Kant’s Cosmopolitanism from a Historical Viewpoint

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I

Immanuel Kant begins his essay ‘Idea for a Universal History from a Cosmopolitan Viewpoint’ with this invocation of freedom of the will and its mode of appearance in human history:\(^2\)

> Whatever concept of freedom of the will one may make from a metaphysical viewpoint, the appearances of this freedom — human actions — like every other natural event are determined in accordance with natural laws. History, which offers an account of these appearances — no matter how deeply hidden their causes might be — allows one to hope that when it regards the play of freedom of human will on a large scale, it will be able to discover its regular path. In this way, what appears tangled and confused in the case of individual subjects, in the case of the whole species may be knowable as a continuously progressive (although slow) development of its original predispositions. (UH, 41; VIII, 17)\(^3\)

The ‘Universal History’ essay was published in 1784, shortly after the *Critique of Pure Reason* (1781) and just before the *Groundwork of the Metaphysics of Morals* (1785) — two works in which Kant elaborates an extensive metaphysics of human

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2 There is no straightforward translation of the German title — *Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht* — whose final phrase may be translated as ‘with a cosmopolitan purpose’ or ‘from a cosmopolitan viewpoint’. The title thus might be rendered as ‘Idea for a Universal History with Cosmopolitan Intent’, allowing cosmopolitan intent to remain ambiguous between the purpose of history and the viewpoint of the historian, which suits Kant’s argument.

3 I shall cite as ‘UH’ the most readily available English translation of the essay, in *Kant: Political Writings*, ed. H. Reiss, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1970). As here and elsewhere I have modified the English translations of Kant, sometimes substantially, I shall also cite the relevant volume and page numbers — here VIII, 17 — for the standard German edition of Kant’s works: *Kants Gesammelte Schriften* (Berlin: Preußische Akademie der Wissenschaften/de Gruyters, 1902-).
freedom — so Kant himself was in no doubt regarding what the concept of human freedom amounts to from a metaphysical viewpoint. In these works, Kant conceives of freedom in terms of the capacity of a rational or ‘intelligible’ being — that is, a pure intelligence independent of space and time and the distractions of sensuous embodiment — to determine its will spontaneously, without prior causation or future ends, apart from the end of realising itself. As the antonym of freedom, Kantian ‘nature’ refers to the totality of phenomenal appearances — as opposed to intelligible or noumenal ‘things in themselves’ — where events are governed by causal laws or, in the case of human actions, by the ‘sensuous inclinations’ that distract man’s rationally determined will. Large and recondite parts of the First Critique and the Groundwork are dedicated to reconciling Kantian freedom and nature: that is, to showing how humans can exercise intelligible moral freedom despite their sensuous natures, and how nature itself can be regarded as equipping man with the phenomenal capacities required to exercise his intelligible self in the temporal world, such that nature acquires a purposive-historical character.4

Without being explicitly discussed in them, this recondite metaphysics of intelligible freedom and phenomenal nature underlies ‘Universal History’ and the two other essays that Kant dedicated to cosmopolitan peace: ‘Theory and Practice’ (1792) and ‘Perpetual Peace’ (1795). This imbues Kant’s discussion of cosmopolitanism with an exoteric character, as in these works it is addressed to a popular audience (understandably) deemed incapable of confronting the metaphysical problem from whose resolution the discussion derives: that is, the problem of how the spontaneous willing of an intelligible being existing independently of space and time can be manifest in the phenomenal (spatio-temporal) events of a causally determined nature. It is this metaphysics that underlies the central theses of ‘Universal History’: that nature has a moral purpose, which is the gradual development of the capacities that man needs to manifest his intelligible being or ‘rational nature’ in the phenomenal world (UH, 42-3; VIII, 17-19); that the mechanism for this development is the dialectical social antagonism provoked by the ‘unsocial sociability’ of man’s embodied rational nature (UH, 44-5; VIII, 20-1); that through this mechanism he will be led into a political and juridical order capable of reconciling the freedom of each

with the freedom of all, in the form of a republican civil state (UH, 45-6; VIII, 22-3); that in order to realise man’s universal nature or species being this civil state must eventually assume a cosmopolitan form dispensing global justice to the citizens of a world state (UH, 47-51; VIII, 24-7); and finally that a suitably philosophical historiography — that is, a history that regards temporal events as symptoms of the phenomenal actualisation of man’s intelligible being — can not only discern nature’s hidden purpose, but can help to realise it through prophetic revelation of mankind’s cosmopolitan destiny: ‘A philosophical undertaking to elaborate the universal history of the world according to the plan of nature — whose goal is the perfect civil union of the human race — must be regarded as possible and even as contributory to this natural purpose’ (UH, 51; VIII, 29).

Historiography for Kant is thus a fundamentally philosophical and hermeneutic undertaking, as it is a discipline for treating temporal events as symptoms of the phenomenal unfolding of man’s a-temporal rational nature. As such, Kant’s philosophical historiography purports to be both empirical and normative — to account for historical events while simultaneously holding them accountable to the realisation of man’s rational nature — thereby mediating between ‘practice and theory’ or ‘facts and norms’. For its part, as the goal of this historical unfolding, the cosmopolitan civil order is viewed as the natural means of realising the metaphysical destiny of mankind. For Kant, cosmopolitanism is the means of reconciling the freedom of each with the freedom of all under a global civil constitution, thereby realising man’s intelligible freedom in the phenomenal world.

If, however, as I am now proposing, one is to offer an historical account of Kant’s conception of cosmopolitanism — hence a history of his (philosophical) historiography — then it will be necessary to deploy a quite different conception of history and form of historiography. To achieve this end it will be necessary to self-consciously abandon the philosophical distinction between metaphysical reason and historical phenomena, thence to treat Kant’s metaphysics as itself a particular kind of historical activity and institution: let us say as a pedagogical doctrine and discipline taught in the Protestant philosophy faculties of northern Germany. If we do not

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5 For an indispensable overview of the history of early modern German philosophy approached in this way — as ‘Schulphilosophie’ — see the section on ‘Die Schulphilosophie’ in Helmut Holzhey and Wilhelm Schmidt-Biggemann, (eds.), Die Philosophie des 17. Jahrhunderts, Band 4: Das heilige Römische Reich deutscher Nation, Nord- und Ostmitteleuropa, 2 vols. (Basle: Schwabe, 2001), 4/1, pp. 291-553. See also, Ian Hunter, ‘The
suspend the metaphysical distinction between reason and history, then we will be
temted to treat the history of Kant’s philosophy itself as the temporal unfolding of an
a-temporal rationality. This would mean that we were employing Kant’s philosophical
historiography, rather than offering a history of it via a non-philosophical contextual
history.

This non-philosophical history of philosophy also entails suspending the Kantian
distinctions between theory and practice or norm and fact, as history is no longer the
empirical domain in which an a priori theoretical norm — the freedom of man’s
intelligible being — finds partial practical realisation, thereby permitting the
philosophical historian to judge its shortfall and prophesy its completion in the
cosmopolitan civil union. The historiography that we require for our task is one that
has no hidden rational purpose, being concerned with contingencies that make us
what we happen to be rather than with laws making us in to what we must become.
For this historiography of philosophy, philosophy is tied to contingent contexts —
such as those associated with the teaching of rationalist metaphysics in eighteenth-
century Protestant German universities — from which particular ways of grooming
the intellect emerge, such as Kant’s exercise in the recovery of self-determining
intelligible being. The task of the intellectual historian is to account for such ways of
conducting the intellect in terms of the contingencies of their cultivation, rather than
in terms of the dialectical unfolding of reason in time. On this view, as the form in
which intelligible beings exercise reciprocal freedom in the phenomenal world,
Kant’s cosmopolitan civil union will not itself form part of the historiography of
politics or political thought, belonging rather to the historiography of metaphysics and
philosophical history.

