”¹⁶

The purpose of philosophical criticism is to analyze the possibilities and limits of the human mind by raising the fundamental human questions: “What can I know? What ought I to do? What may I hope? What is man?”¹⁷ To answer these questions, philosophy proceeds as a *self-clarification* of common human understanding. If enlightenment in general is possible only as *self-enlightenment*, then it follows that a philosophy devoted to fostering enlightenment must also base itself on the faculty of independent thinking. “No one at all can call himself a philosopher who cannot philosophize. Philosophizing can be learned, however, only through practice and through one’s own use of reason.”¹⁸ According to the testimony of his biographer, Borowski, Kant himself used to introduce his lectures with the remark that “what he would teach was not philosophy but rather philosophizing.”¹⁹

¹⁵ Cf. Conflict of the Faculties, p. 249 (7: 20): “The reason why this faculty [viz.: the philosophical faculty, H.B.], despite its great prerogative (freedom), is called the lower faculty lies in human nature; for a human being who can give commands, even though he is someone else’s humble servant, is considered more distinguished than a free man who has no one under his command.”

¹⁶ Conflict of the Faculties, p. 261 (7: 35).

¹⁷ Logic, p. 538 (9: 25).

¹⁸ Logic, p. 538 (9: 25).

¹⁹ Ludwig Ernst Borowski, “Darstellung des Lebens und Charakters Immanuel Kants” (1804), reprinted in Felix Groß, ed., *Immanuel Kant. Sein Leben in Darstellungen von Zeitgenossen* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1993), pp. 1–102, at p. 36.

What holds for philosophy in general is particularly true of the realm of practical philosophy: It can operate only as an active and independent philosophizing whose starting point and final frame of reference is moral *practice* and its underlying moral consciousness. This insight comes to the fore most clearly in a footnote at the beginning of the *Critique of Practical Reason*. Confronted with the charge that in his *Groundwork of the Metaphysics of Morals* he had failed to provide a new principle of morality, Kant frankly admits that the categorical imperative, which he had analyzed as the criterion of moral self-legislation, is indeed not essentially novel, but is “only a new formula.” For, as he goes on, to pretend to supply a completely new principle of morality would be a presumptuous and absurd claim: “But who would even want to introduce a new principle of all morality and, as it were, first invent it? Just as if, before him, the world had been ignorant of what duty is or in thoroughgoing error about it.”²⁰

Following Rousseau, Kant is convinced that morality cannot remain a privilege of a small number of intellectuals. It contains a claim that in equal measure addresses every human being, independent of his or her level of education. If philosophers were to pretend to create and teach a completely new principle of morality, they would thereby violate the principle of due respect for every person’s moral vocation. Moral philosophy, in a way, proceeds only as a second-order phenomenon in that it helps to bring to light principles that have existed prior to, and independent of, any academic reflection. At the same time, however, Kant points out that such philosophical investigation is meaningful. Although his *Groundwork* has indeed merely produced a “new formula,” as his critic Christian Garve had correctly observed, this formula is useful practically because it helps to clarify the moral consciousness. Kant therefore goes on in his response by declaring, “But whoever knows what a *formula* means to a mathematician, which determines quite precisely what is to be done to solve a problem and does not let him miss it, will not take a formula that does this with respect to all duty in general as something that is insignificant and can be dispensed with.”²¹ What philosophy can provide on behalf of human self-enlightenment is merely a service

²⁰ Critique of Practical Reason, p. 143 footnote (5: 8 footnote).

²¹ Critique of Practical Reason, p. 143 footnote (5: 8 footnote).

that must always refer back to common human understanding. And yet philosophy can have an enormous practical value if it clarifies the inherent principles of the human mind.

3. The Example of Socrates

To better understand Kant's way of philosophizing, it may be helpful to consider his high esteem for Socrates, the ideal type of a philosopher whose behavior, as Kant writes, "comes closest to the *idea of a wise man*."²² In various regards, Kant places himself in the wake of Socrates. I would like to focus on three aspects: (a) the primacy of the practical use of reason, (b) the Socratic "midwifery," and finally (c) the confrontation with a pseudo-enlightened sophistry.²³

A. The Primacy of the Practical Use of Reason

In his short summary of the history of philosophy, Kant writes: "The most important epoch of Greek philosophy starts finally with *Socrates*. For it was he who gave to the philosophical spirit and to all speculative minds a wholly new *practical* direction."²⁴ Knowledge is vain if it becomes a purpose in itself. Kant, according to his own testimony "a researcher from inclination,"²⁵ has learned from studying Rousseau that it would be a grave error to measure a human being's dignity by his or her intellectual education and skills. At the same time, Kant's admission "Rousseau set me right"²⁶ is a profession of the Socratic way of philosophizing, with its emphasis on moral practice. Hence his confession: "I would consider myself to be less useful than a common laborer, if I did not believe that this contemplation can help to establish the rights of humanity."²⁷ Kant's biographer Reinhold Bernhard

²² *Logic*, p. 542 (9: 29).

²³ To avoid any possible misunderstanding I should like to add the clarification that Kant certainly did not fear an immediate revival in his day of the sophistic schools. What he has in mind when he critically refers to "sophistry" is a particular *type* of thinking epitomized paradigmatically by the ancient sophists. The same holds for the "Socratic method," which also represents a specific *type* of philosophizing that has come to be connected with the name of Socrates.

²⁴ *Logic*, pp. 541–542 (9: 29).

²⁵ *Kant's Unpublished Works*, Vol. 7 (20: 44).

²⁶ *Unpublished Works*, Vol. 7 (20: 44).

²⁷ *Unpublished Works*, Vol. 7 (20: 44).

Jachmann reports: “His heart pulled down his mind from the realms of abstract speculation back to human life.”²⁸

Kant’s insight into the primacy of the practical use of reason²⁹ appears at times already in his pre-critical writings. In his *Dreams of a Spirit-Seer*, a highly ironic refutation of empty metaphysical speculation, Kant declares with reference to Socrates: “Once Science has finished her circle, she naturally reaches the point of a modest suspicion, saying unwillingly to herself: How many things exist which I do not understand! But Reason, once she has matured through Experience and thus become Wisdom, stands cheerfully in the midst of the goods of a marketplace, professing through the mouth of Socrates: How many things exist which I do not need!”³⁰

Whereas presumptuous claims of omniscience distract human reason from its practical purposes, Kant praises the modesty of Socrates as “a laudable ignorance, really a knowledge of non-knowledge, according to his own admission.”³¹ When Kant, in his *Critique of Practical Reason*, ventures the idea “that the inscrutable wisdom by which we exist is not less worthy of veneration in what it has denied us than in what it has granted us”³² because it is only through the ultimate *non-knowledge* of God’s existence, the course of history, and the final fate of the human being that moral freedom is possible, he stands again in the tradition of the Socratic primacy of the practical over the theoretical use of reason. The practical vocation of morality also provides the basis for Kant’s answers to the perennial questions of humankind and for a new metaphysics that does not pose as scientific truth, but instead forms a rational faith.

B. Socratic Midwifery

It is well known that Socrates, the son of a midwife, has compared his own philosophical method with his mother’s profession because by

²⁸ Reinhold Bernhard Jachmann, “Immanuel Kant geschildert in Briefen an einen Freund (1804),” reprinted in Groß, ed., *op. cit.*, pp. 103–187, at p. 124.

²⁹ Cf. *Critique of Practical Reason*, p. 238 (5: 121): “. . . all interest [of reason, H.B.] is ultimately practical and even that of speculative reason is only conditional and is complete in practical use alone.”

³⁰ Kant, *Träume eines Geistersehers erläutert durch Träume der Metaphysik* [= *Dreams of a Spirit-Seer Explained by Dreams of Metaphysics*] (1766) (2: 369).

³¹ *Logic*, p. 553 (9: 45).

³² *Critique of Practical Reason*, p. 258 (5: 148).

philosophizing he does not claim to create anything new, but merely helps to bring to light something that is essentially already existent.³³ Kant frequently refers to this modest Socratic understanding of philosophy, which he says is especially important in matters of moral philosophy. His purpose as a moral philosopher is merely to sharpen the awareness of the guiding moral principle that has always been operative in common human reason. He thus states: “[W]ithout in the least teaching it [viz., human reason, H.B.] anything new, we only, as did Socrates, make it attentive to its own principle.”³⁴

In his *Lectures on Pedagogy*, Kant promotes the Socratic method as the only appropriate way of moral education: “In educating reason one has to proceed in the Socratic manner. For in his dialogues . . . *Socrates*, who called himself the midwife of the knowledge of his listeners, gives us examples of how one can produce some knowledge even from elderly people.”³⁵ In the “Doctrine of Method” of the *Critique of Practical Reason*, Kant imagines a teacher who, by means of skillful interrogation, leads a ten-year-old pupil to discover the principle of morality.³⁶ And at the conclusion of the *Lectures on Logic*, Kant once again professes his admiration for Socrates whose dialogic procedure has paved the way for independent thinking: “The Socratic dialogue teaches, that is, through questions, by acquainting the learner with his own principles of reason and sharpening his attention to them.”³⁷

It is not only because of the primacy of the practical use of reason, but also because of its open interrogative procedure, that Kantian enlightenment proves to be the very opposite of any dogmatic authoritarianism. Kantian philosophizing proceeds in the tradition of the Socratic appeal for an independent thinking that is exercised in public communication. Kant's biographer Borowski points out that Kant, in his communication with his students, actually lived up to that Socratic maxim: “He heartily hated all parrot-like way of learning.”³⁸ Herder, first an admiring student and later a bitter adversary of Kant, reports about his former teacher's lectures: “He used to exhort and

³³ Cf. Plato, *Theaetetus* 150c.

³⁴ Groundwork, p. 58 (4: 404).

³⁵ Kant, *Über Pädagogik* [= On Pedagogy] (1803) (9: 477).

³⁶ Cf. *Critique of Practical Reason*, pp. 264–269 (5: 155–161).

³⁷ *Logic*, p. 639 (9: 150).

³⁸ Borowski, *op. cit.*, p. 76.

urge us, in a pleasant way, to think independently; despotism was alien to his mind.”³⁹ And Moses Mendelssohn wrote in a letter addressed to Kant: “I also know that you can bear with opposition, that you even prefer it to a mere repetition [*Nachbeten*]. As far as I know you, it is the intention of your critique to ban the practice of mere repetition from the school of philosophy.”⁴⁰

C. *Opposition to Sophistry*

Like Rousseau, Kant was convinced that moral practice is independent of science or philosophy. In one of his early writings he professes: “Providence did not intend that the insights we need to achieve happiness should rest on the subtleties of sophisticated conclusions.”⁴¹ Not only did Kant preserve this conviction throughout his life; he actually lived accordingly, that is, in the spirit of a “certain charming simplicity,” as Borowski reports.⁴² Jachmann, his second biographer, observes that Kant, despising all affected language, deliberately spoke the dialect of his region, and even adopted the incorrect pronunciation of a number of words in accordance with the custom of his environment.⁴³

At the same time, however, Kant differs from Rousseau in that he by no means aims at a rejection of enlightenment and reason. On the contrary, he points out that by romanticizing the purportedly innocent life of “natural man,” we fail to do justice to the complexity and ambiguity of human existence. It is with an unconcealed ironic barb directed at the Genevan visionary that Kant writes: “There is something splendid about innocence; but what is bad about it, in turn, is that it cannot protect itself very well and is easily seduced. Because of this, even wisdom – which otherwise consists more in conduct than in knowledge – still needs science, not in order to learn from it but in order to provide access and durability for its precepts.”⁴⁴

³⁹ Quoted from Karl Vorländer, *Kants Leben*, new edition by Rudolph Malter (Hamburg: Meiner, 4th ed., 1986), p. 47.

⁴⁰ Letter by Moses Mendelssohn from 16 October 1785, in: *Kants Briefwechsel* (10: 413).

⁴¹ Kant, *Der einzig mögliche Beweisgrund zu einer Demonstration Gottes* [= The Only Possible Basis for Demonstrating God’s Existence] (1763), 2: 65.

⁴² Borowski, *op. cit.*, p. 64.

⁴³ Cf. Jachmann, *op. cit.*, pp. 128–129.

⁴⁴ Groundwork, p. 59 (4: 404–405).

The danger of seduction is not a merely external one, such that the human being could protect himself by withdrawing from civilization. Instead, this danger lurks in the midst of the human mind itself. It is the temptation to push aside, or at least relativize, the claims of morality by invoking sophistic objections. In his *Religion Within the Boundaries of Mere Reason*, Kant uncovers a “certain *perfidy* on the part of the human heart (*dolus malus*) in deceiving itself” and a “dishonesty, by which we throw dust in our own eyes and which hinders the establishment in us of a genuine moral disposition.”⁴⁵ What is needed to fight this temptation of self-conceit is not a celebration of innocence, but a consistent and self-critical reflection. In short: What we need is more, rather than less, enlightenment and reasoning.

The intellectual self-conceit, which corrupts morality as well as undermines the sciences, is called by Kant “*ars sophistica*.”⁴⁶ By citing the proverbial struggle of Socrates against the sophists, Kant at the same time characterizes his own philosophical endeavor. What is at issue in that famous struggle between Socrates and the sophists is the fundamental opposition between a serious *philosophy* that aspires to practical wisdom, and a “*philodoxy*” that, as the Greek term *doxa* indicates, merely seeks superficial glory and splendor. “The artist of reason, or the *philodox*, as *Socrates* calls him, strives only for speculative knowledge, without looking to see how much the knowledge contributes to the final end of human reason; he gives rules for the use of reason for any sort of end one wishes. The practical philosopher, the teacher of wisdom through doctrine and example, is the real philosopher.”⁴⁷

To overcome sophistic illusion is not an easy task. Indeed, it is a task that cannot be solved once and for all. For the peculiar logic of illusion, called “dialectic” in Kant’s terminology, is ingrained in the very structure of human reason [*Vernunft*]. Through its function as the faculty of objectifying knowledge (a function by which Kant defines the “understanding” [*Verstand*]), reason is confined to operating within the realm of empirical intuition. At the same time, however, reason has a tendency to extend beyond that realm of empirical intuition and seek the unconditioned [*das Unbedingte*], which transcends any

⁴⁵ *Religion*, p. 84 (6: 38).

⁴⁶ *Logic*, p. 531 (9: 16).

⁴⁷ *Logic*, p. 537 (9: 24).

causal chain of sensible phenomena. Whenever these two opposing tendencies clash, reason becomes entangled in inextricable contradictions. Any attempt, for instance, to imagine the totality of the cosmos leads into an abyss: We cannot bear the idea of an infinite world, and thus tend to picture the world as something closed and limited, a picture, however, that instantaneously evokes the question of what might lie beyond the limits of the world.⁴⁸ The contradictions in which reason becomes entangled, whenever it addresses such last questions and tries to capture the unconditioned, are in a way inevitable.⁴⁹ What these contradictions reveal is, as Kant puts it, “sophistries not of human beings but of pure reason itself.”⁵⁰ Ingrained in the very structure of reason, these sophistications are of such a nature that “even the wisest of all human beings cannot get free of them.”⁵¹

The practical problem is that we might feel tempted to turn these self-contractions of reason, as soon as we become aware of them, into a license for idle speculation, dogmatic propositions, or a skeptical rejection of the use of reason altogether. The only way to fight this temptation is a systematic critique of reason that, albeit unable to finally dissolve those sophistic tendencies, can clarify both the validity claims and the specific limits of reason. This, however, is a difficult task that only a true philosopher, and not a mere philodox, will be willing to tackle. What is at issue in such a critical project, Kant says, is to determine “1. the sources of human knowledge, 2. the extent of the possible and profitable use of all knowledge, and finally 3. the limits of reason. The last is the most necessary but also the hardest, yet the philodox does not bother himself about it.”⁵²

Without a clarification of the faculties and the limits of reason, the danger arises that a sophistic pseudo-enlightenment will obscure the

⁴⁸ Cf. Critique of Pure Reason, pp. 470ff. (3: 294ff./B 454ff.).

⁴⁹ Cf. Critique of Pure Reason, pp. 386–387 (3: 237/B 354–355): “Hence there is a natural and unavoidable dialectic of pure reason, not one in which a bungler might be entangled through lack of acquaintance, or one that some sophist has artfully invented in order to confuse rational people, but one that irremediably attaches to the human reason, so that even after we have exposed the mirage it will still not cease to lead our reason on with false hopes, continually propelling it into momentary aberrations that always need to be removed.”

⁵⁰ Critique of Pure Reason, p. 409 (3: 261/B 397).

⁵¹ Critique of Pure Reason, p. 409 (3: 261/B 397).

⁵² Logic, p. 538 (9: 25).

claims of morality, for instance, by asserting that in the face of a total causal determination of all occurrences, human freedom – and hence human morality – is but an empty illusion. It may be the case that such a danger has increased in modern times, since the natural sciences are frequently perceived as providing the paradigm of human insight in general. Without in the least calling into question the significance of the sciences, Kant aims at a critical definition and limitation of their legitimate validity claims in order to reopen the door for the independent evidence of our moral consciousness. It is not least in this regard that Kant's famous statement has to be understood: "Thus I had to deny *knowledge* in order to make room for *faith*."⁵³ In this endeavor, Kant once again places himself in the tradition of Socratic enlightenment. Accounting for the purpose of his *Critique of Pure Reason*, he expresses his expectation that "criticism puts an end for all future time to objections against morality and religion in a *Socratic* way, namely by the clearest proof of the ignorance of the opponent."⁵⁴

4. The Critical Method

Socratic philosophizing differs from mere sophistry in that it aspires to the ends of reason, the highest of which is human morality. In its concrete procedure, however, Socratic philosophizing to a certain degree resembles sophistic criticism. The most striking indication of this resemblance is the fact that Socrates himself was considered and condemned as a sophist by his fellow citizens. There can be no doubt that sophistry too claims to strive for enlightenment by raising provocative questions and shaking people out of their conventional ways of thinking. Simply to discard sophistry, in the name of true philosophy, would therefore amount to a problematic strategy that could eventually lead to the destruction of philosophy itself. Hence the right way to overcome sophistry is not by rejecting it from without, but by transcending it from within – that is, by taking the critical project of enlightenment more seriously than the sophists themselves do.

In his moral philosophy, Kant actively takes up the sophistic attack against virtue. It is an attack that in ordinary life typically manifests

⁵³ *Critique of Pure Reason*, p. 117 (3: 19/B XXX).

⁵⁴ *Critique of Pure Reason*, p. 117 (3: 19/B XXXI).

itself in gossip and defamation of others. Referring to this widespread type of everyday sophistry, Kant remarks ironically: “Those for whom anything subtle and refined in theoretical questions is dry and irksome soon join in when it is a question of how to make out the moral import of a good or evil action that has been related, and to an extent one does not otherwise expect of them on any subject of speculation they are precise, refined, and subtle in thinking out everything that could lessen or even just make suspect the purity of purpose and consequently the degree of virtue in it.”⁵⁵ There are good reasons to suppose that the motive underlying such sophistic reasoning is mostly to reduce respect for other people in order to elevate oneself above others. Unmasking the suspicious intentions of one’s fellow humans can become a habit that might ultimately culminate in a cynical repudiation of moral respect in general. Kant is fully aware of this dangerous tendency. Hence the reservation in his ironic appreciation of sophistic gossiping. And yet Kant acknowledges that such gossiping can be the starting point of a serious moral critique. In what is again an ironic *captatio benevolentiae*, he assumes that the self-appointed skeptics are motivated by a “well-meant strictness in determining genuine moral import in accordance with an uncompromising law.”⁵⁶

As long as the potentially noble motive of those who engage in gossiping remains dubious, however, their opponents – that is, the conservative advocates of conventional virtue – may also be right to a certain degree. Their intention to defend the reality of genuine virtue against its subversive deconstruction is certainly laudable. The problem, though, is that they often avoid serious scrutiny, resorting instead to an apologetic counterattack against any enlightenment. The unenlightened defense of virtue therefore typically ends up in whitewashing and camouflage. As Kant observes, “[O]ne can for the most part see, in those who defend the purity of intention in given examples, that where there is a presumption of uprightness they would like to remove even the least spot from the determining ground lest, if the truthfulness of all examples were disputed and the purity of all human virtue denied, human virtue might in the end be held a mere phantom, and

⁵⁵ Critique of Practical Reason, p. 262 (5: 153).

⁵⁶ Critique of Practical Reason, p. 263 (5: 154).

so all striving toward it would be deprecated as vain affectation and delusive self-conceit."⁵⁷

The only way to settle the dispute and overcome both sophistic deconstruction and blind defense of virtue is by embarking on the project of Socratic enlightenment. Socratic enlightenment takes up the skeptical questions raised by the sophists, but puts them into the broader framework of a systematic scrutiny of morality, a scrutiny that itself presupposes a systematic critique of all faculties of human reason. How is such a comprehensive critique possible? In a first step, Kant introduces a number of conceptual distinctions. For instance, he distinguishes between a merely conventional conduct that is *in accordance with duty*, on the one hand, and actions that consciously *originate from duty*, on the other. Starting with this distinction, he further develops the differentiations between legality and morality, empirical emotions and the "practically caused" feeling of respect, hypothetical and categorical imperatives, and so on. Kant assumes that these and similar conceptual distinctions, except for the academic terminology he uses, are plausible to everyone and can be understood even by children from a certain age onward.⁵⁸ It is self-evident to common understanding that it makes a difference, from a moral point of view, whether a shopkeeper acts honestly because he knows that by cheating he would in the long run undermine his own business, or whether his honest conduct is based on a firm moral conviction.⁵⁹ The same also holds true for the other distinctions proposed by Kant.

The conceptual distinctions introduced by Kant are designed to clarify the validity claim of morality. It is striking, however, that those distinctions at first seem to yield merely negative results in that they demonstrate what morality is *not*. Thus, morality *cannot* be equated with conformity to given norms of society because no one can say with any certainty whether such conventional compliance is more than an expression of merely egoistic utilitarian calculation. Morality is *not* simply a part of our natural inclinations because when we reduce moral motives to natural inclinations, we render morality itself purely instrumental in that it becomes a mere means to our personal happiness.

⁵⁷ Critique of Practical Reason, p. 263 (5: 154).

⁵⁸ Cf. Critique of Practical Reason, pp. 264–269 (5: 155–161).

⁵⁹ Cf. Groundwork, p. 53 (4: 397).

Likewise, morality *cannot* be based immediately on divine commands because obedience to God might possibly be motivated by a selfish fear of divine punishment in the hereafter. Whereas such negative results are clear and easy to understand, we obviously have great difficulty in obtaining a positive answer to the question of what morality actually is and where and how it is to be found. Only one thing seems certain – namely, that any attempt positively to “pin down” morality or even make it “visible” in an empirical example is doomed to fail, as Kant emphasizes: “In fact, it is absolutely impossible by means of experience to make out with complete certainty a single case in which the maxim of an action otherwise in conformity with duty rested simply on moral grounds and on the representation of one’s duty.”⁶⁰

From the failure to capture morality, some sophists have drawn the conclusion that morality is nothing but an empty illusion, an illusion by which weak and uneducated people let themselves be deceived, whereas strong and intelligent characters deliberately use that illusion to deceive others. Following Socrates, Kant strives for a critical refutation of this sort of sophistic deconstruction. The anti-sophistic critique starts with the epistemological proof that the sophists, by ignoring the inherent limits of human reason, claim insights to which they have no title. By demonstrating that human knowledge in its objectifying (scientific) sense is confined to structuring empirical intuition, Kant rejects the pseudoscientific denial of human freedom and morality. Although the reality of freedom (and hence also the possibility of morality) can never be proved scientifically, its practical evidence can be well defended. Hence Kant comes to the following conclusion: “Now, where determination by laws of nature ceases, there all *explanation* ceases as well, and nothing is left but *defense*, that is, to repel the objections of those who pretend to have seen deeper into the essence of things and therefore boldly declare that freedom is impossible.”⁶¹ By rejecting the uncritical criticism of the sophists, Kant reopens the door for articulating the fundamental moral experiences of freedom, responsibility, guilt, and conscience. These moral experiences have their own independent evidence, an evidence so powerful that “it is just as impossible for the most subtle

⁶⁰ Groundwork, p. 61 (4: 407).

⁶¹ Groundwork, p. 105 (4: 459).

philosophy as for the most common human reason to argue freedom away."⁶²

To define the limits of scientific understanding, however, constitutes only the first step, and not yet the end, of the Kantian project. Kant goes a step farther by drawing upon an insight developed in the *Critique of Pure Reason*. It is the insight that reason shows a tendency to extend beyond the contingencies of the natural order and to capture the totality of things, the all-encompassing or, as Kant prefers to term it, the *unconditioned* [*das Unbedingte*]. Expressing more than vain curiosity, this tendency toward the unconditioned is in fact a demand of reason itself. "Reason demands this in accordance with the principle: *If the conditioned is given, then the whole sum of conditions, and hence the absolutely unconditioned, is also given*, through which alone the conditioned was possible."⁶³ It is this tendency toward the unconditioned that compels a researcher never to be content with any particular insight, but consistently to go further and further back in the chain of natural causes. The search for the unconditioned, however, will never come to rest because the unconditioned itself will always remain beyond the grasp of objectifying knowledge. The unconditioned, Kant says, has a *regulative*, not a *constitutive*, function in the sciences. It operates as the underlying driving force of human knowledge without ever becoming an objective part of that knowledge. Once we render the unconditioned into an object of the understanding, we become entangled in inextricable contradictions that will themselves in turn lead to skepticism or idle speculation.

This notion of the unconditioned, which underlies the sciences as a ("regulative") borderline concept outside of objectifying cognition, occurs in moral matters, too. Here, however, its function is not merely a regulative one. The unconditioned reveals itself in the categorical imperative; it is what actually makes the moral imperative into a categorical command. In moral practice, the unconditioned thus has a *constitutive* rather than a merely regulative meaning. Kant goes so far as to claim that the unconditional character of the moral ought manifests itself as a "fact." This peculiar fact obviously differs from all empirical facts in that it can never be demonstrated scientifically. And yet the

⁶² Groundwork, p. 102 (4: 456).

⁶³ Critique of Pure Reason, p. 461 (3: 283/B 436).

morally unconditioned has an aspect of “facticity” because its reality forces itself irresistably on the human mind. Kant therefore qualifies the unconditional moral imperative as “the sole fact of pure reason which, by it, announces itself as originally lawgiving.”⁶⁴

For Kant, the failure to grasp morality by means of theoretical speculation or empirical demonstration does not mean that moral claims are merely vain delusions, as some of the sophists have contended. Kant’s claim instead is that the inevitable failure of all attempts at objectification in this regard points to the supersensible nature of the moral law that necessarily remains beyond the scope of human knowledge and yet manifests itself as a practical certainty, even a practical “facticity.” The unconditioned, which is *constitutive* for moral practice, implies its own theoretical inexplicability because as soon as something can be explained theoretically and derived from superior principles, it has thereby lost its very unconditionality. The ultimate “incomprehensibility” of the morally unconditioned thus makes sense from such a point of view. To put it paradoxically, this “incomprehensibility” can, in a way, almost be “comprehended.” In the final paragraph of the *Groundwork*, Kant concludes: “It is therefore no censure of our deduction of the supreme principle of morality, but a reproach that must be brought against human reason in general, that it cannot make comprehensible as regards its absolute necessity an unconditional practical law (such as the categorical imperative must be); for, that it is unwilling to do this through a condition – namely by means of some interest laid down as a basis – cannot be held against it, since then it would not be the moral law, that is, the supreme law of freedom. And thus we do not indeed comprehend the practical unconditional necessity of the moral imperative, but we nevertheless comprehend its *incomprehensibility*; and this is all that can fairly be required of a philosophy that strives in its principles to the very boundary of human reason.”⁶⁵

By understanding the moral imperative as something unconditioned that is beyond theoretical comprehensibility and demonstrability, Kant not only rejects the sophistic deconstruction of morality, but at the same time overcomes the conservative equation of morality

⁶⁴ Critique of Practical Reason, p. 165 (5: 31). See also Section III, 1.

⁶⁵ Groundwork, p. 108 (4: 463).

with a given catalogue of conventional virtues.⁶⁶ For this conservative approach, too, amounts to an illegitimate objectification of the morally unconditioned against which even sophistic deconstruction can claim a degree of truth. Whoever tries to pin down morality to given conventions actually degrades it. And whoever wants to demonstrate morality “visibly” by citing a concrete example of a virtuous person almost necessarily evokes the charge of self-righteousness. Indeed, any attempt to make virtue visible would be intolerable from a moral point of view. It would likely amount to some sort of bigotry, which itself might lead to a cynical rejection of the very idea of virtue. Experience actually tells us that bigotry and cynicism often play into each other’s hands.

Kant’s critique aspires to overcome both the sophistic deconstruction of morality and the conservative equation of the moral law with conventional codes of conduct. What is at issue in any case is the *defense* of the unconditioned moral imperative against the disrespectful grasp of human reification by raising the awareness that morality necessarily remains beyond all forms of objectifying demonstration. This is an insight that likely leads to modesty epitomized paradigmatically in the Socratic knowledge of non-knowledge. Or, as Kant puts it: The highest level of philosophical wisdom would in fact be to comprehend the incomprehensibility of the supreme law of morality.

5. Symbolic Representation of the Unconditioned

However, after acknowledging that the morally unconditioned cannot be comprehended, strictly speaking, we still face the question of how it can have a practical impact on human conduct. How can we respect the non-graspability of the unconditioned and, at the same time, connect it with our daily moral practice? How can we perceive the categorical imperative, and how can it become a motive for actual human behavior? Further, could one not rightly suspect that, at the end of the day, Kant’s formula of “comprehending the incomprehensibility” turns out to be nothing but a sophistic paradox? Is it not a legitimate question to ask how we can “comprehend” something that

⁶⁶ Kant’s “anti-moralistic strain” has been highlighted by Thomas E. Hill, Jr, *Dignity and Practical Reason in Kant’s Moral Theory* (Ithaca and London: Cornell University Press, 1992), pp. 176–195.

remains beyond all comprehensibility? Would it not be more consistent to give up any attempt at comprehension in such a case and leave the question of the human being's moral vocation in the mist of mere mythology? Or should we try to go a step farther than Kant and aspire to a full and thorough philosophical explanation by which the conundrum of human morality would actually be solved? – Kant's answer to such questions relies on the deliberate use of symbolic representation. What characterizes symbolic representation generally is the *indirectness* by which it points to something that itself remains out of the reach of direct understanding.

The highest concepts of human reason – concepts by which something unconditioned is brought to the fore – are termed by Kant “ideas of reason” [*Ideen der Vernunft*]. Borrowing from Plato, Kant states that ideas of reason cannot, by definition, be demonstrated empirically. “By the idea of a necessary concept of reason, I understand one to which no congruent object can be given in the senses.”⁶⁷ In this regard, ideas of reason differ in principle from the concepts of the understanding that, in conjunction with empirical intuition, produce objective cognition. The connection between concepts of the understanding and empirical intuition is brought about by the faculty of imagination [*Einbildungskraft*], which, by structuring empirical appearances according to some schematic features, renders the data of empirical intuition susceptible to the conceptualizing operations of the understanding. Imagination thus functions as the mediating link between empirical intuition and the understanding. Even the most abstract concepts of the understanding, such as the concepts of causality or substance, need to be mediated – or, as Kant puts it, “schematized” – through the imagination in order to be applicable to the realm of empirical intuition. This schematization is facilitated by the transcendental determination of time that underlies all activities of the human mind. For instance, the regular repetition of certain empirical appearances provides the schema of causality; the permanence and durability of certain appearances yields the schema of substance, and so on.⁶⁸

⁶⁷ Critique of Pure Reason, p. 402 (3: 254/B 383).

⁶⁸ Cf. Critique of Pure Reason, pp. 273–277 (3: 135–139/B 179–187). A very helpful analysis of Kant's doctrine of the schematism is given by Ernst Cassirer, *Das Erkenntnisproblem in der Philosophie und Wissenschaft der neueren Zeit. Zweiter Band*

Ideas of reason differ from even the most abstract concepts of the understanding because they are *not at all* susceptible to any schematization, and thus can never be demonstrated empirically. It is exactly in this sense that Plato had coined the term “idea,” as Kant explains: “Plato made use of the expression *idea* in such a way that we can readily see that he understood by it something that not only could never be borrowed from the senses, but that even goes far beyond the concepts of the understanding . . . , since nothing encountered in experience could ever be congruent to it.”⁶⁹

And yet, although not immediately applicable to the realm of empirical intuition, ideas of reason are far from being mere products of human fantasy: “They are not arbitrarily invented, but given as problems by the nature of reason itself, and hence they relate necessarily to the entire use of the understanding.”⁷⁰ In the realm of theoretical knowledge and the sciences, ideas of reason urge us never to stop at a certain point of explanation but always to go further in our search for the conditions of the conditioned, while the first of all conditions, the unconditioned itself, remains beyond the reach of the sciences and any theoretical explanation. In the realm of moral practice, by contrast, the idea of something unconditioned manifests itself as the categorical imperative – that is, an imperative that we can in a way “experience” as a “fact” without ever being able to grasp it empirically or deduce it by means of theoretical speculation. In the face of this inescapable “facticity” of the unconditioned, we cannot avoid thinking and speaking about it and thus subjecting it to the objectifying structure of the understanding. Such objectification is ultimately inevitable. What is necessary, therefore, is to become aware of this tendency and to consciously withdraw the claims of cognition inherent in it. In other words, we have to remind ourselves permanently that all propositions we make about ideas of reason cannot actually “reach” the latter, but can *only point to them in an indirect way*. Ideas of reason can never become objects of the understanding even though

(reprint of the 3rd edition of 1922, Darmstadt: Wissenschaftliche Buchgesellschaft, 1994), pp. 712–721. For a critical discussion of the problems that arise from Kant’s schematism, cf. Paul Guyer, *Kant and the Claims of Knowledge* (Cambridge: Cambridge University Press, 1987), pp. 157–181.

⁶⁹ Critique of Pure Reason, p. 395 (3: 245/B 370).

⁷⁰ Critique of Pure Reason, p. 402 (3: 254/B 384).

we, inevitably, think and speak about them, *as if* we had some objective knowledge of them.

The awareness of this “as-if” mode of thinking and speaking about ideas of reason is the only way to overcome the predicament of dogmatism versus skepticism. The consciously applied as-if mode enables us to represent ideas of reason without falling victim to the objectifying nature of our own understanding. What is required to achieve this is a clear awareness that the “objects” represented by ideas of reason are not “objects” in the ordinary sense of the word. They are not real things, but rather, as Kant points out, “should be grounded only as *analogues* of real things.”⁷¹ The as-if structure that characterizes the representation of ideas of reason thus leads to an *analogical thinking*. This is a type of thinking that refuses any direct grasp of ideas of reason in order to represent them indirectly. Analogical thinking makes use of the faculties of the understanding and, at the same time, denies the objective knowledge to which the understanding necessarily aspires. To achieve this almost paradoxical goal, the human mind has to embark on a peculiar back-and-forth movement, which Kant describes in the following words: “We remove from the object of an idea those conditions that limit our concept of the understanding, but that also make it possible for us to be able to have a determinate concept of any thing. And now we are thinking of a Something about which we have no concept at all of how it is in itself, but about which we think a relation to the sum total of appearances, which is *analogous* to the relation that appearances have to one another.”⁷²

The use of the as-if structure in addressing ideas of reason is of fundamental significance for understanding Kant’s critical philosophizing in general. Erich Adickes has even suggested that Kant’s project as a whole could be termed an “as-if philosophy.”⁷³ That is, whenever it comes to representing ideas of reason, all claims of objectifying knowledge must be transformed into the mode of a conscious “as-if.”

⁷¹ Critique of Pure Reason, p. 607 (3: 445/B 702) (emphasis added).

⁷² Critique of Pure Reason, p. 607 (3: 445/B 702) (emphasis added).

⁷³ Cf. Erich Adickes, *Kant und die Als-Ob-Philosophie* [= “Kant and the As-If-Philosophy”] (Stuttgart-Bad Cannstatt: Frommann, 1927). In this book, Adickes deals critically with Hans Vaihinger’s theory that Kant’s “as-if structure” indicates the merely fictitious nature of the ideas of reason. Cf. Hans Vaihinger, *Die Philosophie des Als-Ob* [= “The Philosophy of the As-If”] (Berlin: Reuther & Reichard, 2nd ed., 1913).

For only by becoming aware of this as-if-structure can the human mind avoid the complementary traps of dogmatism and skepticism. This as-if structure occurs both in Kant's theoretical⁷⁴ and practical philosophy. In the realm of practical philosophy, however, it is particularly important since in moral practice the idea of the unconditioned has a *constitutive* (rather than a merely regulative) function.

It is only in the light of the as-if structure that the formula of "comprehending the incomprehensible" can make any sense. From the general context of Kantian philosophy, it is obvious that the attempt at "comprehending," in this regard, cannot mean a scientific endeavor in the narrow sense because all pretensions to objectifying cognition of the unconditioned are explicitly rejected by Kant. What we actually do instead is to take up *hypothetically* a higher standpoint – that is, a standpoint from which it seems *as if* we could "comprehend" the "incomprehensibility" of the morally unconditioned. It is clear, however, that such a merely hypothetical reflection can never lead to objective knowledge. What makes this reflection nonetheless meaningful is the *symbolic significance* of such an enterprise, which helps to heighten the awareness of the conundrum of the human being's moral vocation.

There are many other examples of an "as-if" cognition in Kant's writings. In the *Groundwork*, for instance, Kant compares the "good will" of human beings with the "holy will" of an absolute being, *as if* he could conduct a comparative analysis between man and God, which, as he has pointed out lucidly in his first *Critique*, is in fact completely impossible. It would thus be a grave misunderstanding to read Kant's proposition about the divine will as standing beyond all imperatives⁷⁵ as a theoretical proposition concerning the nature of God. The purpose of this hypothetical comparison is merely to shed light on human finiteness, the awareness of which can be clarified by taking *hypothetically* a superhuman standpoint from which, however, no objective propositions whatsoever can be made.

⁷⁴ For an analysis of symbolic representation in Kant's theoretical philosophy, cf. Tassilo Eichberger, *Kants Architektur der Vernunft. Zur methodenleitenden Metaphorik der Kritik der reinen Vernunft* (Freiburg/Germany: Alber, 1999).

⁷⁵ Cf. *Groundwork*, p. 67 (4: 414): "Hence no imperatives hold for the *divine* will and in general for a *holy* will: the 'ought' is out of place here, because volition is of itself necessarily in accord with the law."

Kant's formula of "comprehending the incomprehensible," his remarks on the holy will of God, and similar propositions can make sense only if they are understood in the light of the *as-if mode* of symbolic representation. They are examples of our tendency to reflect upon "supersensible" ideas such as the entirety of the cosmos, the ultimate meaning of human life, and, above all, the unconditional moral vocation under whose spell we find ourselves. Even though such reflection can never yield positive results in terms of scientific knowledge, we apparently feel driven to transcend the realm of possible objective cognition and aspire to the unconditioned, the awareness of which can find expression only in the indirect language of symbolic representation.

In the *Critique of Judgment*, Kant distinguishes symbolic representation from schematic representation: "Hence all intuitions supplied for a priori concepts are either *schemata* or *symbols*. Schemata contain direct, symbols indirect, exhibitions of the concept. Schematic exhibition is demonstrative. Symbolic exhibition uses an analogy . . ." ⁷⁶ Kant goes on to explain that the analogy operates by referring to a sensible object in such a way that this object evokes some general reflection. The underlying *rule of reflection* in turn is to meet with some characteristic features of the supersensible "object" to which the analogy points. In other words, what makes symbolic representation possible is not some mysterious quality of the sensible object used in that operation. Rather, it is the mere *rule of reflection* that the object triggers. Kant gives the example of a hand mill, whose significance as a symbol for a despotic state holds only on the level of the rule of reflection because the way of governing a despotic state is as "mechanical" as, for instance, the repetitive movement of a hand mill. The analogous relationship between these two objects is thus merely an indirect one. "For though there is no similarity between a despotic state and a hand mill, there certainly is one between the rules by which we reflect on the two and on how they operate [*Kausalität*]." ⁷⁷

Symbolic representation is part of our everyday experience. It can be found in popular proverbs as well as in sophisticated works of poetry and art. Our language, Kant says, "is replete with such indirect

⁷⁶ Critique of Judgment, p. 227 (5: 352).

⁷⁷ Critique of Judgment, p. 227 (5: 352).

exhibitions according to an analogy, where the expression does not contain the actual schema for the concept but contains merely a symbol for our reflection.”⁷⁸ In many cases, symbolic representation may be just a playful way of describing things that we could equally well define in a more straightforward manner. When it comes to ideas of reason, however, symbolic representation constitutes the *only available mode* of addressing them. For instance, we cannot speak about the world in its totality, eternity and immortality, the final destination of the human being, the purposes of creation, and the will of the Creator other than by means of symbols.

From the perspective of symbolic representation, enlightenment and metaphysics do not form an insuperable contradiction. On the contrary, if human beings strive to develop their intellectual skills, they can hardly avoid raising the fundamental metaphysical questions that people have always felt compelled to tackle. Kant is the “all-destroying” critic only of the dogmatic presumptions of metaphysical speculation, but by no means does he discard metaphysics in general. Against a recent tendency “to speak of metaphysical investigations contemptuously as mere *cavilling*,” he professes: “And yet metaphysics is the real, true philosophy!”⁷⁹ Dealing with metaphysical questions seems to Kant to be a “natural predisposition of our reason, which has brought forth metaphysics as its favorite child.”⁸⁰ To call for an end of metaphysics would therefore be a foolish endeavor bound to fail. “That the human mind will ever give up metaphysical researches is as little to be expected as that we should prefer to give up breathing altogether, to avoid inhaling impure air.”⁸¹

Hence what is at issue is not the end of metaphysics but its critical clarification. Understanding the function of symbolic representation can pave the way for an enlightened approach to metaphysics. The awareness of the inevitable as-if structure of metaphysical propositions can help to fight the false pretension of metaphysical dogmatism, a pretension whose inherent flaws will likely end in skepticism. In order to preserve the significance of metaphysical reflection, we therefore

⁷⁸ Critique of Judgment, p. 227 (5: 352).

⁷⁹ Logic, p. 544 (9: 32).

⁸⁰ Prolegomena, p. 112 (4: 353).

⁸¹ Prolegomena, p. 124 (4: 367).

have to renounce all claims of objective knowledge in that domain and replace them by “the modest language of rational belief.”⁸²

In the light of such a symbolic understanding of metaphysics, a continuation of Socratic enlightenment can well be found also in the work of the most famous disciple of Socrates. Plato certainly went wrong in mistaking the ideas of reason for objects of theoretical knowledge, thus paving the way to vain speculation. Although for this Plato deserves criticism,⁸³ Kant is convinced that “the lofty language that served him in this field is surely quite susceptible of a milder interpretation, and one that accords better with the nature of things.”⁸⁴

⁸² Prolegomena, p. 48 (4: 278).