For the most part, the discussion of Kant’s cosmopolitanism that has been
underway since the 1980s has not proceeded in this manner. Rather than situating
Kant’s conception of cosmopolitanism in the context of the recondite university
metaphysics that determines its historical intelligibility, recent discussion has tended
to take the exoteric essays — ‘Universal History’, ‘Theory and Practice’, ‘Perpetual
Peace’ — at face value, tying this conception to an array of modern international-
political phenomena: globalisation, imperialism, the United Nations Organisation,
international law, the supposed erosion of territorial sovereignty, European integration, humanitarian intervention, and similar. Further, rather than suspending Kant’s philosophical history and subjecting it to a contextualising historiography, the discussion of his cosmopolitanism has itself been deeply informed by a post-Kantian philosophical history. Much of this discussion thus tacitly assumes that history is a space in which a-temporal ideas, theories and norms — Kant’s in particular — are unfolded in time and subject to temporal determination, thereby retaining the paired oppositions between theory and practice, norm and historical fact. In fact, by viewing Kant’s conception of cosmopolitanism through the lens of this Kantian philosophical history, recent discussions do little more than paper-over the anachronism inherent in their attempts to apply this conception to such modern phenomena as globalisation, international law, and European integration. This is what lies behind the widespread tendency to treat Kant’s conception of cosmopolitanism as only partially developed in its own time, hence as open to further development in accordance with the dialectic of ideas and historical facts, as deciphered by modern philosophical historians privy to the hidden unfolding of reason in time.

Philosophical commentary on Kant’s cosmopolitanism is particularly liable to suspend the metaphysical context of Kant’s construction and to modernise it in accordance with ‘historical developments’ to which it is assumed to remain open. The editors of a recent volume of philosophical essays, collected to commemorate the bicentennial of Kant’s ‘Toward Perpetual Peace’, thus comment that these essays

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8 For a refreshing exception to this modernising and universalising reception of Kant, see James Tully, ‘The Kantian Idea of Europe: Critical and Cosmopolitan Perspectives’, in A. Pagden (ed.), The Idea of Europe: From Antiquity to the European Union (Cambridge: Cambridge University Press, 2002), pp. 331-58. Tully ties Kant’s cosmopolitanism to its time and place by insisting on the culturally particularist character of its universalism, and its role in justifying the imperialist expansion of European culture; although Tully also courts anachronism by failing to show how (or whether) Kant’s thought was actually put to use in imperialist projects.
‘argue for the continued theoretical and practical relevance of the cosmopolitan ideals of Kant’s “Toward Perpetual Peace”’, while showing that ‘history has both confirmed and outstripped Kant’s prognoses’. Kant’s conception of cosmopolitan peace must therefore be updated in accordance with the dialectical development of history itself. This can be done, for example, by dropping the metaphysical teleology that promises the historical realisation of man’s rational nature, transforming this into a ‘moral duty to take advantage of political opportunities to create the conditions of peace’, and thereby allowing cosmopolitan peace to be ‘freed from Kant’s two-world metaphysics and his teleological philosophy of history’. Kant himself of course would not have recognised ‘his’ conception of cosmopolitanism once it had been stripped of his two-world metaphysics and philosophical history, as he regards mankind’s cosmopolitan condition as the telos of the translation of the intelligible into the phenomenal world. The only thing that qualifies such modernising interpretations as ‘Kantian’ is that they too are exercises in teleological philosophical history.

The same problems afflict a good deal of the discussion of Kant’s cosmopolitanism to be found in international relations theory. Here too there is a widespread tendency to bracket the metaphysics on which Kant’s conception is based, and to disguise the anachronism involved in treating Kant as an international relations theorist by employing Kantian philosophical history to turn him into one avant la lettre. These twin problems are exacerbated by the presence of a neo-Kantian paradigm within the field of international relations theory itself: namely, the philosophical opposition between so-called ‘idealism’ (or ‘cosmopolitan’) and ‘realism’ (or ‘statism’) approaches to international relations. In some of its deployments, this oppositional paradigm amounts to inscribing the Kantian oppositions between theory [9]

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10. Ibid., p. 9.
and practice, norm and fact into the foundations of the discipline itself. From there it can be used to retrospectively classify earlier political thinkers such as Hobbes and Pufendorf into ‘realists’ — to the extent that their defence of territorial sovereignty can be construed as a non-normative elevation of the brute facticity of the state — while other thinkers, pre-eminently Kant, can be classified as ‘idealists’, to the extent that Kant’s cosmopolitanism can be construed as an elevation of moral norms over the facticity of state interest.\(^\text{12}\) From this oppositional vantage-point Kant’s cosmopolitanism can be integrated into the modern history of international relations theory by invoking the dialectical reconciliation of realism and idealism — politics and morality, fact and norm — as promised, for example, by Habermas’s updating of Kant’s philosophical history.\(^\text{13}\)

In fact Habermas’s treatment of Kant’s cosmopolitanism summarises and informs a good deal of the anachronistic reconstruction to be found in recent philosophical commentary and international relations theory. Habermas thus offers to purge the metaphysical foundations of Kant’s cosmopolitanism — Kant’s doctrine of the reconciliation of intelligible freedom in a reciprocally coercive common will — by reconstructing this in terms of an idealised dialogue between the members of a democratic community of lawmakers. According to Habermas, this dialogical lawmaking effects the reconciliation of facts and norms, politics and morality, by constructing rights in a manner that universalises freedom through the enactment of reciprocal coercion, in a manner analogous to the construction of basic rights in early modern natural law.\(^\text{14}\) Once Kant’s metaphysics of law has been ‘detranscendentalised’ in this way, Habermas can subject Kant’s cosmopolitanism to a Kantian philosophical-historical updating. He thus argues that while central expectations of Kant’s cosmopolitan prophecy have been disappointed by history — in particular Kant’s claims that cosmopolitan peace would be established through the spread of republican constitutionalism, the globalisation of commerce, and political publicity — these expectations nonetheless retain a proleptic validity. Apparently the

\(^\text{12}\) See the critical comments on this de-contextualised history in Duncan S. A. Bell, ‘Political Theory and the Functions of Intellectual History: A Response to Emmanuel Navon’, *Review of International Studies* 29 (2003), 151-60.


historical events that have (temporarily) defeated them obey a ‘dialectical’ logic promising their future fulfillment. In other words, despite his self-proclaimed purging of Kant’s teleological history and metaphysics of rational being, Habermas in fact redeploy them in exoteric form, by treating Kantian rationality itself as something that is determined by and unfolded in a dialectical history whose goal remains the realisation of rational being in a cosmopolitan civil union.

It is this prophetic access to a rational futurity that permits Habermas to discern the proleptic truth of Kant’s doctrine and, in this retrospective light, to provide a glimpse of the recondite (neo-Platonic) metaphysics that lies at the basis of Kant’s construction of the legal order as the coercively reconciled willing of a noumenal community of rational beings. Habermas notes that ‘This construction is guided by the Platonic intuition that the legal order imitates the noumenal order of a “kingdom of ends” and at the same time embodies it in the phenomenal world’, commenting that ‘This intuition is not entirely false, for a legal order can be legitimate only if it does not contradict basic moral principles’.

There is no need here for a detailed discussion of Habermas’s version of the post-Kantian philosophical history through which Kant’s metaphysics of noumenal community devolves into a politics of democratic deliberation. This is supposed to occur via an imaginal ‘rationalisation of the life-world’ through which ‘society’ obtains reflexive self-consciousness of such previously ‘pre-modern’ intuitions as Kant’s noumenal community, transforming the latter into the ‘modern’ form of a democratically controlled dialogical community responsible for rational will-formation.

Only two preliminary comments on this are required to move the discussion forward. First, by his own admission, Habermas’s is not an historical account of Kant’s understanding of cosmopolitanism, as Kant would not have recognised his own conception of it — as the phenomenal embodiment of noumenal community — in Habermas’s conception of a global democratic speech community. Second, Habermas’s attempt to portray the transition from the former to the latter conception in terms of the unfolding of reason in time does not itself qualify as an historical account of Kant’s conception of cosmopolitanism. This is in part because the underlying mechanism of this transition — the so-called ‘rationalisation of the life-world’

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16 Habermas, *Between Facts and Norms*, p. 106.
world’ — continues to treat Kant’s metaphysics as an ideality being unfolded in history (hence as capable of proleptic truth) rather than as a local historical activity (hence as incapable of either truth or falsity).\textsuperscript{18} It is also because Habermas identifies his own philosophy as the imaginal moment of historical self-consciousness that ‘detranscendentalises’ Kantian metaphysics, thereby transforming the latter from an object of open-ended historical investigation into an occasion for a self-enclosed act of philosophical-hermeneutic self-clarification.

We can conclude the first part of our discussion by observing that the ‘modernising’ reconstructions of Kant’s cosmopolitanism to be found in recent philosophical commentary and international relations theory — accounts that purport to bracket the metaphysical basis of Kant’s conception while opening it up to an array of modern international-political phenomena — are indebted to a philosophical history that mortgages them to a double incomprehension. On the one hand, the authors of these accounts fail to investigate the university metaphysics from which Kant fashions the thought of a cosmopolitan community — and the philosophical persona who thinks this — which means that they fail to recover the significance that cosmopolitanism had for an eighteenth-century rationalist metaphysician. On the other hand, in using post-Kantian philosophical history to apply ‘Kant’s’ cosmopolitanism to modern international-political phenomena — through the dialectical mediations of theory and practice, ideal norm and historical fact, ‘idealist’ and realist’ political outlooks — these authors conduct themselves as Kantian philosophical historians: turning objects of historical investigation into occasions for moral-philosophical self-clarification and prophecy. In order to show what Kant’s cosmopolitanism looks like from an historical viewpoint, then, we must first situate it in the context of the recondite university metaphysics from which it arose (Section II). Then we can discuss the exoteric philosophical history of cosmopolitanism — with its dialectics of freedom and nature, theory and practice, morality and politics — through which Kant himself sought to connect his cosmic metaphysics of law and morality to the territorial political and legal order in which he lived (Section III).

II

The bridge between the recondite metaphysics of Kant’s three critiques and the exoteric philosophical history of his essays on cosmopolitan peace is to be found in his *Rechtslehre* or Doctrine of Right. This was originally published as the pamphlet ‘Metaphysical Elements of the Doctrine of Right’ — *Metaphysische Anfangsgründe der Rechtslehre* — in January 1797, before joining the ‘Metaphysical Elements of the Doctrine of Virtue’ to form the *Metaphysics of Morals* in August of the same year. In the *Rechtslehre* Kant offers an account of how a universe of intelligible beings (‘pure intelligences’) can form a legal community, understood as a community formed for the rightful possession of an external world of things. This occurs through relations of reciprocal coercion that permit the free choices of each to be reconciled with the free choices of all in a common will. This in turn forms the basis for Kant’s ‘universal principle of right’: ‘Any action is right if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law’ (*PP*, 387; *VI*, 230). Kant’s conception of cosmopolitanism arises directly from this metaphysical construct and is inseparable from it. This is because Kant conceives of right or justice not in terms of the way in which empirical men or nations have sought to possess localised things and territories in accordance with economic and political interests, but in terms of the way in which intelligible beings seek to occupy the whole phenomenal world in accordance with their innate freedom and right. Right or justice is thus intrinsically cosmopolitan for Kant, and only appears in territorial or ‘national’ forms as a result of the (dialectical) obstacles that history throws up to the realisation of noumenal community in the phenomenal world.

Considering the general agreement that the *Rechtslehre* contains something like this picture of right, it is striking that major commentators differ quite fundamentally in their philosophical interpretations of it and in their views of its historical lineage. Some commentators thus interpret the harmonised free choices underlying Kant’s principle in terms of the rational agreement of parties to a social contract, thereby aligning Kant’s account with the tradition of contractarian natural law and imbuing it

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19 *PP* refers to Immanuel Kant, *Practical Philosophy*, ed. M. J. Gregor, trans. M. J. Gregor (Cambridge: Cambridge University Press, 1996), from which I shall cite (modified) English translations of the *Rechtslehre* and the essays on cosmopolitan peace. As earlier, the standard German texts are referenced by citing the volume and page numbers of the *Akademie* edition of *Kants Gesammelte Schriften*. 
with a conventionalist complexion. Others, though, have argued that this rational agreement is itself based on a higher-level objective obligation or ontological reality — specifically, on man’s absolute obligation to occupy the earth (the ‘postulate of right’) that arises from his nature as a rational or intelligible being — which aligns Kant with the tradition of the theological or objectivist natural law. Still others, focusing on the principle of right as a ‘synthetic a priori’ proposition, have proposed a ‘cognitivist’ interpretation. They argue that agreement arises from the universal form of reflection — Kant’s method of rational deduction — through which the principle is philosophically justified, thereby aligning Kant with modern Anglo-American commentary. Placed in this series, Habermas’s historical hermeneutic approach might be regarded as combining aspects of the first (contractarian) and third (‘cognitivist’) approaches. For Habermas, though, the philosophical reflection that recovers the rational basis for agreement is something undergone by a collective subject (‘society’) through the unfolding of (Kantian) reason towards historical self-consciousness in the democratic speech situation.

The possibility that philosophers might eventually come to agree in their interpretation of Kant’s metaphysics of law should not be ruled out as a matter of principle. Nonetheless, here I shall treat their apparently endemic dissensus as a point of departure for a quite different way of approaching this metaphysics: namely, as an historically specific intellectual (or ‘spiritual’) exercise. Kant’s metaphysics of law, I shall argue, should not be viewed as an attempted philosophical recovery of a true (metaphysical) principle of right present in a universal subject. Rather, it should be treated as a discipline for forming the kind of subject or self that the philosopher must become if he is to accede to the principle of right as a metaphysical truth: that is, as truth recovered from the philosopher’s own intellect a priori — prior to all empirical

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20 For this kind of approach, see Jeffrie Murphy, Kant: The Philosophy of Right, 2nd ed. (Macon: Mercer University Press, 1994); and, in a different form, Wolfgang Kersting, Wohlgeordnete Freiheit. Immanuel Kant's Rechts- und Staatsphilosophie (Berlin: Walter de Gruyter, 1984).
experience — rather than derived from historically existing legal orders, or the forms of ‘empirical’ political and juridical reflection accompanying such orders.

This shift of focus from the truth of the metaphysical principle to the grooming of the intellectual deportment required to accede to such truth — approximating Foucault’s account of the transition from ‘philosophy’ to ‘spirituality’ — is of course a radical one. Foucault thus comments that: ‘[Spirituality] postulates that the truth is not given to the subject by a simple act of knowledge (connaisance), which would be founded and justified simply by the fact that he is the subject and because he possesses this or that structure of subjectivity. It postulates that for the subject to have right of access to the truth he must be changed, transformed, shifted, and become, to some extent and up to a certain point, other than himself’. We shall thus be investigating the discourse of the Rechtslehre will be investigated not for its philosophical truth (or falsity), but for its historical role in grooming the ‘moral psychology’ of the metaphysical philosopher; that is, the special ‘persona’ who accedes to truth of this particular (metaphysical) kind. Yet this shift of focus answers directly to our earlier methodological requirement: that to be understood in its historical context, Kant’s metaphysics needs to be treated as a contingent historical activity — here that of spiritual pedagogy or ‘psychagogy’ — rather than as an ideal theory outside time, or as an ideality subject to historical determination and unfolding.

This way of approaching the Rechtslehre, and Kant’s philosophy more broadly, will of course strike many of his modern readers as strange and implausible. Nonetheless, Kant’s texts contain many pointers to a latent awareness that his discourse indeed does more than provide philosophical clarification of how man accedes to true knowledge or true principles: in fact that it must form or realise the kind of philosophical subjectivity required to obtain such access. In the Critique of Pure Reason Kant thus begins the Transcendental Dialectic by insisting that the ‘illusions of reason’ — ideas asserting the (transcendent) reality of such things as the world, atoms, freedom, God — cannot be purged through rational philosophical

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24 Ibid., p. 15.
clarification, as they are produced by philosophical reason itself in its pursuit of ultimate conditions for experience.\textsuperscript{26} The point of the Transcendental Dialectic is thus not to prove a philosophical error but to act as a ‘true cathartic’ for the illusions and thereby to form a subject who will accede to these ideas in a new way: not as real ‘things in themselves’, but as ‘ideas of reason’ required to regulate its conduct, thus to be acceded to only ‘as if’ they were real.\textsuperscript{27}

Kant’s practical philosophy displays a similar duality of register, permitting transpositions from the philosophical clarification of truth to the intellectual or ‘spiritual’ formation of the subject who clarifies. In the \textit{Groundwork of the Metaphysics of Morals}, Kant thus insists that those who derive moral principles from man’s empirical nature and historical circumstances — rather than from his intelligible being and noumenal community — are not just philosophically mistaken about morality. Rather, they are conducting their intellects in a manner that is itself morally corrupting (\textit{PP}, 45-6; IV, 389-90). More than just a philosophical recovery of moral principles, Kant’s metaphysics of morality is viewed as a means of forming the (anti-empirical) ‘purity’ of intellect and will required for access to ‘pure’ (a priori) moral principles. In this regard, Kant’s metaphysics activates the esoteric neo-Platonic teaching that in order to know pure (noumenal) principles the (phenomenal) subject must first undergo noumenal purification, becoming the ‘intelligible being’ that he seeks to know.\textsuperscript{28}