⁸³ Cf. Reflection 6051 (18: 437): “The origin of all philosophical enthusiasm is in Plato’s original divine intuition of any possible objects.”

⁸⁴ Critique of Pure Reason, p. 396 footnote (3: 247 footnote/B 371 footnote).

III

The Law of Freedom

In the last chapter, we saw that according to Kant, the morally unconditioned is “incomprehensible” in that it cannot become a direct object of human cognition. It is obvious, however, that in order to exert an effect on human behavior, the unconditioned must in some way connect with our cognitive faculties as well as with our empirical inclinations. The question of how this double connection comes about is the topic of this chapter. Although in moral practice the cognitive and the motivational (that is, emotional) aspects of morality are inextricably linked, these two aspects require separate analyses. Whereas Sections 2 and 3 deal with Kant’s various formulations of the categorical imperative (thus addressing the cognitive side of human morality), Section 4 analyzes the peculiar emotions that the moral law triggers by commanding an unconditional respect. Section 5 sums up the consequences of this investigation for an understanding of Kant’s symbolism. At the beginning of the present chapter, however, I would like to introduce Kant’s concept of the “fact of reason,” which, at least implicitly, comprises simultaneously both the cognitive and the motivational components within our “experience” of the morally unconditioned.

1. The “Fact of Reason”

The doctrine of the “fact of reason,” which Kant presents in his *Critique of Practical Reason*, is a peculiar doctrine. It follows from the insight that any attempt to deduce the supreme principle of morality by means of

theoretical speculation (let alone empirical demonstration) is bound to fail.¹ Nevertheless, the moral law constitutes a forceful reality within our moral consciousness, a reality that we experience as a kind of facticity. Thus Kant formulates: "Consciousness of this fundamental law may be called a fact of reason because one cannot reason it out from antecedent data of reason, for example, from consciousness of freedom (since this is not antecedently given to us) and because it instead forces itself upon us of itself as a synthetic a priori proposition that is not based on any intuition, either pure or empirical . . ."²

The paradoxical combination of facticity and rationality in Kant's concept of the "fact of reason" exposes the inextricable interwovenness of the conditioned and the unconditioned, which, according to Kant, characterizes human morality in general. On the one hand, the doctrine of the "fact of reason" reveals the fundamental difference between Kant's practical philosophy and those idealistic philosophies that pretend to use reason in order to supersede the finiteness of the human condition altogether. That we confront the moral law in our consciousness like a fact that "forces itself upon us of itself" demonstrates most clearly our finite human nature. On the other hand, the doctrine of the "fact of reason" also marks the watershed that distinguishes Kantian philosophy from all sorts of relativistic empiricism. The "factual" claim of morality, Kant emphasizes, does not mean an empirical fact alongside other facts; instead, it constitutes "the sole fact of pure reason."³ Its uniqueness points to something unconditioned whose awareness shakes human beings out of their preoccupation with merely sensual drives and material interests. The peculiar "facticity" of this unconditional claim must be understood not literally but symbolically. It is not a fact in the ordinary sense of the word but merely invokes the *analogy* of a fact.⁴ As Kant writes elsewhere, "the moral law is given, *as it were*, as a fact of pure reason."⁵ Although being obtrusive

¹ Cf. Dieter Henrich, "Der Begriff der sittlichen Einsicht und Kants Lehre vom Faktum der Vernunft," in Gerold Prauss, ed., *Kant. Zur Deutung seiner Theorie von Erkennen und Handeln* (Cologne: Kiepenheuer & Witsch, 1973), pp. 223-254.

² Critique of Practical Reason, p. 164 (5: 31).

³ Critique of Practical Reason, p. 165 (5: 31).

⁴ Cf. Manfred Riedel, *Urteilkraft und Vernunft. Kants ursprüngliche Fragestellung* (Frankfurt: Suhrkamp, 1989), p. 5.

⁵ Critique of Practical Reason, p. 177 (5: 47) (emphasis added).

like a fact, the moral claim differs from the realm of empirical facts in that it is the theoretically inexplicable existential reality of the moral imperative under whose spell we find ourselves.

In the following paragraphs, I shall focus on four aspects – namely, the non-deducibility, the obtrusiveness, the rationality, and the uniqueness of the fact of reason. Since these aspects are essentially interrelated, it is only by means of a *synopsis* of all of them that we can make sense of Kant’s doctrine of the fact of reason.

A. The Non-Deducibility of the Fact of Reason

The claim of morality is beyond any scientific proof, be it an empirical or a speculative one. Resorting to empirical intuition, as it is present in examples of a human being’s (purported) virtuous conduct, only leads to dubious results. Kant observes that a human being cannot even obtain absolute certainty about the inner motives of *his own* behavior, “for the depths of his own heart (the subjective first ground of his maxims) are to him inscrutable.”⁶ Generally speaking, this is to say that any pretension to rendering virtue “visible” in a concrete example and thereby “prove” the reality of morality would ultimately be in vain. Even worse, such an attempt could easily trigger the charge of bigotry, and might, at the end of the day, lead to a cynical rejection of morality in general. Hence Kant’s warning: “Nor could one give worse advice to morality than by wanting to derive it from examples.”⁷

Not only is the moral law beyond empirical demonstrability; it is likewise beyond theoretical deducibility. As Kant puts it, “one cannot reason it out from antecedent data of reason.” The unconditional claim of the moral imperative already implies that this claim cannot be deduced from superior principles because if it could be demonstrated by means of theoretical deduction, it would thereby have lost its very unconditionality. In addition, if moral practice were to depend on a successful theoretical deduction of the moral law, then moral practice would be reserved to an elite of intellectuals who would seem educated enough to perform the required theoretical task. In taking stand against such intellectual arrogance, Kant follows Rousseau’s insight that the fundamental ability to hear and follow the “voice of

⁶ Religion, p. 95 (6: 51).

⁷ Groundwork, p. 63 (4: 408).

morality" is independent of, and prior to, any intellectual sophistications that themselves constitute only a second-order phenomenon. The practical use of reason prevails over its theoretical use, and the moral existence of the human being is the necessary precondition, rather than a mere result, of philosophical enlightenment in moral matters. Being independent of theoretical deduction, moral insight has its intrinsic evidence, as Dieter Henrich writes: "For a moral insight the 'good' of which it approves is 'evidently' legitimate. Such an insight does not need a vindication."⁸

Against all forms of direct objectification, Kant defends the final non-demonstrability of the moral claim in order to preserve its independence and unconditionality. This unconditionality manifests itself as a facticity, so to speak: "Hence the objective reality of the moral law cannot be proved by any deduction, by any efforts of theoretical reason, speculative or empirically supported, so that, even if one were willing to renounce its apodictic certainty, it could not be confirmed by experience and thus proved a posteriori; and it is nevertheless firmly established of itself."⁹

B. The Obtrusiveness of the Fact of Reason

Not only can we not demonstrate the moral law positively; we also cannot argue it away. In this regard, too, the moral law resembles a fact. "The fact mentioned above is undeniable," Kant declares.¹⁰ Like an empirical fact, the fact of reason is of such a nature that it "forces itself upon us of itself," whether we like it or not. This "forceful" facticity of the moral law already implies that it must have an effect also on the emotional side of the human mind.

The aspect of obtrusiveness within the fact of reason comes to the fore as a claim of respect that can neither be proved theoretically nor be reduced to merely empirical drives and interests.¹¹ Thus, the moral law has the character of an unconditional "necessity." It proceeds as an apodictic imperative that commands rather than advises.¹² This

⁸ Henrich, *op. cit.*, p. 228.

⁹ Critique of Practical Reason, pp. 177–178 (5: 47).

¹⁰ Critique of Practical Reason, p. 165 (5: 32).

¹¹ On the relationship between the "fact of reason" and the feeling of respect, cf. Henrich, *op. cit.*, p. 249.

¹² Cf. Groundwork, p. 68 (4: 415).

obtrusive necessity once more points to the finiteness of the human being whose moral will can never become a holy will beyond imperatives, but remains under the spell of an “ought,” which will never cease to force itself upon us, as long as we are alive.¹³

C. The Rationality Within the Fact of Reason

For all its resemblance to empirical facts, the fact of reason is of a peculiar nature; it is “the sole fact of pure reason,” and hence can be called a “fact” only in an analogical sense. Not only does the fact of reason, by its non-deducibility and obtrusiveness, indicate human finiteness; it also illuminates the human being’s supersensible moral destination, and thus can have an elevating effect on the human soul. Far from constituting a blind taboo, the moral claim operates as an appeal that summons all faculties of the human mind. The peculiar “necessity” of the moral law is a *rational* necessity and thus the very opposite of a merely empirical (and hence external) constraint. By becoming aware of this rational necessity, we at the same time become aware of our own inalienable dignity as morally responsible subjects. The fact of reason, Kant thus writes, is “inseparably connected with, and indeed identical with, consciousness of freedom of the will of a rational being.”¹⁴

The “necessitation” of the will does not work like the intrusion of an alien force that leaves us no choice. Rather, it is our *own* reason by which we legislate our *own* moral law and that commands categorically that we live up to that self-legislated moral standard. Reason and will therefore are inextricably linked. In the final analysis, they even prove *identical*. As Kant points out, “the will is nothing other than practical reason.”¹⁵ This is to say that reason and will do not merely form an external combination of two different mental faculties that happen to cooperate in the human mind. Instead, what is at issue is the insight that *the will itself is reasonable* and that, correspondingly, *reason itself can become a practical motive of action*. As a consequence, it is clear that the concept of the will goes beyond the traditional notion of *liberum arbitrium* – that is, the faculty of free choice. In the *Metaphysics of Morals*,

¹³ Cf. Groundwork, p. 67 (4: 414).

¹⁴ Critique of Practical Reason, p. 173 (5: 42).

¹⁵ Groundwork, p. 66 (4: 412).

Kant thus introduces a conceptual distinction between "Wille" [will] and "Willkür" [choice].¹⁶ Although freedom of the will necessarily includes freedom of choice, which is the negative precondition of a free will, the freedom of the will, positively speaking, must be more than the faculty of free choice. What constitutes the freedom of the will positively is the identity of the will with practical reason, an identity that makes it possible that the will proceeds in accordance with its own self-legislated law.¹⁷

In such an inner union of will and reason, the meaning of both concepts changes substantially compared with the common, everyday use of these terms. Just as the moral will must be more than the faculty of taking decisions independently from empirical coercion, so practical reason cannot operate only as an external (and hence heteronomous) criterion by which we measure the moral quality of our will from without. As Kant points out, it is only from the perspective of an *inner identity* of will and reason that we can make sense of moral autonomy, which means the practical "necessitation" of moral action by the self-legislated moral law. *How* autonomy is possible finally remains beyond the scope of human comprehension. *That* it is actually possible, however, proves itself in the fact of reason, "which, by it, announces itself as originally lawgiving (*sic volo, sic jubeo*)."¹⁸

D. The Uniqueness of the Fact of Reason

In his philosophical writings, Kant mentions various ideas of reason in which a totality or something unconditioned comes to the fore, such as

¹⁶ Cf. *Metaphysics of Morals*, pp. 374–375 (6: 213). On the complicated relationship between "Wille" and "Willkür," cf. Henry E. Allison, *Kant's Theory of Freedom* (Cambridge: Cambridge University Press, 1990), p. 129: "Kant uses the terms *Wille* and *Willkür* to characterize respectively the legislative and executive functions of a united faculty of volition, which he likewise refers to as *Wille*."

¹⁷ Cf. Christine M. Korsgaard, *Creating the Kingdom of End* (Cambridge: Cambridge University Press, 1996), p. 25: "A free will is one that is not determined by any external force, even your own desires. This is the negative conception of freedom. But we also require a positive conception of freedom. The will is a causality, and the concept of a causality entails laws: a causality which functions randomly is a contradiction. To put it another way, the will is practical reason, and we cannot conceive a practical reason that chooses and acts for no reason. Since reasons are derived from principles, the will must have a principle. A free will must therefore have its own law or principle, which it gives to itself. It must be an autonomous will."

¹⁸ *Critique of Practical Reason*, p. 165 (5: 31).

eternity, infinity, immortality of the human soul, or the “highest good” in which virtue and happiness are reconciled in accordance with the requirement of justice. God as the creator and ruler of the world is also called an idea by Kant. What characterizes ideas of reason generally is that they can never become objects of direct (“schematic”) cognition, although, at the same time, they drive the understanding forward in its never-ending search for the original condition of all the conditioned things – that is, a condition that itself remains unconditioned. Ideas of reason therefore have a “regulative” function for the acquisition of knowledge and the development of the sciences.

In moral practice, the function of ideas of reason is different. The idea of the unconditioned, which in the theoretical use of reason is confined to a merely “regulative” meaning, manifests itself in the moral consciousness as a peculiar “fact.” This is to say that the morally unconditioned can in a way be “experienced,” thus having a “constitutive” rather than a merely “regulative” significance for moral practice. The inescapable facticity of our moral vocation also proves the reality of freedom. Whereas in theoretical speculation, freedom can be neither proved nor refuted,¹⁹ the unconditional claim within the moral consciousness “establishes by means of a fact” that freedom actually exists.²⁰ Freedom and morality therefore presuppose each other mutually. Just as freedom serves as the “*ratio essendi* of the moral law” (which itself would collapse without the assumption of the free will), so the obtrusiveness of the moral law in turn provides the “*ratio cognoscendi* of freedom”²¹ in that it makes us aware of our own free will, whether we like it or not. Hence one can say that “freedom and unconditional practical law reciprocally imply each other.”²²

In the face of the unique experience of a “factually” given moral vocation, Kant declares that the practical use of reason prevails over its theoretical use. In its practical function, reason can even provide the basis for embarking on a systematic investigation of those metaphysical questions that reason, in merely theoretical speculation, is ultimately

¹⁹ Cf. the section “Resolution of the cosmological idea of the totality of the derivation of occurrences in the world from their causes” in *Critique of Pure Reason*, pp. 532ff. (3: 362ff./B 560ff.).

²⁰ *Critique of Practical Reason*, p. 141 (5: 6).

²¹ *Critique of Practical Reason*, p. 140 footnote (5: 4 footnote).

²² *Critique of Practical Reason*, p. 162 (5: 29).

unable to tackle: “Thus, in the union of pure speculative with pure practical reason in one cognition, the latter has primacy . . .”²³ The fact of reason, which at the same time is the “fact” of human freedom, also accords practical reality to other ideas of reason, such as immortality of the soul or the notion of a divine ruler of the world. Although these metaphysical ideas can never constitute objects of scientific cognition, it is indeed possible to defend them as meaningful – namely, on the basis of a practical faith that emerges from the “factual” awareness of freedom: “Now, the concept of freedom, insofar as its reality is proved by an apodictic law of practical reason, constitutes the *keystone* of the whole structure of a system of pure reason, even of speculative reason; and all other concepts (those of God and immortality), which as mere ideas remain without support in the latter, now attach themselves to this concept and with it and by means of it get stability and objective reality, that is, their *possibility* is *proved* by this: that freedom is real, for this idea reveals itself through the moral law.”²⁴ The unavoidable insight into our moral vocation, an insight based on the “sole fact of pure reason,” thus paves the way to a practical metaphysics in which we can transcend the boundaries of our empirical nature.²⁵

2. The Law of Nature as a Symbol of the Moral Law

We saw in the last chapter (II, 5) that ideas of reason can never be demonstrated directly but require a mode of indirect, *symbolic* representation. This holds also true for that unconditional moral “ought” that forces itself upon our mind as a “fact of reason” and that takes shape as the categorical imperative: “[A]ct only in accordance with that maxim through which you can at the same time will that it become a universal law.”²⁶ That is, the unconditionality of the moral command

²³ Critique of Practical Reason, p. 237 (5: 121).

²⁴ Critique of Practical Reason, p. 139 (5: 3–4).

²⁵ Cf. Critique of Practical Reason, p. 224 (5: 105): “Therefore, that unconditioned causality and the capacity for it, freedom, and with it a being (I myself) that belongs to the sensible world but at the same time to the intelligible world, is not merely *thought* indeterminately and problematically (speculative reason could already find this feasible) but is even *determined with respect to the law* of its causality and *cognized* assertorically; and thus the reality of the intelligible world is given to us, and indeed as *determined* from a practical perspective, and this determination, which for theoretical purposes would be *transcendent* (extravagant), is for practical purposes *immanent*.”

²⁶ Groundwork, p. 73 (4: 421).

manifests itself symbolically in that strict universal lawfulness that also characterizes the law of nature. Universal lawfulness in turn serves as the criterion by which we assess particular maxims as to whether or not they can be willed as holding universally. This complex structure of how we can gain “cognition” of the unconditional moral imperative certainly calls for a closer investigation.

Since it is an idea of reason, the morally unconditioned (unlike the concepts of the understanding) cannot immediately employ the faculty of imagination in order to connect with the realm of empirical intuition. Otherwise the morally unconditioned would become a mere link within the chain of innerworldly causality, which is to say it would be lost in the web of our empirical experience. To express it in Kant’s terminology, the unconditioned does not allow for any “schematization,” which in the end would by necessity amount to its illegitimate reification. Nevertheless, the unconditioned moral law certainly must be connected with our world of experience to make a difference for human practice. Hence what we are looking for is a form of *indirect mediation* by which the unconditioned, on the one hand, preserves its difference from, and, on the other hand, connects with, the empirical world. Such an indirect mediation cannot be accomplished by any “schemas” provided by the imagination. Instead, what is required in this case is an activity of the understanding – that is, the mental faculty of producing universal concepts whose universality in a way mirrors the unconditionality of the moral law itself.²⁷ Kant stresses the mediating role of the understanding in translating ideas of reason in the following words: “Reason never relates directly to an object, but solely to the understanding and by means of it to reason’s own empirical use . . .”²⁸

The universal lawfulness in the previously cited formulation of the categorical imperative is a concept of the understanding. In the realm of morality, however, this concept of the understanding is put into the service of practical reason, thereby receiving a new “symbolic” meaning. That is, the morally unconditioned (an idea of reason) finds a symbolic expression in the formal strictness of universal law

²⁷ Cf. H.W. Cassirer, *A Commentary on Kant’s Critique of Judgment* (New York: Barnes & Noble, 1938), pp. 75–76.

²⁸ *Critique of Pure Reason*, p. 590 (3: 427/B 671).

(a concept of the understanding), which itself represents the inner “necessity” that characterizes the claims inherent in the moral consciousness.²⁹ At the same time, universal lawfulness can serve as a practical guideline for moral judgment – that is, it can be applied to concrete maxims by which the human being’s lifeworld is ordered. Johannes Schwartländer explains the symbolic role of the understanding as the medium of the morally unconditioned as follows: “As a formal law . . . the moral law belongs to the understanding which itself is the faculty of spontaneity. In its conjunction with the understanding, the moral law resembles laws in general. In the case of the moral law, however, the understanding takes on a symbolic function. Although it is the spontaneous faculty, the understanding represents the unconditional claim of the moral being by adopting this claim obediently and translating it into a part of human consciousness.”³⁰

In the face of the symbolic function of the understanding, it is clear that the criterion of universalizability within the categorical imperative cannot be reduced to a merely logical thought experiment. Logic is no doubt required to apply the categorical imperative. And yet one has to take into account that in moral matters, such a logical operation proceeds in the service of the categorical imperative, thereby differing essentially from a merely theoretical intellectual exercise. As John R. Silber observes: “The command of the moral idea of reason is a command of human existence, not only a demand of cognition.”³¹ By no means does Kant aim at transforming moral issues simply into logical questions. For by such a transformation, the earnestness of the moral claim would ultimately be lost. “The rational shape of non-contradiction,” Karl Jaspers writes, “is only a reflection of the intelligible necessity of the moral law.”³² This moral law makes an existential claim upon us by which our cognitive faculties are put into the service of our vocation as moral beings.

²⁹ Cf. Gerhard Luf, *Freiheit und Gleichheit. Die Aktualität im politischen Denken Kants* (Vienna and New York: 1978), p. 34.

³⁰ Johannes Schwartländer, *Der Mensch ist Person. Kants Lehre vom Menschen* (Stuttgart: Kohlhammer, 1968), p. 148.

³¹ John R. Silber, “Der Schematismus der praktischen Vernunft,” in: *Kant-Studien* 56 (1965), pp. 253–273, at p. 262.

³² Karl Jaspers, *Die großen Philosophen. Erster Band* (Munich: Piper, 5th ed., 1989), p. 483.

Throughout his critical philosophy, Kant attaches much importance to the systematic distinction between the order of nature and the order of morality. Moral action is action of freedom and hence cannot be reduced to any natural laws or impulses. Just as ethics differs from physics, so the laws of freedom differ from the laws of nature.³³ In spite of this fundamental differentiation, however, Kant at the same time points to an *analogy* between the law of nature and the law of freedom, an analogy that allows us to take the law of nature as a *symbol* of the law of freedom. What makes this analogy possible is the strict universalism that equally characterizes both forms of lawfulness. “Nature,” Kant defines in the *Prolegomena*, “is the existence of things, so far as it is determined according to universal laws.”³⁴ It is by virtue of this universal lawfulness that we can use nature, not as a schema but as a symbol – or, as Kant puts it, as the “*type*” – of morality that itself also requires universal lawfulness.³⁵ In other words, although the law of nature does not present a concrete object by which we can make the moral law (“schematically”) visible, it does at least give us (“symbolically”) that *formal structure* – namely, universal lawfulness – that moral legislation likewise has to bring about.³⁶ Coupling the aspect of difference with that of analogy between the law of nature and the law of freedom, Kant explains:

“To a natural law, as a law to which objects of sensible intuition as such are subject, there must correspond a schema, that is, a universal procedure of the imagination (by which it presents a priori to the senses the pure concept of the

³³ Cf. *Groundwork*, p. 43 (4: 387): “For these laws are either laws of *nature* or laws of *freedom*. The science of the first is called *physics*, that of the other is called *ethics*; the former is also called the doctrine of nature, the latter the doctrine of morals.”

³⁴ *Prolegomena*, p. 62 (4: 294).

³⁵ Cf. H.W. Cassirer, *op. cit.*, S. 76: “Kant calls the universal law of nature which represents the moral law a ‘Type’ (Typus) of the moral law, and the general procedure he calls ‘Typic’. His meaning would be more adequately expressed by the term ‘symbol’, a term which he actually uses once in the passage which we are discussing. What he is trying to show is that the finite moral being is capable of symbolising the supersensible law by means of the concept of a universal law of nature.” Cf. also Paul Diedrichson, “Kant’s Criteria of Universalizability,” in: Robert Paul Wolff, ed., *Kant. Foundations of the Metaphysics of Morals. Text and Critical Essays* (New York and London: Macmillan, 1969), pp. 163–207, at p. 168: “. . . what [Kant] calls the ‘type’ (Typus) of the moral law is precisely a concretizing of the abstract moral law in a symbolically concrete form.”

³⁶ Cf. Schwartländer, *op. cit.*, p. 156; Susan Meld Shell, *The Rights of Reason. A Study of Kant’s Philosophy and Politics* (Toronto: University of Toronto Press, 1980), p. 82.

understanding which the law determines). But no intuition can be put under the law of freedom (as that of a causality not sensibly conditioned) – and hence under the concept of the unconditioned good as well – and hence no schema on behalf of its application *in concreto*. Thus the moral law has no cognitive faculty other than the understanding (not the imagination) by means of which it can be applied to objects of nature, and what the understanding can put under an idea of reason is not a *schema* of sensibility but a law, such a law, however, as can be presented *in concreto* in objects of the senses and hence a law of nature, though only as to its form; this law is what the understanding can put under an idea of reason on behalf of judgment, and we can, accordingly, call it the *type* of the moral law.”³⁷

Since the natural law operates as the necessary symbolic medium for representing the moral law, the categorical imperative can also be formulated in the following way: “[A]ct as if the maxim of your action were to become by your will a *universal law of nature*.”³⁸ The “as-if” clause in this formulation makes it clear that the “universal law of nature” to which Kant refers is not a real law of nature. Moral norms, having their own independent criteria, can never be deduced immediately from the order of nature. And yet the moral imperative needs an indirect representation in order to become effective in actual human behavior. This representation can come about only via the type of nature – that is, by using “*the nature of the sensible world as the type of an intelligible nature*.”³⁹ As Edward Caird points out: “We can represent the intelligible world only as a natural world determined in conformity with the pure unity of reason; and we can imagine to ourselves the realisation of moral laws only by thinking of them as becoming laws of nature.”⁴⁰

The symbolic significance of nature does not only consist in its strict lawfulness; it also contains the aspect of *purposiveness* of nature as a teleological order. In its purposive structure, nature symbolizes the requirement to bring about a holistic moral order in which each individual norm fulfills its specific function. To illuminate this holistic

³⁷ Critique of Practical Reason, p. 195–196 (5: 69).

³⁸ Groundwork, p. 73 (4: 421). Cf. also Critique of Practical Reason, p. 196 (5: 69): “The rule of judgment under laws of pure practical reason is this: ask yourself whether, if the action you propose were to take place by a law of the nature of which you were yourself a part, you could indeed regard it as possible through your will.”

³⁹ Critique of Practical Reason, p. 196 (5: 70).

⁴⁰ Edward Caird, *The Critical Philosophy of Immanuel Kant*. Vol. II (Original 1889, Reprint: Amsterdam: Rodopi, 1969), p. 193.

tendency in human morality, Kant introduces “a very fruitful concept”—namely, “that *of a kingdom of ends*.”⁴¹ The kingdom of ends, he explains, allows us to consider morality in its “*allness* or totality of the system.”⁴² Kant further defines the kingdom of ends “by analogy with a kingdom of nature”⁴³ – that is, by analogy with that teleological order which we can find in nature if we consider it as a purposive whole.⁴⁴

With regard to this notion of a kingdom of ends, the categorical imperative can also be formulated as the requirement to act in accordance with such maxims of the will, *as if* one were to participate as a co-legislator in the establishment of a universal kingdom of ends: “Consequently, every rational being must act as if he were by his maxims at all times a lawgiving member of the universal kingdom of ends.”⁴⁵ Apparently the claims of human morality are not confined to carrying out concrete moral maxims; they also drive us toward an encompassing horizon of meaning in which we can locate all moral maxims and understand their connectedness within the whole of human morality.⁴⁶ This totality of the moral system also finds its symbolic representation in the order of nature, when considered as a purposive whole.

Kant warns us, however, never to play off holistic and teleological considerations against a concrete command of morality. Enthusiasm in moral questions can be dangerous if it nourishes the temptation to undermine the strictness of the moral law on behalf of purportedly higher purposes. Shortly after his introduction of the concept of the kingdom of ends, Kant therefore calls for sobriety by declaring: “But one does better always to proceed in moral *appraisal* by the strict method and

⁴¹ Groundwork, p. 83 (4: 433).

⁴² Groundwork, p. 86 (4: 436).

⁴³ Groundwork, p. 87 (4: 438).

⁴⁴ In the Critique of Judgment, Kant explains that such a teleological way of regarding nature implies itself an analogy by taking nature *as if* it were the work of an artist who has brought about a purposive order. Such a point of view, however, can never claim scientific validity, even though it might inspire scientific research. Cf. Critique of Judgment, p. 236 (5: 360): “Yet we are right to bring teleological judging into our investigation of nature, at least problematically, but only if we do this so as to bring nature under principles of observation and investigation by *analogy* with the causality in terms of purposes, without presuming to *explain* it in terms of that causality.”

⁴⁵ Groundwork, p. 87 (4: 438).

⁴⁶ Cf. Thomas E. Hill, Jr., *Dignity and Practical Reason in Kant's Moral Theory* (Ithaca and London: Cornell University Press, 1992), p. 64.

put at its basis the universal formula of the categorical imperative: *act in accordance with a maxim that can at the same time make itself a universal law.*"⁴⁷ In the face of this clear warning, H.J. Paton's opinion that Kant's invocation of nature as the "type" of morality always has a teleological meaning seems questionable.⁴⁸ More persuasive is Lewis White Beck's interpretation that nature, in its function of symbolizing the moral task, has a complex meaning in that it comprises both the lawfulness and the purposiveness of the natural order – and hence analogously also of the moral order.⁴⁹ Lawfulness and purposiveness represent different aspects of morality that must be seen as forming a whole if we want to understand the complexity of the human being's moral task. In cases of conflict, however, the first aspect prevails over the second. Just as in the order of nature, lawfulness can be reconstructed scientifically, whereas the purposiveness of nature as a system constitutes merely an object of general heuristic reflections,⁵⁰ so too in the order of morality the strictness of the law has a higher degree of validity than the purposiveness of the system. To be sure, we as moral beings necessarily seek for a totality of the moral order into which all concrete norms can be integrated meaningfully. Yet even in case the holistic perspective were missing, the law of morality would continue to put us under its categorical command.

3. Humanity as an End in Itself

The "fact of reason" through which we experience our own moral vocation necessarily goes along with the awareness of our inalienable human dignity as moral subjects. That human dignity consists in every person's moral destination is an old insight traceable to the sources of

⁴⁷ Groundwork, p. 86 (4: 436–437).

⁴⁸ Cf. H.J. Paton, *The Categorical Imperative. A Study in Kant's Moral Philosophy* (London: Hutchinson & Co, 1947), p. 149: "In every case [Kant] appeals to teleological considerations; and there is no possibility of even beginning to understand his doctrine, unless we realize that the laws of nature he has in mind are not causal, but teleological." Cf. also *ibid.*, p. 155: "Kant's doctrine becomes intelligible only when his law of nature is interpreted teleologically as concerned with the harmony of human purposes."

⁴⁹ Lewis White Beck, *A Commentary on Kant's Critique of Practical Reason* (Chicago: The University of Chicago Press, 1960), pp. 159–160.

⁵⁰ See Section VI, 2.

various religions and philosophies.⁵¹ What has been said earlier about the claims of Kantian enlightenment holds true also with regard to the concept of human dignity. That is, what Kant aspires to is not the discovery of a completely new moral principle but rather the philosophical explication of basic moral insights that are implicitly already present in the human mind.

By demonstrating that all moral obligations ultimately rest on the self-legislation of practical reason, Kant systematically abandons the authoritarian “mediation” of morality through purportedly “objective” teleological orders, divine commandments, or conventional catalogues of virtues. Rather than deriving from such given “external” sources, the moral law lies within every person’s heart. It is the law of *his own reason* and hence of *his own will*. Again, this insight is not entirely new. For instance, Saint Paul, in his epistle to the Romans, proclaims that the moral law is written in the hearts of all human beings, Jews as well as Heathens (Romans 2:15). Thomas Aquinas goes so far as to argue that in a conflict between an external moral norm and the inner command of the conscience, the latter should prevail even in case the norm were right and the conscience erring.⁵² Kant, however, takes a decisive step further than Aquinas. He polemically rejects the concept of an “erring conscience,” which in his view is merely “an absurdity.”⁵³ His objection is that the concept of an “erring conscience” only half-heartedly acknowledges the significance of the agent’s moral will because it confronts the will with something external that, nevertheless is believed to have an immediately binding normative force. For Kant, by contrast, a norm stemming merely from outside of the moral will would be without an immediate moral obligation.⁵⁴ In other words, there are no “objects” of practical reason unless they are enacted through practical reason’s active lawgiving and hence constituted by the autonomy of the moral will.

⁵¹ One might think, for instance, of the Biblical doctrine that the human being has been created “in the image of God” (Genesis 1: 27) or the analogous Qur’anic formulation that God gave Adam the authority to act as His deputy (*khalifa*) on earth (Sura 2: 30).

⁵² Cf. Thomas Aquinas, *Summa Theologiae*, II/I, qu. 19, art. 5, resp.

⁵³ *Metaphysics of Morals*, p. 529 (6: 401).

⁵⁴ According to Kant, legal norms also have a morally binding force once they have been adopted by the moral will. This is to say that they have to be channeled through the moral will to become at the same time *moral* norms.

To highlight the will's significance as the very source and center of all of morality, Kant professes: "It is impossible to think of anything at all in the world, or indeed even beyond it, that could be considered good without limitation except a *good will*."⁵⁵ With this revolutionary assertion, Kant discards the division of morality into an external and an internal part, a division that is still present in the concept of an "erring conscience."⁵⁶ The inner moral will, Kant emphasizes, is not confined to an "executive" function on behalf of preexisting moral norms; it also operates as a "legislative" organ by which the very content of the moral law is to be spelled out concretely. Although being subjected to an unconditional command, the will thus follows its *own*, self-legislated law: "Hence the will is not merely subject to the law but subject to it in such a way that it must be viewed as also giving the law to itself and just because of this as first subject to the law (of which it can regard itself as the author)."⁵⁷

The emancipation of the moral law from the various forms of objectification is tantamount to the emancipation of the human being as a morally autonomous subject who is therefore endowed with an inalienable dignity. Kant proclaims that human dignity is above any "market price" as well as any "fancy price"; it is "raised above all price and therefore admits of no equivalent."⁵⁸ Human dignity is not just a moral value alongside other values, but occupies a rank *beyond all concrete values*, which themselves receive their specific normative character as "values" only through the human being's moral self-legislation. Unlike all conditioned values, human dignity is as unconditioned as the moral law itself. Accordingly, the command to respect human dignity has the same fundamental status as the categorical imperative itself. It is indeed *one and the same categorical imperative*, which can also be formulated in the following way: "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means."⁵⁹

⁵⁵ Groundwork, p. 49 (4: 393).

⁵⁶ On that traditional dualism, cf. Erich Heintel, "Gesetz und Gewissen. Zur Fundierung und Rangordnung der Menschenrechte im Sinnraum der Freiheit," in: Johannes Schwartländer, ed., *Modernes Freiheitsethos und christlicher Glaube. Beiträge zur Bestimmung der Menschenrechte* (Mainz: Grünewald, 1981), pp. 214–245.

⁵⁷ Groundwork, p. 81 (4: 431).

⁵⁸ Groundwork, p. 84 (4: 434–435).

⁵⁹ Groundwork, p. 80 (4: 429).

Kant insists that there exists “only a single categorical imperative.”⁶⁰ This is to say that the different formulations he proposes for that imperative inherently belong together, thus expressing ultimately *one and the same* apodictic command. Accordingly, Kant emphasizes that the various ways of representing the principle of morality “are at bottom only so many formulae of the very same law.”⁶¹ If we take that statement seriously, it follows that Kant’s different formulations of the categorical imperative do not amount to a number of independent moral principles that, at best, form a merely external combination of complementary moral requirements. In such a conceptualization, the very uniqueness – and thus also the strictness – of the categorical imperative would actually be lost. For instance, to play off respect for human dignity as the “substantial” normative principle against the purportedly merely “formalist” universalizability criterion of morality would mean to obscure the basic insight of Kantian ethics in general. In such a dichotomy, the categorical imperative would be replaced by a set of different (or even antagonistic) moral principles, none of which would any longer have the unconditioned status of the categorical imperative. Positively speaking, the categorical imperative must be a single imperative in order to have its categorical authority.

The “formality” of the universal law (in the first formulation of the categorical imperative) does not lead to an empty proceduralism that, in order not to end in sheer voluntarism or nihilism, needs to be supplemented by a different principle – namely, the “substantial” principle of humanity as an end in itself, as Allen Wood has recently argued.⁶² Instead, the “formality” of the moral law contains *in itself* the principle of moral autonomy, which in turn implies the dignity of all human beings as (at least potentially) morally autonomous subjects. Correspondingly, the principle of humanity as an end in itself (which some scholars have termed the “substantial” formulation of the categorical

⁶⁰ Groundwork, p. 73 (4: 421).

⁶¹ Groundwork, p. 85 (4: 436).

⁶² Cf. Allen W. Wood, *Kant’s Ethical Thought* (Cambridge: Cambridge University Press, 1999). Wood claims that in order to yield any meaningful results the categorical imperative must be based on “something more substantial” (*ibid.*, p. 111) than the mere formality of universal lawfulness. He therefore suggests that the formula of humanity as an end in itself should be given priority over the formula of universal lawfulness (cf. *ibid.*, p. 141).

imperative) is more than just a particular moral norm or a particular moral value because it rests on the person's basic faculty to actively "legislate" norms and thereby "coin" values, which is possible only in accordance with the criterion of universal lawfulness. The various formulae of the categorical imperative thus turn out to be complementary formulations of *one and the same* supreme principle of morality. As Onora O'Neill puts it, the different formulae of the categorical imperative are not "incomplete" in the sense of "their needing to be supplemented if they are to be applied; the point is rather that neither is fully *explicit*, and that they are *inexplicit* in complementary ways,"⁶³ which, positively speaking, means they can shed light on each other. In other words, the unconditionality of the moral law manifests itself symbolically in a plurality of formulae, which, far from indicating a mere juxtaposition of a set of independent principles, complement each other in the symbolic representation of the *one and only categorical imperative*.

The very unconditionality of the moral law requires us to abandon the antagonism (or mere juxtaposition) of the "formal" and the "material" (or "substantial") components of morality that actually prove to be merely complementary devices of representing, to the cognitive faculties of the human mind, something supersensible. It is in this sense that Karl Vorländer emphasizes: "The frequently scolded 'formalism' of critical ethics . . . does not indicate emptiness or lack of substance. In Kant's philosophy 'form' generally does not mean the opposite of content which itself is rather constituted by the respective form. The idea of a *universal* legislation already contains in itself the idea of *humanity*, an idea which the human being bears 'in his soul as the archetype of his actions' and which we 'always', as long as we exist as human beings, feel obliged to follow."⁶⁴ Likewise, Johannes Schwartländer points out that "for Kant the principle of formalism is from the start linked to the 'substantial' concepts of 'personhood' and 'humanity' as an end in itself."⁶⁵

The insight into the *autonomy of morality* is co-original with the insight into the *autonomy of the moral subject*, which itself accordingly must

⁶³ Onora O'Neill, *Constructions of Reason. Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989), p. 143.

⁶⁴ Karl Vorländer, *Immanuel Kant. Der Mann und das Werk* (Hamburg: Meiner, 2nd enlarged ed., 1977), Vol. I, pp. 297–298.

⁶⁵ Schwartländer, *op. cit.*, p. 173.

be recognized as *an end in itself*. From this it follows that the dignity of the person as a morally autonomous subject cannot be measured by the position which he or she occupies within any purportedly preexisting moral order. Indeed, one of the most important results of Kant's practical philosophy is that there is no such thing as an ontologically given order of moral values independent of, and prior to, the self-legislating practical reason. Accordingly, there can be no ranks and degrees of worthiness within such an order. It is the other way around in that moral autonomy is the precondition for any (self-legislated) "order of values" whatsoever, and hence has itself a status beyond all particular values – that is, it must be recognized as something unconditioned.

From the unconditionality that characterizes the imperative to respect humanity as an end in itself, it further follows that such respect is due to every human being in *equal measure*. As Wood states: "*Absolute worth is noncomparative*. The thesis that every rational being is an end in itself with absolute worth has an immediate but radical corollary: The worth of all rational beings is *equal*."⁶⁶ The requirement of respecting the autonomy of the moral subject thus necessarily leads to the idea of the essential *equality* of all human beings as moral subjects. Since human dignity occupies a rank beyond all "market price" or "fancy price," as Kant declares, it must indeed be *one and the same* dignity of every human being. The inalienable dignity of the person is conceivable only as the equal dignity of everyone.

4. Respect Before the Moral Law

The categorical imperative has the character of an apodictic command: "Act so!" Not only does it operate as a criterion of moral judgment, it also exercises a motivational effect on the human mind. Both aspects – the cognitive and the motivational – inextricably belong together, thus constituting that theoretically inexplicable "fact of reason" that, as we have seen, has a "forceful" emotional quality since it "forces itself upon us of itself as a synthetic a priori proposition."⁶⁷

⁶⁶ Wood, *op. cit.*, p. 132.

⁶⁷ Cf. Nelson Potter, "The Synthetic a priori Proposition of Kant's Ethical Philosophy," in: *Jahrbuch für Recht und Ethik/ Annual Review of Law and Ethics*, Vol. 5 (1997), ed. by B. Sharon Byrd, Joachim Hruschka, and Jan C. Joerden, pp. 437–459.

It seems, however, that the motivational aspect of autonomy, which Kant addresses under the heading of respect, has received somewhat less attention than the cognitive aspect.⁶⁸ Whereas the universalizability requirement of the categorical imperative has often been taken up and has been modified in many ways, Kant's doctrine of respect has left comparably few traces in philosophical debates (that is, outside of the circle of Kant scholars). For instance, in his *Theory of Justice*, John Rawls claims to have offered a modern reformulation of Kant's categorical imperative.⁶⁹ Since Rawls's approach focuses exclusively on the cognitive aspect of the categorical imperative, however, the very character of the imperative – that is, the apodictic command – is largely neglected. The “sense of justice,” which Rawls postulates to address the motivational component of morality,⁷⁰ is conceived as a merely empirical phenomenon, and thus remains below the level of the Kantian understanding of the categorical imperative. As a consequence, Kant's concept of moral autonomy, which consists of the *synthesis* of autonomous moral legislation and autonomous moral motivation, falls apart in Rawls's theory into a mere combination of a theoretical “thought experiment,” on the one hand, and an empirical “sense of justice,” on the other.⁷¹ This neglect of the motivational significance of autonomy, as it occurs in Rawls's theory, is typical also of other contemporary philosophical schools – for instance, discourse ethics – in which the categorical imperative is usually reduced to a merely theoretical “test procedure.”⁷²

It may be true that Kant himself is partly responsible for this tendency to neglect the motivational aspect of autonomy. For in his ethical works (in the narrow sense), the concept of respect is not subjected to a sufficiently profound analysis. In the most popular treatise of Kantian ethics, the *Groundwork*, the autonomous moral motivation is merely

⁶⁸ Cf. Richard McCarty, “Motivation and Moral Choice in Kant's Theory of Rational Agency,” in: *Kant-Studien* 85 (1994), pp. 15–31.

⁶⁹ Cf. John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971), pp. 251ff.

⁷⁰ Cf. Rawls, *op. cit.*, pp. 453ff.

⁷¹ For a detailed criticism cf. Heiner Bielefeldt, *Neuzeitliches Freiheitsrecht und politische Gerechtigkeit. Perspektiven der Gesellschaftsvertragstheorien* (Würzburg: Königshausen & Neumann, 1990), pp. 129ff.