Finally, this latent linkage — between metaphysics as philosophical knowledge of a priori principles and metaphysics as the ‘spiritual discipline’ required to form a subjectivity capable of a priori knowledge — flows into the \textit{Rechtslehre}, surfacing in Kant’s insistence that adopting a metaphysics of right is not just philosophically justified but is in fact a moral duty:

If, therefore, a system of a priori cognition from concepts alone is called metaphysics, a practical philosophy, which has not nature but freedom of

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\item \textsuperscript{26} Kant, \textit{Critique of Pure Reason}, B 349-B 355.
\item \textsuperscript{27} Ibid., B 514.
\item \textsuperscript{28} For a rare account of this neo-Platonic dimension of Kant’s metaphysics, see the important study by Philip Merlan, \textit{Monopsychism, Mysticism, Metaconsciousness: Problems of the Soul in the Neoaristotelian and Neoplatonic Tradition} (The Hague: Martinus Nijhoff, 1963). See also Ian Hunter, ‘The Morals of Metaphysics: Kant’s \textit{Groundwork} as Intellectual \textit{Paideia’}, \textit{Critical Inquiry} 28 (2002), 908-29. It is only the fact that she ignores this dimension that allows Martha Nussbaum to characterise Kant’s cosmopolitanism as Stoic, in her ‘Kant and Stoic Cosmopolitanism’, in Bohman and Lutz-Bachmann (eds), \textit{Perpetual Peace}, pp. 25-58.
\end{itemize}
choice [Willkür] for its object, will presuppose and require a metaphysics of morals; that is, to have such a metaphysics is itself a duty, and every human being does have this within himself, although usually only in an obscure way; for without a priori principles how could he believe that he has a universal lawgiving within himself? (PP, 371-2; VI, 216)

If we are right about this, then, like Kant’s philosophy more broadly, the Rechtslehre will not consist fundamentally of philosophical arguments about law that any suitably literate (‘universal’) subject might find convincing. Rather, it will comprise a discourse — an amalgam of metaphysical doctrines, postulates, principles and exercises — whose role is to form the kind of self or persona that will be convinced by such arguments.

Approaching it in this way helps to make historical sense of the recondite figure of thought that sits at the centre of the Rechtslehre. This is the notion that justice or right should be thought of in terms of a metaphysical principle — the reconciliation of the freedom of choice of each rational being with the freedom of all in a common will — deduced as the condition permitting a universe of intelligible beings to possess the phenomenal world. A good deal of philosophical commentary seeks to dissolve the figure of noumenal possession into so-called ‘standard philosophical arguments’, treating it, for example, as mere scene-setting for a ‘rational deduction’ of the principle,29 or else as an ‘idea of reason’ occurring to anyone in their right mind:30 as if people on the bus on their way home from work are just waiting for the opportunity to think of themselves as pure intelligences seeking occupancy of the phenomenal surface of the earth. In comparison, Habermas’s characterisation of Kant’s image of noumenal community as a pre-modern ‘Platonic intuition’ is a step in the right direction, as it starts to capture the alien and esoteric demeanour of the image for non-philosophers. Habermas, though, then proceeds to naturalise and universalise the image in his own way, by treating it as devolving through history into the modern reality of a suitably idealised group of ordinary voters deliberating on their options on election day.

We have suggested, though, that Kant’s own apparent uncertainty regarding the metaphysical status of the figure of noumenal community — his treatment of it as a metaphysics that it is our moral duty to adopt, yet one that is already ‘obscurely’

29 Guyer, ‘Kant’s Deductions of the Principles of Right’.
30 Flikschuh, *Kant and Modern Political Philosophy*, pp. 31-2, 50-61, 189-98
within us; as an idea that it is both ‘permissible to think’ and yet necessary to regulate our thinking — is a pointer to its crucially ambivalent role within the discursive order of the *Rechtslehre*. In requiring apprentice philosophers to think of themselves as harbouring a true noumenal self of which their phenomenal self is only obscurely aware, Kant’s psychagogical image of noumenal community is neither true nor false. It’s role rather is to induce a highly distinctive way of acceding to true principles: namely, as that which the metaphysician uncovers in himself, independently of all ‘outer’ empirical experience, in the purifying transition from his phenomenal to his noumenal self.

The image of noumenal community in the *Rechtslehre* thus marks the point at which the ‘spiritual’ formation of a particular way of acceding to truth is transposed into ‘philosophical’ arguments that accede to truth in this way, imbuing these arguments with a gnostic character. It is helpful to approach the psychagogical action of the discourse in the *Rechtslehre* via Kant’s working notes for it, the *Vorarbeiten zur Rechtslehre* (‘Preliminary Works for the Doctrine of Right’). These more clearly display the relation between thinking the principle of right and the requirement that one deport one’s intellect in accordance with the image of membership of the noumenal community of pure intelligences. Consider in this regard the following fairly typical passage:

When it is thought in terms of the relations between men as pure intelligences in no relation to things and to each other in space and time, right is easy to determine according to general rules. One needs to allow for nothing more than freedom and the power of willing [*Willkür*] in relation to one another, either immediately or mediated through things. In any case, one can say in general that all external right [can be regarded] as possession of the free choices of others (because one has control of their willing). When, for this right to be concretely actualised, man is viewed as a being of the senses [*Sinnenwesen*], then the idea of a community of wills forms the basis of: 1. the sensory conditions for the determination of right required in regards to [external] things, under which alone a communal will is possible; 2. such conditions through which [a communal will] becomes real; 3. the condition of the use of persons as things through which a unified will becomes necessary. (XXIII, 299-300)
This passage makes it clear that to think of the principle of right action in Kant’s metaphysical way — in terms of the reciprocal control that each free being exercises over the wills of all free beings in a thoroughgoing community — one must think of the members of this community as pure intelligences existing outside space and time. According to Kant’s neo-Platonic teaching, only intelligences who are not separated by corporeal space and time — and whose wills are not individuated by the differentiating desires arising from their (corporeal) sensuous inclinations — can enter into a community of willing. This is a community in which, free of the opacity of spatio-temporal corporeality, the willing of each pure intelligence is immediately and transparently present in and conformed to the willing of all such intelligences, on the model of a spiritual or angelic community.\(^{31}\)

It is essential to Kant’s construction of right that its fundamental form — rightful possession of things — be conceived in terms of the reciprocal possession that intelligible beings exercise over each other’s wills. Otherwise possession could only be understood in terms of the physical attachment of such beings to corporeal things in space and time. Despite its presence as a central feature of an array of natural-law and positive-law property doctrines, such physical possession is incompatible with Kant’s metaphysics. Here it threatens to negate the intelligible freedom of the pure intelligences — their spontaneous capacity to conform their wills to and through pure thought — by rendering their wills sensuously dependent on corporeal things in space and time. Were right to be based in physical attachment to things, it would destroy the pure reciprocity of willing that permits the intelligences to possess things ‘rightfully’ — non-spatially or noumenally — as members of a spiritual or intellectual world:

Now when I regard things (their holding) and myself as in space, they will be physically dependent on my powers only for as long as I am joined to them in space. This means that, if I am at a distance from a thing, my freedom suffers no physical harm if another takes physical possession of the thing, yet it still suffers rightful harm. For my right cannot depend on spatial relations, but is something intellectual that pertains to the spiritual realm \([Geisterreiche]\). I would thus be in spatial possession to the extent that the thing could protect my powers to use it persistently. … [But] possession considered as rightful must be grounded

on a purely intellectual linkage of the object with the person, so that
freedom will suffer the physical independence [of the object] without
harm. … Wherever power reaches, freedom can be limited not through
nature and the conditions of possession that lie in it, but only through and
from agreement with the freedom of others. … The common will is thus
the condition of all acquisition and of that which is mine and thine in
general. (XXIII, 301-2).

To grasp the operation of Kant’s discourse in the Rechtslehre, it must be
understood that the prime role of this image of noumenal community is not to
demonstrate the philosophical truth of the a priori principle of right, but to ensure that
the philosopher will conduct his intellect in such a way as to accede to the principle as
an a priori truth. For Kant, knowledge of possession as an a priori intellectual relation
among pure intelligences is only available to the philosopher’s pure (non-empirical)
intellect — that is, as a priori knowledge — which is purified through the intellectual
object to which it accedes. Philip Merlan clarifies the psychagogic role of the doctrine
of ‘double consciousness’ in this way:

The doctrine of the double consciousness is of considerable importance.
One of the two ‘consciousnesses’ which man has, i.e., his empirical
consciousness, is the one which he actually has. The other, non-empirical,
for which some would prefer the expression ‘unconscious consciousness’
is the one he should have — and to a certain extent does have, but mainly
in the form of an imperative to transform his empirical consciousness into
that meta-empirical one. … In application to the realm of cognition, we
could say that one has a duty to think in a meta-personal manner, as this is
the only way to attain unto truth, just as meta-personal action is the only
way to attain unto goodness … .

This is why ‘to have such a metaphysics is a duty’. Conversely, those who derive their
concept of right from merely empirical possession of things in space and time are
guilty of more than a merely philosophical failure to understand how a purely rightful
possession of an object is possible. Rather, this failure of philosophical understanding
itself arises from the spiritual failure to transform their merely empirical or sensuous
(sinnlich) intellectual self into the pure intelligence that is required to participate in

32 Merlan, Monopsychism, pp. 121-22.
the thinking of a community of pure intelligences. This dual — philosophical-psychagogical — role of the image of noumenal community holds the key to understanding the discourse of the *Rechtslehre* and the conception of cosmopolitanism that is formulated in it. Through this double register Kant unfolds a whole series of concepts, doctrines and arguments in which the ‘spiritual’ formation of a special kind of philosophical subject is transposed into the act of philosophical knowledge itself, imbuing the whole discourse of the *Rechtslehre* with a distinctively ‘gnostic’ character.  

We can see this gnostic character in the central concept of the *Rechtslehre*, (intelligible) freedom; for Kant treats it not as a concept that refers to an empirical experience — and not even as one that can be ‘transcendently deduced’ from the possibility of an experience — but as the revelatory conduit of an indemonstrable truth. Kant initiates the discourse of the *Rechtslehre* by introducing the distinction between ‘internal’ and ‘external’ freedom, thereby forming the bridge from his metaphysics of morality to his metaphysics of right (*PP*, 373-76; VI, 211-14). Freedom in Kant’s moral philosophy is ‘internal’ in the sense that it refers to the capacity of an intelligible being to spontaneously govern its will merely by thinking the idea or ‘form’ of the law, independent of all ‘external’ ends or sensuous inclinations and incentives; while freedom in his theoretical philosophy refers to the capacity of such a being to spontaneously cause events without being subject to the causal chains that characterise ‘nature’. In comparison, the freedom at the centre of the *Rechtslehre* is ‘external’ in part because it concerns intelligible beings choosing things outside themselves. It is thus an exercise of *Willkür* or the power of choice rather than of self-referential moral will (*Wille*). It is also external because such a choosing is not governed by the mere thought of the law (as in morality) but by a law that is external in the sense of deploying sensuous incentives and coercion (defining legality).

The concept of external freedom embedded in the Kantian term of art, *Willkür*, is thus foundational for the whole enterprise of the *Rechtslehre*. It is the means by which Kant conceives the legal community as the devolved phenomenal form of the autotelic moral community, brought about through the use of noumenal freedom to choose external things. It is all the more remarkable then that Kant should treat the

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33 C.f., Foucault, *The Hermeneutics of the Subject*, pp. 16-17.
The concept of freedom as self-declaratory, on the basis of its ascribed intelligible character, which means that it is incapable of theoretical derivation from any empirical experience. In a disarming comment, Kant thus avers that:

No one need be surprised that theoretical principles about external objects that are mine or yours get lost in the intelligible and represent no extension of cognition, since no theoretical deduction can be given for the possibility of freedom on which they are based. It can only be inferred from the practical law of reason (the categorical imperative), as a fact of reason. (*PP*, 406-7; VI, 252-3).

We are surprised, though, not least because it is clear that Kant’s concept of freedom arrives not as a revelatory truth or ‘fact of reason’, but as a doctrinal concept from the historical (neo-Platonic) metaphysics of noumenal and phenomenal freedom. This metaphysical doctrine is the source of the distinction between internal and external freedom, as is evident from the *Vorarbeiten*, where we find Kant commenting that:

The will [*Wille*] of man must be distinguished from the power of choice [*Willkür*]. Only the latter can be called free and pertains merely to [phenomenal] appearances; that is, to acts that are determined in the world of the senses [*Sinnenwelt*]. — Because the will is not under the law but is itself the lawgiver for the power of choice and is absolute practical spontaneity in determination of the power of choice. (XXIII, 248)

It is thus the noumenal character of the concept of freedom that puts it beyond theoretical knowledge and justification, as phenomenal man only becomes aware of it through the capacity it bestows on him to act against his own sensuous inclinations without him knowing how or why:

The ground of possibility of a power of choice in general in the concept of man as noumenon is simply that of freedom (independence from determinations through sensuousness [*Sinnlichkeit*], therefore merely negative). We cannot know the nature of freedom as a capacity except through the law that it prescribes for sensuousness, and not through its ability to deviate from a law of nature, because deviation from the law is not a supersensible capacity. (XXIII, 248).

In other words, the only reason that Kant’s reader will accede to the concept of intelligible freedom as an indemonstrable truth about himself is if he has already
accepted the metaphysical image of noumenal man — as spontaneously self-determining intelligence — and phenomenal man as the sensuously distracted being who is obscurely aware of this spontaneous intelligence that he harbours. Only to the extent that he conducts his own intellect in accordance with the image of noumenal and phenomenal freedom — viewing his own thinking as obscure participation in an act of pure intellection (‘pure practical reason’) that creates its object — will the reader accede to Kant’s concept of freedom as a revelatory or indemonstrable truth. Access to the concept in this form thus requires the intellectual or spiritual transformation of the philosophical subject who will accede to it.

We are now in a position to describe the operation of the sequence of arguments in part 1 of the Rechtslehre through which Kant purports the ‘deduce’ and apply the principle of right — the sequence consisting of the postulate of right (§ 2), the exposition and definition of the a priori concept of noumenal or rightful possession (§ 4, § 5), the deduction of this concept (§ 6), and its application to the domain of empirical experience (§ 7, § 8, § 9) — confining our attention though to the key moves of postulation, deduction, and application. Beginning with the ‘postulate of practical reason with regard to right’ — ‘It is possible for me to possess any external object of my choice [Willkür]; that is, a maxim which, if it were to become a law, must make an object of choice ownerless [herrenlos] as such (objectively) (res nullius), is contrary to right’ (PP, 404; VI, 246) — we may observe that Kant locates this as foundational for the entire sequence of arguments. He does so by treating it as self-declaratory or self-grounding, like the concept of freedom, leading us to expect that it too will depend upon the formation of a subject predisposed to accede to the postulate in this way. According to Kant this postulate — which some commentators indeed accept as the ‘analytic’ foundation of the Rechtslehre34 — is incapable of derivation from experience, as empirical possession is incapable of revealing the purely ‘intellectual’ relations among ‘pure intelligences’ that makes external

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34 See, for example, Marcus Willaschek, ‘Why the Doctrine of Right Does Not Belong in the Metaphysics of Morals: On Some Basic Distinctions in Kant’s Moral Philosophy’, Jahrbuch für Recht und Ethik 5 (1997), 205-27, where it is argued that Kant’s postulates should be viewed as self-grounding analytic truths; and Robert B. Pippin, ‘Mine and thine? The Kantian State’, in P. Guyer (ed.), The Cambridge Companion to Kant and Modern Philosophy (Cambridge: Cambridge University Press, 2006), pp. 416-46. Pippin argues that Kant’s postulate can be interpreted as immediately true as the only way of avoiding a contradiction within the concept of intelligible freedom, without showing, though, why we should accede to this concept of freedom.
possession possible. The possibility of external possession emerges as a postulate through reason’s or the intellect’s reflection on its own nature and operation, which is incapable of further grounding. Personifying this self-reflexive intellect, Kant thus argues that in regarding things as objects of free choice, the intellect (‘practical reason’) does not view them as corporeal things in space and time but as objects for the exercise of intelligible freedom, which would thus come into conflict with itself were it not able to use them: ‘But since pure practical reason lays down only formal laws as the basis of using choice and thus abstracts from the matter of choice … it can contain no absolute prohibition against using such an object [of choice], since this would be a contradiction of external freedom with itself’ (PP, 405; VI, 246).