⁷² Cf. Karl-Otto Apel, “Diskursethik als Verantwortungsethik – eine postmetaphysische Transformation der Ethik Kants,” in: Gerhard Schönrich and Yasushi Kato, eds., *Kant in der Diskussion der Moderne* (Frankfurt: Suhrkamp, 1996), pp. 326–359, at p. 338.

postulated, but hardly explained.⁷³ In the chapter “On the Incentives of Pure Practical Reason” in the *Critique of Practical Reason*, Kant presents a much more thorough treatment of the matter.⁷⁴ The most detailed scrutiny of the feeling of respect, however, is to be found outside of the ethical writings – namely in the *Critique of Judgment*, whose significance for an understanding of Kant’s moral philosophy has not always been sufficiently taken into account. The *Critique of Judgment*, Paul Guyer writes, “contains major developments in Kant’s conception of the role and importance of feelings in the practice of morality.”⁷⁵ For a comprehensive interpretation of the motivational aspect of moral autonomy, Kant’s third *Critique* is indeed indispensable.

In the *Critique of Judgment*, Kant compares respect before the moral law with the feeling of the sublime that we experience when confronted with overwhelming natural phenomena. It is remarkable that in the analysis of respect, too, Kant invokes the *analogy with nature*, whose impact on the human mind can give us at least a hint as to how we are to understand the emotional effect of moral respect. In the case of moral motivation, however, the point of comparison is not the lawfulness or purposiveness of the natural order but, almost the opposite, the powerfulness and awfulness that we sometimes experience vis-à-vis nature.

The confrontation with the sublime in nature creates a peculiar atmosphere that is neither simply agreeable nor simply disagreeable. Instead, the feeling of the sublime in a paradoxical way combines attractiveness with repulsiveness. Kant describes this paradox as a negative pleasure: “. . . since the mind is not just attracted by the object but is alternately always repelled as well, the liking for the sublime contains not so much a positive pleasure as rather admiration and respect, and so should be called a negative pleasure.”⁷⁶ However, it is exactly by virtue of its repulsiveness that the sublime exercises its fascinating effect on us. Unlike the beautiful, in which human imagination in a playful way senses purposiveness and order, the sublime is characterized by an element of “destructiveness” in that it overwhelms and subdues the imagination. The devastating violence of a hurricane, the

⁷³ Cf. Groundwork, p. 67 footnote (4: 413 footnote).

⁷⁴ *Critique of Practical Reason*, pp. 198ff. (5: 71ff.).

⁷⁵ Paul Guyer, *Kant and the Experience of Freedom. Essays on Aesthetics and Morality* (Cambridge: Cambridge University Press, 1993), p. 30.

⁷⁶ *Critique of Judgment*, p. 98 (5: 245).

majesty of a waterfall and, above all, the immense vastness of the starry heavens inspire the imagination by virtue of exceeding it. These and similar experiences of the sublime may at times even lead to a collapse of the imagination. In the abyss of human imagination, the sublime triggers antagonistic feelings of tremor and admiration. By making us tremble, the sublime is at the same time fascinating.

The collapse of the imagination can be appreciated as a purposive collapse. Just as the dialectic of reason with its various antinomies points to something unconditioned beyond the objectifying grasp of the understanding,⁷⁷ so too the imagination has its own antinomies in the face of which we can “sense” something supersensible. We can do this *indirectly* by making the experience that the latter remains beyond any possibility of direct sensible intuition, an experience that forces itself upon us by the very breakdown of the imagination. It is such a breakdown that the experience of the sublime in nature can cause. “Hence nature is sublime in those of its appearances whose intuition carries with it the idea of their infinity. But the only way for this to occur is through the *inadequacy* of even the greatest effort of our imagination to estimate an object’s magnitude.”⁷⁸

In Chapter II (II, 4), we saw that the “incomprehensibility” of the unconditioned can, in a way, be “comprehended” – provided we keep in mind that in this case the “comprehension” remains in the *as-if mode* in which the inevitably objectifying tendency of the understanding is consciously renounced. Similarly, the very inadequacy of the imagination – that is, the experience of the collapse of the imagination – can be the only way of “imagining” the unconditioned, at least indirectly. Indeed, it borders on a paradox: The “inadequacy” of the imagination turns out to be “adequate,” and what at first glance seems to be merely “contrapurposive” may actually serve a higher purpose.⁷⁹

From this point of view, the Biblical and Qur’anic ban on pictures can likewise be understood as an indirect mode of representing

⁷⁷ Cf. Critique of Judgment, p. 297 (5: 412).

⁷⁸ Critique of Judgment, p. 112 (5: 255) (emphasis added).

⁷⁹ Cf. Critique of Judgment, p. 116 (5: 259): “Hence the effort to take up into a single intuition a measure for magnitude requiring a significant time for apprehension is a way of presenting which subjectively considered is contrapurposive, but which objectively is needed to estimate magnitude and hence is purposive. And yet this same violence that the imagination inflicts on the subject is still judged purposive *for the whole vocation* of the mind.”

something supersensible. The rejection of all sensible pictures amounts to a tearing down of all boundaries of the imagination. By pointing only negatively to something that must be respected as remaining beyond all (empirical and conceptual) objectification, the ban on pictures can have an elevating effect on the human soul, and even trigger enthusiasm. Thus Kant writes: “Perhaps the most sublime passage in the Jewish Law is the commandment: Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven or on earth, or under the earth, etc. This commandment alone can explain the enthusiasm that the Jewish people in its civilized era felt for its religion when it compared itself with other peoples, or can explain the pride that Islam inspires.”⁸⁰

We have seen that the encounter with the sublime in nature can (indirectly) make us “sense” our own supersensible destination. By experiencing an unavoidable foundering whenever we try to form in our imagination an idea of something infinite, we actually confront our own finiteness, which we can neither overcome nor accept once and for all. It is through this confrontation with our insuperable finiteness that we can indirectly “feel” something that lies beyond that finiteness – namely, the unconditioned within our moral consciousness. Thus, Kant explains: “This effort, as well as the feeling that the imagination . . . is unable to attain to that idea, is itself an exhibition of the subjective purposiveness of our mind, in the use of our imagination, for the mind’s supersensible vocation.”⁸¹ To quote Paul Guyer: “The palpable painfulness of the frustration of the imagination in attempting to grasp the infinite . . . reveals to us the higher power of reason to form the idea of the infinite in the first place . . .”⁸²

The feeling of the sublime in the confrontation with overwhelmingly powerful natural phenomena is akin to the feeling of moral respect.⁸³ Like the sublime in nature, moral respect, too, painfully

⁸⁰ Critique of Judgment, p. 135 (5: 274).

⁸¹ Critique of Judgment, p. 128 (5: 268).

⁸² Guyer, *op. cit.*, p. 359.

⁸³ Cf. Ronald Beiner, “Kant, the Sublime, and Nature,” in: Ronald Beiner and William James Booth, eds., *Kant & Political Philosophy* (New Haven and London: Yale University Press), pp. 276–288, at p. 281: “Thus Kant exactly *inverts* the meaning of the sublime – from a token of our awe before nature to a token of our autonomy, that is, our superiority to nature!”

overwhelms us by putting something unconditioned before our eyes thereby making us aware of our own finiteness.⁸⁴ At the same time, however, moral respect differs clearly from the experience of the sublime in nature because respect always is connected with the consciousness of the moral law, which itself makes on us an unconditional claim of obedience. In Kant's words: "The feeling that it is beyond our ability to attain to an idea *that is a law for us is RESPECT.*"⁸⁵ Respect not only overpowers us; it demands obedience and, at the same time, gives us a rational criterion enabling us to understand and realize that command. Far from remaining a merely passive emotional impression, respect calls for activity.⁸⁶ It operates as a categorical imperative that forces itself upon us not like the intrusion of an alien (that is, empirical) power, but as the determination to engage in rational self-legislation in which we, at the same time, become aware of our own dignity as morally autonomous subjects.⁸⁷

Through the feeling of respect, the "fact of reason" produces a motivating effect on the human mind. This moral motivation, however, does not proceed as a positive empirical enforcement, but rather operates by relativizing our empirical drives and inclinations. The effect of respect is therefore, first, a negative one in that it checks every human being's natural self-love and "strikes down" all arrogant self-conceit.⁸⁸

⁸⁴ Cf. Schwartländer, *op. cit.*, pp. 87–94.

⁸⁵ Critique of Judgment, p. 114 (5: 257).

⁸⁶ The German term "*Achtung*" has a much stronger connotation of activism and active obedience than its common English translation as "respect." Beyond respect, it also means "attention," and is thus typically used, for instance, as a military command.

⁸⁷ Cf. Critique of Judgment, pp. 126–127 (5: 267): "The *absolutely good* (the object of moral feeling), as judged subjectively by the feeling it inspires, is the ability of the subject's power to be determined by the conception of a law that *obligates absolutely*. It is distinguished above all by its *modality*: a necessity that rests on a priori concepts and contains not just a *claim* but also a *command* that everyone approve. Actually, the absolutely good belongs not to aesthetic but to pure intellectual judgment; by the same token, we attribute it to freedom rather than to nature, and in a determinative rather than in a merely reflective judgment."

⁸⁸ Cf. Critique of Practical Reason, p. 199 (5: 73): "Pure practical reason merely *infringes upon* self-love, inasmuch as it only restricts it, as natural and active in us even prior to the moral law, to the condition of agreement to this law, and then it is called *rational self-love*. But it *strikes down* self-conceit altogether, since all claims to esteem for oneself that precede accord with the moral law are null and quite unwarranted because certainty of a disposition in accord with this law is the first condition of any worth of a person . . . , and any presumption prior to this is false and opposed to the law."

This negative effect of respect can be described as a humiliation that finite human beings “unavoidably” experience. As Kant emphasizes: “Now, what in our own judgment infringes upon our self-conceit humiliates. Hence the moral law unavoidably humiliates every human being when he compares with it the sensible propensity of his nature.”⁸⁹ In the face of this unavoidably humiliating effect, moral autonomy differs fundamentally from the presumption of “sovereignty” in moral matters to which the concept of autonomy has at times falsely been equated.⁹⁰ Likewise, moral autonomy also proves the opposite of that supermoral attitude of self-complacency that Kant sees epitomized in the Stoic sage who pretends that he “is not subject to any temptation to transgress the moral law.”⁹¹

The humiliating aspect of the feeling of respect is paradoxically interwoven with a positive mood that stems from the awareness that, as moral beings, we are elevated above our mere animal nature. This positive aspect finds expression in the hymn to duty with which Kant praises the unfathomable origin of the moral law: “*Duty!* Sublime and mighty name that embraces nothing charming or insinuating but requires submission, and yet does not seek to move the will by threatening anything that would arouse natural aversion or terror in the mind but only holds forth a law that of itself finds entry into the mind and yet gains reluctant reverence (though not always obedience), a law before which all inclinations are dumb, even though they secretly work against it; what origin is there worthy of you, and where is to be found the root of your noble descent which proudly rejects all kinship with the inclinations, descent from which is the indispensable condition of that worth which human beings alone can give themselves?”⁹²

⁸⁹ Critique of Practical Reason, p. 200 (5: 74).

⁹⁰ Cf., for instance, Michael J. Sandel, “Justice and the Good,” in same author, ed., *Liberalism and Its Critics* (New York: New York University Press, 1984), p. 170: “Freed from the dictates of nature and the sanction of social roles, the deontological subject is installed as sovereign, cast as the author of the only moral meanings there are.” The same misunderstanding can be found in the introduction by John Ladd to Kant’s “Metaphysical Elements of Justice,” Part I of *The Metaphysics of Morals* (Indianapolis: Bobbs-Merrill, 1965), p. XXVI: “It is clear, therefore, that, in Kant’s theory of moral autonomy, the individual’s Will plays the same role that is assigned to the Will of God by some theologians; it provides the foundation of morality.”

⁹¹ Critique of Practical Reason, p. 242 footnote (5: 127 footnote).

⁹² Critique of Practical Reason, p. 209 (5: 86).

The fact that respect always combines the negative component of humiliation with the positive component of elevation also manifests itself in the everyday encounters of human beings. On the one hand, we tend to be reluctant to pay genuine respect to each other. Just as the categorical imperative in general includes an aspect of “necessitation,” so respect for a person in particular must often be necessitated: “*So little* is respect a feeling of *pleasure* that we give way to it only reluctantly with regard to a human being. We try to discover something that could lighten the burden of it for us, some fault in him to compensate us for the humiliation that comes upon us through such an example.”⁹³ On the other hand, respect differs no less from empirical displeasure than from empirical pleasure, as Kant emphasizes: “But, in turn, *so little displeasure* is there in it that, once one has laid self-conceit aside and allowed practical influence to that respect, one can in turn never get enough in contemplating the majesty of this law, and the soul believes itself elevated in proportion as it sees the holy law elevated above itself and its frail nature.”⁹⁴

Respect before the moral law can through cultivation lead to that attitude of reverence and awe that Kant describes in the Conclusion of the *Critique of Practical Reason*. In what, literally speaking, can be called his final message because it is engraved on his tombstone, he writes: “Two things fill the mind with ever new and increasing admiration and reverence, the more often and more steadily one reflects on them: *the starry heavens above me and the moral law within me.*”⁹⁵ In this famous sentence, nature is again accorded a symbolic meaning, especially with regard to the moral incentive of respect. In its shattering and edifying effect, respect before the moral law indeed resembles the peculiar emotions that have always overwhelmed a sensitive mind at the sight of the firmament or similarly sublime phenomena of nature.⁹⁶

⁹³ Critique of Practical Reason, p. 202 (5: 77).

⁹⁴ Critique of Practical Reason, p. 203 (5: 77).

⁹⁵ Critique of Practical Reason, p. 269 (5: 161).

⁹⁶ An early example of this experience of being simultaneously struck down and elevated can be found in Psalm 8, in which the singer, confronted with the majesty of the firmament, turns to God wondering: “When I consider thy heavens, the work of thy fingers, the moon and the stars, which thou hast ordained; what is man, that thou art mindful of him? and the son of man, that thou visitest him? For thou hast made him little lower than the angels, and hast crowned him with glory and honour. Thou madest him to have dominion over the works of thy hand; thou hast put all things

5. The Symbolic Significance of Nature in Practical Philosophy

Throughout this chapter, we have repeatedly come across the concept of nature, which obviously has a manifold symbolic significance for representing the various aspects of human morality: In its universal lawfulness, nature provides the “type” for the strictness of the universalizability requirement inherent in the categorical imperative. In its comprehensive purposiveness, nature at the same time symbolizes the holistic horizon of meaning (“the kingdom of ends”) to which human morality ultimately aspires. And finally, our experience of the sublime in being confronted with overwhelming natural phenomena can enhance our sensitivity for the ambivalent emotional effects caused by respect before the moral law, a feeling that oscillates paradoxically between humiliation and elevation.

Given this emphasis that Kant places on nature as the crucial symbol of morality, his practical philosophy in a way seems in keeping with the natural law tradition, which has played so prominent a role in the Western history of ethics and law. To be sure, Kant goes beyond that tradition by clarifying the fundamental difference between the law of nature and the law of freedom.⁹⁷ He demonstrates systematically that practical reason does not fulfill its inherent task merely by perceiving and implementing purportedly preexisting norms that are thought to be ingrained, for instance, in the teleological order of nature. Rather, the task of reason extends to an active legislation of moral norms. Likewise, Kant makes it clear that the moral will cannot be reduced to an inherent component within the human being’s natural drives toward his or her own perfection and happiness. Instead, the moral will (which ultimately proves identical with practical reason) possesses its own independent motive of action – that is, respect before the moral law. Both aspects – moral self-legislation and the independent moral incentive – are inherently linked, thus forming the concept of *moral autonomy*. With the concept of autonomy, Kantian

under his feet: All sheep and oxen, yea, and the beasts of the field; the fowl of the air, and the fish of the sea, and whatsoever passeth through the paths of the seas. O Lord our Lord, how excellent is thy name in all the earth!” (Psalm 8: 3–9)

⁹⁷ Cf. J.B. Schneewind, “Autonomy, Obligation, and Virtue: An Overview of Kant’s Moral Philosophy,” in: Paul Guyer, ed., *The Cambridge Companion to Kant* (Cambridge: Cambridge University Press, 1992), pp. 309–341, at pp. 311ff.

enlightenment overcomes that authoritarian ontological mediation of morality by the order of nature that was typical of major currents of traditional natural law philosophy.⁹⁸ The idea of autonomy thus marks a revolutionary turn in ethical thinking that is certainly not less radical than the “Copernican Revolution” in Kant’s epistemology.

And yet, for all the revolutionary transformation that Kant’s practical philosophy doubtless has accomplished, there also remains an element of continuity with the tradition of natural law thinking. Although, according to Kant, nature does not provide a positive *model* to which moral judgment could refer and immediately gain normative orientation, the concept of nature continues to be meaningful for moral practice. For in its universal lawfulness, its holistic purposiveness, and its awe-inspiring powerfulness, nature constitutes at least an indispensable *symbol* of the moral law.

⁹⁸ Cf. Volker Gerhardt, *Immanuel Kants Entwurf “Zum ewigen Frieden”. Eine Theorie der Politik* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1995), p. 136: “... in the Platonic-academic as well as in the Aristotelian-peripatetic schools, and even more so in the largely influential forms of Stoic thinking, a systematic correspondence between theoretical and practical knowledge was generally taken for granted. ‘Physics’ and ‘ethics’ were seen as constituting a deductivist relationship in which leadership might well change from time to time; and yet the uniform structure of knowledge would persist.”

IV

How to Find Orientation in Moral Practice

1. Moral Self-Legislation through Maxims

The morally unconditioned expresses itself symbolically in that strict lawfulness that also characterizes the law of nature. The latter therefore provides the “type” of the moral law. Just as natural laws cannot be called laws unless they hold universally, so moral lawgiving too aims at something universal. The categorical imperative thus requires moral self-legislation to proceed in accordance with the criterion of universalizability. At the same time, however, it is obvious that moral action occurs under the ever-changing conditions of a particular lifeworld. How do these two aspects of human morality fit together? Is there an unbridgeable gulf between the universal and the particular? Does ethical universalism, at the end of the day, amount to an “abstract ought” that lacks any impact on real human life with its volatility and unpredictability? It was Hegel who leveled this charge of abstractness against Kant’s practical philosophy. Hegel’s well-known objection is that “in its loneliness, the formal principle of legislation finds neither a content nor a determination.” And he further asserts: “The universal, the non-contradiction, is something empty which neither in the practical nor the theoretical realm becomes reality.”¹

The starting point for a critical defense of Kantian ethics against this charge of emptiness is the concept of a *maxim* that Kant uses to mediate

¹ Hegel, *Vorlesungen über die Philosophie der Geschichte III*. Werke Band 20 (Frankfurt: Suhrkamp, 1971), p. 368.

between the universalizability requirement on the one hand and the concrete lifeworld on the other. The universalizability requirement of the categorical imperative would in fact remain abstract were it applied immediately to individual actions. However, as Kant points out, it instead refers to *maxims* by which we structure (or try to structure) our various activities. As the mediating link between the universal and the particular, the concept of the maxim plays a crucial role in Kantian ethics. It is all the more deplorable that Kant does not concern himself with a detailed analysis of that concept. As Christine Korsgaard puts it: “Unfortunately, . . . Kant [in his *Groundwork*, H.B.] introduces the idea of a maxim with no preparation whatever – he simply says, in a footnote clumsily attached to its fifth usage, that the maxim is a ‘subjective principle of volition’.”²

As the “subjective principle of volition,” the maxim differs from the moral law that Kant calls the “objective principle” of volition.³ Being something subjective, the maxim represents the unavoidable contingencies of human action and volition. Maxims cover various aspects of human life. They can develop and change in the course of a person’s life. They reflect personal experience – or possibly the lack of experience. For all its “subjectivity,” however, the maxim has already the status of a principle that brings some order into the complexities of human life. What characterizes a maxim is precisely this “dual” structure of something subjective that, nevertheless, operates as a principle. Both aspects belong together, as Onora O’Neill emphasizes: “A maxim is therefore the principle of action of particular agents at a particular time . . .”⁴ As a principle *in* context, the maxim can serve as the mediating link between the universal and the particular.⁵

² Christine M. Korsgaard, *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), p. 57.

³ *Groundwork*, p. 56 footnote (4: 400 footnote).

⁴ Onora O’Neill, *Constructions of Reason. Explorations of Kant’s Practical Philosophy* (Cambridge: Cambridge University Press, 1989), p. 83.

⁵ I will not discuss here the complicated questions of the relationship between individual actions and maxims and of the degree of generality required for a rule of action to qualify as a maxim. It is obvious that one and the same individual action can be an expression of *different* underlying maxims, a possibility that leads to what Barbara Herman has called the “action-description problem.” Cf. Barbara Herman, *The Practice of Moral Judgment* (Cambridge/Mass.: Harvard University Press, 1993), p. 218. That is why Kant demands that we exercise permanent self-scrutiny to become aware of the maxims that *actually* underlie and guide our activities. It is further obvious that a

The categorical imperative requires us to subject our existing maxims to the moral law. This does not mean simply to “test” given maxims as to whether or not they can be willed to hold universally. By reducing the categorical imperative to an intellectual “test procedure,” one would ultimately ignore its very nature as an imperative. At the same time, one would reduce maxims to a mere object of intellectual scrutiny. In contrast to such an understanding, Kant makes it clear that maxims are not only objects to which the universalizability criterion is to be applied from without. Instead, maxims serve as the very *medium* through which alone the moral law can take shape. Kant’s seemingly awkward formulation that *through* maxims (and not just *of* maxims) we are to will that they become a universal law thus makes sense: “[A]ct only in accordance with that maxim *through* which you can at the same time will that it become a universal law.”⁶ As Hermann Cohen explains: “The context of argumentation indicates that Kant employs the word ‘through’ in order to highlight . . . the *spontaneity* of the maxim as well as its suitability to develop into a law. The requirement that the law ought to be willed *through* the maxim paves the way to the idea that the law does not originate from an external *legislator* which is to say that the moral will is *autonomous*.”⁷ Likewise, Julius Ebbinghaus points out: “You must be able to will lawfulness ‘through’ the maxim which

maxim to be able to mediate between the “universal” and the “particular” must possess a certain degree of generality. Hence not all possible rules of action can qualify as maxims. Herman’s example of a person who plays tennis on Sunday mornings when all her neighbors are in church (cf. *ibid.*, p. 138) seems mistaken because any change of the neighbors’ habit would *immediately* – that is, without any serious deliberation – lead to a concomitant change of the rule of action. The most likely maxim *actually underlying* the described rule of action will be the more general principle of organizing one’s activities such that, if possible, they do not clash with other persons’ competing interests. Unlike the habit of playing tennis on Sundays when all the neighbors are in church, this more general formulation is certainly a candidate for possible universalization.

⁶ Groundwork, p. 73 (4: 421) (emphasis added). Whereas this (by far the most frequently cited) formulation seems to indicate that the categorical imperative serves merely as a criterion for assessing the *permissibility* of maxims – that is, for ruling out impermissible maxims – other formulations of the categorical imperative are designed to yield also *positive moral maxims*. Cf. Critique of Practical Reason, p. 164 (5: 30): “So act that the maxim of your will could always hold at the same time as a principle in a giving of universal law.”

⁷ Hermann Cohen, *Kants Begründung der Ethik nebst ihren Anwendungen auf Recht, Religion und Geschichte* (Berlin: Bruno Cassirer, 2nd enlarged edition, 1910), p. 221.

means that the reason for the possibility to will the maxim as law must lie in the maxim itself.”⁸

The categorical imperative is more than a mere “thought experiment” conducted with an attitude of intellectual distance from concrete moral practice.⁹ Taking place in the midst of moral practice itself, the categorical imperative rather operates as the driving force of the development of maxims in which the universal and the particular are interconnected, in a way, from the outset. This in turn means that Kant’s normative universalism does not find itself in an abstract opposition to an *ethos* that is ingrained in the human lifeworld. Its purpose rather is to clarify that fundamental component of unconditional (and hence universal) validity that, explicitly or implicitly, inheres in every genuinely normative claim. A merely “particularist” *ethos* would actually be a contradiction in terms; it would be not less absurd than the notion of a merely egoistic morality.

By analyzing that element of unconditionality on which all moral practice itself is finally based, Kant’s “Socratic” enlightenment does not become an abstract academic project. On the contrary, Kant makes clear that the categorical imperative, despite the novelty of its academic formulation, is part of the human being’s common reason: “Here it would be easy to show how common human reason, with this compass in hand, knows very well how to distinguish in every case that comes up what is good and what is evil, what is in conformity with duty or contrary to duty, if, without in the least teaching it anything new, we only, as did Socrates, make it attentive to its own principle; and that there is, accordingly, no need of science and philosophy to know what one has to do in order to be honest and good, and even wise and virtuous.”¹⁰

2. The Development of Maxims as a Learning Process

Enlightenment in the sense of Socratic “midwifery” does not pretend to create a new principle of morality, but confines itself to bringing

⁸ Julius Ebbinghaus, “Deutung und Mißdeutung des kategorischen Imperativs,” in: *Gesammelte Aufsätze, Vorträge und Reden* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1968), pp. 80–96, at p. 92.

⁹ Cf. also O’Neill, *op. cit.*, p. 88.

¹⁰ Groundwork, p. 58 (4: 404).

to light something that is basically already existent. Such an endeavor, nevertheless, is useful from a practical point of view because it helps to sharpen the awareness of the strictness of the moral law. Human beings have a tendency to undermine the strictness of the moral law by making, from time to time, exceptions from moral norms to serve their own selfish purposes. Whereas an outright denial of moral norms in general can be found only among a few provocative sophists, such as Thrasymachus or Callicles, the tendency of making occasional reservations is indeed a widespread attitude. According to Kant's estimation, "there is . . . a resistance of inclination to the precept of reason (*antagonismus*), through which the universality of the principle (*universalitas*) is changed into mere generality (*generalitas*) and the practical rational principle is to meet the maxim half way."¹¹ Against such a halfhearted attitude of a merely "general" obedience, Kant insists on the strict universality of moral norms that must be respected and enacted without exceptions.

It is this very insistence on the unexceptional validity of moral norms, however, that has given rise to a number of fundamental objections to Kant's practical philosophy in general. In fact, Kant's unwillingness to allow for exceptions seems to run counter to that common reason to which he otherwise frequently resorts. Is Hannah Arendt therefore right in accusing Kant of failing to apply the faculty of judgment (to which he has devoted his third *Critique*) in the entire field of practical philosophy?¹² Kant's notorious example that one ought not to lie even in the extreme case when murderers hunting for an innocent person were to ask for the hiding place of their potential

¹¹ Groundwork, p. 76 (4: 424). The German adjective "*allgemein*" as well as the the corresponding noun "*Allgemeingültigkeit*" are ambiguous in that they can mean both a strictly universal and a merely general validity. To clarify his point, Kant therefore has to refer to the Latin terms "*universalitas*" and "*generalitas*," a reference that in the English translation seems superfluous since the English terminology is directly modeled on these Latin terms.

¹² Cf. Hannah Arendt, *Lectures on Kant's Political Philosophy*, ed. by Ronald Beiner, with an interpretive essay (Chicago: The University of Chicago Press, 1982). In her lectures, Arendt points to the irony that Kant in his third *Critique* undertakes a sophisticated analysis of the faculty of judgment, but essentially fails to make use of these insights in his moral and political philosophy. Cf. also Ronald Beiner, *Political Judgment* (London: Methuen, 1983), pp. 63ff. For a countercritique, see Heiner Bielefeldt, *Wiedergewinnung des Politischen. Eine Einführung in Hannah Arendts politisches Denken* (Würzburg: Königshausen & Neumann, 1993), pp. 86ff.

victim¹³ seems indeed to indicate a lack of judgment and common sense. This example has therefore been generally criticized, if not ridiculed. However, if we concede the absurdity of the extreme position Kant takes in that hypothetical case, does this mean that we have to abandon Kantian universalism altogether and, instead, content ourselves with a contextualized ethic in which all universalist claims must be renounced?

Kant's normative universalism can only be "rescued" if we add further qualifications to the morally prohibited exceptions from a moral norm. In the context of the distinction between strict "universality" and mere "generality," Kant rejects such exceptions in which he sees "a resistance of inclination to the precept of reason" in operation. In such a case, he assumes, "we take the liberty of making an *exception* to it for ourselves (or just for this once) to the advantage of our inclination."¹⁴ It is obvious that in this statement, the exception stands for the intrusion of a blind and selfish interest by which the strictness of the moral "ought" is thoroughly undermined. Whenever Kant speaks about exceptions, he appears to have mainly this constellation in mind. The common tendency to invoke occasional exceptions to moral norms, he says, reveals the "propensity to evil in human nature,"¹⁵ and indeed a potential "*perversity* (*perversitas*) of the human heart."¹⁶

However, we can also think of a different type of "exception" in the context of moral practice. If we – unlike Kant – assume that lying to potential murderers is not a violation of our moral obligation, we clearly make an exception to the maxim never to tell lies. In this case, however, the exception is not enacted on behalf of merely selfish interests. Instead, we feel morally *compelled* to transgress the maxim of unexceptional truthfulness. To lie to a potential killer in order to save innocent human life is a moral decision whose underlying implicit maxim we can indeed will to hold *universally*. In other words, what at first glance seems to be a mere exception may on closer scrutiny turn out to be a *precedent* to which everyone in a comparable situation should be able to refer.

¹³ Cf. On a Supposed Right to Lie from Philanthropy.

¹⁴ Groundwork, p. 76 (4: 424).

¹⁵ Religion, p. 76 (6: 29).

¹⁶ Religion, p. 78 (6: 30).

What distinguishes a precedent from a mere exception is the fact that, for all its concreteness, the precedent entails a component of universal validity by which it transcends the particular context. By colliding with a given moral maxim, the precedent reveals that this maxim needs correction and modification. With reference to our case, this means that the component of universality in the precedent makes it obvious that the maxim never to lie regardless of the consequences can, in the light of new experience, *not* be willed to hold universally. Now, what is needed is certainly not to remove the ban on lying completely, but to modify it in such a way as to integrate the “precedent” – that is, whenever telling a lie is the only possibility to save innocent life, we – and indeed *everyone* – should act accordingly. One can easily imagine other precedents that, in turn, would make necessary further modifications to this more complex maxim. Thus the development of maxims can be understood as an *open learning process* that requires permanent reflection on how to integrate new possible or actual precedents into our given set of maxims.

What Kant fails to consider is the fact that maxims are not only subjective principles, but also *historical* principles.¹⁷ They emerge and develop within the life of the morally judging individual, depending not only on his or her personal experience, but also on the ever-changing social context in which moral action and reflection takes place. In other words, moral maxims are inevitably conditioned by time and space, by experience and psychic development of the individual, and by the social and cultural environment at large. Hence a moral maxim cannot represent the timeless moral law once and for all. The *unconditional* “ought” of the categorical imperative only *conditionally* takes shape through maxims that themselves must therefore remain open to criticism and further development. That is, the unconditioned moral law underlies the entire *process* of generating maxims by employing all faculties of judgment in the service of the self-legislating moral will.¹⁸

¹⁷ Cf. Thomas Pogge, “The Categorical Imperative,” in: Otfried Höffe, ed., *Grundlegung zur Metaphysik der Sitten. Ein kooperativer Kommentar* (Frankfurt: Klostermann, 1989), pp. 172–193, at p. 177.

¹⁸ Cf. Seyla Benhabib, “Judgment and the Moral Foundations of Politics in Hannah Arendt’s thought,” in: *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics* (New York: Routledge, 1992), pp. 121–144. Benhabib suggests that the categorical imperative should be supplemented by a more comprehensive

Kant has apparently failed to consider sufficiently this dynamic nature of the process of constructing maxims. As Lewis White Beck observes, Kant makes the mistake of conflating the apodictic character of the moral imperative itself with the syntactic form of unexceptionally valid maxims that themselves are supposed to reflect the universalism of the categorical imperative in a timeless purity.¹⁹ Hence what is largely missing in Kant's applied ethics is the importance of the concrete context of human action as well as the possibility of clashes between competing duties and, consequently, the necessity of weighing contradictory duties against each other.²⁰

Changing circumstances and conflicting moral requirements obviously call for moral deliberation and judgment. Deliberation and judgment, however, cannot have a moral status unless they proceed in the light of the universalizability requirement of the categorical imperative itself. Even when confronting (seemingly or actually) opposing moral duties, we do not find ourselves in a situation beyond the moral law, as if we could weigh and balance those duties from the standpoint of a distant observer. The opposite is true in that the result of our weighing must itself be vindicated *morally*.²¹ To do this, we have to integrate the (seemingly or actually) colliding duties into a more comprehensive maxim whose moral quality in turn depends on the

account of the significance of judgment. With reference both to Hannah Arendt and contemporary discourse ethics, she calls for a deliberate integration of communicative action – that is, *common* reflection and exchange of opinions for the development of moral maxims. At the same time, she rightly warns that judgment is not a purpose in itself but needs to be directed by moral principles. Cf. Benhabib, "In the Shadow of Aristotle and Hegel. Communicative Ethics and Current Controversies in Practical Philosophy," in: *op. cit.*, pp. 23–67, at p. 54: "Moral judgment alone is not the totality of moral virtue. . . . only judgment guided by the principles of universal moral respect and reciprocity is 'good' moral judgment, in the sense of being ethically right."

¹⁹ Cf. Lewis White Beck, "Apodictic Imperatives," in: *Kant-Studien* 49 (1957/58), pp. 7–24.

²⁰ In an attempt to develop Kantian ethics further, Beck has persuasively argued that from a systematic point of view, "apodictic hypothetical" imperatives must be possible – that is, imperatives that structurally contain a "whenever-clause." (Cf. Beck, *op. cit.*, pp. 20ff.) On the one hand, the particular situation must be taken seriously as a possible challenge to a given maxim (such as the maxim never to lie regardless of the consequences). On the other hand, the categorical imperative requires us to transcend the particular context and seek out that component of universalizability that subsequently can become part of a new and more complex maxim.

²¹ Cf. Otfried Höffe, *Immanuel Kant* (Munich: Beck, 1983), p. 196.

possibility that we will it as a universal law. Consequentialist considerations, as well as reservations about given moral maxims, are part of a process of an ever-new concretization of the moral law that can proceed only through the medium of maxims.

At least some hints in this direction can actually be found in Kant's writings. For instance, in his political philosophy he introduces the concept of a "permissive law" (*lex permissiva*) that is explicitly designed to accommodating the inescapable contingencies of political practice. Kant cites as an example that when it comes to implementing the moral requirement of abolishing standing armies, some leeway must be conceded because precipitate actions could threaten the very purpose these actions are supposed to serve. It is noteworthy that the pragmatic and consequentialist considerations that Kant undertakes in the name of the *lex permissiva* are not meant to lead to exceptions from a moral or political maxim, but, as he says, ought to be included in the maxim as its "limiting condition."²² In his "Doctrine of Virtue" in *The Metaphysics of Morals*, Kant likewise emphasizes that the concept of a wide duty "is not to be taken as permission to make exceptions from the maxim of actions, but only as permission to limit one maxim of duty by another (e.g., love of one's neighbor in general by love of one's parents), by which in fact the field for the practice of virtue is widened."²³ Hence, what is at issue in both cases is not a relativization of maxims from without, but their modification *from within*.

Nonetheless, one has to admit that the concept of a "permissive law" has a somewhat ambivalent status in Kant's practical philosophy. Instead of developing from this concept a dynamic and historical understanding of maxims in general, Kant insists on reserving this more

²² Perpetual Peace, p. 321 footnote (8: 348 footnote). In this context, Kant, technically speaking, does not refer to maxims but to laws. In the domain of political philosophy, however, laws (in the plural!) have a status comparable to that of maxims in moral philosophy. Cf. also Mary J. Gregor, *Laws of Freedom. A Study of Kant's Method of Applying the Categorical Imperative in the Metaphysik der Sitten* (New York: Barnes & Noble, 1963), p. 101: Kant criticizes the political practice "of enacting a prohibition and then listing exceptions to it or conditions under which it does not apply. (...) His objection to listing exceptions to a prohibition is that this practice indicates that the permissions are given haphazardly or added to the law as particular cases come up. They ought, rather, to be determined according to a principle and so included within the law itself."

²³ *Metaphysics of Morals*, p. 521 (6: 390).

flexible mode of implementation for a specific “class” of laws or duties – “*leges latae*” or “wide (imperfect) duties” – that, he thinks, can be clearly distinguished from the class of “strict laws” and “strict (or perfect) duties,” respectively.²⁴

By raising some “Casuistical Questions” in the *Doctrine of Virtue*, however, Kant goes perhaps a little step further. He repeatedly concludes the analysis of concrete duties with a number of hypothetical dilemmas that can shed light on the contingencies under which human actions take place. In this context, he seems to concede some leeway for judgment and deliberation even in matters of “perfect” duties, such as the ban on suicide. “Is it murdering oneself to hurl oneself to certain death (like Curtius) in order to save one’s country? – or is deliberate martyrdom, sacrificing oneself for the good of all humanity, also to be considered an act of heroism?”²⁵ “Can one at least justify, if not eulogize, a use of wine bordering on intoxication, since it enlivens the company’s conversation and in so doing makes them speak

²⁴ Cf. Perpetual Peace, p. 320 (8: 347) and Metaphysics of Morals, p. 521 (6: 390). Kant places a great deal of emphasis on maintaining the distinction between perfect and imperfect duties. The arguments he sets out, however, alter from time to time. In the *Groundwork*, he defines a “perfect duty” as one “that admits no exception in favor of inclination” (p. 73, footnote/4: 421 footnote). To conclude from this definition that “imperfect duties” would allow for exceptions based on personal inclination, however, would mean to deny their status as duties completely. Similarly questionable is Kant’s argument that in the case of perfect duties, an occasional violation would be from the outset unthinkable, whereas in the case of imperfect duties, such a violation merely cannot be willed (cf. *Groundwork*, p. 75/4: 423). The problem with the distinction between unthinkable and unwillable maxims is that the categorical imperative in general operates as the determination of the *will* and not merely as an intellectual thought experiment. In the *Doctrine of Virtue*, Kant explains the difference between perfect and imperfect duties with reference to the principles of respect and love (cf. Metaphysics of Morals, p. 600/6: 488). Whereas, by complying with the duties of respect, the human being simply fulfills his basic obligations, he can gain moral merit by performing duties of love (cf. Metaphysics of Morals, p. 521/6: 390). There is some tension, however, between the concept of meritorious duties and the general tendency of Kantian ethics demanding sobriety against the temptation of moral self-complacency. It thus seems that Kant has ultimately failed to provide a persuasive vindication for the distinction between “perfect” and “imperfect” duties. Cf. H.J. Paton, *The Categorical Imperative. A Study in Kant’s Moral Philosophy* (London: Hutchinson & Co, 1947), p. 147: “Kant attaches great importance to the distinction between perfect and imperfect duties, but he seems nowhere to define the distinction clearly, although he admits that he is not following the ordinary usage of the schools.”

²⁵ Metaphysics of Morals, p. 548 (6: 423).

more freely?”²⁶ “Can an untruth from mere politeness (e.g. the ‘your obedient servant’ at the end of a letter) be considered a lie? No one is deceived by it.”²⁷ It is interesting that Kant does not give definitive answers to these and similar questions. His systematic analysis of duties of virtue thus does not lead to a closed and timelessly valid “catalogue” of virtues. That the philosopher in one of his last works raises questions he deliberately refrains from answering can be seen as remarkable evidence of his lifelong willingness to learn. As Karl Vorländer observes: “By asking such questions the experienced and open-minded expert of human nature comes to the fore. For all the strictness with which he upholds the moral law, he at the same time lives up to the motto that ‘nothing human should be alien’ to himself.”²⁸

3. The Highest Good as a Comprehensive Horizon of Meaning

The categorical imperative is not confined to testing given maxims as to whether or not they can be willed as holding universally. Beyond its function of providing a criterion for assessing particular maxims, the categorical imperative also operates as the driving force that positively underlies the *whole process* of establishing and developing maxims. Against the widespread stereotype of Kantian ethics as minimalistic and formalistic, Kant actually stresses the human being’s task to structure his or her entire life according to moral maxims. The categorical imperative thus involves “a striving for *completeness*.”²⁹ What we are called upon to do is to contribute to “constructing a moral world,” as Harry van der Linden has put it.³⁰ To highlight this holistic tendency, Kant introduces the “very fruitful concept” of “a kingdom of ends,”³¹ a concept by which, he says, the moral imperative can be represented in its “*allness [Allheit]* or totality of the system.”³²

²⁶ *Metaphysics of Morals*, p. 551 (6: 428).

²⁷ *Metaphysics of Morals*, p. 554 (6: 431).

²⁸ Karl Vorländer, *Immanuel Kant. Der Mann und das Werk* (Hamburg: Meiner, 2nd, enlarged ed., 1977), Vol. I, p. 307.

²⁹ Thomas Pogge, *op. cit.*, p. 186.

³⁰ Harry van der Linden, *Kantian Ethics and Socialism* (Indianapolis and Cambridge: Hackett Publishing Company, 1988), p. 22.

³¹ *Groundwork*, p. 83 (4: 433).

³² *Groundwork*, p. 86 (4: 436).

The term Kant mostly uses to address the aspiration to a totality inherent in practical reason is the “highest good.” Unfortunately, the relationship between the kingdom of ends and the highest good has never been elaborated clearly by Kant. In any case, there are good reasons to assume that both concepts are closely linked because, like the kingdom of ends, the highest good, too, stands for a totality – namely, “the unconditioned totality of the object of pure practical reason.”³³ The highest good requires a reconciliation of the morally good with the natural inclinations of human beings toward happiness. As Kant defines it, the highest good “means the whole, the complete good, in which, however, virtue as the condition is always the supreme good, since it has no further condition above it, whereas happiness is something that, though always pleasant to the possessor of it, is not of itself absolutely and in all respects good but always presupposes morally lawful conduct as its condition.”³⁴

By calling the highest good the “object” of pure practical reason, Kant does not say that it is given to reason like an external object. Rather, it is one of the basic results of his critical ethics that no moral “goods” or “purposes” exist prior to, and outside of, practical reason because it is only through the legislation of practical reason that something can obtain moral worth. Kant’s doctrine of the highest good by no means compromises this critical insight. Kurt Borris is wrong to contend that the idea of the highest good, if it were spelled out systematically, would lead to a “bankruptcy” of the categorical imperative, and that the categorical imperative, if it were actually taken seriously, would in turn amount to a collapse of the doctrine of the highest good.³⁵ Kant attaches great importance to the clarification that the “object” of practical reason, instead of existing prior to reason, is *constituted actively* by

³³ Critique of Practical Reason, p. 227 (5: 108). The conceptual kinship between the kingdom of ends and the highest good has been stressed by many authors. Cf., e.g., Hans-Jürgen Hess, *Die Obersten Grundsätze Kantischer Ethik und ihre Konkretisierbarkeit. Kantstudien Ergänzungshefte* 102 (Bonn: Bouvier, 1971), p. 65; Manfred Riedel, *Urteilkraft und Vernunft. Kants ursprüngliche Fragestellung* (Frankfurt: Suhrkamp, 1989), pp. 95–96; Onora O’Neill, *op. cit.*, p. 143; Korsgaard, *op. cit.*, p. 241; Paul Guyer, *Kant on Freedom, Law and Happiness* (Cambridge: Cambridge University Press, 2000), p. 340.