In other words, Kant views the postulate of (noumenal) external possession as self-grounding by treating it as the form in which noumenal reason extends itself into the phenomenal intellect, illuminating the latter as to its own true nature. In a distinctly gnostic formulation — regarding the obligation imposed by the postulate — he thus comments that: ‘Reason wills that this hold as a principle, and does so in fact as practical reason that extends itself a priori through this its postulate’ (PP, 406; VI, 247). It should already be clear though that one will regard ownerless things as entailing a ‘contradiction of external freedom with itself’ only if one already thinks of external things as objects through which pure intelligences choose to externalise their spontaneous self-determining intellects.\footnote{In this regard, it is remarkable that so many modern commentators think that the postulate of external possession is actually grounded in the contradiction of freedom with itself, as if there really is something like intelligible freedom outside the regimen of Kant’s doctrine. See, for examples, Pippin, ‘Mine and Thine?’; and Guyer ‘Kant’s Deductions of the Principle of Right’; although Guyer glimpses the tip of the metaphysical iceberg in his comment that: ‘Kant’s argument also makes the major assumption that the usefulness of objects presupposes long-term individual control or intelligible possession of them, which he never spells out’ (58).} The postulate thus emerges not from the self-reflexivity of ‘pure practical reason’ — or as result of what ‘reason wills’ — but from the historical metaphysical doctrine that provides this imaginal account of possession in terms of the actions of a community of pure intelligences. The postulate will thus be acceded to in the required way — as a self-grounding principle delivered by a priori reason — only if Kant’s reader thinks of his own intellect as obscurely capable of participating in the pure reason that extends itself into phenomenal consciousness through this postulate; that is, only if he has transformed the conduct of
his intellect in accordance with the metaphysical image of noumenal intellection and will.

In presenting his justification for the possibility of rightful or noumenal possession in § 6, Kant characterises it as a deduction: ‘Deduction of the Concept of the Purely Rightful Possession of an External Object (possessio noumenon)’. In the *Critique of Pure Reason*, the ‘transcendental deduction’ of the categories depends upon the existence of ‘schemata of intuition’ — such things as spatial extension, intensities of sensation, the schema of causal succession — as the forms in which the pure operations of the intellect (the categories) can be presented in ‘analogies’ of sensory intuition, and thence ‘deduced’ as the condition of possibility of such intuition. In the *Rechtslehre*, Kant essays a parallel deduction of the concept of noumenal possession through a remarkable figure of thought. Here he treats an originary first taking-possession of the surface of the earth as if it were the schematism or analogy supplied by nature for the ideal unity of wills that would make this taking-possession rightfully possible. In the *Vorarbeiten*, Kant thus comments that the act of taking possession ‘because it derives immediately from nature is still not a rightful act (actus iuridicus) — because [the latter] is grounded in the external freedom of the will and its laws — but it can and must be presented as an analogy for such [a rightful act]’ (XXIII, 319). In the domain of practical philosophy, however, there is no independent domain of empirical experience from which the possibility of its pure principles can be deduced, as here experience is what follows from acting on the principles as duties. Kant thus comments that in deducing or justifying the concept of noumenal possession, then, ‘the opposite procedure is followed and all the conditions of intuition that ground empirical possession must be removed (abstracted from) in order to extend the concept of possession beyond empirical possession’; and it is for this reason that ‘nobody should be surprised that theoretical principles regarding that which is externally mine and thine should lose themselves in the intelligible and represent no extension of knowledge, since no theoretical deduction can be given for the possibility of the concept of freedom on which they are based’ (*PP*, 406; VI, 252).

Despite the fact that he wants to treat the principle of right as a ‘synthetic a priori proposition’ — analogous to the principles of geometry deduced in the *Critique of Pure Reason* — Kant has no choice but to treat the ‘synthetic’ dimension of the principle (empirical possession of the earth’s surface) as the product of the analytic
dimension (the unity of intelligible wills). This means that Kant’s deduction of noumenal or rightful possession does not operate by treating empirical possession of the earth as that which justifies the idea of a common will. Rather, by treating it as a pure duty to be acted on, he views the a priori idea of a common will as transcending empirical or spatial possession by bringing it about. Kant thus comments that:

‘Reason has then the task of showing how such a principle that extends beyond the concept of empirical possession is possible’ (PP, 404; VI, 250). Given that it cannot derive this principle from experience or its transcendental schemata, however, the only way that ‘reason’ can show this is by self-reflexively recovering the principle from within itself. Kant thus deduces the principle of noumenal or rightful possession by treating first possession of the surface of the earth as an ‘inborn’ or innate right and the corresponding idea of a unity of willing intelligences as ‘a priori’:

In this way the possession of a part of the earth, for example, is an act of private choice [Privatwillkür] without being a usurpation. On the basis of the [concept of] the innate possession in common of the earth’s surface and on the a priori general will corresponding to it, the possessor founds a permitted private possession of the earth … and acquires originally through first possession a particular part of the earth, in that he can he resist with right (iure) anyone who would hinder his private use of it, although in the natural condition he cannot do so by law (de iure), because here public law still does not exist. (PP, 404; VI, 250)

In other words, Kant deduces or justifies the principle of noumenal or rightful possession by personifying self-reflexive reason and ‘performing’ the inner retrieval of the innate idea of a common original possession of the earth and the corresponding a priori idea of a common general will. Remarkably, in requiring the philosopher to think an idea that extends beyond empirical possession, this self-reflexive retrieval performs the same task that those taking first possession must perform: namely, to think the a priori idea of a common general will and in so doing to conform their

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36 It is thus regrettable that the editor of the Cambridge edition of the Rechtslehre should have followed Ludwig’s extraordinary advice in dropping Kant’s presentation of the innate idea of common possession and general will from the text of the deduction in § 6, consigning it to the footnotes, and substituting the text of the postulate of right from § 2. In doing this, the editor has rendered Kant’s deduction — via the recollection of an innate idea — historically unintelligible, using the substitution of the postulate to change the text into one that accords with the modern idea of an analytic foundation. See Gregor (ed. and trans.) Kant, Practical Philosophy, pp. 404-5).
conduct to it, thereby making rightful or noumenal possession possible. What is striking here is that the innate idea of a common original possession of the earth corresponding to an a priori general will — the very idea that grounds Kant’s conception of cosmopolitanism — is both the idea whose transcendental recollection by the philosopher justifies the concept of rightful (noumenal) possession, and the idea to which the possessor of the earth appeals in order to justify his rightful possession. The fact that the possibility of rightful possession is the result of thinking its idea means that the philosopher’s thinking of this idea ‘participates’ in that of the first possessors, by which they conform their wills to this idea. We thus find Kant asserting in the Vorarbeiten that:

First possession is always in accord with the law of external freedom and therefore with right. If it is thought through a mere concept of understanding [Verstandesbegriff], first possession is an act through which an object comes under my control, even if one abstracts from all spatial conditions; and if this taking control occurs through a will that accords with the idea of the collective general will, then it is through this occurrence that the object becomes mine. (XXIII, 321)

It is through the conformity of a will to the idea of a common will — hence through the thinking of that idea — that external possession becomes possible for the first possessors and accessible to the philosopher.

Kant’s deduction of the concept of noumenal possession is thus shadowed by the notion that in thinking the idea of noumenal community the philosopher participates in it, acceding to the truth of the (noumenal) idea by becoming the kind of (noumenal) subject capable of doing so. The philosophical deduction may thus be regarded as the transposed form of a specific transformative intellectual or spiritual exercise. Kant thinks the idea of original possession — in which the contiguous occupancy of the earth by intelligible beings is reciprocally related to their intelligible community — by abstracting from all spatial conditions and retrieving the innate idea of collective general will from his own intellectual participation in it. In the history of neo-Platonic metaphysics this exercise is known as anamnesis: the phenomenal self’s purifying retrieval of the noumenal self’s pure intellecutions that have occurred prior to its descent into time and corporeal embodiment and are thus a priori or ‘inborn’. The notion lying at the heart of this exercise — that in thinking the idea of noumenal
being one is transformed into it — may be regarded as an imaginal presentation of the intellectual deportment whose cultivation is the object of the exercise.

After deducing the concept of rightful or noumenal possession through the a priori recovery (transcendental recollection) of an innate idea of practical reason — independent of space and time — Kant then shows how this concept can nonetheless be ‘applied’ to spatio-temporal objects of experience, in § 7 ‘Application of the principle … to objects of experience’. This leads directly to his construction of the civil state and public law in § 8. Having ruled out treating original common possession as an empirical schema for the pure idea of a common general will, Kant is forced to resolve the problem of empirical application via a different discursive regimen or spiritual exercise, that of antinomy. The exercise in antinomy — the presentation of equally valid mutually contradictory propositions — is the central ‘cathartic’ means employed in the Critique of Pure Reason in order to form a subject who will accede to transcendent ideas of reason ‘as if’ they are true, but only for the purpose of regulating their intellect in this way. In the ‘Application’ section of the Rechtslehre, Kant uses the antinomy to generate an idea whose thinking he presents as the resolution of the antinomy.

Kant thus presents the antithetical propositions: ‘It is possible to have something external as mine even though I am not in possession of it’; and ‘It not possible to have something external as mine unless I am in possession of it’. In a somewhat perfunctory reconciliation, he then argues that both propositions are true if possession is treated as noumenal or intelligible in the first proposition and as phenomenal or empirical in the second (PP, 408-9; VI, 254-55). Reminding his readers that noumenal possession cannot be derived from empirical experience and can only be obtained a priori from the self-grounding postulate of right, Kant then argues that the reconciliation of the antinomy shows that this a priori idea can nonetheless be applied to experience — i.e., is ‘synthetic’ — thereby justifying the principle of right as a ‘synthetic a priori proposition’. It is this application or justification that Kant identifies with the thinking of the ‘idea of a civil condition’.

This act of reflection involves a movement from the exercise of unilateral choice that characterises (non-rightful) empirical possession to the omnilateral or reciprocal choosing of a general will, whereby my exercise of choice is rightful to the extent that it reciprocally respects and is respected by the choices of everyone else. The idea that
reconciles the antinomy of right and permits the empirical application of the a priori principle of right is thus the idea of the civil condition:

So it is only a will putting everyone under obligation, hence only a collective general (common) and powerful will that can provide everyone with that security. — The condition, though, of being under a general external (i.e., public) lawgiving accompanied with power is the civil condition. So only in a civil condition can something be mine or yours.

(*PP*, 409; VI, 256)

Adapting the language of (non-contractarian metaphysical) natural law to his own purposes, Kant stipulates that the possession of external things is a ‘natural right’ that may not be denied by ‘statutory laws’, as it arises from the a priori principle of right that issues in the idea of a civil condition. Nonetheless this right remains only ‘provisional’ in the ‘state of nature’; that is, prior to entrance into a state capable of enforcing the general will in public laws (*PP*, 409-10; VI, 256-57). In Kant’s thinking, therefore, the political state derives its possibility and legitimacy wholly as the empirical means by which the ‘provisional’ a priori idea of noumenal acquisition and noumenal community is to be realised in the phenomenal world, as is again clear from the *Vorarbeiten*:37

Although acquisition is purely ideal, it is not for this reason imaginary, because from the rightful-practical viewpoint pure concepts of reason (such is right in general) have objective reality insofar as their consequences can be given in experience. This objective reality though consists in the fact that the acquisition which is thought of as provisional — as if the subject is in a rightful condition with all others — can also be realised, because it is in any case a duty for everyone to enter this condition. … [Acquisition thus] belongs to natural law insofar as this is the epitome of the laws according to which public lawgiving should

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37 It is difficult, then, to reconcile Kant’s conception of provisional right with Elizabeth Ellis’s construal of it as applying to the status of empirical states not yet fully aligned with Kant’s conception of the noumenal republic. See, Elisabeth Ellis, *Kant’s Politics: Provisional Theory for an Uncertain World* (New Haven: Yale University Press, 2005), pp. 112-54. For Kant, the empirical dimension of states — their exercise of power on behalf of phenomenal man’s sensuous inclinations and interests — is incapable of any kind of rightfulness, and states only become legitimate to the degree that the provisional principle of noumenal right is realised in them.
proceed in a civil condition. Legitimate acquisition rightfully anticipates the state. (XXIII, 261)

Finally we are in a position to understand the cosmopolitan or global character of Kant’s conception of right and the civil condition. This arises directly from his metaphysical way of formulating and resolving the problem of noumenal possession, and cannot be historically understood as Kant’s if it is removed from this intellectual setting. In deriving the concept of right from transcendental recollection of twin inborn ideas — of the original common possession of the surface of the earth and the a priori general will that effects its rightful distribution — Kant is compelled to conceive the juridical-political order in cosmic terms. This conception arises directly from the manner in which Kant uses the unity and finitude of the earth’s global surface to establish the contiguity of occupancy required for the reciprocally coercive exercise of free choice by mankind as a single juridical community. The only juridically and politically pertinent space for Kant is thus the entire globe, just as the only legitimate source of juridical and political authority is the reciprocally unified common willing of a community of pure intelligences formed through their occupancy of the globe.

For this reason, while he wrings his hands about colonialist expansionism, and acknowledges that the problem of the spatial scope of the empirical acquisition of land is the ‘hardest of all to solve’, Kant nonetheless insists that the scope of original acquisition must extend to encompass global humanity, if it is to complete the transition from provisional to fully realised right: ‘But even if it is solved through the original contract, such acquisition will always remain only provisional unless this contract extends to the entire human race’ (PP, 418; VI, 266). It is also true that Kant borrows from the language of German public law to speak of ‘state right’ (Staatsrecht), understood as the relation between the collective will and its individual members; just as he borrows from the language of international natural law to speak of a ‘right of nations’ (jus gentium) as a rightful relation between separate peoples or nations. Nonetheless, because Kant’s conception of jurisdiction is essentially global, any territorial conception of right below the level of a global state lacks anchorage in his metaphysics. As a result, the right of states and the right of nations have only a provisional standing in the Rechtslehre, destined to be subsumed within a global cosmopolitan right:
Since the earth’s surface is not unlimited but closed, the concepts of the right of a state and of a right of nations lead inevitably to the idea of a right for a state of nations (\textit{jus gentium}) or cosmopolitan right [\textit{Weltbürgerrechts}] (\textit{jus cosmopoliticum}). So if the principle of outer freedom limited by law is lacking in any one of these three possible forms of rightful condition, the framework of all the others is unavoidably undermined and must finally collapse. (\textit{PP}, 455; VI, 311)

In tracking the emergence of Kant’s conception of cosmopolitan right from the preceding chain of arguments — the metaphysical postulation, deduction, and application of the concept of noumenal possession — we have not been concerned with the philosophical truth (or falsity) of his discourse on right. Again, our object has been to describe the role of this discourse in forming a subject who will accede to the truth of right in a philosophical or metaphysical way. We observed in particular that Kant’s exposition of ‘juridical’ relations — in terms of the rightful community required for noumenal beings to possess the phenomenal world — is conditional on the formation of a philosophical subject who will think of himself as acceding to truth through a purifying recovery of the noumenal being obscurely harboured within his ordinary (phenomenal) self. This pedagogically-induced relation to a higher noumenal self, we noted, ensures Kant’s conception of right will unfold in the form of a series of recoveries of inner a priori truths. For their part, all conceptions of right or justice derived empirically from historically existing legal orders will be ruled out in advance: not simply as mistaken, but as themselves morally corrupting, for dragging the noumenal aspirant back to his unenlightened phenomenal self and its empirical circumstances. Kant’s ‘deduction’ of the principle of rightful or noumenal possession is thus undertaken in a particular philosophical persona and via a particular ‘spiritual exercise’. Such is the persona of the metaphysician who is deemed capable of acceding to this truth via the exercise in transcendental recollection of the ‘inborn’ ideas of common original possession and a common general will. The same comments apply to Kant’s ‘application’ of this pure principle to the empirical world of space and time. This takes place only via the antinomic thought of a reciprocally coercive general will, through which the idea of noumenal possession and noumenal community finds applicability in the global juridical and political order that it will supposedly bring about.
Kantian cosmopolitanism can thus only be thought in the persona of the Kantian metaphysical philosopher. The discourse that formulates the metaphysical truth of global right does so only by grooming an intellectual who accedes to this truth in the persona of a member of a global community of rational beings. This is an intellectual for whom the concept of cosmopolitan right ennobles and illuminates the subject who thinks it; for thinking the pure idea of right involves a self-purifying participation in the community of pure intelligences. This is also an intellectual for whom acceptance of empirical legal concepts signifies a corrupting participation in the territorial forms of law and politics, where power is exercised to defend the sensuous interests of ‘phenomenal man’. In holding the world of territorially-divided interest-driven states accountable to the norms of a global community of right, the Kantian political metaphysician exercises political judgement by imposing the grid of a self-enclosed metaphysics of morals on the extraordinarily complex play of forces, interests, and norms that flow into political arenas. More specifically, in adopting this stance, the Kantian intellectual looks out at the historical political world in the persona of the metaphysical philosopher, from whose prophetic standpoint this world can only be regarded as the phenomenal domain in which the pure idea of cosmopolitan right will be temporally unfolded. It is this outlook that characterises Kant’s essays on cosmopolitan peace, to which we shall now turn, treating them as exercises in which the cultivation of the metaphysical persona takes place through the conversion of historical law and politics into occasions for metaphysical prophecy.