³⁴ Critique of Practical Reason, p. 229 (5: 110–111).

³⁵ Cf. Kurt Borris, *Kant als Politiker. Zur Staats- und Gesellschaftslehre des Kritizismus* (Leipzig: Meiner, 1928), pp. 35–36.

practical reason. The highest good represents symbolically practical reason's inherent aspiration to a totality that can never be fully implemented on earth, but nevertheless has an indispensable regulative function for human morality. This is to say, however, that the idea of the highest good cannot yield an alternative or supplementary moral principle "beside" – or even prior to – the categorical imperative. Instead, it provides the all-encompassing horizon of meaning that *emerges from the categorical imperative itself*.³⁶

What are the consequences of the idea of the highest good for moral practice? Kant makes it clear that a straightforward implementation of the highest good is impossible. The totality and perfection symbolized in that idea goes beyond the possibilities of a finite moral being. The reality of human life is not a harmony of virtue and happiness. On the contrary, what characterizes human morality are inevitable contradictions, permanent conflict, and a lifelong struggle of the individual with himself as well as his fellow humans. We feel compelled to act morally and to thereby become "worthy of happiness" without in the least being sure that we will actually achieve happiness. The distinction and the concomitant conflict between virtue and happiness cannot be overcome as long as human life endures. Whoever denies this conflict, as both Stoics and Epicureans did, from opposite angles,³⁷ fails to take seriously the finiteness of the human being as well as the earnestness of the moral command. By conflating human happiness with moral self-perfection, the Stoics resort to a lofty, nearly superhuman ideal that ignores the natural inclination of human beings to happiness. The Epicureans, by contrast, diminish and finally deny the moral imperative by reducing it to a private peaceful happiness. What both schools fail to realize is that human morality has always been, and will always be, a burdensome task that requires willpower and a readiness to engage in a lifelong conflict. A comprehensive reconciliation of morality and a corresponding happiness cannot be enacted by a finite moral being. Only *God Almighty* could accomplish such perfection. The idea of the highest good therefore leads to the postulate of God's existence, which offers the only way to preserve the highest good as a meaningful idea. Moral philosophy

³⁶ For a more detailed discussion, cf. Section VII, 2.

³⁷ Cf. Critique of Practical Reason, pp. 241–242 (5: 126–127).

thus shows a tendency to transcend itself toward a philosophy of religion.

Although the idea of the highest good is not a “program” to be immediately implemented, it does have an impact on moral practice because it provides an all-encompassing horizon of meaning in which concrete moral norms and individual moral actions can be located. To renounce such a holistic perspective of meaning completely is ultimately impossible, according to Kant. As moral beings, he asserts, we feel called upon at least to “*promote*” this final goal even though we are aware that its full implementation is beyond the possibilities of our frail human nature.³⁸

4. The Fundamental Ends of Morality

How can we tackle the task of promoting the highest good? It is symptomatic of our finiteness as human beings that the two components, virtue and happiness, which are brought together in the idea of the highest good, fall apart in our actual moral practice. We can promote the *one* idea of the highest good only *indirectly*. That is, we have to take *two* different routes that we cannot know will ever meet. “One’s own perfection” and “the happiness of others,” Kant says, are the fundamental ends that at the same time constitute fundamental duties³⁹ because they follow from the categorical imperative to treat humanity always as an end in itself. Since the development of virtue is possible only with an attitude of free self-determination, the first fundamental end relates to the moral agent himself or herself. Moral perfection is conceivable only as *self*-perfection. With the second fundamental end, it is the other way around. Pursuing one’s own happiness does not directly constitute a command of morality since it is already by natural inclination that we are interested in furthering our well-being. As a moral duty, the promotion of happiness therefore concerns our attitude toward our fellow humans. The two restrictions in the definition of the moral ends – namely, that it is (at least primarily) *our own* moral perfection (and not that of others) that we have to strive for, and that it is the happiness *of others* (and not our own) that we are supposed

³⁸ Cf. Religion, p. 165 (6: 139).

³⁹ Metaphysics of Moral, p. 517 (6: 385).

to further, points once more to the finiteness of human nature. We feel morally compelled to work for our “worthiness to become happy” without having the least guarantee that we will in the end actually achieve happiness. And we feel called upon to promote the happiness of others, although we can never be sure (and may often have doubts) that they actually deserve such support.

A. One’s Own Perfection

That human beings have obligations not only toward others but also toward themselves follows from the categorical imperative: “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.”⁴⁰ From a moral point of view, human dignity is not only inviolable; it is also inalienable. This is to say that respect is due not only to the dignity of others but also to one’s own dignity. Human beings owe it to themselves to lead a life in conformity with the dignity of a moral being. In addition, Kant points out that the due respect for moral obligations toward oneself constitutes the necessary precondition for recognizing and realizing obligations toward others. “For I can recognize that I am under obligation to others only insofar as I at the same time put myself under obligation, since the law by virtue of which I regard myself as being under obligation proceeds in every case from my own practical reason . . .”⁴¹

The first concrete duty toward oneself is moral self-scrutiny. “Moral cognition of oneself, which seeks to penetrate into the depths (the abyss) of one’s heart that are quite difficult to fathom, is the beginning of all human wisdom.”⁴² In the wake of Socrates and Rousseau, Kant becomes convinced that wisdom consists in practical commitment rather than in mere intellectual sophistication. The route to wisdom, accordingly, does not start with theoretical speculation but, first and foremost, requires the critical examination of one’s own conscience. What is further needed to lead a moral life is maxims through which the moral law takes shape. Hence one’s duty is to introduce some order into one’s life, and establish firm maxims. Kant, moreover,

⁴⁰ Groundwork, p. 80 (4: 429).

⁴¹ *Metaphysics of Morals*, p. 543 (6: 417–418).

⁴² *Metaphysics of Morals*, p. 562 (6: 441).

speaks of a duty to “cultivate” one’s own moral faculties. Although the human being cannot “create” the conscience under the scrutiny of which he finds himself, or herself, he or she can (and ought to) strengthen its influence on daily practice. “The duty here is only to cultivate one’s conscience, to sharpen one’s attentiveness to the voice of the inner judge and to use every means to obtain a hearing for it . . .”⁴³ Likewise such “empirical feelings” as compassion or empathy that can be conducive to moral practice deserve to be cultivated too. Although compassion and other sympathetic feelings can never serve as the normative *basis* of morality strictly speaking, they should be cherished as a support provided by nature to foster our moral obligations.⁴⁴ Kant’s list of duties toward oneself includes, among other things, the ban on avarice and servility – that is, attitudes that in the long run would undermine the self-respect that moral beings owe themselves.⁴⁵

As mentioned, fostering one’s own happiness does not *directly* constitute a moral duty. However, Kant admits that there is an *indirect* obligation to take care of one’s own welfare too. “It can even in certain respects be a duty to attend to one’s happiness, partly because happiness (to which belong skill, health, wealth) contains means for the fulfillment of one’s duty and partly because lack of it (e.g., poverty) contains temptations to transgress one’s duty. However, it can never be a direct duty to promote one’s happiness, still less can it be a principle of all duty.”⁴⁶

With Kant’s acknowledgment of an indirect duty to take care of one’s own happiness, the systematic distinction he draws between duty and inclination (or between virtue and happiness) has by no means been discarded. What he repeatedly emphasizes, however, is that this conceptual distinction should not be misunderstood as an abstract antagonism.⁴⁷ To avoid, whenever possible, a conflict between duty

⁴³ *Metaphysics of Morals*, p. 530 (6: 401).

⁴⁴ Cf. *Metaphysics of Morals*, p. 575 (6: 457). Cf. also Herman, *op. cit.*, p. 32: “Indeed, Kant thinks we are required to engage our natural sympathetic feelings, to place their special sensitivity to others at the service of beneficence . . .”

⁴⁵ Cf. *Metaphysics of Morals*, pp. 555ff. (6: 432ff.).

⁴⁶ *Critique of Practical Reason*, pp. 214–215 (5: 93).

⁴⁷ Cf. *Critique of Practical Reason*, p. 214 (5: 93): “But this *distinction* of the principle of happiness from that of morality is not, for this reason, at once an *opposition* between them . . .”

and inclination is actually a matter of prudence. Moreover, as Guyer persuasively argues, although we are forbidden “to be governed by inclination instead of reason,” it is not precluded, according to Kant, for practical reason itself to use “one set of inclinations to govern another.”⁴⁸

Friedrich Schiller was one of the first to criticize the purported austerity of Kant’s ethics. He accused Kant of propagating a “harsh antagonism of the two principles [namely, duty and inclination, H.B.] that have an effect on the human will.”⁴⁹ Against Schiller’s charge that Kant’s ethics lacks all attractiveness because “the idea of *duty* is presented with such a severity that the graces shy away from it,” the philosopher defends himself with the following clarification: “I readily grant that I am unable to associate *gracefulness* with the *concept of duty*, by reason of its very dignity. For the concept of duty includes unconditional necessitation, to which gracefulness stands in direct contradiction. (...) But *virtue*, i.e. the firmly grounded disposition to fulfill one’s duty strictly, is also *beneficent* in its consequences, more so than anything that nature or art might afford in the world. Hence the glorious picture of humanity, as portrayed in the figure of virtue, does allow the attendance of the *graces*, who, however, maintain a respectful distance when duty alone is at issue.”⁵⁰

For all the strictness that Kant accords to the *principle* of duty, his understanding of moral *practice* is in fact far from austere. He explicitly rejects the attitude of “monkish ascetics,” which stems “from superstitious fear or hypocritical loathing of oneself.”⁵¹ A genuinely moral disposition, Kant says, rather goes along with joy and cheerfulness. “The rules for practicing virtue (*exercitiorum virtutis*) aim at a frame of mind that is both *valiant* and *cheerful* in fulfilling its duties (*animus strenuus et hilaris*).”⁵² It is remarkable that Kant in this context even cites Epicurus.

⁴⁸ Paul Guyer, *Kant and the experience of freedom. Essays on aesthetics and morality* (Cambridge: Cambridge University Press, 1993), p. 379.

⁴⁹ Friedrich Schiller, *Über Anmut und Würde*, ed. by Klaus L. Berghahn (Stuttgart: Reclam, 1971), p. 107.

⁵⁰ Religion, p. 72 footnote (6: 23 footnote). In a letter to Kant dated January 13, 1794, Schiller expresses his gratitude for Kant’s mild criticism. Cf. letter no. 628 (11: 506–507).

⁵¹ Metaphysics of Morals, p. 597 (6: 485).

⁵² Metaphysics of Morals, p. 597 (6: 484).

While remaining the strictest opponent of the Epicurean foundation of morality, he nevertheless praises “the ever-cheerful heart, according to the idea of the virtuous *Epicurus*.”⁵³ Kant concludes the section on “Ethical Ascetics” in the *Doctrine of Virtue* by professing: “Hence the training (discipline) that a human being practices on himself can become meritorious and exemplary only through the cheerfulness that accompanies it.”⁵⁴

The ultimate degree of human self-perfection would be the love of the moral law. “The highest goal of the moral perfection of finite creatures, never completely attainable by human beings, is, however, the love of the Law.”⁵⁵ The idea that we should *love* to do what we feel *compelled* to do, amounts to a paradox, as Kant frankly admits: “[A] command that one should do something gladly is in itself contradictory.”⁵⁶ It thus seems clear that this goal is “not completely attainable by human beings,” as Kant stresses. Rather than representing a principle of morality, love of the law constitutes an ideal of holiness, that is, of a will that stands beyond moral necessitation.⁵⁷

In contrast to Schiller’s enthusiasm, Kant warns us that as finite moral beings we should never play off love against respect of the law. For moral enthusiasm, he fears, tends in the long run to undermine the strictness of the moral law on behalf of “higher purposes.” And yet admittedly the law of morality points beyond itself toward the ideal of holiness, which we know we will never achieve. Being torn between the unconditional command of morality and the various conditionalities of human existence, a finite moral being can never come to rest. Referring to the biblical command to love God and one’s neighbor, Kant thus proclaims: “That law of all laws, therefore, like all the moral precepts of the Gospel, presents the moral disposition in its complete perfection, in such a way that it as an ideal of holiness is not attainable by any creature but is yet the archetype which we should strive to approach and resemble in an uninterrupted but endless progress.”⁵⁸

⁵³ *Metaphysics of Morals*, p. 597 (6: 485).

⁵⁴ *Metaphysics of Morals*, p. 598 (6: 485).

⁵⁵ *Religion*, p. 170 (6: 145).

⁵⁶ *Critique of Practical Reason*, p. 207 (5: 83).

⁵⁷ Cf. *Groundwork*, p. 67 (4: 414).

⁵⁸ *Critique of Practical Reason*, p. 207 (5: 83).

B. The Happiness of Others

The second fundamental end also follows from the categorical imperative to treat humanity never merely as a means but always at the same time as an end in itself. Whereas respect for one's own humanity leads to the duty of self-perfection, due recognition for the humanity of others as an end in itself should find expression in the willingness to promote one's fellow human beings' natural ends – that is, their happiness.

No one can live completely on his own. Kant writes that human beings are “rational beings with needs, united by nature in one dwelling place so that they can help one another.”⁵⁹ A person who gives from his abundance to the poor should not pretend to perform thereby an act of generosity because the distribution of wealth is in many respects the result of political injustice. Kant raises a rhetorical question when he states: “Having the resources to practice such beneficence as depends on the goods of fortune is, for the most part, a result of certain human beings being favored through the injustice of the government, which introduces an inequality of wealth that makes others need their beneficence. Under such circumstances, does a rich man's help to the needy, on which he so readily prides himself as something meritorious, really deserve to be called beneficence at all?”⁶⁰ Beside the readiness to help others, Kant's list of duties toward others also contains such virtues as, for instance, gratitude and sympathy.⁶¹

We have seen that the duties toward oneself *indirectly* (not directly!) contain the promotion of own's own happiness. Correspondingly, the duties toward others may under certain conditions include a support of other people's moral perfection. To be sure, any direct attempt to foster the moral perfection of others would not only be in vain; it would also, first and foremost, amount to a violation of the respect that we owe every morally autonomous being. Moral development can succeed only as a never-ending process of *self*-perfection based on the free will of the person in question. Nevertheless, we can and should under certain circumstances indirectly support the struggle of others for self-perfection. For instance, Kant demands that the promotion of

⁵⁹ *Metaphysics of Morals*, p. 572 (6: 453).

⁶⁰ *Metaphysics of Morals*, p. 573 (6: 454).

⁶¹ Cf. *Metaphysics of Morals*, pp. 573–576 (6: 454–457).

the happiness of others should always go hand in hand with a critical scrutiny of whether their projects are at least morally permissible. Only if this is the case, can the furtherance of another person's goals qualify as an expression of moral respect. Moreover, among friends we are also bound to exercise mutual criticism. "From a moral point of view it is, of course, a duty for one of the friends to point out the other's faults to him; this is in the other's best interests and is therefore a duty of love."⁶² This duty of moral correction holds even more for parents or teachers, who are in charge of educating the younger generation. At the same time, however, it remains true that moral education must always proceed with an attitude of respect for the pupil to whom the teacher, "as the midwife of the pupil's thoughts,"⁶³ should provide support on the path of moral and intellectual self-perfection. Not even care or love of one's children can be a justification for neglecting the principle of respect.

And yet respect does not constitute the ultimate goal of morality. Just as the moral task of self-perfection points to the (ultimately unattainable) idea of love of the moral law, so the moral task of promoting the happiness of others also points to the dimension of love. Without undermining respect as the only genuinely moral incentive, Kant stresses the need for cherishing those empirical inclinations that are helpful for a successful performance of our moral duties. It is in this regard that he points out that "love, as a free assumption of the will of another into one's maxim, is an indispensable complement to the imperfection of human nature (of having to be necessitated to that which reason prescribes through the law). For what one does not do with liking he does in such a niggardly fashion – also probably with sophisticated evasions from the command of duty – that the latter as an incentive, without the contribution of the former, is not very much to be counted on."⁶⁴ Surely human beings can never overcome the "necessitating" character of duty, and should be anxious not to underestimate the harshness of the moral law. And yet we experience the notion that duty itself ultimately points to an unattainable idea of perfection in which respect is both preserved and superseded.

⁶² *Metaphysics of Morals*, p. 585 (6: 470).

⁶³ *Metaphysics of Morals*, p. 592 (6: 478).

⁶⁴ *The End of All Things*, p. 230 (8: 338).

5. Social Duties

The two fundamental ends – to work for one’s own moral perfection and to promote the happiness of others – imply the readiness to take an active interest in society. Kant thus declares: “It is a duty to oneself as well as to others not to *isolate* oneself (*separatistam agere*) but to use one’s moral perfections in social intercourse (*officium commercii, sociabilitas*).”⁶⁵ Kantian ethics is not “individualistic” in the sense of ignoring the claims of society and community. Although Kant attaches great importance to the inalienable dignity of every individual person as a morally autonomous subject, he emphasizes at the same time that morality can actually flourish only in company with others.⁶⁶

Social duties are manifold. It seems possible to identify in Kant’s writings social duties relating to *society* in general, duties toward the *state* (that is, the political community), and finally duties vis-à-vis that “ethical community” that itself is represented symbolically in the institutions of the *church*. Because the political community and the ethical community will be dealt with in Chapters V and VII of this book, the following paragraphs will primarily focus on duties toward society at large – that is, the duties of civilized politeness. For the purpose of a systematic overview of Kant’s understanding of social duties in general, I will nevertheless give a short account also of the social duties concerning the state and the ethical community.

A. *Politeness as Symbolic Role Playing*

The existing forms of civilized politeness are an ambivalent phenomenon. It is obvious that mutual compliments and other expressions of courtesy are not always based on genuine respect or well-meaning. Since the actual motives underlying polite behavior may at times be questionable, some critics of society, such as Rousseau, have condemned the rites of courtesy as a path leading to hypocrisy and moral corruption. Kant does not share this critical attitude, even though he is fully aware of the ambiguity of civilized politeness. When

⁶⁵ *Metaphysics of Morals*, p. 588 (6: 473).

⁶⁶ Cf. van der Linden, *op. cit.*, p. 18. Cf. also Allen W. Wood, *Kant’s Ethical Thought* (Cambridge: Cambridge University Press, 1999), p. 302: “To consider Kant’s philosophy as ‘monological’ or ‘solipsistic’ (as Habermas and his followers do) is *fundamentally* to misunderstand the Kantian conception of reason.”

he nevertheless defends the forms of polite conduct, he does so not only *despite* but almost *because* of their inherent ambivalence. For he is convinced that a conscious observation of the rules of politeness can be a way of doing justice to the ultimate inscrutability of the human heart.

Kant devotes a short section of his *Anthropology from a Pragmatic Point of View* to the justification of politeness. Its title – “Von dem erlaubten moralischen Schein”⁶⁷ – is hardly translatable into English, because the term “*Schein*” can mean both “illusion” and “semblance.” Kant’s point in describing politeness is exactly that the latter remains somehow *in between* those two possibilities of sheer illusion and positive semblance, and hence is characterized by a peculiar vagueness. Courteous behavior apparently has an aspect of illusion and yet is more – or at least *can* be more – than sheer illusion. It can be an expression of respect for others, even though an ultimate doubt might remain as to whether such respect is always genuine. What Kant appears to want to point out is that politeness is permissible; it is a “permissible moral illusion” or a “permissible moral semblance” (*erlaubter moralischer Schein*). For all its ambiguity, polite behavior may even be useful because it can pave the way to real respect: “The *bows* (compliments) and the whole *courteous* gallantry, including the warmest assurances of friendship . . . are not always *truth* . . . ; on the other hand, they do not *deceive* anyone, because everyone knows how to take them, and also because these initially empty signs of well-meaning and respect can gradually lead to genuine dispositions of that sort.”⁶⁸

Polite forms of societal intercourse provide “masks” behind which people can hide and, at the same time, display themselves in the public sphere. This complex structure of politeness has been carefully analyzed by the German philosopher and sociologist Helmuth Plessner. In his anthropological studies, Plessner demonstrates that even the human face itself has an aspect of mask-likeness, which is noticeable, for instance, when a person smiles in order to “keep countenance.”⁶⁹ For Plessner, the need to *mediate* social encounters through such means as

⁶⁷ *Anthropology*, 7: 151.

⁶⁸ *Anthropology*, 7: 152.

⁶⁹ Helmuth Plessner, “Die Frage nach der *Conditio Humana*,” in: *Gesammelte Schriften* Vol. VIII (Frankfurt: Suhrkamp, 1982), pp. 136–217.

masks or role playing reveals the deep vulnerability of the human psyche, which, on the one hand, has a natural inclination to express itself publicly in order to enter into a communication with others, and, on the other hand, seeks protection against the danger of being exposed or even ridiculed by others. According to Plessner, it is from these antagonistic tendencies that the fundamental anthropological significance of conventional politeness originates. The rituals of politeness offer a way to establish contact with others and at the same time keep some distance from them.

The general anthropological need for “masks” may become even more pressing when people want to address each other as *moral subjects*. Hence the importance that Kant, as a moral philosopher, accords to the rules of politeness. For what characterizes moral “phenomena” is an inevitable ambivalence, which stems from the fact that the motivation underlying a particular moral action ultimately remains unfathomable. Not even our own motivation, let alone that of others, is in the final analysis transparent to ourselves. Whenever virtue becomes a “phenomenon” – that is, when it displays itself publicly – it necessarily evokes suspicion. Such suspicion might even be based on an implicitly moral motive, such as a deep loathing for self-righteousness, hypocrisy, and bigotry.⁷⁰ However, the problem remains that the merely negative attack on bigotry can easily end in a cynic rejection of morality altogether.

Once more, the “*as-if language*” helps to overcome the predicament of bigotry versus cynicism. The forms of civilized politeness can indeed be used, and typically are used, in an attitude of “as-if.” To say it in Kant’s (previously-cited) words: Although polite expressions “are not always *truth* . . . they do not *deceive* anyone, because everyone knows how to take them.” Having itself a somehow ambivalent status “in between” illusion and semblance, politeness can offer an appropriate way for people to accord one another some sort of respect, which, with regard to the ultimate inscrutibility of the human heart, cannot always be unequivocal. The forms of civilized politeness may thus adopt a *symbolic*

⁷⁰ For instance, when Danton in Georg Büchner’s drama unmasks Robespierre, the epitome of incorruptability and republican virtue, as a hypocrite, we can sense that Danton’s bluntly immoralistic language expresses a “moral” passion for truthfulness and a deep loathing of bigotry. Cf. Georg Büchner, *Dantons Tod. Ein Drama*, in: Werke und Briefe, ed. Fritz Bergemann (Wiesbaden: Insel, 1958), p. 29.

meaning. They provide the means by which people can address each other “*as if*” they had a genuine respect for one another, even though they might at times entertain doubts concerning the actual motives behind the seemingly virtuous conduct of others.

To be sure, the symbolic character of politeness is very different from that strict symbolism by which the moral law manifests itself in the categorical imperative. Unlike moral commands in the narrow sense, the rules of societal courtesy have a playful character. What they represent is not the moral law itself, but rather the “graces” that accompany virtue, as Kant has put it in his response to Schiller. These graces, Kant explains elsewhere, are “only *externals* or by-products (*parerga*), which give a beautiful illusion resembling virtue that is also not deceptive since everyone knows how it must be taken.”⁷¹ By no means, however, should the graces be conflated with virtue itself. That is why it is only *conditionally* that we are called upon to observe the rules of “*humanitas aethetica et decorum*” as a means by which obedience to the moral law can indirectly be promoted.⁷² Even though in his response to Schiller, Kant unequivocally insists that the graces “maintain a respectful distance when duty alone is at issue,” he demands at the same time that we should, whenever possible, bring about an association of virtue and the graces in order to render the burdensome task of obedience to the moral law somewhat more attractive.

Although Kant vindicates politeness, he does not thereby defend the societal *status quo* that the established forms of courtesy actually reflect. It seems clear to him that the existing patterns of politeness of his day need to be reformed because they often mirror relationships of feudal inequality. The oversophisticated and discriminatory ways of addressing people that the German language provides – “Du,” “Ihr,” “Er,” and “Sie”⁷³ – illustrate how much emphasis the members of the privileged classes place on distinguishing different degrees of dignity. They thereby want to make sure that “starting from royal dignity, through all the ranks of dignity down to a state in which human dignity

⁷¹ *Metaphysics of Morals*, p. 588 (6: 473).

⁷² *Metaphysics of Morals*, p. 588 (6: 473).

⁷³ These forms can hardly be translated to English. Whereas “Du” and “Ihr” are equivalents of the English “thou” and “you,” “Er” literally means “he,” and “Sie” (which is still commonly used in contemporary German as *the* polite form of addressing people) is literally translated as “they.”

nearly ceases to exist . . . , that is, the state of a servant who alone can be addressed by his master in the *Du*-form, or that of a child without an independent will, the *degree* of respect due to the upper classes should by no means be ignored.”⁷⁴ These discriminatory elements within the existing forms of social politeness call for serious social criticism. The criticism expressed by Kant, however, is not of an iconoclastic nature. Rather than aiming at a complete dissolution of the existing conventions of politeness, he demands that societal conventions should be eventually transformed into a more appropriate medium for expressing mutual respect on the basis of equality.

Such a “playful” societal medium for showing respect is, at any rate, indispensable. Peter Berger is wrong to contend that the universal concept of human dignity necessarily leads to a devaluation of the social roles and “masks” that were typical of the feudal system of honor. “In a world of honour,” Berger writes, “the individual discovers his true identity in his roles, and to turn away from the roles is to turn away from himself (. . .). In a world of dignity, the individual can only discover his true identity by emancipating himself from his socially imposed roles – the latter are only masks, entangling him in illusion, ‘alienation’ and ‘bad faith’.”⁷⁵ According to Kant, the opposite is true because it is only through the medium of masks and role playing that people can express their mutual respect in a playful, yet serious way. To be sure, in the light of the universal concept of human dignity, the colorful escutcheons of feudal society no longer provide the appropriate symbols of such respect. This does not mean, however, that what remains is only “the naked man,” as Berger wants to have us believe.⁷⁶ The idea of human dignity does not imply an “abstract” concept of the naked person, but instead requires such “clothes” as are in conformity with the equal dignity of every human being.

The societal rules of “decency and decorum” are “*erlaubter moralischer Schein*” – that is, a form of “illusion” that is permissible because it bears at least a certain “semblance” of genuine respect. Because of the inherent ambivalence of politeness as something vacillating

⁷⁴ Anthropology, 7: 131.

⁷⁵ Peter Berger, “On the Obsolescence of the Concept of Honour,” in: Michael J. Sandel, ed., *Liberalism and its Critics* (New York: New York University Press, 1984), pp. 149–158, at p. 154.

⁷⁶ Berger, *op. cit.*, p. 154.

between illusion and semblance, polite behavior cannot constitute an unqualified moral duty. Yet Kant is convinced that the established social rules deserve appreciation and acknowledgment as a means of expressing *indirectly* that respect for one another that at times remains equivocal. Representing merely the “graces” surrounding virtue, the forms of politeness should never be mixed with virtue itself. But for all the “respectful distance” that the graces are to maintain “when duty alone is at issue,” they should not simply be discarded.

It would be foolish to mistake the “masks” of civilized politeness immediately for reality. However, he who thinks that he has to “unmask” people in order to see their “real faces,” will not only destroy the mask but will also hurt the human countenance. We thus have to learn to accept and use masks and role playing as media through which societal respect for one another can be expressed and promoted in the appropriate “as-if mode” of symbolic representation. This is exactly Kant’s point. After warning us not to mistake the “tokens” of social politeness for “real gold,”⁷⁷ he hastens to add that dismissing them as a completely valueless toy money would amount to committing an “act of high treason against humanity.”⁷⁸

B. Respecting and Promoting the Order of Rights

Like the societal forms of politeness, the legal order of rights, too, constitutes a medium through which people can interact socially. As a “bearer of rights,” the human being can encounter others on the basis of freedom and equality. Unlike the conventional forms of courtesy, however, the political order of rights certainly has no “playful” element because it is “connected with an authorization to use coercion,”⁷⁹ as defined by Kant. Coercion can be justified only as a means with which to fight the danger of violence that itself easily arises when people encounter each other without the protection of a legal order. That is, the general fear of violence in a situation of anarchy will likely cause people to take preemptive measures, with the result that mutual distrust will arise and the outbreak of actual violence will almost become inevitable. The legal order of rights is an attempt to break through this

⁷⁷ Anthropology, 7: 152.

⁷⁸ Anthropology, 7: 153.

⁷⁹ Metaphysics of Morals, p. 388 (6: 231).

vicious circle by establishing and implementing rights of freedom and equality for everyone. Only as a “*hindering of a hindrance to freedom*,” Kant says, is coercion “consistent with freedom in accordance with universal laws, that is, it is right.”⁸⁰

As a system based on (potential or actual) physical coercion, the order of rights can protect merely the “external” freedom of choice, not the autonomy of a person’s inner will, which, as Kant emphasizes time and again, must be respected as remaining beyond the grasp of any empirical scrutiny, let alone empirical coercion. To make sure that legal coercion will not be employed as a means of promoting morality, Kant draws a clear distinction between morality and the order of rights. At the same time, however, he insists that rights of freedom and equality have moral significance as an institutionalized manifestation of that mutual recognition that morally autonomous beings owe each other. The duty to treat humanity as an end in itself thus leads to the social duty to defend and promote the order of rights.⁸¹

C. Toward an Ethical Community

Social duties are not confined to observing (whenever possible) the rules of civilized politeness and fostering the development of an order of rights. In addition to those duties toward society and the state, Kant also speaks about duties toward an ethical community. This aspect of his practical philosophy has largely been neglected in the literature on Kant.⁸² In the wake of Rousseau, however, Kant is convinced that the worst of all vices – envy, avarice, malicious joy – stem from society, and that society as a whole, accordingly, bears a responsibility for fighting these morally problematic tendencies by establishing an ethical community. Kant defines the ethical community as “a society in accordance with, and for the sake of, the laws or virtue.”⁸³ The promotion of such a community, he says, “is a duty *sui generis*, not of

⁸⁰ *Metaphysics of Morals*, p. 388 (6: 231).

⁸¹ For a more detailed analysis, see Chapter V.

⁸² Cf., for instance, Wolfgang Kersting, *Wohlgeordnete Freiheit. Immanuel Kants Rechts- und Staatsphilosophie* (enlarged paperback version, Frankfurt: Suhrkamp, 1993). In his introduction, Kersting mentions only “two media of society-building” (p. 47) that he says characterize the negative conception of freedom as is typical of liberalism and also of Kant. These two media, according to Kersting, are the market system and the legal order of rights.

⁸³ *Religion*, p. 130 (6: 94).

human beings toward human beings but of the human race toward itself.”⁸⁴

The notion of a duty of humanity as a whole towards itself not only contradicts the common cliché of Kantian individualism, but actually borders on a paradox (which might be the reason for its common neglect). Does the awareness of duty not rest on the moral consciousness of every individual person? Is the categorical imperative not addressed to each individual and hence formulated in the second person singular? Does Kant not emphasize again and again that because of the ultimate inscrutibility of the human heart, morality itself can never be organized on a collective basis? Kant is indeed aware that an ethical community cannot be enacted in a straightforward manner. On the one hand, even the joint endeavors of all members of society seem insufficient to bring about such a community. On the other hand, it is obvious that the ethical community can never be accomplished through the employment of physical coercion – that is, through the use of state authority. With the idea of an ethical community we once again confront the limits of human morality as well as a peculiar tendency inherent in morality urging the human being to transcend even those ultimately insuperable limits.

Kant stresses that the idea of an ethical community, although not immediately implementable, need not be an empty illusion, however. It takes shape in the institutions of the church that represent *symbolically* that ultimately “invisible church,”⁸⁵ which itself serves as an equivalent of the ethical community. The church thus comes to the fore as the addressee of specifically communitarian duties that go beyond both the rules of civilized politeness and the obedience that we owe to the political order of rights.⁸⁶

⁸⁴ Cf. Religion, p. 132 (6: 97).

⁸⁵ Cf. Religion, p. 135 (6: 101).

⁸⁶ For a detailed discussion, see Section VII, 5 and 6.

The Order of Rights as a Symbol of Human Dignity

1. Preliminary Remark on the Meaning of “Recht”

The German term “*Recht*” has at least three meanings. First, it can refer to a specific legal entitlement held by an individual or a group of people. For instance, citizenship includes the entitlement (*Recht*) of a person to participate in general elections. Second, *Recht* can mean the order of legal norms as a whole (or specific parts of that order). Lawyers who have studied the order of law in general (or have specialized in certain parts of it, such as administrative law, international law, or contract law) are therefore called in German “*Rechtsgelehrte*.” Those who deal with the order of law from a philosophical perspective, accordingly, are termed “*Rechtsphilosophen*.” Third, *Recht* also has a moral meaning, and thus can be used to indicate that something qualifies as right, just, or fair. The opposite of *Recht* in this sense is *Unrecht* (injustice). A state governed in conformity with fair principles and the rule of law is commonly referred to as “*Rechtsstaat*.”

These three aspects of *Recht* frequently overlap. For instance, one can refer to the order of legal norms (the second meaning of *Recht*) and, at the same time, define this order normatively as one of political justice (thus invoking the third meaning of *Recht*). In the context of human rights (*Menschenrechte*), the universal entitlement of human beings to rights of freedom and equality (the first meaning) has become a decisive criterion for assessing the justice of legal norms.

Kant, too, employs the term *Recht* in this threefold sense. It is therefore not always easy to find an appropriate translation. At times, I will simply use the term “law,” which in the context of this chapter generally does not mean the moral law but the order of legal norms. At other times, I will prefer the more technical term “right.” If the context requires a specification in order to avoid misunderstandings, I will use more complicated formulations such as “legal order of rights” or “order of justice.”

2. “The Apple of God’s Eye”

In the modern era, it has become ever more evident that legal norms are not given by nature or by a divine creator, but must be enacted and implemented by human beings. Whereas in the Middle Ages, the ruler was typically portrayed as a judge in charge of administering the existing law, modern political iconography has shown a shift toward the legislator as the decisive symbol of political responsibility. The awareness that law has become a matter of conscious human planning and decision finds its most prominent philosophical expression in social-contract theories. The social contract seems to be an appropriate metaphor for the constitutive responsibility of human beings for bringing about the laws according to which they want to organize their political coexistence and cooperation. At the same time, however, the concept of a social contract can give rise to voluntaristic readings, with the result that the order of law appears unprotected against political manipulation. The Hobbesian version of social-contract theory gives us an example of how the purely voluntaristic understanding of law can even be employed to vindicate an absolutistic state whose power is neither structured nor limited by binding legal norms because the state itself claims the status of the sovereign creator of all legal norms.

Kant clearly distances himself from Hobbes’s voluntarism. The second chapter of his essay on *Theory and Practice* explicitly aims at the refutation of Hobbes.¹ Nevertheless, one has to admit that Kant’s legal philosophy at times shows a certain voluntaristic feature. For instance, when explaining the idea of the original lawgiving power of the people, Kant cites the Roman law principle “*volenti not fit iniuria.*”

¹ Cf. the subtitle of Chapter II of *Theory and Practice*, p. 290 (8: 289).

This is to say that since no one can commit an act of injustice against himself, the free consensus of the subjects of the order of law provides the final criterion of legal justice. “Now when someone makes arrangements about *another*, it is always possible for him to do the other wrong; but he can never do wrong in what he decides upon with regard to himself (for *volenti non fit iniuria*).”² Because of such voluntaristic formulations, Kant’s legal philosophy has often been interpreted as paving the way to an unlimited political sovereignty, be it an authoritarian version thereof as epitomized by the Hobbesian “Leviathan,” or a democratic version as represented by Rousseau’s “*Contrat Social*.”

In spite of some undeniably voluntaristic formulations, however, Kant’s legal philosophy as a whole, like his moral philosophy, is far from voluntaristic. What it aspires to is to overcome normative voluntarism without resorting to an ontological foundation of norms. Just as moral self-legislation proceeds under the categorical imperative, so political legislation, too, ought to be enacted according to a binding normative principle, and thus must be the very opposite of arbitrariness. Although the legal order of rights is an object of active human legislation and implementation, these rights at the same time point to something unconditional – namely, the inalienable dignity of the human being. It is with regard to this task of protecting the dignity of every person that the basic human rights, too, have an aspect of inalienability. Kant even goes so far as to praise human rights as “the apple of God’s eye.”³

Kant declares that to treat humanity as an end in itself is an unconditional duty that not only *derives* from the categorical imperative but, in the final analysis, proves even *identical* with that imperative. This holds true with regard to the humanity of others as well as to one’s own humanity, which means that human beings have duties not only toward others but also toward themselves. This insight has a bearing on the understanding of the legal order, too, because it clearly precludes a purely voluntaristic conception of law. Kant in fact insists that there are definite limits to a legal order that people cannot transgress without thereby violating the basic principles of both moral and legal normativity. It is from the outset impossible, for instance, to conclude a

² *Metaphysics of Morals*, p. 457 (6: 313).

³ *Perpetual Peace*, p. 325 footnote (8: 353 footnote).

contract by which one partner would deny being a responsible person. Self-responsibility can never include the deliberate self-denial of the responsible subject. "So someone can be his own master (*sui iuris*) but cannot be the owner of himself (*sui dominus*) (cannot dispose of himself as he pleases) . . . since he is accountable to the humanity in his own person."⁴ This is to say that a contract "by which one party would completely renounce its freedom for the other's advantage would be self-contradictory, that is, null and void, since by it one party would cease to be a person and so would have no duty to keep the contract but would recognize only force."⁵ The Hobbesian version of a social contract, which in fact requires that people surrender their freedom completely and unilaterally to an omnipotent ruler, thus turns out to be lacking the very quality of a contract because the result of such unilateral subjection would be a relationship of coercion and obedience rather than the establishment of a universally binding normative order.

For the idea of a social contract to make any sense, such a contract must be regarded as an expression of the mutual recognition of people on the basis of their equal freedom.⁶ Accordingly, the social contract operates as a critical criterion by which one can measure existing legal rules as to whether or not they are in conformity with the basic principle of legal obligation in general – that is, the mutual recognition of free and responsible agents. It is actually in this sense that Kant invokes the idea of a social contract. Its "negative" significance is that it can put a limit on legitimating political legislation, according to the principle: "[W]hat the whole people cannot decide upon for itself the legislator also cannot decide for the people."⁷ Kant gives a number of examples to illustrate this critical function of the idea of the social contract. For instance, a hypothetical contract "concluded to keep all further enlightenment away from the human race," he says, would

⁴ *Metaphysics of Morals*, p. 421 (6: 270).

⁵ *Metaphysics of Morals*, p. 431 (6: 283). This quote is taken from the section on "Right of a Head of a Household" – that is, from the context of private law. From a systematic point of view, however, Kant's argument is valid also for the domain of public law.

⁶ Cf. Patrick Riley, *Will and Political Legitimacy: A Critical Exposition of Social Contract Theory in Hobbes, Locke, Rousseau, Kant, and Hegel* (Cambridge/Mass.: Harvard University Press, 1982), pp. 125ff.

⁷ *Metaphysics of Morals*, p. 469 (6: 327).

be “absolutely null and void, even if it were ratified by the supreme power, by imperial diets and by the most solemn peace treaties.” For such a contract would amount to a collective rejection of all further moral development, which in turn “would be a crime against human nature.”⁸ Similarly, a social contract by which people would surrender their freedom of religion (as well as the freedom to further develop their religious beliefs in the process of enlightenment) to the government would also be self-contradictory, because it would undermine the very responsibility on which legal relationships are ultimately based.⁹ The idea of a social contract can operate as a critical criterion only if we assume that there are things on which even the whole people *cannot* decide because human beings are duty-bound to respect and protect their own as well as others’ “inalienable rights.” That such rights exist is clear to Kant: “. . . every human being still has his inalienable rights, which he can never give up even if he wanted to . . .”¹⁰

In addition to this “negative” function of limiting the scope of legitimate political legislation, the idea of a social contract also has a “positive” normative meaning. To conclude such a contract, Kant says, is a fundamental duty whenever people factually interact within common territory. As a consequence of the inscrutibility of the human heart, human beings tend to be suspicious of each other when they cross one another’s path without the protection of an institutionalized order of rights. Hence the ever-lurking danger of conflicts, which in the “state of nature” (that is, in a hypothetical state devoid of public institutions of legal justice) easily escalate into open violence. Such a state of affairs, however, would not only be unpleasant; it would, first and foremost, also amount to a violation of human dignity. It is thus for the sake of their inalienable dignity that human beings ought to establish a legal order of justice. Accordingly, the “contract” by which such an order is established differs essentially from all other contracts, since its enactment as well as its purpose is not a matter of free choice but of duty. Kant unequivocally overcomes all voluntaristic connotations of the contract metaphor by introducing a conceptual distinction between “social contracts” in general (whose purpose is

⁸ Enlightenment, p. 20 (8: 39).

⁹ Cf. *Metaphysics of Morals*, p. 469 (6: 327).

¹⁰ *Theory and Practice*, p. 302 (8: 304).

left to the concluding parties) and the “*pactum unionis civilis*” whose content – the establishment of a civil constitution – is an end in itself. “Among all the contracts by which a multitude of people unites into a society (*pactum sociale*), the contract establishing a *civil constitution* among them (*pactum unionis civilis*) is of such a distinctive kind that, although with respect to its *application* it has much in common with any other (which is likewise directed to some discretionary end to be promoted by common effort), it is essentially different from every other in the principle of its institution (*constitutionis civilis*). The union of many for some (common) end (that all of them *have*) is to be found in any social contract; but that union which is in itself an end (that each *ought to have*) and which is therefore the unconditional and first duty in any external relation of people in general, who cannot help mutually affecting one another, is to be found in a society only insofar as it is in the civil condition, that is, constitutes a commonwealth.”¹¹

3. Legal Freedom as an Institutionalized Recognition of Autonomy

For all its undeniable pragmatic significance, the legal order of rights at the same time transcends the realm of pragmatic necessities by pointing to the dignity of the human being. Just as human dignity is inalienable, so are human rights. What makes possible such a relationship between dignity and right? This question requires a complex answer because it is obvious that dignity and right differ substantially. Whereas human dignity consists in the person’s moral autonomy, which itself remains beyond empirical graspability, the order of rights goes hand in hand with empirical coercion. By Kant’s definition: “Right is connected with an authorization to use coercion.”¹² Hence, a number of authors have concluded that for Kant the “internal” moral autonomy and the “external” order of rights belong to different spheres of human life, completely detached from another. Whereas some have greeted such a clear-cut separation as a liberation of the legal order from moral stipulations, others have accused Kant of paving the way

¹¹ Theory and Practice, p. 290 (8: 289).

¹² Metaphysics of Morals, p. 388 (6: 231). In the original text, capitalized as the title of a section.

for a legal authoritarianism without moral constraints. The first position is taken, for instance, by Ingeborg Maus, who argues that “Kant in fact has given not an ethical but a purely juridical vindication of rights. Ethics and rights are co-original emanations from the universal fundamental law of freedom.”¹³ Herbert Marcuse articulates a very different viewpoint. He writes: “As it is placed within the sphere of ‘external things’, the order of rights, as well as a society structured accordingly, is deprived of its responsibility for ‘true’ freedom and, consequently, is surrendered to oppression.”¹⁴ In spite of their opposite assessments, Maus and Marcuse apparently agree that Kant separates the order of rights completely from that of morality.

It is certainly true that Kant attaches great importance to clarifying conceptually the difference between morality and the order of rights. This difference, however, should not be understood as an abstract separation. Kant emphasizes that “all duties, just because they are duties, belong to ethics,”¹⁵ which is to say that their performance is always *at the same time a moral command*. When Kant explains the distinction between “ethical lawgiving” and “rightful lawgiving” by pointing out that the first refers to the inner motive of action, whereas the latter is confined to regulating external actions, he is anxious to avoid the misunderstanding that both forms of lawgiving represent completely separated spheres of action. He therefore declares: “. . . ethical lawgiving, while it also makes internal actions duties, does not exclude external actions but applies to everything that is a duty in general.”¹⁶

Far from leading to legal positivism, the conceptual distinction between morality and the order of rights, as drawn by Kant, offers a way to clarify the *interrelationship* between the two. This interrelationship comprises two aspects – the “negative” aspect of difference and the “positive” aspect of analogy. Already the negative aspect of difference, however, expresses a moral concern – namely, the concern for the integrity of moral autonomy, which must be respected as remaining

¹³ Ingeborg Maus, *Zur Aufklärung der Demokratietheorie. Rechts- und demokratietheoretische Überlegungen im Anschluß an Kant* (Frankfurt: Suhrkamp, 1992), p. 326.

¹⁴ Herbert Marcuse, “Kant über Autorität und Freiheit,” in: Gerold Prauss, ed., *Kant. Zur Deutung seiner Theorie von Erkennen und Handeln* (Cologne: Kiepenheuer & Witsch, 1973), pp. 310–321, at p. 312.

¹⁵ *Metaphysics of Morals*, p. 384 (6: 219).

¹⁶ *Metaphysics of Morals*, p. 384 (6: 219).

outside of the scope of legal enforcement. It is for the sake of moral autonomy itself, and hence for genuinely *moral reasons*, that the two concepts of law and morality must be clearly kept apart. Kant's definition of the legal order as a system based on potential coercion serves as a means of confining legal norms to regulating external behavior. By no means, however, must legal coercion be employed to foster a moral disposition. The promotion of virtue, which in the Platonic and Aristotelian traditions was considered the highest purpose of a political community, would not only be futile, according to Kant. The very attempt to enforce virtuous conduct, he says, would also amount to a violation of moral autonomy. Kant argues that a state devoted to fostering virtue by using political coercion would not only disregard the ultimate "invisibility" of a person's moral disposition; it would at the same time also dissolve the essential "visibility" of the legal order. The result would be ideological witch hunts as well as a loss of political stability. Hence the warning: "But woe to the legislator who would want to bring about through coercion a polity directed to ethical ends! For he would thereby not only achieve the very opposite of ethical ends, but also undermine his political ends and render them insecure."¹⁷ Respect for the unconditionality, as well as the concomitant non-graspability, of morality therefore requires the (relative) independence of the legal order of rights.

This indispensable distinction between morality and right, however, constitutes only the "negative" aspect of the complex relationship between the two. What makes possible the "positive" aspect of an analogy between morality and right is the fact that both rest on human *freedom*. Whereas the freedom of the inner moral will necessarily remains beyond the scope of physical coercion, such coercion (or the threat to use it) can make sense if it is employed "as a *hindering of a hindrance to freedom*"¹⁸ – that is, if it is used politically as a means of preventing violence and repression and thus of accomplishing an order of equal rights of freedom. To be sure, legal freedom cannot reach the dimension of autonomy but rather remains confined to safeguarding for the members of the legal order an external freedom of choice. To make this clear, Kant introduces the conceptual distinction between "*Wille*"

¹⁷ Religion, p. 131 (6: 96).

¹⁸ Metaphysics of Morals, p. 388 (6: 231).

(will) and “*Willkür*” (choice), a distinction that reflects (among other things) the systematic differentiation between morality and right. But for all the difference between these two dimensions, the legal guarantee of equal freedom of choice at the same time expresses the due recognition of that inner freedom of the will with reference to which every human being is entitled to equal respect. While remaining different normative orders, moral autonomy and legally guaranteed freedom of choice are thus interconnected in such a way as to constitute a complex normative whole, as Gerhard Luf points out.¹⁹ In other words, since it facilitates an institutionalized recognition of moral autonomy, the right of freedom itself has a genuinely moral basis and can be appreciated as *the* basic human right. Under the heading “There is only one innate right” Kant thus postulates: “*Freedom* (independence from being constrained by another’s choice), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity.”²⁰

4. Freedom, Equality, Independence

The right of freedom is not only a particular right beside other rights, as is the case, for instance, in Locke’s triad of “life, liberty and property.”²¹ Rather, freedom forms the underlying *principle of the entire order of rights*. Representing the constitutive normative principle of the legal order in general, freedom plays the central role within the conceptual framework of right, a role comparable to that played by autonomy within the conceptual framework of morality. To emphasize this, Kant qualifies freedom as the only “birthright” of every human being.

The Kantian concept of freedom differs fundamentally from that of Locke and other early modern liberals in that *freedom alone* provides the ultimate benchmark of political and legal justice. From this assumption, it follows that freedom must be accorded to everyone in equal measure. Freedom cannot operate as the universal principle of the legal order unless it is from the start connected with equality. That

¹⁹ Cf. Gerhard Luf, *Freiheit und Gleichheit. Die Aktualität im politischen Denken Kants* (Vienna and New York: Springer, 1978), p. 53.

²⁰ *Metaphysics of Morals*, p. 393 (6: 237).

²¹ Cf. John Locke, *Two Treatises of Government* (London: J.M. Dent & Sons Ltd, 1924), Book II, p. 180.

is, what is at issue is not the combination of freedom *and* equality, as if both were two independent principles, but rather an understanding of freedom *as* equality and, correspondingly, an acknowledgment of the equality of everyone *in* their freedom. Freedom and equality do not constitute two different principles that need to be balanced against each other, but rather form two interconnected aspects of *one and the same* principle. Kant in fact declares that the “only innate right” of freedom proves identical with the “innate right” of equality.²²

To have an effect on human society, this abstract “birthright” of equal freedom must be spelled out in a variety of concrete rights established through political legislation. Participation in political legislation is addressed by Kant under the heading of “independence,” which forms the third component in the Kantian variant of the famous revolutionary slogan of *liberté, égalité, fraternité*. The requirement of independence poses a problem, however, because it serves as the criterion by which the political suffrage is reserved to those who are able to support themselves economically. “He who has the right to vote in this legislation is called a *citizen* (. . .). The quality requisite to this, apart from the *natural* one (of not being a child or a woman), is only that of *being one’s own master (sui iuris)*, hence having some *property* (and any art, craft, fine art, or science can be counted as property) that supports him . . .”²³ The reservation of the right to vote to those who are economically independent implies a differentiation regarding the concept of citizenship – that is, between active and passive citizenship.²⁴ Although those whose economic existence depends on someone else are still members of the commonwealth, and hence citizens in the broadest sense, they are excluded from the principal right of an active citizen – that is, the right to vote.

Whereas the exclusion of women from suffrage obviously contradicts the moral and legal universalism that Kant generally

²² Cf. *Metaphysics of Morals*, pp. 393–394 (6: 237): “This principle of innate freedom already involves the following authorizations, which are not really distinct from it . . . : innate *equality*, that is, independence from being bound by others to more than one can in turn bind them . . .”

²³ *Theory and Practice*, p. 295 (8: 295).

²⁴ Cf. *Metaphysics of Morals*, p. 458 (6: 314): “This quality of being independent, however, requires a distinction between *active* and *passive* citizens, though the concept of a passive citizen seems to contradict the concept of a citizen as such.”

advocates,²⁵ the link that Kant postulates between political participation and economic independence at least deserves a more careful analysis. This link, too, has generally met with harsh criticism in the literature on Kant. By introducing the criterion of economic independence, Gerhard Luf argues, Kant finally makes the very principle of his legal philosophy dependent on an empirical factor.²⁶ Similarly, Wolfgang Kersting holds that the notion of “passive citizenship” is nothing but “a contradiction in terms, a logical symptom of a systematic mistake.”²⁷

It is revealing that Kant himself feels apparently unable to draw a clear line between an active and a passive citizen. After citing the example of a wigmaker, who by virtue of running his own business can claim active citizenship, whereas the economically dependent barber cannot, Kant admits that it is “somewhat difficult to determine what is required in order to be able to claim the rank of a human being who is his own master.”²⁸ What makes Kant nonetheless defend the differentiation between active and passive citizenship is the fear that people who are economically dependent on others could find themselves in a situation in which they would feel compelled to vote on behalf of the interests of their employers or superiors. To do justice to Kant’s reasoning, one should take into account that in his day, the secret ballot did not exist and that voting accordingly was a public event. Kant’s fear that relationships marked by economic dependency could easily lead to political manipulation thus has a certain degree of historical plausibility. In addition, to avoid permanent political discrimination against economically dependent people, Kant insists that every “passive citizen” must have an opportunity to “work his way up from this passive condition to an active one.”²⁹

Thus it seems that the underlying motive for Kant’s distinction between active and passive citizenship is not an ideology of “possessive individualism,” but rather a concern for the freedom of the political

²⁵ Cf. Susan Mendus, “Kant: ‘An Honest but Narrow-Minded Bourgeois’?,” in: Howard Lloyd Williams, *Essays on Kant’s Political Philosophy* (Chicago: The University of Chicago Press, 1992), pp. 166–190.

²⁶ Cf. Luf, *op. cit.*, p. 155.

²⁷ Wolfgang Kersting, *Wohlgeordnete Freiheit. Immanuel Kants Rechts- und Staatsphilosophie* (paperback edition, Frankfurt: Suhrkamp, 1993), p. 383.

²⁸ Theory and Practice, p. 295 footnote (8: 295 footnote).

²⁹ Metaphysics of Morals, p. 459 (6: 315).

commonwealth. The means that he proposed to serve this purpose, however, was controversial even in his own day, and it seems that Kant himself felt somewhat uneasy about it. A century later, after the unexpected and unprecedented experience of increasing social polarization in the wake of the industrial revolution, neo-Kantian socialists, such as Hermann Cohen and Eduard Bernstein, therefore turned Kant's postulate of a necessary correspondence between economic and political liberty upside down. Instead of linking political suffrage to economic independence, they draw the opposite conclusion, and demand that the state guarantee the basic socioeconomic conditions for the actual enjoyment of equal freedom and participation of everyone.³⁰

5. The United Lawgiving Will of the People

Although the one and only "innate right" of equal freedom has a normative status prior to any political legislation, it can actually take shape only through the legislating efforts of human beings who bear responsibility for the legal order on which they want to base their political coexistence and cooperation. Following Rousseau, Kant holds that the criterion of legitimate political legislation is the *volonté générale*, which Kant translates as the "united will of the people." He thus declares: "The legislating authority can belong only to the united will of the people."³¹ According to both Rousseau and Kant, the principle of the *volonté générale* requires that the people bring about legal norms by mutually recognizing their equal freedom as citizens. This principle of the united lawgiving will of the people constitutes a decisive step beyond the early liberalism of Locke with its focus on individual and private liberties. It is a step toward political republicanism in which political legislation is appreciated as an act of republican solidarity and hence an expression of public and communitarian freedom.³²

³⁰ Cf., e.g., Eduard Bernstein, *Die Voraussetzungen des Sozialismus und die Aufgaben der Sozialdemokratie* (1899) (reprint: Reinbek: Rowohlt, 1969). For a general discussion of the relationship between Kant and ethical socialism, especially Cohen's concept of socialism, cf. Harry van der Linden, *Kantian Ethics and Socialism* (Indianapolis and Cambridge: Hackett Publishing Company, 1988), pp. 205ff.

³¹ *Metaphysics of Morals*, p. 457 (6: 313).

³² Cf. Otto Vossler, *Rousseaus Freiheitslehre* (Göttingen: Vandenhoeck & Ruprecht, 1963), p. 286: "What is at stake is no longer an attempt to ban the violation of only a few

Although Kant takes up Rousseau's notion of the *volonté générale*, his political philosophy at the same time differs fundamentally from that of the Genevan visionary. Whereas Rousseau paints the picture of a utopian community in which all conflicts between virtue and happiness, duty and inclination, or between individual interests and the needs of the commonwealth, will completely disappear, Kant is highly suspicious of such a political utopia.³³ He fears that any attempt to redeem the antagonisms of human existence by means of political organization will in the long run lead to the destruction of both political and personal freedom. Just as enthusiasm in moral matters threatens to undermine the strictness of the moral law, so political enthusiasm can likewise end in a dissolution of the normative principles of a free republic. Against Rousseau's political totalitarianism, Kant thus insists that the *volonté générale* can never be directly implemented in an empirical republic. In order to continue to provide normative orientation for political legislation, the principle of the united lawgiving will of the people, he says, must be kept at a *critical distance* from any empirical political order. In other words, the united will of the people cannot become an immediate political reality, either in the present or in the future, but rather has the status of a *normative idea*. What is required from a legal norm to be legitimate, accordingly, is only that it must be possible to consider it *as if* it were to stem from the united lawgiving will of the people. Hence it is once more the as-if structure of symbolic representation that mediates between the normative idea, on the one hand, and empirical reality, on the other. The fundamental difference between Rousseau and Kant consists exactly in the fact that Kant replaces Rousseau's totalitarian ideology of political salvation by a *critical symbolism* in which the united lawgiving will of the people is applied merely in the as-if mode of indirect representation. Thus Kant definition: "It is . . . *only an idea* of reason, which, however, has its undoubted practical reality, namely to bind every legislator to give his laws in such a way that they *could* have arisen from the united will of a whole people . . ."³⁴ By pointing out that the *volonté générale* has the

particular rights which are listed in a specific declaration of rights. Instead, the state is forbidden to violate right in general . . ."

³³ Cf. Ernst Cassirer, "Kant und Rousseau," in: *Rousseau, Kant, Goethe*, ed. by Rainer A. Bast (Hamburg: Meiner, 1991), pp. 3–61.

³⁴ *Theory and Practice*, p. 296 (8: 297). Cf. also Section VI, 6.

character of a practical idea of reason, Julius Ebbinghaus writes, Kant has “transformed the flash” by which Rousseau has illuminated the nature of public law “into a guiding star for all human right.”³⁵

The *volonté générale* operates as the political analogue of the categorical imperative in that it constitutes the normative criterion for assessing all external lawgiving. Just as the categorical imperative requires that maxims of action be of such a nature that they can be willed to hold universally, the idea of the *volonté générale* likewise requires of concrete legal projects that they can be willed by all members of the commonwealth to hold as binding legal norms. And just as in Kant’s understanding, the autonomous legislation of the moral will proves the very opposite of arbitrariness, the same is true with regard to political legislation: It proceeds in the service of the “innate” right of equal freedom, which no one can forsake without thereby violating their own moral humanity.

We have seen in Section III, 3 that in Kant’s moral philosophy, the “formality” of the universalizability requirement and the “substantial” command to treat humanity always as an end in itself are inextricably linked. These two formulations do not yield two independent principles, but constitute complementary symbolic representations of *one and the same* supreme principle of morality – that is, the categorical imperative itself. The same structure can be found in Kant’s legal philosophy, too. Again, the “formality” of the idea of the united lawgiving will of the people and the “substantial” postulate of the universal human birthright of freedom inherently belong together. In complementary formulations, they represent the basic principle of legal legitimacy in general. What Kant seems to want to point out is that political legislation, if it proceeds in accordance with the idea of the united lawgiving will of the people, *necessarily* includes respect for the universal right of freedom, which itself remains beyond any political legislation and, at the same time, is to take shape through that very same legislation. To put it in the language of current political debates, the “liberalism” of human rights, on the one hand, and the “republicanism” of political

³⁵ Julius Ebbinghaus, “Das Kantische System der Rechte des Menschen und Bürgers in seiner geschichtlichen und aktuellen Bedeutung,” in: *Gesammelte Aufsätze, Vorträge und Reden* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1968), pp. 161–193, at p. 170.

self-legislation, on the other, form a unity in that they presuppose one another mutually. That is, only by paying respect to the inalienable birthright of every human being can political legislation gain the quality of an act of “republican” responsibility. And only by means of a republican legislation can the “liberal” right of equal freedom gain its concrete shape within a particular society.

6. Separation of Powers

Both Rousseau and Kant emphasize that the united lawgiving will of the people can yield only abstract legal norms addressed to all subjects of the legal order in equal measure. Abstractness is a necessary requirement of genuine laws. It serves the purpose of precluding from the outset all kinds of preferential or discriminatory treatment, in order to bring about legal equality of people regarding their basic rights. At the same time, it goes without saying that abstract laws need to be applied to concrete circumstances and concrete persons. To avoid the obvious danger that the process of concretization might undermine the strict abstractness of the legal norms themselves, Rousseau introduces the conceptual distinction between “law” and “decree.”³⁶ He holds that “what . . . the sovereign decides on a particular object is no longer a law, but a decree; it is not an act of sovereignty, but an act of the administration.”³⁷ Kant takes up this distinction from Rousseau.³⁸ He goes beyond Rousseau, however, in demanding that this conceptual distinction should lead also to an *institutional* separation of powers. That is, to make sure that the acts of political legislation are not tailored to the particular needs and interests of the administration, the legislative and executive bodies of the state should be separated

³⁶ The underlying idea is roughly comparable to the Rawlsian “original position,” which requires people to decide on basic principles of political justice behind a “veil of ignorance” – that is, in a conscious disregard of those particular circumstances which, if they were taken into account in the decision about the principles, could lead to a preferential treatment of, or a discrimination against, some members of society. Cf. John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971), pp. 118ff.

³⁷ Rousseau, *Du Contrat Social*, Book II, Chapter VI (Oeuvres Complètes III, Paris: Gallimard, 1964), p. 379.

³⁸ On the influence of Rousseau on Kant’s conception of separation of powers, cf. Iring Fetscher, “Immanuel Kant und die Französische Revolution,” in: Zwi Batscha, ed., *Materialien zu Kants Rechtsphilosophie* (Frankfurt: Suhrkamp, 1976), pp. 269–290.

institutionally. The directives issued by the government, Kant writes, “are ordinances or *decrees* (not laws); for they are directed to decisions in particular cases and are given as subject to being changed. A *government* that was also legislative would have to be called a *despotic* as opposed to a *patriotic* government . . .”³⁹

For Kant, the separation of powers represents the decisive criterion of republicanism – that is, of a constitutional state in which the government is bound by public laws enacted independently of any government intervention. By contrast, the confusion of legislation and administration amounts to a despotic state that employs laws as mere tools for its various particularist purposes. Hence Kant’s definition: “*Republicanism* is the political principle of separation of the executive power (the government) from the legislative power; *despotism* is that of the high-handed management of the state by laws the regent has himself given, inasmuch as he handles the public will as his private will.”⁴⁰

Kant is certainly not the first political philosopher to have argued for a separation of powers, a principle that in fact can be traced far back to Aristotle and Cicero. What is new in Kant’s argument, however, is that he bases the requirement of separation of powers directly on the republican principle of the united lawgiving will of the people. In this regard, Kant’s approach differs fundamentally, for instance, from Montesquieu (though Kant takes up Montesquieu’s doctrine of the three basic state functions – executive, legislative, and judicial).⁴¹ Whereas Montesquieu in a way reformulates the classical political ideal of the *regimen commixtum* – a “mixed constitution” whose monarchic, aristocratic, and democratic components are expected to “moderate” each other⁴² – Kant unequivocally rejects the “so called moderate

³⁹ *Metaphysics of Morals*, p. 460 (6: 316).

⁴⁰ *Perpetual Peace*, p. 324 (8: 352). From this general distinction between republicanism and despotism, Kant concludes in the following sentence that “*democracy* in the strict sense of the word is necessarily a *despotism*.” To understand this remark, one should take into account the fact that Kant obviously has the ancient Greek concept of democracy in mind, according to which democracy was defined by the *immediate* exercise of all powers – legislative, executive, and judicial – by the assembly of the people.

⁴¹ Cf. *Metaphysics of Morals*, pp. 459–461 (6: 315–318).

⁴² Cf. Max Imboden, *Montesquieu und die Lehre von der Gewaltentrennung* (Berlin: de Gruyter, 1959).

constitution,” which in his eyes is nothing but “an absurdity.”⁴³ For the idea of merely “mixing” various principles of a constitution, he fears, will eventually lead to a political eclecticism that undermines the strictness of *all* constitutional principles. Moreover, whereas Montesquieu abhors an “extreme freedom” as well as an “extreme equality,”⁴⁴ Kant, by contrast, is eager to demonstrate philosophically that the birthright of equal freedom constitutes the basic principle of the legal and political order in general. In short, while Montesquieu represents the “spirit of moderation” in political philosophy,⁴⁵ Kant strives for systematic clarity and decisiveness in the presentation of the idea of a free republic, an idea that, if taken seriously, does not allow for any relativistic “moderation.”

For Kant, the normative principle of the united lawgiving will of the people and the requirement of separation of powers do not form an ensemble of different principles held together only by the overarching principle of “moderation.” Instead, the republican idea of the *volonté générale* itself leads him to call for the separation of powers. Kant draws on Rousseau by arguing that it is only by making a clear distinction between *universal* norms (laws), on the one hand, and *particular* applications of these norms (by means of decrees), on the other, that the *volonté générale* can be protected against the ever-lurking danger of getting lost in the problems of everyday power politics. In other words, the postulate of distinguishing and separating different state powers is *not an external imposition* on a republic of self-legislating citizens, but instead makes up the *inner quality* of a polity that proceeds in accordance with the underlying normative principle of republican self-legislation – that is, the united lawgiving will of the people.

There can be no doubt that Kant’s model of a separation between executive and legislative powers remains far behind the complex institutional network that characterizes a modern constitutional democracy. Moreover, if one were to apply the Kantian model *immediately* to contemporary constitutional democracies – such as Britain, Germany,

⁴³ *Metaphysics of Morals*, p. 463 (6: 320).

⁴⁴ Cf. Charles de Montesquieu, *De l’esprit des lois*, Book VIII, Chapter 3 (Paris: Société des belles lettres, 1950), p. 209 and p. 208, respectively.

⁴⁵ Cf. Ernst Forsthoff, in the introduction to his German edition of Montesquieu’s “De l’esprit des lois”: *Vom Geist der Gesetze* (Tübingen: Laupp, 1951), pp. v–lvi, at p. xxxiii.

Canada, or Italy – many of these would, at first glance, appear to be despotic rather than republican. For in most modern parliamentary democracies, the executive and the legislative bodies, far from being separated from each other, are actually *interwoven* in manifold ways: Whereas the majority of the members of parliament typically elect and support the government, members of the government in turn often hold seats in parliament. In order to continue to provide a criterion for distinguishing a republican from a despotic state, Kant's doctrine of separation of powers must therefore be reformulated and adapted to the new institutional framework of constitutional democracies. To do this, a brief look at John Rawls's *Theory of Justice* might be helpful. Rawls channels his fundamental principles of justice, which the parties in a fictitious "original position" are supposed to have agreed upon, through a sequence of various levels of gradual concretization, a process Rawls has termed the "four-stage sequence."⁴⁶ After the first stage – the decision on the fundamental principles of justice – has been taken, these principles operate as a critical guideline within a fictitious constitutional assembly (stage two), which is in charge of spelling out the principles of justice in a list of basic rights and constitutional institutions. Subsequently, specifications of these basic rights and institutions take place in a fictitious legislative assembly (stage three), until finally stage four is reached – the daily practice of the administration of justice (including the law-abiding conduct of the citizens). In this complex process, metaphorically speaking, the "veil of ignorance," behind which the parties must negotiate the guiding normative principles of their society, becomes thinner and thinner, before it eventually vanishes completely.

One can interpret Rawls's "four-stage sequence" as an adaptation to a modern constitutional democracy of the basic insight underlying Kant's doctrine of separation of powers.⁴⁷ Although Kant knows only two stages – "law" and "decree" – whereas Rawls describes a much more complex process of gradual concretization of the supreme principles of justice, both emphasize the need of making a distinction,

⁴⁶ Cf. Rawls, *op. cit.*, pp. 195ff.

⁴⁷ For a more comprehensive analysis, cf. my book *Neuzeitliches Freiheitsrecht und politische Gerechtigkeit. Perspektiven der Gesellschaftsvertragstheorien* (Würzburg: Königshausen & Neumann, 1990), pp. 211–216.

conceptually as well as institutionally, between the supreme universal principles of justice and the particular circumstances to which these principles eventually must be applied. Without such a conceptual distinction and the concomitant institutional separation of powers, the enactment of strict “laws” in the Kantian sense (that is, “principles of justice” in Rawlsian terminology) would fall prey to corruption, since particularistic consideration would likely undermine the process of lawgiving (or the process of deciding on the principles of justice, respectively) from its very beginning.

What Kant’s political philosophy can contribute to contemporary debates on separation of powers is, among other things, the insight that the idea of republican lawgiving *itself* requires such a conceptual and institutional separation. It would therefore be a misunderstanding to see the separation of powers – in keeping with Montesquieu and others – mainly as a means of “taming” or “moderating” republican self-legislation from without. Rather, separation of powers provides the possibility of undertaking an institutionalized republican *self-control* and *self-criticism* with regard to the basic normative principle of the legal order in general – namely, the “innate right” of every human being, which is to be spelled out in republican legislation.

7. The Need for Political Criticism

For all the importance that Kant accords to the separation of powers, he is aware that such institutional devices do not suffice to protect the republic against the dangers of corruption and despotism. For a republican constitution to work, it needs to be based on a culture of public discourse. A government that shuns public debate necessarily arouses suspicion because there can be no *res publica* without the participation of a critical *public*. A political maxim that cannot even be conceived of as being a *possible* matter of public debate, Kant says, must be normatively deficient. “All actions relating to the rights of others are wrong if their maxim is incompatible with publicity.”⁴⁸ Hence, what is needed to check whether the maxims of the government are suitable for publicity is a *real* public of people who consider themselves in charge of performing the task of political criticism and public enlightenment.

⁴⁸ *Metaphysics of Morals*, p. 347 (8: 381).

It would be absurd to consider public political criticism as subversive and detrimental to the state. When the critics remind the government of its responsibility by exposing existing violations of human rights and other grave defects of the polity, they thereby do not undermine the public order but on the contrary actually strengthen the “republican” basis of legitimacy of the state. The “freedom of the pen” is therefore an inalienable right and indeed an indispensable duty of the citizens. With a polemical barb against the political authoritarianism of Hobbes, Kant insists that to deny the citizens this basic right of public expression “is not only tantamount to taking from them any claim to a right with respect to the supreme commander (according to Hobbes), but is also to withhold from the latter – whose will gives order to the subjects as citizens only by representing the general will of the people – all knowledge of matters that he himself would change if he knew about them and to put him in contradiction with himself.”⁴⁹

Of course, Kant is not so naive as to think that the government is actually interested in public criticism. Experience teaches us that very often the opposite is the case. Kant’s argument, however, is that one should deal with the government *as if* those in power were interested in a public political debate upon which the republican legitimacy of the state ultimately rests. Kant gives the *as-if* mode of this hypothetical assumption an ironical expression by inserting into his essay on *Perpetual Peace*, which is modeled on the peace treaties of his day, an additional “secret article.” It contains the agreement that states should consult philosophers in all important political matters: “The maxims of philosophers about the conditions under which public peace is possible shall be consulted by states armed for war.”⁵⁰ By “philosophers” Kant does not mean a closed academic guild. Instead, philosophy here represents the free judgment of common reason in general. The secrecy of the article follows from the supposition that it might seem “humiliating” for the authority of the state “to seek from its *subjects* (philosophers) instructions,”⁵¹ as Kant remarks ironically. He therefore does not expect the representatives of the state *explicitly* to take advice from philosophers; it suffices if they do so *implicitly*. To put

⁴⁹ *Theory and Practice*, p. 302 (8: 304).

⁵⁰ *Perpetual Peace*, p. 337 (8: 368).

⁵¹ *Perpetual Peace*, p. 337 (8: 368).

it in the language of social-contract theories: The establishment of a critical public does not require an explicit amendment to the social contract on which the republic is normatively based. Critical publicity will more likely come about by means of a “silent agreement” – that is, in accordance with a “secret article” that need not be formally enacted.

Such an informal “silent” agreement has the advantage that it leaves the critical public at a certain *distance* from the center of state authority. The critics neither hold an official position, nor do they need a specific inauguration. It is this very independence from any official position that allows them to express a frank and unbiased criticism. Kant therefore rejects the Platonic ideal of a unity of philosophy and state authority as a nonsensical project. “That kings should philosophize or philosophers become kings is not to be expected, but it is also not to be wished for, since possession of power unavoidably corrupts the free judgment of reason.”⁵² Then he goes on to declare: “But that kings or royal peoples (ruling themselves by laws of equality) should not let the class of philosophers disappear or be silent but should let it speak publicly is indispensable to both . . .”⁵³

⁵² Perpetual Peace, p. 338 (8: 369).

⁵³ Perpetual Peace, p. 338 (8: 369).

VI

Traces of Purposiveness in Nature and History

1. Mediating between Freedom and Nature

Although the moral worth of an action depends on the underlying moral disposition rather than on the success that action might (or might not) have, Kant emphasizes that a good will differs from a “mere wish” in that it requires “the summoning of all means insofar as they are in our control.”¹ A person who takes morality seriously cannot remain indifferent toward the prospects of success or failure of his or her moral efforts. The question of the effectiveness of our moral commitment, although not constituting the *basis* of morality, can certainly not be dismissed from the realm of moral considerations.²

It is indeed a requirement of moral earnestness that we should look for structures in nature and history that can at least give us hope that our moral efforts are not in vain from the outset. The search for such structures in the world on which we may ground moral hope is part of Kant’s teleology, which he develops in the *Critique of Judgment*. Teleology, the doctrine of purposiveness, has a crucial function in the architecture of Kant’s philosophy as a whole because it mediates between the order of nature and the order of freedom. The mediating

¹ Groundwork, p. 50 (4: 394).

² Cf. Mary Gregor, *Laws of Freedom. A Study of Kant’s Method of Applying the Categorical Imperative in the Metaphysik der Sitten* (New York: Barnes & Noble, 1963), p. 79; Barbara Herman, *The Practice of Moral Judgment* (Cambridge/Mass: Harvard University Press, 1993), p. 98.

function of teleology derives from the fact that the concept of purposiveness plays a role in both domains. In the realm of morality, the agent is called upon to act purposively and pursue the two fundamental ends – his or her own perfection and the happiness of others – which represent the two distinct routes toward promoting the “highest good” on earth. The notion of purposiveness, at the same time, occurs also in the observation of nature. It is therefore possible to use this concept in such a way that it facilitates a connection between the order of freedom and that of nature. Thus, Kant points out: “The effect [at which we are to aim] according to the concept of freedom is the final purpose which (or the appearance of which in the world of sense) ought to exist; and we [must] presuppose the condition under which it is possible [to achieve] this final purpose in nature (in the nature of the subject as a being of sense, namely, as a human being). It is judgment that presupposes this condition a priori, and without regard to the practical, [so that] this power provides us with the concept that mediates between the concepts of nature and the concept of freedom: the concept of a *purposiveness* of nature, which makes possible the transition from pure theoretical to pure practical lawfulness, from lawfulness in terms of nature to the final purpose set by the concept of freedom. For it is through this concept that we cognize the possibility of [achieving] the final purpose, which can be actualized only in nature and in accordance with its laws.”³

Nevertheless, Kant’s distinction between the orders of freedom and nature remains valid. However, it is again evident that his conceptual distinction, far from leading to an abstract metaphysical dualism, operates as the basis on which an open *interrelationship* between freedom and nature can be analyzed philosophically. The claim of morality itself implies the postulate that there must be a way to apply the concepts of morality to the order of nature without blurring the distinction between the two orders. Whereas, on the one hand, an unqualified integration of freedom into the order of nature would amount to a denial of the very reality of freedom, and hence must be rejected from the perspective of practical philosophy, it is, on the other hand, both possible and necessary from a moral point of view to consider the order of nature in the light of the categorical imperative and look

³ Critique of Judgment, pp. 36–37 (5: 195–196).

for traces of purposiveness that might inspire a reasonable hope that moral commitment can actually accomplish its purposes. Kant explains the complex interrelationship between the two orders in the following words: “Hence an immense gulf is fixed between the domain of the concept of nature, the sensible, and the domain of the concept of freedom, the supersensible, so that no transition from the sensible to the supersensible (and hence by means of the theoretical use of reason) is possible, just as if they were two different worlds, the first of which cannot have any influence on the second; and yet the second *is* to have an influence on the first, i.e., the concept of freedom is to actualize in the world of sense the purpose enjoined by its laws. Hence it must be possible to think of nature as being such that the lawfulness in its form will harmonize with at least the possibility of [achieving] the purposes that we are to achieve in nature according to laws of freedom.”⁴

2. Critical Teleology

Kant repeatedly emphasizes that the observation of purposiveness in nature “provides no basis for a theoretical cognition of nature, nor for a practical principle of freedom.”⁵ The perspective of purposiveness under which we consider the order of nature has merely the status of a “heuristic principle.”⁶ With heuristic intention we can, for instance, contemplate about the sophisticated ways in which different natural phenomena fit together: “In cold lands, snow protects crops from the frost. It makes it easier for people to get together (by means of sleighs). In Lapland, the people find animals (reindeer) that they use to get together. These animals find adequate nourishment in a dry moss that they have to scrape out for themselves from under the snow. But they are also easily tamed . . .”⁷ This type of teleological observation, Kant says, cannot claim the status of scientific knowledge. Purposiveness in general is not a concept of the understanding by which objects can definitely be determined. Instead, purposiveness operates as a principle of reflective judgment. Reflective judgment, in turn, is the faculty

⁴ Critique of Judgment, pp. 14–15 (5: 175–176).

⁵ Critique of Judgment, First (unpublished) Introduction, p. 393 (20: 204).

⁶ Critique of Judgment, p. 295 (5: 411).

⁷ Critique of Judgment, p. 247 (5: 369).

of bringing some order into the manifoldness of things with regard to the *regulative idea* of purposiveness, which itself remains outside of the scope of objectifying cognition.⁸

To be sure, due to the objectifying structure of the human understanding, we cannot avoid formulating teleological reflection *as if* it were to contain cognition in the objectifying sense. The as-if structure that we have come across earlier – in the analysis of the morally unconditioned⁹ – also occurs in the reflection on purposiveness in nature. Again, what we have to do is become aware of this unavoidable as-if structure in order not to mix teleological observation with scientific knowledge. Considerations regarding the purposiveness in nature have a *regulative* rather than a constitutive function in the process of attaining knowledge. “Hence the concept of the purposiveness that nature displays in its products must be one that, while not pertaining to the determination of objects themselves, is nevertheless a subjective principle that reason has for our judgment, since this principle is necessary for human judgment in dealing with nature. The principle is regulative (not constitutive), but it holds just as necessarily for our *human judgment* as it would if it were an objective principle.”¹⁰

The teleological contemplation of nature rests on a fundamental analogy. That is, we perceive nature *as if* it were the work of an artist who shapes the various elements into a meaningful whole. “In other words, through this concept [the concept of purposiveness, H.B.] we present nature *as if* an understanding contained the basis of the unity of what is diverse in nature’s empirical laws.”¹¹ Kant also speaks about the “technic” of nature, as opposed to its “mechanism,”¹² thereby conjuring up the original Greek meaning of *techne* as art. In the Jewish-Christian tradition, the purposiveness of nature was usually addressed under the heading of “creation,” a concept that Kant consciously

⁸ Kant distinguishes between determinative and reflective judgment. Cf. Critique of Judgment, pp. 18–19 (5: 179): “Judgment in general is the ability to think the particular as contained under the universal. If the universal (the rule, principle, law) is given, then judgment, which subsumes the particular under it, is *determinative*. . . . But if only the particular is given and judgment has to find the universal for it, then this power is merely *reflective*.”

⁹ Section II, 5.

¹⁰ Critique of Judgment, p. 288 (5: 404).

¹¹ Critique of Judgment, p. 20 (5: 180–181) (emphasis added).

¹² Cf. First (unpublished) introduction to the Critique of Judgment, p. 407 (20: 219).

avoids, however, since he does not want to conflate teleological considerations with theological considerations.¹³

The merely “regulative” status of teleological reflection is not confined to the domain of theory; it holds for the domain of moral practice, too. If teleology were considered “constitutive” for moral practice, then teleological reflection would undermine the awareness of the human being’s unconditioned moral responsibility. It would mean replacing the active self-legislation of the moral will with a merely passive adaptation of one’s behavior to purportedly “objective” natural purposes or historic tendencies. The result would obscure the awareness of moral freedom, and thus be detrimental to moral practice.¹⁴

Teleological reflection on structures of purposiveness in the world provides a horizon of meaning within which we can locate our moral commitment without being able to encompass that horizon from without. It would be presumptuous to think that we could obtain any definite teleological knowledge from which in turn we could derive practical guidelines for moral practice. Rejecting such a dangerous presumption, Kant makes it clear that teleology does not yield directives for moral practice. It is the other way around in that it is moral practice itself that urges us to raise the question of the final purpose of morality and of whether we have reason to hope for its achievability in the external world.

3. The Symbolic Significance of the Beautiful in Nature

The ancient Greek concept of *kosmos* has a threefold meaning in that it comprises the concept of the world as a whole, the idea of a good order (in nature or in society), and finally the quality of the beautiful. This complex meaning indicates that nature, qua *cosmos*, used to be seen as an order whose inherent purposiveness was to provide the model not only for the domain of ethics but also for that of aesthetics. The true, the good, and the beautiful used to be regarded as interrelated components of the *harmonia mundi* itself. Kant no longer subscribes

¹³ Cf. Critique of Judgment, p. 262 (5: 381–382). See also Section VII, 4.

¹⁴ Cf. Georg Picht, “Philosophie und Völkerrecht. Die anthropologischen Voraussetzungen des Rechts,” in: same author, *Hier und Jetzt. Philosophieren nach Auschwitz und Hiroshima* (Stuttgart: Klett-Cotta, 1980), pp. 57–115.

to that traditional idea of an objective unity of the true, the good, and the beautiful. As a result of his critique, scientific knowledge of nature, the categorical imperative of morality, and the guiding principles of aesthetic judgment constitute *different* claims of validity that cannot be reduced to one another. This difference is insuperable. We cannot go beyond it and acquire a definite knowledge about whether and how the various validity claims that make up the fabric of human experience eventually fit together and form a whole.

The aesthetic experience of the beautiful in nature not only lacks the character of objectifying cognition in the scientific sense, it also falls short of a teleological judgment – that is, it does not even have the status of an “as-if cognition.” The sense of the beautiful consists in the free interplay between the imagination and the understanding, an interplay by which we do not discover, but merely “sense,” purposiveness. It is a peculiar experience that any attempt to discover the architecture of a beautiful object deprives us of the enjoyment of its beauty. Aesthetic imagination needs its freedom to unfold playfully. Yet it is equally true that the beautiful has its form and order. It is not chaos, but *kosmos*. In the encounter with the beautiful, a purposiveness comes to light that does not serve any concrete purpose. Being free from serving any given purpose and, at the same time, expressing purposiveness, the beautiful therefore paradoxically represents “a purposiveness without a purpose.”¹⁵ Kant also calls it “a lawfulness without a law, and a subjective harmony of the imagination with the understanding without an objective harmony.”¹⁶

As “a purposiveness without a purpose,” the beautiful is the counterpart of the sublime, which, equally paradoxically, can be circumscribed as an unpurposiveness that nonetheless serves a purpose. The confrontation with overwhelming natural phenomena can lead to a breakdown of our imagination. In this regard, the sublime seems to be unpurposive or even counter-purposive. Since the breakdown of the imagination has simultaneously both a humiliating and an elevating effect on the human mind, however, it bears a certain resemblance to the ambivalent feelings triggered by respect before the moral law. The feeling of the sublime can actually enhance our emotional sensitivity

¹⁵ Critique of Judgment, p. 92 (5: 241).

¹⁶ Critique of Judgment, p. 92 (5: 241).

for our moral vocation and can thus be “judged purposive *for the whole vocation of the mind.*”¹⁷

Whereas the sublime appears to be an “unpurposiveness which serves a purpose,” the beautiful manifests itself as “a purposiveness without a purpose” – that is, a seemingly unplanned interplay between the imagination and the understanding. Unlike the sublime, the beautiful does not resemble the moral feeling of respect. Yet there is – however indirect – a relationship between the aesthetic sense of beauty in nature and the moral vocation of the human being. That is, the person who wills that his or her moral commitment does make a difference in the real world will likely be encouraged by even the smallest traces of purposiveness in nature, including that peculiar aesthetic purposiveness that apparently does not exhibit any concrete purpose. The decisive factor that connects the beautiful with the moral is not the aesthetic enjoyment per se a person feels in the presence of the beauty of nature, but the *general interest* that he or she takes in the beauty of nature. This general interest, Kant says, at least hints at an underlying moral motive: “But reason also has an interest in the objective reality of the ideas (for which, in moral feeling, it brings about a direct interest), i.e., an interest that nature should at least show a trace or give a hint that it contains some basis or other for us to assume in its products a lawful harmony with that liking of ours which is independent of all interest (. . .). Hence reason must take an interest in any manifestation in nature of a harmony that resembles the mentioned [kind of] harmony, and hence the mind cannot meditate about the beauty of *nature* without at the same time finding its interest aroused. But in terms of its kinship this interest is moral, and whoever takes such an interest in the beautiful in nature can do so only to the extent that he has beforehand already solidly established an interest in the morally good.”¹⁸

The beautiful in nature cannot serve as a basis for moral practice. Neither can it provide guidelines for moral action, nor does it constitute an incentive for carrying out moral maxims. Yet when we study the order of nature from a moral motivation – that is, whether it shows traces of purposiveness – the beauty in nature can be perceived as a “cipher through which nature speaks to us figuratively in its beautiful

¹⁷ Critique of Judgment, p. 116 (5: 259). Cf. Section III, 4.

¹⁸ Critique of Judgment, p. 167 (5: 300).

forms.”¹⁹ The beautiful forms of nature, Kant says, “contain, as it were, a language in which nature speaks to us and which seems to have a higher meaning.”²⁰ Although we are unable to decipher this symbolic language, and moreover can never be sure that it contains any reality at all, the ciphers of the beautiful nature can at least nourish our *hope* that the principles of moral action and the structures of the world may eventually coincide in a way that exceeds human comprehension. It is in this sense that Kant declares “that the beautiful is the symbol of the morally good.”²¹

The symbolic function of hinting at the morally good can be found only in the beauty of nature. It does not extend to beautiful objects of the arts, which often merely display human vanity. Kant emphasizes “that an interest in the *beautiful in art* (in which I include the artistic use of natural beauties for our adornment, and hence for vanity’s sake) provides no proof whatever that [someone’s] way of thinking is attached to the morally good, or even inclined toward it.”²² Once a beautiful object that at first glance had seemed to be an object of nature turns out to be in fact artificial, the enthusiasm for its beauty vanishes, giving way instead to mere vanity. “Suppose we had secretly played a trick on this lover of the beautiful, sticking in the ground artificial flowers (which can be manufactured to look very much like natural ones) or perching artfully carved birds on the branches of trees, and suppose he then discovered the deceit. The direct interest he previously took in these things would promptly vanish, though perhaps it would be replaced by a different interest, an interest of vanity, to use these things to decorate his room for the eyes of others.”²³ In order to have a symbolic significance beyond the merely aesthetic enjoyment, the beautiful must be an object of nature. Only then can it point to the possibility of some hidden correspondence between the moral imperative and the structure of the world, a possibility on which morally committed human beings can ground their hopes. “[T]he thought

¹⁹ Critique of Judgment, p. 168 (5: 301).

²⁰ Critique of Judgment, p. 169 (5: 302).

²¹ Critique of Judgment, p. 228 (5: 353). Cf. Paul Guyer, “The Symbols of Freedom in Kant’s Aesthetics,” in: Herman Parret, ed., *Kant’s Aesthetics* (Berlin and New York: de Gruyter, 1998), pp. 338–355, especially pp. 350–351.

²² Critique of Judgment, p. 165 (5: 298).

²³ Critique of Judgment, p. 166 (5: 299).

that the beauty in question was produced by nature must accompany the intuition and the reflection, and the direct interest we take in that beauty is based on that thought alone."²⁴ Whereas enthusiasm for the beautiful in the arts remains an ambivalent attitude, interest in the beauty of nature, Kant says, "is always a mark of a good soul." For "if this interest is habitual . . . , this [fact] indicates at least a mental attunement favorable to moral feeling."²⁵ Surely even the habitual interest in the beauty of nature is no "proof" of a morally good disposition (which itself remains beyond any empirical proof whatsoever). The only thing we can attain is a symbolic hint at a *possible* connection between aesthetic and moral feelings. "Hence if someone is directly interested in the beauty of nature, we have cause to suppose that he has at least a predisposition to a good moral attitude."²⁶

According to Kant, moral and aesthetic claims of validity must be kept apart conceptually. They cannot be reduced to one another, nor should they be mixed with the validity claims of the sciences. The all-encompassing unity of the *kosmos*, with regard to which traditional metaphysics used to integrate the true, the good, and the beautiful, has broken up in the modern era. The crisis of traditional metaphysics was caused not only by the development of the sciences but also by the increasing awareness of freedom. This awareness culminates in Kant's concept of moral autonomy in which the traditional grounding of morality on a cosmic order is systematically abandoned. And yet it would be wrong to assume that the holistic perspective has simply been lost. In Kant's philosophy, the metaphysical idea of a possible unity of the true, the good, and the beautiful, rather than being discarded, has been transformed critically. That is, such a possible unity is no longer an object of metaphysical knowledge but constitutes the focal point of symbolic traces whose reality in the final analysis, however, will always remain questionable.

4. Hoping for Progress in History

The search for structures of purposiveness in the world is not confined to the order of nature; it extends as well to the realm of human

²⁴ Critique of Judgment, p. 166 (5: 299).

²⁵ Critique of Judgment, pp. 165–166 (5: 298–299).

²⁶ Critique of Judgment, p. 167 (5: 300–301).

history. In modern times, philosophy of history has supplemented, and partly even replaced, the philosophical contemplation of nature. The comprehensive system of Hegelianism can in fact be understood as a historic and procedural equivalent of the traditional metaphysics of the *kosmos*. Purposiveness, according to Hegel, does not manifest itself mainly in a timeless order of nature, but above all emerges in the dynamics of historical conflicts that, from a philosophical standpoint, form a meaningful whole. The history of humankind thus comes to the fore as the process of revelation of the divine spirit in the world.²⁷

For Kant, too, philosophy of history plays an important role in his practical philosophy, especially his political philosophy. What holds for moral practice in general – that we need to look for traces of hope that our commitment can actually have positive results – holds especially for political ethics. If it is true that only a *common* struggle of many people and many generations can possibly lead to republican freedom and international peace, then the individual person can easily lose all confidence that his or her political commitment is meaningful at all. Political ethics thus *needs* a holistic perspective for people to identify with and from which to derive moral encouragement.

It is important to note, however, that for Kant, unlike Hegel, the search for a purposive historic perspective will never yield definitive results. The insights provided by philosophy of history have the status of *heuristic insights*. They give hints and traces rather than unambiguous and final answers. Similar to the considerations about the purposive order of nature, reflections on the *telos* of history are conducted in the *as-if mode*. Just as we regard nature “as if” it were to display the work of an artist, so we regard history as if it were to reveal the plan of a higher wisdom. In traditional religious language this means contemplating history in the light of divine providence. Kant in fact refers at times to the idea of providence,²⁸ although he generally remains reluctant to resort to that theological category. He prefers to speak about “the great artist *nature* (*natura daedala rerum*) from whose mechanical course purposiveness shines forth visibly.”²⁹ For he fears the invocation of the

²⁷ Cf. Hegel, *Vorlesungen über die Philosophie der Geschichte. Werke* Vol. 12 (Frankfurt: Suhrkamp, 1970), p. 31.

²⁸ Cf. Perpetual Peace, p. 331 footnote (8: 361 footnote).

²⁹ Perpetual Peace, p. 331 (8: 360).

concept of divine providence could easily end in a presumptuous enthusiasm that would ignore the limits of human reason. Kant therefore declares: “. . . the use of the word *nature*. . . is more befitting the limitations of human reason . . . and more *modest* than is the expression of a *providence* cognizable for us, with which one presumptuously puts on the wings of Icarus in order to approach more closely the secret of its inscrutable purpose.”³⁰

Not only does Kant clearly distinguish the merely heuristic nature of philosophy of history from all claims of theoretical cognition of history, he also emphasizes that the function of philosophy of history for moral practice is merely *regulative*, but not constitutive. In this regard, too, Kant differs fundamentally from Hegel, who, by integrating morality into the course of human history, aspires to supersede – but actually undermines – the idea of moral autonomy. For by asserting that “the real world is what it ought to be,”³¹ Hegel subordinates the moral imperative to the process of history – with the result that the concept of human freedom is merged with that of historic necessity.³² Kant, by contrast, insists that the moral ought must remain prior to, and independent of, all contemplation about the course of history, since the moral quality of an action rests exclusively on the goodwill of the agent. Surely the goodwill cannot confine itself to the domain of a person’s inner conviction, but necessarily aspires to be successful in the outer world. Hence the need to find orientation in the realm of history, a need that *indirectly* arises from the moral imperative itself. However, once we make the indispensable “regulative” function of historic orientation into a “constitutive” prerequisite of moral practice, the idea of moral autonomy will be lost: It will be replaced by a purported insight into the necessary course of human history – that is, an insight that Hegelians and Marxists alike have actually claimed.

Being an anti-Hegelian *avant la lettre*, Kant attaches great importance to keeping moral philosophy and philosophy of history distinct from each other.³³ “When I say of nature, it *wills* that this or that

³⁰ Perpetual Peace, p. 332 (8: 362).

³¹ Hegel, *op. cit.*, p. 53.

³² Cf. Hegel, *op. cit.*, p. 41.

³³ This fundamental difference between Kant and Hegel has been played down in the interpretation of Kant’s philosophy of history by Yirmiahu Yovel, *Kant and the Philosophy of History* (Princeton: Princeton University Press, 1980). In Jovel’s view,

happen, this does not mean, it lays upon us a *duty* to do it (for only practical reason, without coercion, can do that) . . . ”³⁴ We cannot dispose of our moral self-legislation by surrendering it to purportedly “objective tendencies” in nature and history. Nor can we, on the other hand, reduce history to an element of a moral contemplation. It is only through the conceptual *differentiation* between moral philosophy and philosophy of history that human freedom can systematically come into sight.

Although Kant’s philosophy of history serves a practical purpose, it does not thereby become an exclusive part of moral philosophy.³⁵ As a result of his clear distinction between the two perspectives of morality and history, Kant’s account of history is actually far from moralistic. For example, even though Kant from a moral standpoint unequivocally condemns war as the worst of all evils, he nevertheless tries to make sense of war from the perspective of philosophy of history. He ventures the idea that the human inclination toward war might point to “a deeply hidden and perhaps intentional endeavor of the supreme wisdom, if not to establish, then at least to prepare the way for lawfulness along with the freedom of states, and thereby for a unified system of them with a moral basis.”³⁶ Elsewhere, Kant contemplates the possibility that “the risk of war is the only thing which keeps despotism in check”³⁷ – with the result that the end of all danger of war could possibly amount to the end of political freedom too. War, he writes, “seems to be engrafted onto human nature and even to hold as something noble, to which the human being is impelled by the drive to honor without self-seeking incentives.”³⁸ To give another example, in retrospect, a violent seizure of power can well appear to have yielded positive political results. Kant is sober enough to assume that the establishment

Kant is a forerunner of Hegel and Marx. A similar interpretation is given by Allen W. Wood, *Kant’s Ethical Thought* (Cambridge: Cambridge University Press, 1999), who holds that “Kant’s theory of history is *proto-Marxist*” (*ibid.*, p. 245).

³⁴ Perpetual Peace, pp. 334–335 (8: 365).

³⁵ Cf. Klaus Weyand, *Kants Geschichtsphilosophie. Ihre Entwicklung und ihr Verhältnis zur Aufklärung. Kantstudien Ergänzungshefte* 85 (Cologne: Kölner Universitätsverlag, 1963), p. 37. Howard Williams goes a step too far by stating: “Fundamentally, then, Kant’s concept of history is a moral one.” Howard Williams, *Kant’s Political Philosophy* (Oxford: Basil Blackwell, 1983), p. 19.

³⁶ Critique of Judgment, p. 320 (5: 433).

³⁷ Conjectures on the Beginning of Human History, p. 231 (8: 120).

³⁸ Perpetual Peace, p. 334 (8: 365).

of the state's monopoly of coercive power could not have come about in historical reality by virtue of a social contract, but most likely was enacted by means of violence, so that "the only beginning of the rightful condition to be counted upon is that by *power*, on the coercion of which public right is afterward based."³⁹ From the standpoint of philosophy of history, Kant can even appreciate a political revolution as a historic opportunity – that is, "as a call of nature to bring about by fundamental reforms a lawful constitution based on principles of freedom, the only kind that endures."⁴⁰

At the same time, however, Kant makes it clear that historical considerations such as those just mentioned must never be used as moral justifications of war, violence, or revolution. He who invokes "the god *bonus eventus*"⁴¹ – the positive results of historical injustice – to justify that injustice, will end up with a complete dissolution of all moral principles. In spite of his reflections on the potentially productive role of war in human history, Kant declares unequivocally that "reason, from the throne of the highest morally legislative power, delivers an absolute condemnation of war as a procedure for determining rights."⁴² To conclude a peace treaty with a silent *reservatio mentalis* that one might, in due time, resume acts of warfare, Kant says, "belongs to jesuitical casuistry and is beneath the dignity of a ruler."⁴³ Similarly, a violent seizure of power remains an act of high treason; and whoever claims a "right to revolution" undermines thereby the very possibility of any legal order of rights.⁴⁴

Philosophy of history and moral philosophy obviously pose different claims of validity that should be kept clearly apart. That is, if we were to pretend to be able to deduce the guidelines of moral action directly from some purported knowledge about the course of history as a whole, we would step beyond the boundaries of the human condition. Not only would we thereby deny our own finiteness as human beings; we would, at the same time, also obscure the unconditionality of the moral imperative, which itself presupposes the ultimate *independence*

³⁹ Perpetual Peace, p. 339 (8: 371).

⁴⁰ Perpetual Peace, p. 341 footnote (8: 373 footnote).

⁴¹ Perpetual Peace, p. 342 (8: 374).

⁴² Perpetual Peace, p. 327 (8: 356).

⁴³ Perpetual Peace, pp. 317–318 (8: 344).

⁴⁴ Perpetual Peace, p. 348 (8: 382–383).

of the moral “ought” from all calculations about the possible outcome of human history.

According to Hegel, the highest aspiration of philosophy is “to know the ways of Providence as well as its means and appearances in history.”⁴⁵ Kant, by contrast, emphasizes that we can never take “the standpoint of Providence which is situated beyond all human wisdom.”⁴⁶ This is to say that the ultimate unity of history and morality, which could be comprehended only in the light of divine providence, does not constitute a possible object of human cognition. Any attempt to “vindicate” history from a moral point of view, or even to defend the justice of God in the face of the suffering of innocent beings, would thus be blasphemous. With regard to these questions, Kant takes sides with Job and his desperate fight against the vain dogmatic formulas of his friends, who pretend to be able to see divine justice behind all suffering in the world.⁴⁷

Philosophy of history cannot be critical unless it preserves the *systematic distinction between morality and history*. Surely the quest for understanding the purpose of history as a whole follows from the unconditionality of the categorical imperative itself that drives us forward to seek orientation in the realm of human history. Such an orientation is helpful for moral practice, too, because it enables us to see our moral and political activities in a broader perspective. Be that as it may, it should be clear that the search for a comprehensive understanding of history will never lead to definitive insights. What it can yield is at best some traces of purposiveness. It is therefore in a state of an *ultimate non-knowledge* that we are called upon to struggle for political justice, human rights, and international peace. Karl Jaspers sums up the basic message of Kant’s philosophy of history as follows: “We cannot know what we nonetheless may hope for, provided we do what we ought to do.”⁴⁸

⁴⁵ Hegel, *op. cit.*, p. 26.

⁴⁶ Conflict of the Faculties, p. 300 (7: 84).

⁴⁷ Cf. On the Miscarriage of All Philosophical Trials in Theodicy, p. 33 (8: 266–267). Wood’s contention that “Kant’s philosophy of history can be regarded as a theodicy or theory of divine providence” (*op. cit.*, p. 311) therefore misses the point. Cf. also my review of Wood’s Kant interpretation in *Canadian Journal of Philosophy*, Vol. 31 (2001), pp. 445–452.

⁴⁸ Karl Jaspers, “Kants ‘Zum ewigen Frieden’ (1957), in: *Aneignung und Polemik. Gesammelte Reden und Aufsätze zur Geschichte der Philosophie*, ed. by Hans Saner, (Munich and Zürich: Piper, 1968), pp. 205–232, at p. 228.

5. "Unsocial Sociability"

Kant does not provide a systematic discussion of the traces of purposiveness in human history. There is, however, one crucial motif to which he repeatedly refers and on which he chiefly grounds his hope for historic progress in general. This motif is the inevitable social antagonism between human beings: "By antagonism, I mean in this context the unsocial sociability of human beings, that is, their tendency to come together in society, coupled, however, with a continual resistance which constantly threatens to break this society up."⁴⁹ The antagonism rests on the fact that the human being is both unsocial and social. Neither does he live in a state of natural harmony with his fellows; nor can he generally seclude himself from society. Driven by a social inclination, he seeks the company of others, a company, however, that he sometimes finds difficult to bear. And yet, whenever he decides to keep his distance from others, he finds that he is in the long run incapable of preserving it. He thus gets into a permanent conflict with himself as well as his fellows. "The human being has an inclination to live in society, since he feels in this state more like a human being, that is, he feels able to develop his natural capacities. But he also has a great tendency to . . . isolate himself, since he also encounters in himself the unsocial characteristic of wanting to direct everything in accordance with his own ideas. He therefore expects resistance all around, just as he knows of himself that he is in turn inclined to offer resistance to others."⁵⁰

It is important to note that Kant, unlike Rousseau, appreciates this human tendency toward conflict as something positive. Whereas Rousseau condemns societal conflict as a result of the human being's alienation from himself and from others, Kant considers societal conflict as a precondition for the development of the individual as well as the species. "The human being wishes concord, but nature, knowing better what is good for his species, wishes discord."⁵¹ And while Rousseau sets out the vision of a future political harmony in which alienation and conflict will be totally abolished, Kant does not want

⁴⁹ *Idea for a Universal History*, p. 44 (8: 20). In this and the following citations from Kant's "Idea for a Universal History," I have replaced the term "man" (as it was used in Nisbet's translation) by the term "human being."

⁵⁰ *Idea for a Universal History*, p. 44 (8: 20–21).

⁵¹ *Idea for a Universal History*, p. 45 (8: 21).

societal conflict to be abandoned. What is at issue, according to him, is not the end, but the *cultivation*, of conflict, and the political taming of that violence in which conflict often results.

By shaking human beings out of their lazy self-sufficiency, conflict can become a driving force of progress and civilization. In Kant's words, conflict "awakens all powers of the human being and induces him to overcome his tendency to laziness. Through the desire for honor, power, or property, it drives him to seek status among his fellows, whom he cannot *bear* yet cannot *bear to leave*. Then the first true steps are taken from barbarism to culture, which in fact consists in the social worthiness of a human being."⁵² To be sure, the general aspiration to attain a status among one's fellows has given birth to vices such as jealousy, envy, or ingratitude – that is, those "vices of culture" that are much more evil than the merely "bestial vices" of gluttony or lust, and hence deserve to be called "diabolical vices."⁵³ It goes without saying that from a moral point of view, we ought to fight those malicious inclinations again and again. From the perspective of philosophy of history, however, we can at the same time appreciate societal antagonism *as if* it were to serve a higher purpose. For without conflict and rivalry, we would lack the spur to developing our slumbering skills. "Without these asocial qualities (far from admirable in themselves) . . . the human being would live an Arcadian, pastoral existence of perfect concord, self-sufficiency and mutual love. But all human talents would remain hidden for ever in a dormant state, and the human beings, as good-natured as the sheep they tended, would scarcely render their existence more valuable than that of their animals. The end for which they were created, their rational nature, would be an unfilled void."⁵⁴ Kant goes so far as to praise nature for driving human beings into never-ending competition with one another: "Nature should thus be thanked for fostering social incompatibility, enviously competitive vanity, and insatiable desires for possession or even power."⁵⁵

At the same time, the very antagonism that operates as an incentive for civilizational progress threatens to destroy the fruits of that

⁵² Idea for a Universal History, p. 44 (8: 21).

⁵³ Religion, p. 75 (6: 27).

⁵⁴ Idea for a Universal History, p. 45 (8: 21).

⁵⁵ Idea for a Universal History, p. 45 (8: 21).

progress. Since societal conflicts can easily escalate into open violence, human beings feel compelled to tame their antagonism without abandoning it completely. This is to say that the internal dynamic of their “unsocial sociability” leads them to seek *peace*—that is, a peace by which conflicts should be disciplined rather than abolished. Kant thus concludes: “All the culture and art which adorn mankind and the finest social order the human being creates are fruits of his unsociability. For it is compelled by its own nature to discipline itself, and thus, by enforced art, to develop completely the germs which nature implanted.”⁵⁶

“Unsocial sociability” manifests itself not only in conflicts between individuals but also in conflicts between nations. There is, according to Kant, an insuperable antagonism between nations, due to “differences of *language* and of *religion*, which do bring with them the propensity to mutual hatred and pretexts for war.”⁵⁷ Just as in the case of conflict between individuals, Kant considers competition between nations as a positive incentive for political development. International antagonism above all helps to prevent a “universal monarchy,” which, Kant fears, would amount to “a soulless despotism” and “the graveyard of freedom” in general.⁵⁸ From this perspective, one might say that the “unsocial sociability” between nations functions as a precondition (albeit not yet a sufficient one!) of political freedom.

Whereas peoples find themselves separated by different languages and religions, they are at the same time driven by “the *spirit of commerce*” to seek each other’s company.⁵⁹ Economic interest provides a strong incentive for taming the antagonism between nations without abandoning it entirely. What is at issue again is the transformation of potentially violent conflict into peaceful competition. Such competition will in turn lead to a progressive development of the systems of traffic and communication that will increasingly encompass the entire earth. Economic globalization had indeed become a reality already in Kant’s day. In the face of this new situation, Kant argues that one has to tackle the historic task of shaping global economic

⁵⁶ *Idea for a Universal History*, p. 46 (8: 22).

⁵⁷ *Perpetual Peace*, p. 336 (8: 367).

⁵⁸ *Perpetual Peace*, p. 336 (8: 367).

⁵⁹ *Perpetual Peace*, p. 336 (8: 368).

cooperation politically and legally. The idea of a “cosmopolitan right,” he says, far from being a lofty and abstract conception, has become a challenge posed by historic reality itself: “Since the (narrower or wider) community of the nations of the earth has now gone so far that a violation of right on *one* place of the earth is felt in *all*, the idea of a cosmopolitan right is no fantastic and exaggerated way of representing right; it is, instead, a supplement to the unwritten code of the right of a state and the right of nations necessary for the sake of any public rights of human beings and so for perpetual peace . . . ”⁶⁰

Kant’s idea that the development toward international peace is driven forward by historical antagonisms bears a certain resemblance to Hegel’s famous metaphor of the “cunning of reason.”⁶¹ Some scholars have indeed argued that Kant’s philosophy of history is a somewhat sketchy forerunner of the much more comprehensive Hegelian system,⁶² according to which divine reason employs cunningly human passions to tear human beings away from the state of innocent harmony and force them on the burdensome route of progress. On closer examination, however, the fundamental difference between the two philosophers remains, which Karl Jaspers summarizes in the following words: “Kant does not know; he thinks on a trial basis; while expecting developments that are at least not impossible, he cherishes hope. Hegel claims cognition; his interpretation of reality is definitive; he is not in need of any hope.”⁶³

When Kant, in his essay on *Perpetual Peace*, speaks of “the guarantee of perpetual peace,”⁶⁴ he does not claim any definitive knowledge of the actual outcome of human history. His use of the term “guarantee” is due merely to the composition of that essay, which is ironically modeled on the form of a peace treaty. A peace treaty usually contains, among other things, a “guarantee.” It is a “guarantee,” however, whose worth only the future will reveal. Hence, what Kant’s philosophy of history yields is the perspective of a practical hope, not one of theoretical

⁶⁰ *Perpetual Peace*, pp. 330–331 (8: 360).

⁶¹ Hegel, *op. cit.*, p. 49.

⁶² Cf. Kurt Borries, *Kant als Politiker. Zur Staats- und Gesellschaftslehre des Kritizismus* (Leipzig: Meiner, 1928); Yovel, *op. cit.*; Wood, *op. cit.*, pp. 226ff.

⁶³ Jaspers, “Kants Zum ewigen Frieden,” *op. cit.*, p. 221.

⁶⁴ *Perpetual Peace*, p. 331 (8: 360).

certainly. It is a practical hope without which political commitment on behalf of republican freedom and international peace would seem to be but a foolish endeavor. In other words, as moral beings we cannot avoid looking for traces of purposiveness in history on which we may ground our confidence that republican freedom and international peace are at least a historical *possibility*. To preserve this perspective of a possibility is exactly the purpose of Kant's "guarantee" of perpetual peace. It is a "guarantee" merely in the *as-if mode*: "In this way nature guarantees perpetual peace through the mechanism of human inclinations itself, with an assurance that is admittedly not adequate for *predicting* its future (theoretically) but that is still enough for practical purposes and makes it a duty to work toward this (not merely chimerical) end."⁶⁵

6. Toward a Rightful Order of Peace

Supposing we have reason to hope that political progress is possible, we still have to ask ourselves in what way such progress can actually be accomplished. How can the natural antagonisms of individuals and nations be transformed into peaceful cooperation? How can a legal order of rights take shape both nationally and internationally? Kant's general answer to these questions is strikingly simple: Whenever we fight for a rightful political order, we have to assume that this fight already takes place *within the realm of right*. A legal order of rights cannot emerge from nothingness, but can develop only on the basis of the assumption that relationships of right are *already existent*, however precarious they may yet be. To be sure, a rightful order is not a natural phenomenon; it must be enacted politically by the conscious endeavor of human beings who are in charge of legislating and implementing rights, thereby preparing the way for national and international peace. "A condition of peace among men living near one another is not a state of nature," Kant writes; and he adds that such a condition of

⁶⁵ Perpetual Peace, p. 337 (8: 368). Cf. also Pierre Laberge, "Von der Garantie des ewigen Friedens," in: Otfried Höffe, ed., *Immanuel Kant: Zum ewigen Frieden* (Berlin: Akademie Verlag, 1995), pp. 149–170, at p. 161: "Thus the idea of a cunning of reason . . . comes up, an idea comparable to the Hegelian cunning of reason, with the subtle difference, however, that for Kant this idea operates merely as a guiding principle of reflective judgment."

peace “must therefore be *established*.”⁶⁶ As human beings, we bear full responsibility for the implementation of a rightful order of peace both at the national and international levels. Yet we have to realize that such an order is not a *creatio ex nihilo* – that is, it cannot be created from nothingness. What we need to be able to work for a rightful order are some (at least provisionally) rightful relationships on which we can ground our commitment in order to develop these relationships into a full-fledged political system of public rights.

A. *From the State of Nature to Civil Society*

In keeping with the tradition of social-contract philosophy, Kant distinguishes between a “state of nature” and a “state of civil society” – a distinction that has become prominent in philosophical literature since Thomas Hobbes. Kant’s conception of the state of nature, at first glance, seems to come quite close to the Hobbesian state of nature to which it has in fact often been equated.⁶⁷ That is, due to the lack of government and public authority, people live in constant fear of each other and are therefore tempted to attack one another violently in order to prevent being attacked themselves. The state of nature, Kant holds, represents essentially “a state *devoid of justice (status iustitia vacuus)*, in which when rights are *in dispute (ius controversum)*, there would be no judge competent to render a verdict having rightful force.”⁶⁸

On closer scrutiny, however, it turns out that the Kantian concept of the state of nature differs fundamentally from the Hobbesian concept. What makes up this difference is that, according to Kant, people even in the state of nature can make legal claims against one another. The fighting in this anarchistic situation therefore is not merely a struggle for sheer survival (as is the case in the Hobbesian state of nature) but, above all, a *struggle for right*.⁶⁹ A struggle for right, however, cannot

⁶⁶ Perpetual Peace, p. 322 (8: 348–349).

⁶⁷ Cf., for instance, the interpretation of Kant’s philosophy of right by Hans-Georg Deggau, *Die Aporien der Rechtslehre Kants* (Stuttgart: Frommann Holzboog, 1983).

⁶⁸ *Metaphysics of Morals*, p. 456 (6: 312).

⁶⁹ The “natural right” that Hobbes assumes people have in the state of nature is purely abstract in that it permits everyone to use all available means of self-defense. It includes neither normative claims nor normative constraints. See *Leviathan*, I, 14. Kant, by contrast, postulates the validity of concrete legal claims and legal constraints also in the state of nature. On the difference between Hobbes and Kant in this regard, cf. also Wolfgang Kersting, *Wohlgeordnete Freiheit. Immanuel Kant’s Rechts- und Staatsphilosophie* (paperback edition, Frankfurt: Suhrkamp, 1993), p. 329.

take place unless it is assumed that, in some way, rightful claims are already in existence. This assumption in turn means that the *struggle for right* proceeds as a *struggle within the medium of right* – that is, with reference to some given legal claims and principles, however vague and unsettled they may yet be.

Unlike Hobbes, Kant defines the state of nature not by the lack of all right in general, but more specifically by the lack of *public* right. The state of nature is one in which merely private rights exist, such as rights of property or private contracts. For these claims to be legitimate, however, they must be based on the universal principle of right – that is, the principle of mutual recognition of *everyone's* equal freedom of choice. It is with regard to this universal principle of right that Kant points out: “When I declare (by word or deed), I will that something external is to be mine, I thereby declare that everyone else is under obligation to refrain from using that object of my choice (. . .). This claim involves, however, acknowledging that I in turn am under obligation to every other to refrain from using what is externally his . . .”⁷⁰

Generally speaking, the principle of right – the requirement that people mutually recognize their legal claims on the basis of equality and freedom – holds already in the state of nature. The problem with the state of nature is, however, that the mutual recognition of everyone's legal claims lacks a *public manifestation and guarantee*. It is this lack of public manifestation and guarantee of rights that easily leads to mutual distrust and violence. And yet, insofar as legal claims in the state of nature have the normative quality of *rights*, they point to a future order of public right and thus to the necessity of bringing about a civil society in which legal claims can receive *public* recognition through political legislation. From a systematic perspective, public legislation in a civil society thus proves to be the normative *precondition* of the very possibility of claiming private rights in the state of nature, a precondition that within the state of nature always is *implicitly anticipated* whenever legal claims are raised. Hence, to make such claims implies recognizing the legal obligation to use all available means in order to establish a civil constitution. “Therefore something external can be *originally* acquired only in conformity with the idea of a civil condition, that is, with a view to it and to its being brought about, but prior to its

⁷⁰ Metaphysics of Morals, p. 409 (6: 255).

realization (...). Hence *original* acquisition can be only *provisional*. – *Conclusive* acquisition takes place only in the civil condition.”⁷¹

The (hypothetical) chronological priority that Kant accords to private rights over the order of public rights does not mean that he reduces the state (the system of public justice) to a second-order phenomenon.⁷² The opposite is true. From a systematic point of view, Kant insists that public rights prevail over private rights because the status of private claims *as rights* depends on the assumption that they *implicitly* anticipate the structure of right in general – that is, a structure that finds an *explicit* recognition only in *public right*. Existing relations of private ownership and private contract in the state of nature can thus be appreciated as an indirect representation of a future order of public rights and, accordingly, can and should be used to promote the actual development of such an order. Kant’s political philosophy in fact differs remarkably from a bourgeois ideology of “possessive individualism”⁷³ in that he presupposes that already in the state of nature people can and ought to deal with each other as *potential citizens* rather than as mere private owners. What he demands, in other words, is that people in the state of nature should interact *as if* they knew that they would in future encounter each other as citizens, even though they actually cannot know whether such a condition of common citizenship will ever be accomplished in reality.

The assumption of such an indirect (anticipatory) representation of common citizenship already in the state of nature has an impact even on the case of violent clashes. As Kant emphasizes, employing means of physical coercion in order to defend one’s rights in the state of nature is not permissible⁷⁴ unless the use of force goes hand in hand with an active intention of abandoning the state of nature and entering into a civil constitution of public right. That is, by fighting *against* the

⁷¹ *Metaphysics of Morals*, p. 416 (6: 264).

⁷² Such an interpretation, however, has been given by Otfried Höffe, *Immanuel Kant* (Munich: C.H. Beck, 1983), p. 225.

⁷³ Cf. C.B. Macpherson, *The Political Theory of Possessive Individualism. From Hobbes to Locke* (Oxford: Oxford University Press, 1962).

⁷⁴ Temporary “permission” to resort to violence does not mean that such violence is fully legitimate. Cf. Reinhard Brandt, “Das Erlaubnisgesetz, oder: Vernunft und Geschichte in Kants Rechtslehre,” in: same author, ed., *Rechtsphilosophie der Aufklärung. Symposium Wolfenbüttel 1981* (Berlin and New York: de Gruyter, 1982), pp. 233–285.

other in the state of nature, one at the same time ought to fight *together with* the other for establishing a *common* civil order of right: “If it must be possible, in terms of rights, to have an external object as one’s own, the subject must also be permitted to constrain everyone else with whom he comes into conflict about whether an external object is his or another’s to enter *along with him* into a civil constitution.”⁷⁵

If the employment of means of coercion in the state of nature is permissible only as an *anticipation of public authority*, however, then the use of force cannot be unconstrained. Unlike Hobbes, who in the state of nature allows for the summoning of all available means of power and violence, Kant actually places some limits on the use of force in the state of nature. These limits can be found in the “preliminary articles of perpetual peace” (in the first section of the essay on *Perpetual Peace*).⁷⁶ Although these articles refer to the state of nature *between states* – that is, to the domain of foreign politics – they can well be translated to refer also to the anarchistic situation of a state of nature *between individuals*. Kant’s “preliminary articles of perpetual peace” entail, among other requirements, a strict ban on the use of unfair means of warfare, such as “employing *assassins (percussores)* or *poisoners (venefici)*, *breach of surrender, incitement to treason (perduellio)*.”⁷⁷ Such means of warfare can never be permitted in the struggle for right because they would destroy the very possibility of a civil constitution by making mutual confidence between *future citizens* completely impossible. In other words, even in the state of nature the universal principle of right has a practical normative impact in that it limits the use of force to conditions that, at the very least, do not pose insuperable obstacles to the development of a civil constitution.

However, despite his assumption that elements of a future rightful order are already anticipated in the state of nature, Kant is fully aware that there remains a gulf between the state of nature and the state of public right. Even the goodwill of all individuals as “potential citizens” does not suffice for bridging this gulf. The problem is that people cannot be expected to renounce the private use of violence unless and until a public institution of right has already been established. The

⁷⁵ *Metaphysics of Morals*, p. 409 (6: 256) (emphasis added).

⁷⁶ Cf. *Perpetual Peace*, pp. 317–320 (8: 343–347).

⁷⁷ *Perpetual Peace*, p. 320 (8: 346).

establishment of such an institution in turn depends on the abandonment of private violence. In the face of this vicious circle, the transition from the state of nature to an order of public right, and the concomitant transformation of potential citizenship to actual citizenship, seem nearly impossible. Kant therefore concludes that an additional factor is needed – namely, a *historic event* that lies outside of the realm of moral willing and political planning. This external event, he says, is an act of violence – a violent conquest or a seizure of power – without which the factual foundation of the state would be inconceivable. Whereas the *normative* origin of the state rests on the idea of a unanimously concluded social contract, the *historic* origin of the state and its monopoly of coercive power will likely be an act of violence: “. . . in the *carrying out* of that idea (in practice) the only beginning of the rightful condition to be counted upon is that by *power*, on the coercion of which public right is afterward based.”⁷⁸

The fact that we cannot even *conceive* consistently the historic origin of the state without violence, and hence without injustice, sheds some light on the inescapable contingencies of human politics in general. Hence Kant’s warning that it is “*futile* to inquire into the *historical documentation* of the mechanism of government.”⁷⁹ What he means to say is that as finite human beings, we cannot and must not pursue the utopian project of a total identity of morality and history. Not only would such a project be futile; it would, even worse, undermine the obedience we owe to the existing institutions of public right, whatever their factual historic origin might have been. A moral “vindication” of history as such – or more particularly, of the history of the state – would go beyond the possibilities of a finite moral being. What we can and ought to do instead is take the given institutions of the state, regardless of their history of injustice, as the indispensable *empirical basis* on which a legitimate order of public justice can gradually be built.

B. From Civil Society to a Liberal Republic

Given that the historic foundation of the state is most likely connected with an act of violence (and thus a violation of the principle of right!), we have to conclude that after the establishment of the state, the

⁷⁸ Perpetual Peace, p. 339 (8: 371).

⁷⁹ Metaphysics of Morals, p. 480 (6: 339).

struggle for a rightful order has not been completed. This struggle must therefore continue. Once the state has come into existence, however, the ongoing struggle for right takes on a different form. Whereas in the state of nature, the individual, under certain circumstances, was permitted to use physical coercion, in the civil condition coercive power is monopolized in the hands of the government. However, this monopoly of coercive power is not tantamount to a monopoly of politics. Politics continues to be the common affair of all citizens who have the right – and indeed the duty – to suggest and debate possible improvements of the commonwealth with regard to the normative principle of public right.

Consequently, the obedience to the government that Kant requires of the citizens should always go hand in hand with the willingness to express public criticism of the government. What is needed is not a blind but a *critical* obedience – that is, an obedience in the spirit of “*Aufklärung*.” As Kant puts it ironically, the citizens should (maybe counterfactually) assume that the head of state, whose political legitimacy depends on his representing the united lawgiving will of the people, “wants” the citizens to make public their grievances, because any political injustice would actually undermine the legitimacy of his own government: “. . . a citizen must have, with the approval of the ruler himself, the authorization to make known publicly his opinions about what it is in the ruler’s arrangements that seems to him to be wrong against the commonwealth. For, to assume that the head of state could never err or be ignorant of something would be to represent him as favored with divine inspiration and raised above humanity. Thus *freedom of the pen* . . . is the sole palladium of the people’s rights. For to want to deny them this freedom is not only tantamount to taking from them any claim to a right with respect to the supreme commander (according to Hobbes), but is also to withhold from the latter – whose will gives orders to the subjects as citizens only by representing the general will of the people – all knowledge of matters that he himself would change if he knew about them and put him in contradiction with himself.”⁸⁰

Just as in the state of nature, the use of private violence was temporarily permitted only as an *anticipation* of a public administration of

⁸⁰ Theory and Practice, p. 302 (8: 304).

rights, so in an autocratic state the government can exercise power legitimately only as an *anticipation* (that is, a provisional representation) of a future republic of free and equal citizens. The practical consequence of this supposition is that the citizens should deal with the ruler *as if* he were already acting as the representative of the people. That is, the fighting for a republic requires the assumption that elements of a “republican spirit” can already be found in the existing structure of the state. To give an example, Kant cites the Prussian king Frederick II who “at least *said* that he was only the highest servant of the state.”⁸¹ Even though one may well entertain doubts that Frederick’s famous dictum was serious, one should accept it *as if* it were meant to be serious, and criticize the king’s actual policies against that self-imposed “republican” benchmark.

Political irony can be an appropriate way of expressing the as-if structure in the assumption of a republican spirit’s being already existent in a given autocratic state. Kant gives a brilliant example of such a strategy when he seemingly defends the majestic titles of the rulers of his day on the – obviously counterfactual – supposition that they can be understood in the spirit of a liberal republic: “The exalted epithets often bestowed on a ruler (‘the divinely anointed,’ ‘the administrator of the divine will on earth and its representative’) have often been censured as gross and dizzying flattery, but, it seems to me, without grounds. Far from making the ruler of a country arrogant, they would rather have to humble him in his soul if he is intelligent (as must be assumed) and make him reflect that he has taken on an office too great for a human being – namely the most sacred office that God has on earth, that of trustee of *the right of human beings* – and that he must always be concerned about having in some way offended against this ‘apple of God’s eye.’”⁸²

To approach the idea of a free republic, Kant says, is possible only by means of political reform. Kant’s somewhat ambivalent position toward the French Revolution is grounded in his argument that a right to revolution, in the strict sense, would be an oxymoron. For the idea of a revolutionary “creation” of a republic would mean that people could “create” their own human rights. He who claims the right to

⁸¹ Perpetual Peace, p. 325 (8: 352).

⁸² Perpetual Peace, p. 325 footnote (8: 353 footnote).

“create” rights, however, would thereby implicitly also claim the right to deny or abolish his own and his fellows’ human rights. Kant’s firm belief that “every human being has . . . his inalienable rights, which he can never give up even if he wanted to”⁸³ thus implies a rejection of the presumption that anyone could be the revolutionary “creator” of his own (or anyone else’s) fundamental human rights. If such a *creatio ex nihilo* is impossible, however, then we have to conclude that the responsibility that human beings bear for the realization of their inalienable rights can be fulfilled only by cultivating and developing *existing* relationships and institutions of right; in short: by means of political reform.

When Kant, in spite of his clear rejection of a right to revolution, nevertheless appreciates the French Revolution, he is able to do so only on the ironic assumption that the revolution actually was an act of political *reform*, triggered inadvertently by the ruler himself. The French king Louis XVI, Kant insinuates, was not aware of what he was doing when he summoned the General Estates as the official representatives of the people. That is, the king thereby mistakenly surrendered his own power, the legitimacy of which had only been provisional – namely, as an anticipation of the people’s self-legislation. “A powerful ruler in our time therefore made a very serious error in judgment when, to extricate himself from the embarrassment of large state debts, he left it to the people to take this burden on itself and distribute it as it saw fit; for then the legislative authority naturally came into the people’s hands (. . .). The consequence was that the monarch’s sovereignty wholly disappeared . . . and passed to the people . . .”⁸⁴

C. *The Goal of International and Cosmopolitan Peace*

The establishment of a republic by the French Revolution, far from leading directly to international peace, actually triggered a period of European wars. As a political observer of these wars, Kant clearly sympathizes with the French republic. Nevertheless, he insists ironically that his criticism of the Prussian government and its anti-revolutionary politics should by no means be mistaken as an act of disloyalty. For if we suppose that *every* political order (including that

⁸³ Theory and Practice, p. 302 (8: 304).

⁸⁴ Metaphysics of Morals, p. 481 (6: 341).

of the still autocratically governed Prussian state) gains its legitimacy only by anticipating republican principles, which themselves will finally also pave the way for perpetual peace, then public criticism of anti-republican policies, far from being an act of disloyalty, deserves to be lauded as an act of patriotism. “[T]he grumbling of the subjects, provoked not by the internal policy of the government but by the conduct of the latter toward foreigners, if perchance that conduct should hinder the subjects in their republican tendencies, is no proof at all of the nation’s dissatisfaction with its own constitution, but rather of love for it; because the nation is the more assured against any danger the more other nations pursue a republican policy.”⁸⁵

Kant’s long-term goal in international politics is not a global state, but a federation of free republics.⁸⁶ A voluntary association of free republics seems to him the best way of approaching an order of international freedom and peace.⁸⁷ This idea is not merely a utopian vision, but has an impact on the existing international cooperation between states, even in a situation of international warfare. Just as the individuals in the “state of nature” (that is, in the state of anarchistic violence) are expected to *anticipate* the order of public right actively and shape their conflicts in the spirit of such anticipation, so in international conflicts, too, the political agents ought to act *in anticipation* of an international order of peace. This is to say that, by analogy with the requirement that conflicting individuals should treat each other *as if* they were to recognize one another as future citizens, conflicting states, too, should deal with each other *as if* they were the future members of a common federation of states. The use of violence, accordingly, must be restricted in such a way that the realization of an actual federation of states remains at least a possibility. It is in this sense that Kant formulates the “preliminary articles for perpetual peace among states.”⁸⁸ Some of these preliminary articles, he says, have the status of

⁸⁵ Conflict of the Faculties, p. 302 footnote (7: 86 footnote).

⁸⁶ Cf. Perpetual Peace, p. 325 (8: 354): “The right of nations shall be based on a *federalism* of free states.” (The translation of “Völkerrecht” as “right of nations” is problematic because in German, the term “Völkerrecht” is generally used as the equivalent of “international law.”)

⁸⁷ Cf. also Metaphysics of Morals, p. 483 (6: 344).

⁸⁸ Perpetual Peace, pp. 317–320 (8: 343–347).

“*leges strictae*,” which hold without any reservations. For instance, even in a situation of military self-defense, a state must never resort to unfair means of warfare that would undermine the very *possibility* of mutual trust and thus of any future cooperation between the conflicting states.

The “preliminary articles” contain indispensable preconditions for international peace. The fulfillment of these requirements, however, would still be insufficient for directly implementing international peace. What is further required, according to Kant, is an external *event* – analogous to the (probably violent) seizure of power that factually facilitates the historic establishment of a state. Kant is convinced that the foundation of a free republic during the French Revolution is such a historic *event*, which thus functions as a catalyst for the gradual development of an international order of peace. Why is this the case? For Kant, the significance of the French Revolution rests on the actual experience that the principles of a rightful constitution can be implemented politically. In the light of this *public experience*, it becomes abundantly clear that the normative idea of a republic is not just a utopian dream; it is the *explicit* political implementation of those normative principles that *implicitly* have always provided the basis of the legitimacy of the state. Kant cherishes the hope that the historic experience of the actual establishment of a republic will have long-term repercussions both for domestic and for international politics: “For if good fortune should ordain that a powerful and enlightened people can form itself into a republic (which by its nature must be inclined to perpetual peace), this would provide a focal point of federative union for other states, to attach themselves to it and so to secure the condition of freedom of states conformably with the idea of the right of nations; and by further alliances of this kind, it would gradually extend further and further.”⁸⁹

Even with the establishment of a global federation of republics, however, the order of peace would not yet be completed. For in the age of economic globalization, which has begun already in the eighteenth century, people communicate, cooperate, and compete across state borders. The conflicts that may arise from this new global situation require a global legal framework, which Kant addresses under

⁸⁹ Perpetual Peace, p. 327 (8: 356).

the heading of “cosmopolitan right.” The national as well as the international order of right, he says, must be supplemented by some additional principles of cosmopolitan right.

The normative force of the idea of a cosmopolitan right comes to the fore in Kant’s harsh criticism of the European colonialism of his day. He castigates the “*inhospitable* behavior of civilized, especially commercial, states in our part of the world, the injustice they show in *visiting* foreign lands and peoples (which with them is tantamount to *conquering* them). When America, the negro countries, the Spice Islands, the Cape, and so forth were discovered, they were, to them, countries belonging to no one, since they counted the inhabitants as nothing. In the East Indies (Hindustan), they brought in foreign soldiers under the pretext of merely proposing to set up trading posts, but with them oppression of the inhabitants, incitement of the various Indian states to widespread wars, famine, rebellions, treachery, and the whole litany of troubles that oppress the human race.”⁹⁰ The argument put forward by the advocates of colonialism that the latter “is to the world’s advantage, partly because these crude peoples will become civilized . . . , and partly because one’s own country will be cleaned of corrupt men,”⁹¹ does not impress Kant. His verdict is clear: “But all these supposedly good intentions cannot wash away the stain of injustice in the means used for them.”⁹²

For Kant, the civilizational superiority the European nations, rightly or wrongly, lay claim to can never serve as a justification for conquering foreign countries and oppressing non-European peoples. Hegel’s assertion that slavery “has awoken more human tendencies among the negroes” and thus has functioned as “an element of education and a mode of participation in higher ethics”⁹³ would certainly have met with Kant’s disapproval. In his view, any pretension of a colonialist *mission civilisatrice* will finally end up in sheer Machiavellism. What European traders can legitimately claim, he says, is only the “right to visit” foreign countries and the right “to present oneself for society” with their inhabitants.⁹⁴ As common dwellers on the limited space

⁹⁰ Perpetual Peace, p. 329 (8: 358–359).

⁹¹ Metaphysics of Morals, p. 490 (6: 353).

⁹² Metaphysics of Morals, p. 490 (6: 353).

⁹³ Cf. Hegel, *op. cit.*, pp. 128–129.

⁹⁴ Perpetual Peace, p. 329 (8: 358).

of the globe,⁹⁵ all human beings can rightly expect to be treated as (temporary) guests in other countries. This cosmopolitan right to visit other continents, however, should never be mistaken as a title to settle or occupy the lands of other peoples without their consent. It is in this anti-colonialist spirit that Kant defines cosmopolitan right as a right “limited to conditions of universal *hospitality*.”⁹⁶

7. Limitations of Historical Progress

In his late political writings, Kant increasingly bases his hope for political progress on a particular historic event: the French Revolution.⁹⁷ The revolution, he says, can be appreciated “as a historical sign (*signum rememorativum, demonstrativum, prognostikon*) demonstrating the tendency of the human race viewed in its entirety”⁹⁸ – namely, a tendency toward republican freedom and international human rights. What nourishes Kant’s optimism is not the actual outcome of the revolution (which remains ambiguous), but rather the unselfish enthusiasm that the observers of that revolution display. “The revolution of a gifted people which we have seen unfolding in our day may succeed or miscarry; it may be filled with misery or atrocities to the point that a right-thinking human being, were he boldly to hope to execute it successfully the second time, would never resolve to make the experiment at such cost – this revolution, I say, nonetheless finds in the hearts of all spectators (who are not engaged in the game themselves) a wishful *participation* that borders closely on enthusiasm the very expression of which is fraught with danger; this sympathy, therefore, can have no other cause than a moral predisposition in the human race.”⁹⁹

⁹⁵ Cf. *Metaphysics of Morals*, p. 489 (6: 352).

⁹⁶ *Perpetual Peace*, p. 328 (8: 357).

⁹⁷ From a strictly *legal point of view*, Kant describes the historic event of 1789 as a *reform* because it was the French king (the representative of the *existing* legal order) who formally summoned the General Estates. At the same time, Kant is fully aware of the *radical historical transformation* brought about violently by the French Revolution, whose title is thus well taken.

⁹⁸ *Conflict of the Faculties*, p. 301 (7: 84). On the novelty of this motif of “*signum rememorativum*” in Kant’s philosophy of history, cf. Pauline Kleingeld, *Fortschritt und Vernunft: Zur Geschichtsphilosophie Kants* (Würzburg: Königshausen & Neumann, 1995), pp. 77ff.

⁹⁹ *Conflict of the Faculties*, p. 302 (7: 85). Cf. Ernst Cassirer, “Die Idee der republikanischen Verfassung. Rede zur Verfassungsfeier am 11. August 1928,” reprinted in:

Kant's argument that the unselfish sympathy of the spectators of the French Revolution points to a moral disposition of humanity as a whole resembles his observation that the interest a person takes in the beauty of nature "is always a mark of a good soul," indicating "at least a mental attunement favorable to moral feeling."¹⁰⁰ That is, just as the traces of purposiveness observable in the beautiful forms of nature can stimulate an interest akin to moral feelings, so the public political interest triggered by the republican revolution likewise points to a moral predisposition of the spectators. If it is true, however, that the beautiful in nature provides a "symbol of the morally good,"¹⁰¹ as Kant suggests, the same holds also – and perhaps even more so – for those historic events that can support a reasonable hope for political progress.

For all the political enthusiasm that Kant shows for the French republic, however, he does not forget the insuperable limits of historic progress. He makes it clear that there will always remain a difference between any empirical republic (the "respublica phaenomenon"), on the one hand, and the normative *idea* of a rightful republic (the "respublica noumenon"), on the other. That is, even after the establishment of a republic of free and equal citizens the *idea* of a republic continues to provide a normative benchmark based on which citizens are called upon to express political criticism. The structure of an *indirect, anticipatory representation* that we have come across in Kant's account of the earlier stages of historical development (that is, the state of nature and the situation of an autocratic government) thus remains valid for the republican era, too. The empirical republic is merely a representation, maybe the best conceivable historic representation, of the "respublica noumenon," which itself can never be fully realized in human history.¹⁰² It is in this sense that Kant declares: "The idea of a

Enno Rudolph and Hans Jörg Sandkühler, eds., *Symbolische Formen, mögliche Welten – Ernst Cassirer: Dialektik*, Vol. 1995/1, pp. 13–30, at p. 26: "In these sentences the form of symbolic reflection that characterizes Kant as a moralist and philosophical idealist most clearly comes to the fore. Instead of investigating the immediate results of a process or an action, he asks about the spiritual and moral ground from which that action originates . . ."

¹⁰⁰ Critique of Judgment, pp. 165–166 (5: 298–299).

¹⁰¹ Critique of Judgment, p. 228 (5: 353).

¹⁰² Cf. Benedikt Haller, *Repräsentation. Ihr Bedeutungswandel von der hierarchischen Gesellschaft zum demokratischen Verfassungsstaat* (Münster: Lit, 1987), pp. 15off.

constitution in harmony with the natural right of human beings . . . lies at the basis of all political forms; and the body politic which, conceived in conformity to it by virtue of pure concepts of reason, signifies a Platonic *ideal* (*respublica noumenon*), is not an empty figment of the brain, but rather the eternal norm for all civil organization in general, and averts all war. A civil society organized conformably to this ideal is the representation of it in agreement with the laws of freedom by means of an example in our experience (*respublica phaenomenon*) and can be acquired only painfully, after multifarious hostilities and wars; but its constitution, once won on a large scale, is qualified as the best among all others to banish war, the destroyer of everything good.”¹⁰³

In addition to pinpointing the insuperable difference between historical reality and normative idea, Kant points to a second limitation of historical progress. By no means, he insists, should political progress be simply equated with a moral improvement of humanity. The establishment of a rightful constitution, he says, “is *soluble* even for a nation of devils (if only they have understanding)”¹⁰⁴ and thus can be no “proof,” strictly speaking, of any genuinely moral motives. In other words, if it is true that the human heart is inscrutable, as Kant emphasizes time and again, then it follows that we can never be completely sure about any progress in moral matters. Accordingly, the visible results of the process of political civilization are confined to revealing a progress in legality, but not (at least not immediately) a progress also in morality. To the question, “What profit will progress toward the better yield humanity?” Kant thus gives the following careful answer: “Not an ever-growing quantity of *morality* with regard to intention, but an increase of the products of *legality* in dutiful actions whatever their motives.”¹⁰⁵ Legality certainly is an important achievement that deserves to be appreciated from the standpoint of morality, too.¹⁰⁶

¹⁰³ Conflict of the Faculties, p. 306 (7: 90–91).

¹⁰⁴ Perpetual Peace, p. 335 (8: 366).

¹⁰⁵ Conflict of the Faculties, p. 307 (7: 91). (The first sentence is capitalized as a headline.) This critical limitation of political progress is ignored by Yovel, who sees history as the process of realization of the highest good. Cf. Yovel, *op. cit.*, p. 31.

¹⁰⁶ That is why Kant can take the unselfish interest that political spectators invest in the French Revolution (and more generally in all tendencies that reveal progress in *legality*) as a “symbol” of a *moral* disposition of humankind. It remains true, however, that such a symbol can be no direct proof of any genuinely moral progress in human history.

If people learn to live together peacefully and perform their duties and obligations toward one another faithfully, they might also be more inclined to develop, in the course of time, an attitude of genuinely moral respect for each other. And yet an ultimate doubt persists as to whether progress in legality actually goes hand in hand with a progress in morality as well. Maybe this is a good thing. For the ultimate non-knowledge about moral progress can help to fight the temptation of complacency and self-satisfaction to which humanity in its civilized stage would otherwise easily succumb.¹⁰⁷

¹⁰⁷ Cf. Susan Neiman, *The Unity of Reason. Rereading Kant* (Oxford: Oxford University Press, 1994), p. 134: "The preservation of virtue itself depends on our inability to know, even, whether we are truly virtuous." What Neiman writes concerning the morality of an individual person, holds analogously also for the moral development of humanity as a whole.

VII

Symbolism in the Philosophy of Religion

1. Beyond Metaphysical Dogmatism

When confronted with questions of religion and theology, we often step beyond the boundaries of the human condition by making dogmatic propositions to which finite human beings have no title. Even if such a dogmatic attitude goes together with a gesture of humility, as sometimes happens, it is in fact an expression of vanity and presumption. As Kant points out: “A judgment in which we forget to estimate the extent of our powers (of understanding) may at times sound very humble, and yet it makes vast claims and is very presumptuous.”¹ The consequences of such presumptuous claims can be grave. Not only does the human being spoil the sciences by mixing them with elements of theology, he also perhaps obscures the unconditionality of his own moral vocation by rendering moral action dependent on a purported metaphysical cognition of God, divine commandments, or the ways of providence. Moreover, the authoritarian way of breaking off critical reflection, as it is typical of dogmatic metaphysical theology, also nourishes skepticism or even atheism. It is an irony that in the long run, every dogmatic metaphysical doctrine about religious matters, almost by an inner necessity, actually fosters its counterpart – that is, skepticism.

Hence there are many good reasons to seek for a *careful way* of addressing religious and theological questions. In his critical writings,

¹ Critique of Judgment, p. 264 footnote (5: 383 footnote).

Kant therefore avoids any premature use of theological concepts. For instance, when reflecting on traces of purposiveness in nature or history, he consciously refrains from invoking theological categories, such as divine creation or holy providence. However, Kant does not confine himself to recommending and practicing modesty with regard to theological propositions. His project is a systematic one. By investigating the scope and limits of human understanding in general, he embarks on a systematic critique of the traditional metaphysical proofs of God's existence. The main purpose of this critical investigation, he says, is the clarity of faith (by which in this context he understands both moral and religious faith): "Thus I had to deny *knowledge* in order to make room for *faith*."² Kant adds the observation that "the dogmatism of metaphysics, i.e., the prejudice that without criticism reason can make progress in metaphysics, is the true source of all unbelief conflicting with morality, which unbelief is always very dogmatic."³ Not only the natural sciences may become a threat to religious faith – that is, if they claim to be able to provide a comprehensive understanding of the world in general. A metaphysics that aspires to supply the *preambula fidei* by means of dogmatic deduction may also finally undermine rather than secure the foundations of religious faith. Kant's relentless criticism of all dogmatic metaphysics thus proceeds in the service of faith.

What is needed to overcome dogmatism, as well as the concomitant skepticism, is enlightenment, more precisely, an enlightenment in the spirit of Socrates. When Kant tackles the task of rebuking "objections against morality and religion in a *Socratic* way, namely by the clearest proof of the ignorance of the opponent,"⁴ he has simultaneously two sophistic counterparts in mind: the dogmatist and the skeptic. These two forms of sophistry, albeit seemingly opposed to each other, actually play into each other's hands by denying each other's position only abstractly without being able to offer a serious and productive criticism. That is why the sophistical dispute is as endless as it is idle. As Kant observes ironically, the dogmatist and the skeptic fight on a "dialectical battlefield, where each party will keep the upper hand as long as it is

² Critique of Pure Reason, p. 117 (3: 19/ B XXX).

³ Critique of Pure Reason, p. 117 (3: 19/ B XXX).

⁴ Critique of Pure Reason, p. 117 (3: 19/ B XXXI).

allowed to attack, and will certainly defeat that which is compelled to conduct itself merely defensively. Hence hardy knights, whether they support the good or the bad cause, are certain of carrying away the laurels of victory if only they take care to have the prerogative of making the last attack, and are not bound to resist a new assault from the opponent.”⁵

To break through this vicious circle of dogmatism versus skepticism, Kant embarks on a systematic critique of all cognitive faculties. Such a critique, among other things, yields the insight that reason has a tendency always to seek for something unconditioned – that is, the final cause on which the entire web of causality is ultimately based, or the totality that encompasses all causal relationships in general.⁶ The idea of the unconditioned, albeit representing the final goal of cognition, can itself never become an object of human knowledge, however. Any attempt to “pin down” the unconditioned theoretically leads by necessity to those inextricable contradictions in which dogmatists and skeptics alike become entangled. That is, the abstract mutual negation of the antagonistic positions of dogmatism and skepticism means that the fruitless struggle on the “dialectical battlefield” of metaphysics will go on forever – unless the fighting parties, “after they have exhausted rather than injured each other – will see on their own that their dispute is nugatory, and part as good friends.”⁷

Human cognition obviously proceeds *within* the various conditions of the world whose totality, however, remains beyond the scope of theoretical knowledge. This critical insight has a bearing on theology, too, because it means that the speculative search for the transcendent cause of the world merely *seemingly* finds a definitive answer in the idea of a divine creator. As soon as the idea of God becomes an object of theoretical conceptualization, however, it becomes integrated into the web of wordly causality – with the result that the quest for the absolute cause of the world will go on. This quest will transcend even the objectified notion of God, which itself accordingly fails to

⁵ Critique of Pure Reason, p. 468 (3: 291/ B 450).

⁶ Cf. Critique of Pure Reason, p. 461 (3: 283/B 436): “Reason demands this in accordance with the principle: *If the conditioned is given, then the whole sum of conditions, and hence the absolutely unconditioned, is also given*, through which alone the conditioned was possible.”

⁷ Critique of Pure Reason, p. 468 (3: 291/ B 451).

provide a firm anchor for religious reasoning. Kant describes this inevitable dialectic in his typical ironic way: “One cannot resist the thought of it, but one also cannot bear it that a being that we represent to ourselves as the highest among all possible beings might, as it were, say to itself: ‘I am from eternity to eternity, outside me is nothing except what is something merely through my will; *but whence then am I?*’ Here everything gives way beneath us . . .”⁸ It seems that the theoretical attempts to prove God’s existence, far from lending strength to religious faith, actually lead into an abyss of skepticism and unbelief.

2. Moral Autonomy as the Basis of Religion

Whereas theoretical speculation fails to provide a sound basis for the idea of God, the only possibility for grounding that idea is in the moral consciousness. In the practical realm of morality, the unconditioned, whose function in the realm of theory is confined to a merely regulative one, has a *constitutive* status. The morally unconditioned can be experienced as a “fact of reason” in which, at the same time, the theoretically inscrutable facticity of human freedom manifests itself apodictically.⁹

The “fact of reason” cannot be demonstrated from without, but proves its existence by itself – that is, by the self-evidence and obtrusiveness of the moral law. The unconditionality of the moral law thus provides the basis of a metaphysics, which, without claiming the status of theoretical cognition, nevertheless can yield firmly established practical convictions. It is in this sense that the essential motifs and insights of traditional metaphysics – including those of metaphysical theology – can be preserved and transformed into a practical faith: “Now, the concept of freedom, insofar as its reality is proved by an apodictic law of practical reason, constitutes the *keystone* of the whole structure of a system of pure reason, even of speculative reason; and all other concepts (those of God and immortality), which as mere ideas remain without support in the latter, now attach themselves to this concept and with it and by means of it get stability and objective reality,

⁸ Critique of Pure Reason, p. 574 (3: 409/ B 641).

⁹ Cf. Section III, 1.

that is, their *possibility* is *proved* by this: that freedom is real, for this idea reveals itself through the moral law."¹⁰

Thus the question arises of how, precisely, is it possible that the idea of freedom leads to the notion of God? In which way do morality and religion belong together? Kant points out that for the sake of moral autonomy itself, this question has no easy answer. It would not be legitimate, for instance, to simply equate the morally unconditioned with the idea of God, thereby dissolving moral autonomy into religion. Kant therefore puts great emphasis on defending the independence of the moral will also with regard to religion – that is, against the temptation of religious authoritarianism. Autonomy of morality, he insists, includes the two components: first, a principle of moral legislation that must be *independent* of religious revelation, and, second, an *independent* moral incentive that should not be mixed with any expectations of religious salvation. Coupling both components of autonomy together, Kant begins his *Religion within the Boundaries of Mere Reason* with the following statement: “So far as morality is based on the conception of the human being as one who is free but who also, just because of that, binds himself through his reason to unconditional laws, it is in need neither of the idea of another being above him in order that he recognize his duty, nor, that he observe it, of an incentive other than the law itself.”¹¹

Kant’s practical philosophy differs remarkably from most traditional philosophical schools – including the mainstream of German enlightenment – in that he makes it clear that religion and theology do not constitute the basis of morality.¹² Having its independent basis, morality rather stands on its own. To be able to act morally, human beings do not “need” religion. Instead, it is the other way around in that the unconditional claim inherent in the moral consciousness can pave the way to religion. That is, by pointing to a dimension that transcends the possibilities of practical implementation in general, the moral consciousness itself leads to the notion of a transcendent being.

The interrelationship between morality and religion is an open one facilitated by a mediating concept – namely, the idea of the highest good

¹⁰ Critique of Practical Reason, p. 139 (5: 3–4).

¹¹ Religion, p. 57 (6: 3).

¹² Cf. Gerald Hartung, *Die Naturrechtsdebatte. Geschichte der Obligatio vom 17. bis 20. Jahrhundert* (Freiburg/Germany: Alber, 1998), pp. 167ff.

(which we have already briefly discussed earlier in Section IV, 3). Since the highest good has a crucial function for the development of Kant's philosophy of religion, it might be useful to sum up the main features of that doctrine, and add some further clarifications.

Reason, Kant explains, "seeks the unconditioned *totality* of the object of pure practical reason, under the name of the *highest good*."¹³ He defines the highest good as the *complete* good because it is thought to fulfill both the human being's natural aspiration to happiness as well as the supernatural imperative of virtue. Since the supernatural moral claim prevails over the natural interest in happiness, however, the connection between the two aspirations must be conceived as a morally just one. This is to say that within the notion of the highest good, virtue has the superior status as the "supreme good" because a human being's virtue conditions his or her "worthiness to be happy."¹⁴

Kant's idea of the highest good has prompted a number of objections. According to Schopenhauer, this notion reveals that the Prussian moralist, for all his stress on the purity of the moral will, actually ends up with a subtle form of eudemonism. Schopenhauer's charge is that Kant "has left a secret connection between Virtue and Happiness, namely, in his doctrine of the highest good, where Virtue and Happiness meet in a remote and obscure chapter, although in public Virtue feigns indifference towards Happiness."¹⁵ At the end of the day, Schopenhauer says, the entire project of Kantian ethics amounts to nothing else but a utilitarian calculation with that reward or punishment that good or evil actions might incur: "This reward of Virtue, who merely pretends to work for free, though, is postulated only afterwards and is decently veiled with the name of the *highest good*."¹⁶

A careful analysis, however, shows that Schopenhauer's charge is mistaken because he fails to acknowledge the systematic place of the idea of the highest good in Kant's practical philosophy. Kant repeatedly

¹³ Critique of Practical Reason, pp. 226–227 (5: 108).

¹⁴ Cf. Critique of Practical Reason, p. 229 (5: 111): The highest good is "the complete good, in which, however, virtue as the condition is always the supreme good, since it has no further condition above it, whereas happiness is something that, though always pleasant to the possessor of it, is not of itself absolutely and in all respects good but always presupposes morally lawful conduct as its condition."

¹⁵ Arthur Schopenhauer, "Preisschrift über die Grundlage der Moral," in: *Werke*, ed. by Paul Deussen (Munich: Piper, 3rd ed. 1912), pp. 573–745, at p. 588.

¹⁶ Schopenhauer, *op. cit.*, p. 594.

makes it clear that the highest good does not constitute the *cause* of moral obligation, but follows only as a *result* thereof. To express it in his own terms, the “principles” of pure practical reason prevail over the “object” of pure practical reason.¹⁷ The highest good does not operate as a superior principle from which moral obligations could be derived. It is the other way around in that the highest good represents a *comprehensive horizon of meaning*, which emerges from the very source of all moral obligation – that is, the moral imperative itself.

Since the idea of the highest good originates from the unconditional “ought” of morality itself, it cannot constitute the determining ground of the moral will. If the will were to *depend* on the expectation that virtue will finally receive its due reward, be it in this world or in the hereafter, then the incentive of action would indeed be heteronomous, not autonomous. In this case, Schopenhauer would be right. Contrary to Schopenhauer’s assumption, however, the distinction between duty and inclination, by means of which Kant sheds light on the independence of the moral will, actually remains uncompromised also with regard to the idea of the highest good. This is evidenced by the fact that Kant, in the context of his analysis of the highest good, undertakes a critique of the Stoic and Epicurean schools of philosophy, which, although representing contrary positions, have equally played down the essential difference between duty and inclination.¹⁸ As a result, both parties have ended in a merely eudemonistic understanding of morality that falls short of acknowledging the unconditional claim of the moral law.¹⁹ What is needed to overcome both versions of eudemonism – the cheerful eudemonism of the Epicureans as well as the austere complacency of the Stoics – is a clear distinction between duty and inclination, a distinction that represents the first step in the process of clarifying systematically the autonomy of morality. The idea of the highest good is not in the least meant to blur that crucial distinction between duty and inclination. The fact remains that as finite moral beings, we have to strive to become “worthy of happiness” without having the least certainty that we will thereby actually become

¹⁷ Cf. Critique of Practical Reason, p. 153 (5: 19) and p. 186 (5: 57), respectively.

¹⁸ Cf. Critique of Practical Reason, pp. 241–242 (5: 126–127).

¹⁹ While in the case of the Epicureans, their eudaemonism is obvious, the Stoics have espoused a grim and heroic attitude whose underlying aspiration to a supermoral self-sufficiency, however, is in a subtle way not less eudemonistic.

happy. From the perspective of practical reason, such non-knowledge can even be appreciated as something positive because it is obvious that true virtue can never be based on a calculation with some sort of future reward. "Hence, though the highest good may be the whole *object* of a pure practical reason, that is, of a pure will, it is not on that account to be taken as its *determining ground*, and the moral law alone must be viewed as the ground for making the highest good and its realization or promotion the object."²⁰

Schopenhauer is further mistaken in assuming that the component of happiness within the idea of the highest good relates primarily to the private happiness of the morally acting individual. Such "privatism" is explicitly rejected by Kant, who emphasizes that hope for a critical reconciliation of virtue and happiness is required "not merely in the partial eyes of a person who makes himself an end but even in the judgment of an impartial reason, which regards a person in the world generally as an end in itself. For, to need happiness, to be also worthy of it, and yet not to participate in it cannot be consistent with the perfect volition of a rational being that would at the same time have all power, even if we think of such a being only for the sake of the experiment."²¹ It is obviously unbearable, from the viewpoint of practical reason, to imagine that the murderer should once and for all triumph over his victim, to put it in Max Horkheimer's words.²²

The idea of the highest good can never be fully realized by human beings. Its complete implementation exceeds our human faculties. The *unity* of virtue and happiness (in accordance with the requirement of justice), although constituting the ultimate focal point of all moral maxims, necessarily breaks apart in human practice into the *two* overarching ends of morality – one's own perfection and the happiness of others. Whether our struggle for making ourselves worthy of happiness will actually lead to happiness, we do not know. And whether our fellow humans whose happiness we feel obliged to promote are in fact worthy of such support, we likewise are often unable to say. Thus, we can never be sure that the two different routes we have to take to

²⁰ Critique of Practical Reason, pp. 227–228 (5: 109).

²¹ Critique of Practical Reason, pp. 228–229 (5: 110).

²² Cf. Max Horkheimer, *Die Sehnsucht nach dem ganz Anderen. Ein Interview mit Kommentar von Helmut Gammor* (Hamburg: Furcht-Verlag, 1970), p. 62.

foster the highest good will ever meet, and that the just reconciliation between virtue and happiness will ever be realized.

And yet the idea of the highest good persists, and continues to have a practical impact on our moral consciousness. To be sure, even without that idea, the moral imperative would remain valid. In such a case, however, the human being would have lost the comprehensive horizon of meaning that a finite moral being cannot simply renounce. Practical reason therefore urges us to represent the highest good at least “as possible since it commands us to contribute everything possible to its production.”²³ The condition of its possibility, however, is the existence of God. The assumption that God exists thus turns out to be a postulate of practical reason. It cannot be proved scientifically, and yet is more than just a form of wishful thinking. Being based not on a merely empirical yearning but rather on reason itself, the status of the postulate of God’s existence is that of a rational belief. “Since by himself the human being cannot realize the idea of the highest good inseparably bound up with the pure practical disposition . . . , and yet there is also in him the duty to promote the idea, he finds himself driven to believe in the cooperation or the management of a moral ruler of the world, through which alone this end is possible.”²⁴

3. Recognizing Moral Duties as Divine Commands

Kant holds that an inseparable connection exists between morality and religion. “Morality thus inevitably leads to religion . . .”²⁵ This connection, however, is only an *indirect* one. Moral obligation does not depend on religion. An atheist is, no less than a religiously committed person, able to listen to the voice of her or his conscience as well as to actually perform its commandments. Morality does not “need” a religious basis. The idea of the highest good – and hence the notion of God as the condition of its possibility – “rises out of morality and is not

²³ Critique of Practical Reason, p. 236 (5: 119).

²⁴ Religion, p. 165 (6: 139). I have slightly altered the translation in this quote, in which “*Idee des höchsten Gutes*” has mistakenly been translated as “idea of the *supreme* good.” However, the “supreme good,” according to Kant, is the priority of virtue even within the reconciliation of virtue and happiness as it is conceived in the idea of the highest good. Cf. Critique of Practical Reason, p. 229 (5: 111).

²⁵ Religion, p. 59 (6: 6).

its foundation,” as Kant stresses.²⁶ That is, neither does religion enlarge the scope of our duties, nor does it offer an additional incentive for moral practice beside the moral incentive of respect before the law.

The possibility of specifically religious duties independent of moral duties is firmly rejected by Kant: “There are no particular duties toward God in a universal religion; for God cannot receive anything from us; we cannot act on him or for him.”²⁷ What is at stake in religion is not an external amendment of our moral duties by a set of specifically religious duties (which amendment would likely amount to a problematic relativization of the moral duties), but a new horizon of meaning which comprises *all* duties. Religion, Kant holds, “is (subjectively considered) the recognition of all our duties as divine commands.”²⁸ With regard to the idea of God, the awareness of our moral obligation, which itself is based on the categorical imperative, can gain a new significance. Morality and religion do not constitute two different “domains” of human life, but rather represent two intertwined perspectives of meaning. This is to say that from the viewpoint of religion, moral duties, whose obligatory status exists and remains independent of religion, can be recognized as being *at the same time* religious duties.

With regard to moral motivation, too, religion does not add a new component. For the sake of moral autonomy, the determining ground of the moral will must be thought to remain independent of any expectation of divine reward or fear of punishment in the hereafter. For if it were otherwise – if such expectations were to provide the real motivation for lawful conduct – they would ruin rather than strengthen the moral will. Suppose we had a clear knowledge about the compensation of our moral or immoral actions in a future world, then “*God and eternity with their awful majesty would stand unceasingly before our eyes*”²⁹ – with the result that our behavior would certainly be lawful and yet lack any moral worth. Our obedience to the moral law would be a

²⁶ Religion, p. 58 (6: 5). Cf. also Max Wundt, *Kant als Metaphysiker. Ein Beitrag zur Geschichte der deutschen Philosophie im 18. Jahrhundert* (Stuttgart: Ferdinand Enke, 1924), p. 372: “Morality should not be based on the belief in God, but should find its completion therein.”

²⁷ Religion, p. 177 footnote (6: 154 footnote).

²⁸ Religion, p. 177 (6: 154).

²⁹ Critique of Practical Reason, p. 258 (5: 147).

slavish obedience, motivated merely by fear or utilitarian calculation: “. . . human conduct would thus be changed into a mere mechanism in which, as in a puppet show, everything would *gesticulate* well but there would be *no life* in the figures.”³⁰

In Kant’s critical philosophy, there is no competition between morality and religion, or, to use different terminology, between autonomy and theonomy. Neither can religion supplement moral duties with a canon of specifically religious duties, nor can it provide an additional motivation for moral action beside the only genuinely moral incentive of respect. Instead, religion arises from the inherent unconditionality of the moral imperative itself. In other words, *theonomy* can be a meaningful concept only if it emerges from moral *autonomy*, which transcends itself toward a rational religious faith. Kant thus conceives the relationship between autonomy and theonomy not as a foundationalist one, but rather as a relationship of an *indirect (symbolic) connectedness* of different perspectives of meaning. The unconditionality that reveals itself in the autonomous moral imperative points to a dimension of theonomy that is not “constitutive” for morality, but nevertheless “meaningful” in that it entails the condition of the possibility of a rational moral hope.³¹

Only a morality that is independent of religion can resist the temptation to instrumentalize religion for the purpose of moral education. The independence of morality and the independence of religion thus form two sides of the same coin. From such mutual independence, and the resulting inner freedom of the person, both sides will benefit. For dogmatic ideas of God, divine providence, heaven and hell, and so on not only obscure the autonomy of morality, they also destroy the possibility of free religious faith. As Susan Neiman remarks: “The very attempt at a positive theology, conceived as a necessary basis for morality, is accordingly as destructive to genuinely religious feelings as it is to morality itself.”³² Mystics of various denominations have always been

³⁰ Critique of Practical Reason, p. 258 (5: 147).

³¹ Cf. Reiner Wimmer, *Kants kritische Religionsphilosophie. Kantstudien Ergänzungshefte 12.4* (Berlin: de Gruyter, 1990), p. 67: “Thus the highest good is the object of an indispensable hope which, in order not to plunge into a bottomless abyss, grounds itself on the belief in God’s existence.”

³² Susan Neiman, *The Unity of Reason. Rereading Kant* (Oxford: Oxford University Press, 1994), p. 163.

aware of this and, accordingly, have emphasized that genuine piety requires an attitude of inner freedom. For instance, the story goes that Rabi'a al-Adawiyya, an Islamic mystic living in the eighth century, was standing in the marketplace of Basra carrying a burning torch and a bucket of water. When asked what she was doing, she responded that she wanted to burn down paradise and extinguish the fires of hell in order to make sure that people pray to God not out of private calculation or anxiety, but only out of pure love of God.³³ Coming from a very different angle, Kant seems to share this attitude. What philosophical enlightenment can do for religion, he says, is liberate religious worship in such a way that it thereby "for the first time [can] become a free and hence a moral cult."³⁴

Although, according to Kant, the idea of God is grounded in the moral consciousness, it "would be a serious mistake to say of Kant that he tried to *reduce* religion to morality," as Nicholas Wolterstorff observes.³⁵ Religion is not merely a part of morality, but transcends the realm of morality in general. Kant states: "The proposition, 'There is a God, hence there is a highest good in the world,' if it is to proceed (as proposition of faith) simply from morality, is a synthetic *a priori* proposition; for although accepted only in a practical context, it yet exceeds the concept of duty that morality contains . . . , and hence cannot be analytically evolved out of morality."³⁶ That is, only the conceptual *difference* between morality and religion makes it possible to consider both in their respective independence. And only this independence in turn allows us to understand their interrelationship as an open connection facilitated by the consciousness of freedom.

This indirect connectedness between morality and religion can be extended such that it comprises the dimension of right too. As discussed earlier (in Section V, 3), a legal order based on human rights is in the service of morality by institutionalizing the public recognition of

³³ Cf. Annemarie Schimmel, *Mystische Dimensionen des Islam. Die Geschichte des Sufismus* (Frankfurt: Insel, 1995), p. 66.

³⁴ Religion, p. 197 (6: 179).

³⁵ Nicholas P. Wolterstorff, "Conundrums in Kant's Rational Religion," in: Philip J. Rossi and Michael Wreen, eds., *Kant's Philosophy of Religion Reconsidered* (Bloomington and Indianapolis: Indiana University Press, 1991), pp. 40–53, at p. 41.

³⁶ Religion, p. 59 footnote (6: 6 footnote).

human beings as morally autonomous subjects. If we assume, however, that the order of rights is meaningful from the viewpoint of morality, and if we further assume that morality itself “inevitably leads to religion,” as Kant points out, then we may conclude that right and religion also belong together in an indirect way. It is in any case possible to appreciate human rights from a religious perspective, too. Kant himself at times uses a religious language to highlight symbolically the inalienability of human rights, for instance, by praising them as the “apple of God’s eye.”³⁷

4. Traces of Divine Wisdom in Nature

We have seen that Kantian enlightenment in general proceeds as a form of Socratic midwifery. This characterization holds also for his philosophy of religion. In this area, too, Kant merely aspires to bring to light insights that, perhaps in a vague way, have already existed before in the human mind. For all the novelty of his “practical” (rather than speculative) argumentation on behalf of God’s existence, Kant does not claim to have discovered something completely new. On the contrary, the basic insight underlying his philosophy of religion, he writes, has certainly existed before, and has only been clarified by his own critical enterprise. “This moral proof by no means [offers] a newly discovered basis for proving [the existence of God], but at most a new elucidation of that basis. For it resided in man’s power of reason even before that power first began to germinate; after that it only developed more and more as the culture of human reason progressed.”³⁸

Although Kant’s approach differs essentially from the traditional metaphysical proofs of God’s existence in that he immediately takes as his starting point the consciousness of the moral imperative, he does not completely break with that tradition. What he aspires to is a critique of the ontological dogmatism inherent in speculative metaphysics, not a destruction of metaphysics in general. By doing away with the dogmatic crutches on which metaphysical speculation had so far relied, Kant’s philosophy paves the way for a new foundation of

³⁷ Perpetual Peace, p. 325 footnote (8: 353 footnote).

³⁸ Critique of Judgment, p. 349 (5: 458).

metaphysics in which substantial insights of the metaphysical tradition can be preserved in a new and critical form.

A first hint (though not a proof!) that something might have gone wrong with the traditional metaphysical proofs of God's existence can be seen in the fact that the respective arguments have failed to attract the attention of a wider audience. Kant thinks it remarkable that "even if such proofs could be defended with a lot of dialectical subtlety, they still could never reach beyond the school and have the slightest influence on mere sound understanding in the community."³⁹ The only exception from this general observation is the teleological argument, which considers the purposive order of nature as a testimony of divine wisdom. Although that physico-teleological argument (as Kant terms it) cannot claim the status of a scientific proof, it differs from the bloodless constructions of ontological deduction in that it has always had an edifying effect on the human soul. "This argument, taken from physical teleology," Kant declares, "is a venerable one. It is just as effective in convincing common understanding as in convincing the subtlest thinker . . ." ⁴⁰

What makes *physico-teleological* reasoning on behalf of God's existence (relatively) persuasive, however, is the fact that it is, at least implicitly, based on the *ethico-theological* argument that Kant has clarified in his philosophy of religion. When we seek for traces of purposiveness in the order of nature, we are often guided by a *practical* interest, whether we are aware of it or not. What we are finally looking for in this case are traces of a divine wisdom on which we can ground our hope that moral commitment will eventually coincide with the structure of the world. The physico-teleological "proof" of God's existence thus turns out to be implicitly a *practical* rather than a theoretical argument (and hence no proof in the strict sense of the word). "On closer examination we would see that in fact we have within us a priori an underlying idea of a supreme being, an idea which rests on an entirely different (namely, the practical) use of reason, and that this idea impels us to supplement the deficient presentation (as provided by physical teleology) of the original basis of the purposes in nature until it becomes the concept of a deity. And, [in view of this,] we would

³⁹ Critique of Judgment, p. 371 (5: 476).

⁴⁰ Critique of Judgment, p. 371 (5: 476).

not falsely imagine that we had brought about this idea, and with it a theology, by applying reason theoretically to our physical knowledge of the world, much less that we had proved this idea.”⁴¹

It is the inner moral consciousness, not the external order of nature, that provides the ultimate basis for a “proof” of God’s existence that itself therefore cannot claim the status of scientific cognition but, instead, belongs to a *practical* metaphysics. The *physico-teleological* argument is convincing only to the degree to which it represents implicitly the *ethico-theological* idea of God: “This shows that while the physico-teleological proof convinces, just as if it were also a theological proof, it does not do so because it uses the ideas of purposes of nature as so many empirical bases for providing a *supreme* understanding. Rather, the moral basis for proving [the existence of God], the basis which dwells in every human being and moves him so very deeply, is inadvertently mingled with the inference (. . .); and hence we choose to supplement the physico-teleological argument to make up for the deficiency it still has.”⁴²

In the case of the physico-teleological argument, it is actually our own moral vocation that guides our judgment in considering the world.⁴³ The awareness of the moral imperative makes us sensitive to traces of purposiveness in nature, in which we may thus see a manifestation of divine wisdom. From such a comprehensive viewpoint, we can at times make sense even of the *limits* of our own cognition. Kant ventures the idea that the limitedness of human cognition, far from being merely a negative restriction, might serve a positive purpose. For the awareness of the limited scope of human knowledge can help to fight the presumptuous claims of “theosophy” or “idolatry,”⁴⁴ which, by turning the idea of God into an object of knowledge or imagination, actually destroy the precondition of true religious faith. At the same time, the dogmatic reification of divine authority also threatens the awareness of moral responsibility by turning obedience

⁴¹ Critique of Judgment, p. 327 (5: 438–439).

⁴² Critique of Judgment, p. 372 (5: 477).

⁴³ Cf. William James Booth, *Interpreting the World: Kant’s philosophy of history and politics* (Toronto: Toronto University Press, 1986), p. 86: “Moral teleology . . . gives voice to our interest in nature . . . , an interest in the existence of a certain kind of order in nature.”

⁴⁴ Cf. Critique of Judgment, p. 351 (5: 459).

to the moral law into a merely passive, slavish performance of divine commandments. If it is true, however, that only in the spirit of an ultimate non-knowledge is free religious faith as well as free moral practice possible, then the limitedness of human cognition may actually reveal the purposive provision of a higher wisdom. In a section of his second *Critique* devoted to “the wise adaptation of the human being’s cognitive faculties to his practical vocation,”⁴⁵ Kant points out that although it might, at first glance, seem that nature has “provided for us only in a stepmotherly fashion”⁴⁶ by denying us any definite knowledge of God, providence or immortality, this limitation of all possible human knowledge might actually have a beneficial effect. For only the ultimate non-knowledge enables us to act and believe as free and responsible beings: “Thus what the study of nature and of the human being teaches us sufficiently elsewhere may well be true here also: that the inscrutable wisdom by which we exist is not less worthy of veneration in what it has denied us than in what it has granted us.”⁴⁷

5. God as Lawgiver of an Ethical Community

Although morality leads to religion, the latter does not immediately constitute a moral command. Having a religion cannot conceivably be a *direct* moral duty, since a duty to adopt a particular conviction would be an absurdity. Nevertheless, Kant argues that religion can *indirectly* become an object of our moral responsibility. Supposing, first, that we have a duty to foster all those “natural” faculties, tendencies, and inclinations that may help us to actually lead a moral life, and assuming, second, that religion can have an invigorating effect on our moral practice, Kant concludes that we have an *indirect* obligation to “cultivate” religious faith. Although morality itself is autonomous and hence independent of religion, the latter can well strengthen our “courage and firmness of attitude,”⁴⁸ and in this regard deserves a careful cultivation. It is thus for the sake of morality itself that religion, as the condition of the possibility of a rational moral hope, represents the object of an *indirect* moral obligation, as Kant declares: “In this

⁴⁵ Critique of Practical Reason, p. 257 (5: 146). As section title, capitalized.

⁴⁶ Critique of Practical Reason, p. 257 (5: 146).

⁴⁷ Critique of Practical Reason, p. 258 (5: 148).

⁴⁸ Conflict of the Faculties, p. 268 (7: 44).

(*practical*) sense it can therefore be said that to have religion is a duty of the human being to himself.”⁴⁹

The indirect moral duty to cultivate religion holds not only for individual persons, but also for humanity as a whole. In his *Religion Within the Boundaries of Mere Reason*, Kant speaks of “a duty *sui generis*, not of human beings toward human beings but of the human race toward itself,”⁵⁰ – namely, the duty to establish an ethical community whose possibility in turn rests on the religious notion of a divine lawgiver. Why is this the case? Is morality in Kant’s view not a matter of every person’s individual conscience? If so, however, how can the promotion of an ethical disposition become an object of a collective moral commitment? And why should a divine lawgiver be needed to bring about such an ethical community whose establishment at the same time is thought to constitute a moral duty that human beings themselves are supposed to perform?

For Kant, the significance of the notion of an ethical community rests on the general experience that many obstacles to living a moral life originate from society. Following Rousseau, Kant remarks that the worst of all human vices stem not from the human being’s “natural” self-love, but from his “societal” self-love – that is, a self-love that involves comparison with others in competition with whom he feels driven to enhance and defend his own prestige.⁵¹ “Envy, addiction to power, avarice, and the malignant inclinations associated with these, assail his nature, which on its own is undemanding, *as soon as he is among human beings*. Nor is it necessary to assume that these are sunk into evil and are examples that lead him astray: it suffices that they are there (. . .) and they will mutually corrupt each other’s moral disposition and make one another evil.”⁵²

However, if Kant’s observation is right that the societal existence of human beings per se involves the danger of mutual moral corruption,

⁴⁹ *Metaphysics of Morals*, p. 564 (6: 444).

⁵⁰ *Religion*, p. 132 (6: 97).

⁵¹ Cf. *Religion*, p. 75 (6: 27): “Out of this self-love originates the inclination *to gain worth in the opinion of others*, originally, of course, merely *equal worth*: not allowing anyone superiority over oneself, bound up with the constant anxiety that others might be striving for ascendancy; but from this arises gradually an unjust desire to acquire superiority for oneself over others.”

⁵² *Religion*, p. 129 (6: 93–94).

then it follows that human society as a whole is in charge of undertaking a moral reform. In other words, society should transform itself into an *ethical community*. This, however, seems at first glance to be an impossible task. For genuine morality, on the one hand, rests on every person's individual will, and thus can never become a direct object of collective organization. What the political community can bring about, on the other hand, is at best a legal order of rights, which (despite its indirect moral significance) must be confined to regulating the external behavior of people without interfering with their inner moral disposition. Moreover, whereas the moral disposition always remains "invisible" (and ultimately inscrutable even to the individual agent himself), the political community, by contrast, is characterized by its "visible" institutionalization. Hence we have to conclude that the ethical community can neither be accomplished by individuals nor be brought about by the political community.

And yet the task of establishing an ethical community remains. It follows from the moral command to strive for one's own moral self-perfection, which – in the face of the societal existence of human beings – is conceivable only through the joint efforts of people to shape their coexistence in accordance with common moral principles. Kant therefore tries to demonstrate at least the *possibility* for an ethical community to develop. The only place in which the ethical community can take shape, he says, is the church, which, in a way, combines the seemingly antagonistic characteristics of invisible morality and a visible communitarian organization. Unlike the state, the church requires of its members an obedience that goes beyond mere legality. It aspires to the *purity of the heart* – that is, to moral actions that are performed not only in accordance with duty but in a genuine "spirit" of duty. At the same time, the idea of the church breaks through the confines of moral individualism because the church understands itself as a communitarian body.⁵³ Since the moral benefits the church may yield are by their nature invisible, however, the church itself – unlike the state – remains essentially an "invisible" community that is

⁵³ Cf. Allen W. Wood, "Rational theology, moral faith, and religion," in: Paul Guyer, ed., *The Cambridge Companion to Kant* (Cambridge: Cambridge University Press, 1992), pp. 394–415, at pp. 407–408: "In other words, Kantian morality is communitarian, not individualistic. Religion has a place in human life for him because the moral life is not a purely private matter . . ."

only indirectly represented through certain visible institutions. Thus Kant states: “An ethical community under divine moral legislation is a *church* which, inasmuch as it is not the object of a possible experience, is called the *church invisible* (. . .). The *church visible* is the actual union of human beings into a whole that accords with this ideal.”⁵⁴

In what sense and for what reason is the church governed by “divine moral legislation,” as Kant calls it? By divine moral legislation, he does not mean a specific set of divine laws beside the human laws of morality. Kant’s assertion that “there are no particular duties toward God in a universal religion”⁵⁵ remains uncompromised. Religion in general does not lead to an extension of the scope of moral duties, but merely gives a new perspective of meaning to *all* duties that themselves can thus be appreciated, at the same time, as divine commands. This new all-encompassing religious perspective on duties in general gains additional significance with regard to the idea of the invisible church. For the idea of the invisible church provides a transcendent focal point for people to understand their *inner* moral obligation, at the same time, as originating from a *common* divine source. “The idea of a moral governor,” Sharon Anderson-Gold writes, “is the correlate of the ‘we’ which the human community requires as the condition of individual moral perfection.”⁵⁶ In other words, the notion of God, as “one who knows the heart”⁵⁷ – that is, *everyone’s heart* – provides a viewpoint of *moral communality* without in the least compromising the due respect for the invisibility and inscrutibility of each individual person’s inner will. For that focal point that enables people to articulate their moral *communality* remains transcendent and thus beyond the grasp of political enforcement. Hence Kant’s conclusion that “an ethical community is conceivable only as a people under divine commands, i.e. as a *people of God*, and indeed *in accordance with the laws of virtue*”⁵⁸ makes sense.

To be aware of the ultimate invisibility of the church is of the utmost importance. Respect for the invisibility of the church mirrors the

⁵⁴ Religion, p. 135 (6: 101).

⁵⁵ Religion, p. 177 footnote (6: 154 footnote).

⁵⁶ Sharon Anderson-Gold, “God and Community: An Inquiry into the Religious Implications of the Highest Good,” in: Rossi and Wreen, eds., *op. cit.*, pp. 113–131, at pp. 128–129.

⁵⁷ Religion, p. 134 (6: 99).

⁵⁸ Religion, p. 134 (6: 99).

respect that is due to the inscrutability of the human heart whose inner disposition can never be equated with the person's actual behavior. The ethical community therefore must never become an object of political planning or legal enforcement. He who blurs the line between the church and the state in fact undermines both because the result of such confusion will likely be both disrespect for the essential invisibility of the church and a dissolution of the visible organization and structure of the state. It is therefore with a warning tone that Kant predicts: "But woe to the legislator who would want to bring about through coercion a polity directed to ethical ends! For he would thereby not only achieve the very opposite of ethical ends, but also undermine his political ends and render them insecure."⁵⁹

Because of its essential invisibility, an ethical community cannot become a matter of direct human implementation. The only conceivable founder of such a community is God. "To found a moral people of God is, therefore, a work whose execution cannot be hoped for from human beings but only from God himself."⁶⁰ The responsibility that human beings nevertheless bear vis-à-vis the ethical community can be taken up only in an *indirect* way. That is, we should act *as if* the establishment of the ethical community were to depend on our commitment, while knowing at the same time that its implementation actually remains outside of the scope of our faculties. It is in this sense that Kant explains the indirect task of every individual to promote the ethical community as follows: "Each must . . . so conduct himself *as if* everything depended on him. Only on this condition may he hope that a higher wisdom will provide the fulfillment of his well-intentioned efforts."⁶¹

6. Critique of the Christian Church

In order to exert an influence on our moral practice, the idea of an ethical community needs to be mediated to our empirical lifeworld. This mediation takes place in the institutions of the visible church, which itself therefore has a symbolic significance as the representative of the invisible church. As Kant remarks, "[F]or the human being the

⁵⁹ Religion, p. 131 (6: 96).

⁶⁰ Religion, p. 135 (6: 100).

⁶¹ Religion, p. 135 (6: 101) (emphasis added).

invisible needs to be represented through something visible (sensible), indeed what is more, it must be accompanied by the visible for the sake of praxis and, though intellectual, made as it were an object of intuition (according to a certain analogy).⁶² It is with the purpose of clarifying this general symbolic significance that Kant deals with the visible Christian church, its doctrines, traditions, institutions, and rituals.

For Kant, the Christian church has the status of a “mere sensible vehicle,”⁶³ which, as he further points out, is “something in itself quite indifferent.”⁶⁴ His remark about the dogma of divine Trinity – that is “has *no practical relevance at all*”⁶⁵ – is typical of his general lack of interest in all specifically doctrinal questions of Christianity (and other religions as well). Hence Kant cannot be considered a Christian philosopher in the narrow sense. To call him the philosopher of Protestantism, as Josef Bohatec does,⁶⁶ is to blur the distance – or more precisely: the indifference – that Kant generally shows toward the specific questions of Christian theology. On the other hand, one certainly cannot describe Kant’s position vis-à-vis the visible Christian church in purely negative terms as, for instance, Friedrich Delekat does.⁶⁷ Kant would never have subscribed to Voltaire’s famous battle cry “*écrasez l’infame*” (“eradicate the infamous [church]”). What we have seen earlier – that Kant is a reformer, not a revolutionary – holds true also for his philosophy of religion. His purpose is to make, by means of public criticism and reform, the existing institutions of the visible (Christian) church more and more fit for their role of representing the invisible church.⁶⁸ What is needed to tackle this task is a systematic critique of Christianity, which Kant undertakes in three main areas: (a) the Bible, (b) religious dogmas, and (c) religious worship.

⁶² Religion, p. 208 (6: 192).

⁶³ Conflict of the Faculties, p. 263 (7: 37).

⁶⁴ Religion, p. 143 (6: 111).

⁶⁵ Conflict of the Faculties, p. 264 (7: 38).

⁶⁶ Cf. Josef Bohatec, *Die Religionsphilosophie Kants in der “Religion innerhalb der Grenzen der bloßen Vernunft”*. Mit besonderer Berücksichtigung ihrer theologisch-dogmatischen Quellen (Hamburg: Hoffmann und Campe, 1938), p. 637.

⁶⁷ Cf. Friedrich Delekat, *Immanuel Kant. Historisch-kritische Interpretation der Hauptschriften* (Heidelberg: Quelle & Meier, 3rd ed., 1969), p. 359.

⁶⁸ On the relationship between philosophical religion and the historic religion (of Christianity), cf. also Ernst Troeltsch, “Das Historische in Kants Religionsphilosophie, zugleich ein Beitrag zu den Untersuchungen über Kants Philosophie der Geschichte,” in: *Kant-Studien* 9 (1904), pp. 21–154.

A. Critique of the Bible

Kant does not deny that an immediate divine revelation might be possible. This question, he says, should rather be left open, because a definitive answer would require insights that human beings cannot obtain.⁶⁹ Even if we hypothetically assume, however, that revelation comes directly from God, we nevertheless have to admit that it takes shape via human interpretation, which itself necessarily involves the use of reason, in particular practical reason. For even when confronted with claims of religious revelation, we certainly cannot give up the use of practical reason on which our moral humanity is based.⁷⁰ Kant thus declares: "If a scriptural text contains certain *theoretical* teachings which are proclaimed sacred but which *transcend* all rational concepts (even moral ones), it *may* be interpreted in the interests of practical reason; but if it contains statements that contradict practical reason, it *must* be interpreted in the interests of practical reason."⁷¹ Kant cites the example of Abraham who, he says, should have rejected the purportedly divine command to sacrifice his son. "Abraham should have replied to this supposedly divine voice: 'That I ought not to kill my good son is quite certain. But that you, this apparition, are God – of that I am not certain, and never can be, not even if this voice rings down to me from (visible) heaven.'"⁷²

⁶⁹ Cf. *Religion*, p. 178 (6: 155): "By virtue of his very title, the rationalist must of his own accord hold himself within the limits of human insight. Hence he will never deny in the manner of a naturalist, nor will he ever contest either the intrinsic possibility of revelation in general or the necessity of a revelation as divine means for the introduction of true religion; for no human being can determine anything through reason regarding these matters." Kant retrospectively declares that the title of the book "*Religion within the Boundaries of Mere Reason*" was deliberately chosen "to prevent a misinterpretation to the effect that the treatise deals with religion *from* mere reason (without revelation). That would be claiming too much, since reason's teachings could still come from men who are supernaturally inspired. The title indicates that I intended, rather, to set forth as a coherent whole everything in the Bible – the text of the religion believed to be revealed – that can *also* be recognized *by mere reason*." *Conflict of the Faculties*, p. 239 footnote (7: 6 footnote).

⁷⁰ Cf. Allen W. Wood, "Kant's Deism," in: Rossi and Wreen, eds., *op. cit.*, pp. 1–21, at p. 20. Wood interprets Kant as saying that, although God could certainly force His revelation immediately on human beings without respecting their endowment with critical reason, "the real blasphemy would consist in asserting that a good God actually chooses that course."

⁷¹ *Conflict of the Faculties*, p. 264 (7: 38).

⁷² *Conflict of the Faculties*, p. 283 footnote (7: 63 footnote).

Even those theologians who generally reject all critical intervention of reason in questions of revelation cannot avoid actually making use of reason whenever they interpret holy scriptures. To expose this inevitability, Kant ironically proposes a “compromise” between biblical theology and philosophical theology (philosophy of religion) such that both academic faculties should confine themselves strictly to their respective domains. It becomes immediately clear, however, that such a “compromise” would actually amount to the very dissolution of biblical theology. “But if the two faculties still find themselves in thoroughgoing conflict about interpreting the Bible, I can suggest only this compromise: *If biblical theologians will stop using reason for their purposes, philosophical theologians will stop using the Bible to confirm their propositions.* But I seriously doubt that biblical theologians would agree to this settlement.”⁷³

In the final analysis, it turns out that even a theology that grounds itself on divine revelation necessarily includes an element of independent philosophizing. This is to say that the biblical theologian himself is, at least implicitly, also a philosopher. As soon as his implicit philosophizing becomes explicit, however, his previous religious dogmatism in the interpretation of holy scriptures will be overcome. It is once more with an ironic barb that Kant makes the following forecast: “If the biblical theologian meddles with his reason in any of these tenets [viz. in the interpretation of biblical verses, H.B.] . . . , he leaps (like Romulus’s brother) over the wall of ecclesiastical faith . . . and strays into the free and open fields of private judgment and philosophy. And there, having run away from the Church’s government, he is exposed to all the dangers of anarchy.”⁷⁴

B. Symbolic Anthropomorphism

Human beings can never obtain an objective cognition of God. At the same time, however, human thinking and speaking inevitably proceeds by way of objectification. Although Kant praises the biblical ban on

⁷³ Conflict of the Faculties, pp. 269–270 (7: 45).

⁷⁴ Conflict of the Faculties, p. 252 (7: 24). Kant adds the clarification: “But note well that I am here speaking only of the *pure* (*purus, putus*) biblical theologian, who is not yet contaminated by the ill-reputed spirit of freedom that belongs to reason and philosophy.”

pictures as “[p]erhaps the most sublime passage in the Jewish Law,”⁷⁵ he knows that images have an indispensable function in the human mind. This holds also for the idea of God. When thinking and speaking about God, we cannot avoid attributing to God properties that stem from our worldly experience. It is all the more necessary to understand our unavoidable theological images and concepts as *symbols* that only indirectly point to a dimension that itself remains beyond the scope of human knowledge and imagination. All our cognition of God, Kant emphasizes, “is merely symbolic.” And he adds the warning: “Whoever regards it as schematic – while including in it the properties of understanding, will, etc., whose objective reality is proved only in worldly beings – falls into anthropomorphism . . .”⁷⁶ Of such anthropomorphism, however, Kant says elsewhere that it “is often more pernicious than atheism.”⁷⁷ Hence what remains in order to avoid the pitfalls of schematic objectification is only a “symbolic anthropomorphism.”⁷⁸

The notion of symbolic anthropomorphism can serve as a guideline for reinterpreting religious dogmas as well as the more colorful pictures of popular religion. For instance, the traditional images of heaven and hell can make sense only as symbols of what is at stake in human existence. According to Kant, the radical decision between good and evil that finite moral beings have to take finds a “philosophically correct” symbolic expression in the absolute dichotomy between heaven and hell.⁷⁹ As soon as we take the images

⁷⁵ Critique of Judgment, p. 135 (5: 274).

⁷⁶ Critique of Judgment, p. 228 (5: 353).

⁷⁷ Reflection 5529 (18: 209).

⁷⁸ This notion of symbolic anthropomorphism occurs already in Prolegomena, p. 115 (4: 357): “But we stop at this boundary [viz. of the world of experience, H.B.] if we limit our judgment merely to the relation which the world may have to a Being whose very concept lies beyond all the knowledge which we can attain within the world. For we then do not attribute to the Supreme Being any of the properties in themselves, by which we represent objects of experience, and thereby avoid dogmatic anthropomorphism; but we attribute them to his relation to the world, and allow ourselves a symbolical anthropomorphism, which in fact concerns our language only, and not the object itself.”

⁷⁹ Cf. Religion, p. 103 footnote (6: 60 footnote): “It is a peculiarity of Christian morality to represent the moral good as differing from the moral evil, not as heaven from *earth*, but as heaven from *hell*. This is indeed a figurative representation and, as such, a stirring one, yet not any less the philosophically correct in meaning. – For it serves to prevent us from thinking of good and evil, the realm of light and the realm of darkness, as bordering on each other and losing themselves into one another by

of heaven and hell schematically, however, we become entangled in inextricable contradictions. On the one hand, the idea of an eternal punishment, taken literally, would run counter to the notion of divine justice, because no human atrocity whatsoever could conceivably justify an absolute and never-ending penalty. On the other hand, the idea of a merely temporary punishment could encourage those forms of utilitarian calculation with indulgences in which the Protestant reformers had seen the source of all corruption of the church. Kant cites the hero of a novel who, with regard to the threatening purgatory, remarked: "Well, I hope that I will be able to last it out." The question of whether the punishment of hell is temporary or everlasting, Kant concludes, is one of those "childish questions"⁸⁰ that typically originate from a schematic misunderstanding of religious and theological symbols.

Other examples are the apocalyptic scenarios of "[t]he appearance of the Antichrist, the millennium, the announcement of the proximity of the end of the world," which, as Kant admits, can well have "their proper symbolic meaning before reason."⁸¹ Taken literally, however, these dramatic scenarios again lead to absurdities. Kant quotes the story of an Iroquois catechumen who, after listening to the reports of a missionary about the future battle between God and the Antichrist, simply posed the question: "But why does not God strike the Devil dead?" to which the missionary had to admit "that he was unable, on the spot, to find an answer."⁸² The common sense of the Indian obviously proved to be less naive than the dogmatism of the missionary.

By highlighting the symbolic meaning of religious language, Kant in a way is in keeping with the old theological doctrine of analogy.⁸³ This doctrine has had a long tradition that culminated in the work of Thomas Aquinas. Konrad Specht therefore sees a continuity between

gradual steps (of greater and lesser brightness); but rather to represent them as separated by an immeasurable gap."

⁸⁰ Religion, p. 110 footnote (6: 69 footnote).

⁸¹ Religion, p. 163 (6: 136).

⁸² Religion, p. 118 footnote (6: 79 footnote).

⁸³ Cf. Michel Despland, *Kant on History and Religion* (Montreal and London: McGill/Queen's University Press, 1973), p. 143: "Kant's doctrine of symbolic anthropomorphism first arises out of the older doctrine of analogy."

Kant and Aquinas: "The way that Kant takes . . . is the same which Thomas Aquinas had already taken, namely, the *via analogiae*: God cannot be known and defined like an object of experience, but merely by analogy. In a sphere beyond experience the categories adopt a meaning analogous to the meaning they have within the realm of experience."⁸⁴ Kant actually reminds us that to prevent dogmatic misunderstandings in religious propositions about God, we should always be aware that whatever we think or say about God can hold true only in an analogical sense: "[W]e can *think* these properties of the supreme being only by analogy. For how could we investigate its nature, in view of the fact that experience can show us nothing similar?"⁸⁵

Although Specht is right in pointing to a certain continuity from Aquinas to Kant, it is important to bear in mind, however, that Kant at the same time differs clearly from the traditional version of the doctrine of analogy. For unlike traditional metaphysics, including that of Aquinas, Kant's critical metaphysics is based not on theoretical speculation, but on the conscious use of *practical* reason. After his assertion that all propositions about God have a merely analogical meaning, he therefore adds another critical caveat: "[T]his analogy allows us only to think the supreme being, not to *cognize* it [theoretically] and perhaps attribute these properties to it theoretically . . ."⁸⁶ Positively speaking, it is practical reason that lies at the bottom of all those symbols and analogies by which we may reflect on the notion of God, a notion that, as Kant has shown, is inherently connected with the human being's moral consciousness.⁸⁷

⁸⁴ Konrad Specht, *Der Analogiebegriff bei Kant und Hegel. Kantstudien Ergänzungshefte* 66 (Cologne: Kölner Universitätsverlag, 1952), p. 49. Similarly Michel Despland points out that Kant in his philosophy of religion "was returning to the older metaphysical tradition which had a sense of the mysteriousness of God." Despland, *op. cit.*, p. 150.

⁸⁵ Critique of Judgment, p. 347 (5: 456). Cf. also Kant, *Preisschrift über die Fortschritte der Metaphysik* [= Price Writing on the Progress of Metaphysics], Unpublished Works, Vol. 7 (20: 280): "We cannot, in this way, obtain any theoretical knowledge of the supersensible, e.g. of God, but a knowledge . . . by analogy."

⁸⁶ Critique of Judgment, p. 347 (5: 456).

⁸⁷ Despite a certain resemblance to the tradition of "analogia entis," Kant's analogical thinking may therefore be more appropriately termed "*analogia libertatis*" since it rests on the practical awareness of every human being's moral destination. The concept of *analogia libertatis* was frequently brought up in discussions by Johannes Schwartländer.

C. Moral Worship

The ethical community manifests itself in the institutions of the *visible church* that symbolically represent the *invisible church* (which is an equivalent of the ethical community). The fitness for symbolic representation of the invisible church therefore constitutes the criterion by which the visible church can be identified. "The true (visible) church is one that displays the (moral) kingdom of God on earth inasmuch as the latter can be realized through human beings."⁸⁸

There can be no church without some forms of worship, such as prayer, baptism or communion. The German term for worship is "*Gottesdienst*," which in literal translation means "service of God." When using this term, Kant again insists that it should always be understood in a symbolic sense. Understood schematically, however, the term would make no sense because "God cannot receive anything from us; we cannot act on him or for him."⁸⁹ By emphasizing that a truly religious service consists in nothing else than the faithful performance of all our moral duties, Kant voices critique of those forms of worship in which the human being tries to sidestep the moral commands and replace them by a "fetish-faith" based on a reified notion of "means of grace."⁹⁰ Given the general human inclination to laziness, Kant thinks, one is easily tempted to look for non-moral ways of attaining divine grace. Rather than working hard as God's obedient servant and fulfilling his own moral duties, the human being often prefers to become God's favorite. "It is arduous to be a good *servant* (here one always hears only talk of duties); hence the human being would rather be a *favorite*, for much is then forgiven him, or, when duty has been too grossly offended against, everything is made good through the intercession of some one else who is favored in the highest degree, while he still remains the undisciplined servant he always was."⁹¹ In order to recommend himself as God's favorite, "the human being busies himself with every formality he can think of, to give sign of how much he *respects* the divine commands, in order that it will not be necessary for him to *observe* them."⁹²

⁸⁸ Religion, p. 135 (6: 101).

⁸⁹ Religion, p. 177 footnote (6: 154 footnote).

⁹⁰ Religion, p. 209 (6: 193).

⁹¹ Religion, p. 214 (6: 200).

⁹² Religion, p. 214 (6: 201).

A superstitious “fetish-faith,” however, not only leads to a dissolution of moral earnestness, it also amounts to an instrumentalization of religious service. In the last analysis, the fetish-faith turns out to be a form of idolatry in which both the human being’s own autonomy and the transcendence of God become blurred.⁹³ Superstition is therefore not an exaggerated form of belief, but a form of nonbelief. By contrast, the true religious service, which consists in the never-ending struggle toward performing faithfully our moral duties, at the same time, opens up a non-reified understanding of divine grace. That is, the attitude of “admiration and reverence” that is elicited by the experience of “the moral law within me” can develop into a religious disposition of gratitude toward God, whose grace manifests itself, above all, in the human being’s moral vocation. Kant thus concludes that, “if by nature (in the practical sense) we mean our ability to achieve certain ends by our own powers in general, then grace is none other than the nature of the human being insofar as he is determined to actions by a principle which is intrinsic to his own being, but supersensible (the thought of his duty). Since we want to explain this principle, although we know no further ground for it, we represent it as a stimulus to good produced in us by God, the predisposition to which we did not establish in ourselves, and so, as grace.”⁹⁴ From the perspective of religious faith, the theoretically inexplicable “fact of reason” that “forces itself upon us of itself,” whether we like it or not, may thus be appreciated symbolically as a manifestation of divine grace.

⁹³ Cf. *Religion*, p. 202 (6: 185): “If reverence for God comes first, and the human being therefore subordinates virtue to it, then this object [of reverence] is an *idol*, i.e. it is thought as a being whom we may hope to please not through morally upright conduct in this world but through adoration and ingratiating; religion is then idolatry.” Cf. also Albrecht Habichler, *Das Reich Gottes als Thema bei Kant. Entwicklungsgeschichtliche und systematische Studie zur kantischen Reich-Gottes-Idee* (Mainz: Grünewald, 1991), pp. 251ff.

⁹⁴ *Conflict of the Faculties*, p. 268 (7: 43).

VIII

Conclusion

1. Ways of Symbolic Representation

In the various chapters of this book, we have seen that symbolic representation occurs throughout Kant's practical philosophy, in his moral and legal philosophy as well as in his philosophy of history or religion. The symbols that we have come across, however, show very different features: Whereas some symbols are strict, others have a more playful character. We find highly abstract analogies, such as the natural law (providing the "type of the moral law"¹), alongside the colorful metaphors, for instance, of popular religion. Some symbols may be interchangeable; others may be not. While in some cases, the symbolic dimension comes explicitly to the fore, in other cases the symbolic aspect remains implicit. Symbolic meaning occurs not only in language, but also in societal institutions (such as the state or the church), which are supposed to epitomize normative or religious ideas. In addition, it seems that symbolic representation serves different purposes in Kant's practical philosophy: It offers guidelines for moral judgment and enhances the awareness of our moral vocation; it can improve our understanding of the normative role of societal institutions as well as strengthen our hope that moral commitment actually makes a difference in the world.

¹ Critique of Practical Reason, p. 196 (5: 69).

Given the manifold ways in which symbolic representation proceeds, as well as the various purposes it serves, it certainly seems desirable to bring some order to the realm of symbols. The problem, however, is that Kant's writings do not offer many (if any) hints as to how such an order should be conceived. He does not provide a comprehensive typology of symbols, nor does he develop a system enabling us to gain an overview of how precisely the various forms of symbolic representation are interrelated. Michel Despland's assessment that Kant's philosophy of religion contains "only the beginnings of a systematic theory of symbols"² may thus hold true for the entire spectrum of Kant's practical philosophy. Kant himself seems aware of this deficit when he remarks in the *Critique of Judgment* that the symbolic function of judgment "has not been analyzed much so far, even though it very much deserves fuller investigation."³

What Kant points out in any case is that human beings find themselves in a world that is already structured by metaphors, analogies, and other forms of indirect representation, whether we are aware of it or not. The most obvious example is human language, which, Kant says, "is replete with such indirect exhibitions according to an analogy, where the expression does not contain the actual schema for the concept but contains merely a symbol for our reflection. Thus the words *foundation* (support, basis), to *depend* (to be held from above), to *flow* (instead of to follow) from something, *substance* (the support of accidents, as *Locke* puts it), and countless others are not schematic but symbolic hypotyposes; they express concepts not by means of a direct intuition but only according to an analogy with one, i.e., a transfer of our reflection on an object of intuition to an entirely different concept, to which perhaps no intuition can ever directly correspond."⁴ Beside human language, a symbolic quality can also be attributed to societal institutions, such as the state, the church, or the rules of civilized politeness, which all have their specific symbolic features. Moreover, when we look at the course of human history, we may come across some historic events that hold a symbolic meaning in that they give

² Michel Despland, *Kant on History and Religion* (Montreal and London: McGill/Queen's University Press, 1973), p. 261.

³ *Critique of Judgment*, p. 227 (5: 352)

⁴ *Critique of Judgment*, pp. 227–228 (5: 352–353).

us a hint as to how the development of humankind can be conceived. At times, even natural objects may bear a symbolic significance. The experience of the beautiful in nature, for instance, can be perceived as a “cipher through which nature speaks to us figuratively,”⁵ as Kant puts it. One could easily add more examples to illustrate that for Kant symbolic representation, in its manifold forms, is an inherent part of human experience in the broader sense.

2. Purposes of Symbolic Representation

Rather than presenting a systematic theory or typology of symbols, Kant clarifies the general status of symbols as an indirect mode of representation. Whereas in many cases we have different options to express insights in a direct or an indirect way, the indirect mode of representation is *indispensable* whenever it comes to rendering something “supersensible” accessible to the human mind. That is, we cannot reflect about ideas of reason to which no direct intuition can be given, unless by means of symbols. Symbolic representation therefore is of crucial importance especially in *practical philosophy* because practical philosophy as a whole is based on the human being’s “supersensible” moral vocation. We have seen, however, that this general function of symbolic representation unfolds in very different ways and serves different concrete purposes. Summing up the main results of this book, I will focus briefly on four essential purposes that the use of symbols is supposed to fulfill in Kant’s practical philosophy: (1) giving guidelines for moral judgment, (2) expressing the apodictic force of the moral law, (3) strengthening a reasonable moral hope, and (4) rendering societal institutions transparent toward their underlying normative functions.⁶

1. First, symbolic representation provides *guidelines for moral judgment*. The morally unconditioned, although remaining beyond the grasp of theoretical cognition, needs to be mediated to the cognitive faculties of the human mind in order to yield a criterion for moral judgment.⁷ Universal lawfulness itself, represented symbolically in the strictness

⁵ Critique of Judgment, p. 168 (5: 301). Cf. Section VI, 3.

⁶ These four purposes are not meant to constitute an exhaustive list.

⁷ Cf. Section III, 2.

of the *law of nature*, fulfills this crucial function in that it constitutes the criterion to which moral self-legislation – via maxims – can refer. In addition, the inherent purposiveness of nature provides a symbol of that “kingdom of ends” that moral commitment, considered as a purposive whole, is required to foster. By being called upon to exercise their faculty of autonomous moral self-legislation and structure their lives according to maxims they can will to hold universally (*as if* these maxims were laws of nature and a contribution to an ideal “kingdom of ends”), human beings at the same time become aware of their own (and every one else’s) humanity as “an end in itself.” Kant’s various formulations of the categorical imperative thus turn out to be complementary devices for representing symbolically the morally unconditioned inherent in our moral consciousness, thereby connecting the “supersensible” moral law with the operations of moral judgment.⁸

On the level of *political* judgment, we come across a similar structure. That is, the normative principle of the “united lawgiving will of the people” – which Kant calls “*only an idea of reason*”⁹ – serves as a critical benchmark for us to assess and discuss concrete projects of political legislation as to whether or not they can conceivably be willed by all members of the commonwealth to become binding universal laws. Republican legislation (or rather, self-legislation), while proceeding in accordance with the “united will of the people,” at the same time spells out the fundamental human right of freedom and equality, which Kant calls the “birthright” of every human being.

2. The second basic function of symbolic representation is that it *expresses the categorical force of the moral law*. Apart from the intellectual operations that the moral law requires of us, it also makes an emotional impact on the human mind by creating an unconditional respect. The categorical imperative, after all, has the status of an imperative that commands rather than advises. By calling the consciousness of the moral law the “fact of reason” that “forces itself upon us of itself,”¹⁰ Kant draws attention to the peculiar obtrusiveness by which the morally unconditioned manifests itself. The latter thus shows an

⁸ Cf. Section III, 3.

⁹ Theory and Practice, p. 296 (8: 297). Cf. Section V, 5.

¹⁰ Critique of Practical Reason, p. 164 (5: 31). Cf. Section III, 1.

analogy to the obtrusiveness that we experience when confronted with empirical “facts” whose reality forces itself upon us, whether we like it or not.

Moreover, Kant brings to bear an analogy between respect before the moral law and the experience of the sublime in nature (thus once more making use of nature as the main symbol of morality). He points to the ambivalent feelings that sublime natural phenomena can trigger by simultaneously striking down and elevating the human mind. Since the same peculiar combination of humiliation and elevation occurs also in the feeling of respect, we may say that the sublime in nature (“the starry heavens above me”) can symbolize the emotional effect of “admiration and reverence” that the “the moral law within me”¹¹ causes.

3. A third aspect in which symbolic representation proves important follows from our need to have some *hope that moral action can be successful* and make a difference in the world. Although for the sake of moral autonomy itself, no guarantee (in the strict sense) can be given that moral commitment will actually yield positive results in the world, we have to seek at least for traces of purposiveness in nature and history on which we can build a reasonable hope that the claims of morality and the order of nature (or the course of history, respectively) may ultimately coincide, in a way that is beyond any direct human comprehension.¹² Whenever structures of purposiveness shine forth – for instance, in the beautiful forms of nature or in historic events like the republican revolution in France – they will therefore arouse the interest of the spectators. Such an unselfish interest, however, at least indirectly (“symbolically”) points to a moral disposition of the spectators. It is in this sense that Kant accords symbolic significance to the beautiful in nature (as “the symbol of the morally good”¹³) or to the French Revolution, which he appreciates “as a historical sign”¹⁴ indicating a general tendency toward political progress.

Beyond the observation of purposiveness in nature and history, the moral agent can also resort to a *religious dimension of hope*. The

¹¹ Critique of Practical Reason, p. 269 (5: 161). Cf. Section III, 4.

¹² Cf. Chapter VI.

¹³ Critique of Judgment, p. 228 (5: 353). Cf. Section VI, 3.

¹⁴ Conflict of the Faculties, p. 301 (7: 84). Cf. Section VI, 7.

comprehensive horizon of meaning that emerges from the morally unconditioned itself – namely, the idea of the highest good – implies the postulate of the cooperation of a divine creator who alone will be able to bring about a perfect reconciliation between virtue and happiness, as Kant points out.¹⁵ The need for hope inherent in the moral consciousness thus necessarily leads to religion. The *idea of God* which is a priori connected with practical reason manifests itself in various forms of “symbolic anthropomorphism,” as they exist in holy scriptures, theological doctrines, or the metaphors of popular religion. In order to overcome the ever-lurking danger of “schematic anthropomorphism” (idolatry, superstition, religious fetishism, and so on), we have to be aware that theological language always has a merely symbolic meaning in that it necessarily makes use of analogies that themselves indirectly point to a dimension beyond the realm of empirical intuition.¹⁶

4. Finally, the structure of symbolic representation can also be found in *societal institutions that are thought to epitomize specific normative ideas*. For instance, we can say that the state has the normative task of administering public rights, a task that is best executed in a republic of free and equal citizens. Any empirical state, including the empirical republic (“*respublica phaenomenon*”), however, operates as a mere representation of that “*respublica noumenon*,” which, like a “Platonic ideal,”¹⁷ can never be fully implemented in human history, as Kant emphasizes. This is to say that the “*respublica noumenon*” continues to provide a critical benchmark even after the establishment of a republican political order of rights. The same structure holds true analogously for the church as well. Kant points out that the institutions and rituals of the visible church are to represent symbolically that “invisible church” with reference to which we can overcome the bifurcation of (invisible) personal morality and communitarian organization in order to bring about an ethical community.¹⁸ It is in this sense that the visible church constitutes the empirical basis for tackling the task of constituting an ethical community whose (invisible) reality, however, can

¹⁵ Cf. Section VII, 2.

¹⁶ Cf. Section VII, 6.

¹⁷ Conflict of the Faculties, p. 306 (7: 91). Cf. Section VI, 7.

¹⁸ Cf. Section VII, 5.

never be ascertained directly but manifests itself only indirectly, that is, by means of symbols. Finally, even the rules of civilized politeness show symbolic features in that they might represent the “graces”¹⁹ surrounding virtue, as Kant puts it metaphorically. They can become meaningful, from a moral point of view, if they help to make easier the (still burdensome) task of obedience to the moral law.

Generally speaking, the awareness of the *symbolic* quality of institutions such as the state, the church, or the rules of politeness amounts to an incentive for exercising political, theological, and social *criticism*, with the purpose of rendering the respective institutions more appropriate for performing their inherent normative task – a task, however, that can never be fulfilled once and for all. The reflection on the function of symbolic representation thus contributes to the never-ending process of reform and public enlightenment.

3. Epilogue: Modern Liberalism and Kant

I started this book with the observation that modern liberals often show a peculiar reluctance toward articulating the normative convictions on which their moral or political commitment is based. I also ventured the conjecture that the typically liberal unwillingness to use a strong rhetoric of “values,” “virtue,” and “faith” might itself harbor a normative insight – namely, the insight that a straightforward public invocation of moral values frequently leads to dubious results, ending in self-righteousness, bigotry, or even political authoritarianism. If this observation is right, however, it follows that liberals, in order not to remain mute on moral issues, should look for *careful ways* to give voice to their normative convictions.

Dealing with Kant’s practical philosophy, and especially with his account of symbolic representation, provides important insights for such an endeavor. To be sure, Kant’s philosophy does not present an implicit program of modern liberalism in general (which itself contains many different currents and hence remains a complex and ambiguous historical phenomenon). However, by spelling out systematically the idea of moral autonomy – including its manifold repercussions for an understanding of law, politics, history, and religion – Kant’s practical

¹⁹ Religion, p. 72 footnote (6: 23 footnote). Cf. Section IV, 5.

philosophy can sharpen the awareness of the genuinely normative insights that form the core of modern liberal ethics. The reflection on the crucial role that Kant accords to symbolic representation can further lead to a new appreciation of the proverbial liberal “understatement” in dealing with normative issues because it seems at least conceivable that such an understatement – perhaps coupled with a friendly irony – might itself be a way of preserving the *indirectness* in which alone the moral law can be addressed appropriately. From this perspective, it would be an illegitimate simplification to equate modern liberalism per se with a normative minimalism – that is, a mere set of formal procedures by which individuals thought to live in an “atomized society” and in a thoroughly disenchanted and fragmented world organize their coexistence.

Take the example of individualism, a hallmark of the various currents of modern liberalism. On the one hand, there can be little doubt that the attitude that has been termed “possessive individualism” actually exists. On the other hand, it would be a misunderstanding to subsume all sorts of modern individualism under that critical heading. Ethical individualism as highlighted in Kant’s practical philosophy differs fundamentally from possessive individualism and other forms of a narrow-minded individualist lifestyle because it is based on the insight into the inalienable dignity of every human being, a dignity that at the same time finds its due political recognition in equal rights of freedom. Far from leading to an “atomized society,” ethical and political individualism in the Kantian sense can actually become a positive motive for liberal community building and for republican commitment on behalf of human rights. At the same time, individuals must be free to distance themselves from any existing communities in order to be able to exercise a frank and public criticism. A skeptic reservation against an all too straightforward invocation of “communitarian values” might thus be a precondition for preserving the liberal spirit of societal institutions, communities, and the state.

Another example is normative “proceduralism.” The fact that traditional catalogues of virtue and other forms of conventional morality have, to some degree, lost their former persuasiveness cannot be explained appropriately by pointing to a purported decline of moral substance in modern society. It also follows from an increasing awareness

of moral autonomy and a concomitant *transformation* of the understanding of normativity in general. Taking moral autonomy seriously, after all, means that human beings, rather than merely resorting to established normative standards, have to bring about an active moral self-legislation (in accordance with the “procedural” criterion of universalizability of maxims). Rather than ending in normative minimalism, the insight into moral autonomy (and its “procedural” operation) is inherently connected with the “substantial” normative requirement of respecting every human being as a representative of the moral law itself – which in fact is a quite “demanding” postulate of liberal ethics.

The widespread assumption that modern liberalism necessarily involves a fragmented worldview can likewise be questioned critically. Again, it has to be admitted that fragmentation and disenchantment do constitute aspects of the modern experience of the world. They are caused by many factors such as the development of the modern sciences, historic and cultural relativism, or the everyday experience of pluralism in modern society. Among these various factors, the claim of *moral autonomy*, too, plays a role because autonomy implies that moral agents cannot base their normative self-legislation immediately on a (purported) metaphysical knowledge of the world, on definitive forecasts about the future course of human history, or on the unquestioned authority of holy scriptures etc. Hence the necessity of keeping different claims of validity (for example, moral maxims, scientific insights, historic prognoses, religious convictions) *strictly apart*.

More than any other modern philosopher, Kant has contributed to the critical clarification of these different validity claims within human experience, thereby undermining relentlessly all forms of metaphysical, scientific, or historic dogmatism. And yet, as evidenced in Kant’s philosophy, it is the same idea of moral autonomy that also provides an incentive to overcome the fragmentation of human experience. That is, as autonomous moral subjects, we face the task of finding a practical orientation that runs across the various dimensions of human experience: from the sciences to politics, from history to religion. The critical dissolution of all closed dogmatic worldviews might thus go hand in hand with the never-ending search for a holistic perspective by which the various dimensions of human experience and self-understanding are interconnected in a meaningful way. It seems that as finite human

beings, we are ultimately unable directly to understand how such an interconnection may come about. The critical reflection on moral autonomy, at any rate, can give rise to a comprehensive philosophical orientation, which, by confining itself to the *modest language of symbolic representation*, may be well suited for preserving the conundrum of the human being's moral vocation.

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