III

Kant’s essays on cosmopolitan peace — ‘Universal History’, ‘Theory and Practice’, and ‘Perpetual Peace’ — are ‘occasional’ in two different but overlapping senses. They are occasional in the sense of being written as interventions in public debates staged in the journals of the north-German Bildungsbürgertum. This was the stratum of Protestant university-educated theologians, pastors, bureaucrats, jurists and professors who communicated via journalism, sermonising and academic disputations, and through interlinking memberships of university faculties, Protestant congregations, Masonic lodges, and private clubs and debating societies. ‘Universal

History’ was thus a contribution to the theological-anthropological debate over the ‘destiny of man’, in which Kant did battle with Herder;³⁹ while ‘Theory and Practice’ was triggered by Christian Garve’s public criticisms of Kant’s metaphysics of morals and Edmund Burke’s diagnosis of the political dangers of metaphysics (in his *Reflections on the Revolution in France* of 1790).⁴⁰ For its part, ‘Perpetual Peace’ fed into a flurry of theological and philosophical essays on peace and human destiny that appeared during the 1790s and to which Herder, Schiller and Fichte contributed, along with many lesser-known participants in the Protestant *Aufklärung*.⁴¹ One of the most striking things about this distinctively German interlinked series of debates is the degree to which it was shaped by the academic disciplines of theology, philosophy and metaphysics — particularly in their Protestant rationalist form — and also the degree to which the character of these disciplines was itself an explicit topic of argument.

Kant’s essays are also occasional in the quite different sense of treating the political, juridical, and religious matters raised in these debates — rights, justice, sovereignty, republican government, international law, church law, morality and political authority — as so many occasions for a particular intellectual act. Kant presents these matters as the partial realisations or phenomenal appearances of a hidden a priori rationality, identified as we have seen with the self-determining laws of a noumenal community. This permits the philosopher to treat juridical and political matters as occasions for turning inward, through an exemplary intellectual act or exercise designed to retrieve their underlying laws through the purifying recovery of his own noumenal reason.

To remind ourselves of what is at stake in this ‘occasionalising’ intellectual or spiritual exercise — whose role in the *Rechtslehre* we have just described — we need to pay attention to the elephant in the room of Kantian philosophical reflection: namely, that law and politics were also objects for major disciplinary traditions that

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do not treat them as occasions for philosophical self-clarification because they do not regard them as appearances devolved from inner a priori principles. Since the early seventeenth century, public law, for example, had been the object of an evolving array of disciplines — Reichspublizistik, Staatsrecht, ‘universal public law’, and Policeywissenschaft — that sought to treat it not as the manifestation of inner priori principles, but as an historical reality to be approached through an investigation of its institutional bases, juridical sources, and political receptions and uses. Similar remarks apply to the history of German political thought, which had not evolved as an attempt to recover a priori ideas of right or sovereignty, even if some of its strands had made such an attempt into the goal of their particular theory-programs. Rather, German political thought had taken shape as a whole series of regional disciplines — politica Christiana, political jurisprudence, neo-Aristotelian political science, ‘Hobbesian’ natural law — constituting objects of political knowledge suited to the peculiar historical reality of the Holy Roman German Empire, with its complex mix of political entities: estates, city-states, and princely dynasties.

In transforming such objects as rights, law, state and sovereignty into occasions for the inner recovery of their a priori ideas, Kant was thus engaged in a cultural politics that was far more programmatic and combative than can be captured by the labels ‘philosophy of law’ or ‘philosophical history of politics’. This is in part because in characterising non-philosophical approaches to law and politics as ‘empirical’ Kant was seeking their moral or ‘spiritual’ delegitimation, on the grounds that empirical (sinnlich) knowledge is corrupting per se, through the manner in which it mires right in man’s sensuous (sinnlich) interests and inclinations. It is also because in tying philosophical knowledge of these objects to the ‘spiritual exercise’ in which the philosopher, treating them as mere appearances, recovers their pure forms through the purity of his own intellect, Kant was tying the validity of philosophical knowledge

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42 For an early and influential example of this historicising public-law literature, see Hermann Conring’s De origine juris Germanici (1643), now available in modern translation as Hermann Conring, Der Ursprung des deutschen Rechts, trans. I. Hoffmann-Meckenstock (Frankfurt/Main: Insel Verlag, 1994). For an overview of the historical tradition of public law thought, see Michael Stolleis, Geschichte des öffentlichen Rechts in Deutschland. Erster Band: Reichspublizistik und Policeywissenschaft 1600-1800 (Munich: C. H. Beck, 1988).

to the spiritual purity and prestige of the philosopher. This is the dual program that lies at the heart of Kant’s essays on cosmopolitan peace. In them it is effected through three overlapping intellectual operations — the distinction between theory and practice, the deployment of philosophical history, and the spiritual elevation of the persona of the metaphysical philosopher — to which we will now turn seriatim.

The distinction between theory and practice is crucial for Kant’s entire enterprise in the essays on cosmopolitan peace. It is the means by which he invokes the neo-Platonic image of a profound moral and epistemological (ultimately ‘spiritual’) hierarchy within the human being: the elevation of man’s rational being (*homo noumenon*) over his merely sensuous (*sinnlich*) nature (*homo phaenomenon*). In turn, this spiritual anthropology (perhaps angelology) provides Kant with the means of ordering the relation between the a priori philosophical knowledge of morality, law and politics, and the empirical knowledge of them — as mere ‘appearances’ — characteristic of the disciplines of jurisprudence and politics. On this model, the intelligibility and normativity of law and politics lie outside space and time in the a priori principles of intelligible being. For their part, the law and politics that we encounter in empirical experience represent only the flawed and partial temporal realisation of these principles in a human nature whose sensuous inclinations impede intelligible self-determination and force it into the great detour of history. ‘Theory’ for Kant thus refers not to a body of axioms for the formal representation of experimentally generated phenomena, but to the retrieval of the a priori principles of man’s rational being. Concomitantly, ‘practice’ signifies the struggle to realise these principles in experience and through time, against the grain of man’s sensuous phenomenal nature.

This is the metaphysical context that informs Kant’s responses to Garve, Hobbes, and Mendelssohn in the essay on ‘Theory and Practice’ that he published in the *Berlinische Monatsschrift* in 1793. During the preceding year, Garve had published remarks critical of Kant’s moral philosophy, in which he had argued that a moral theory based on man’s purported capacity to conform his will to pure thought was incompatible with moral motivation in practice, which had to allow for man’s desire
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for happiness.\footnote{Christian Garve, Versuche über verschiedene Gegenstände aus der Moral, der Literatur und dem gesellschaftlichen Leben (Breslau: Korn, 1792; repr. Hildesheim: Olms, 1985), pp. ??} In responding to Garve, Kant makes it clear that he is operating on the basis of his metaphysical conception of practical (i.e., moral) philosophy, where principles are not deduced from given sensory intuitions but bring their objects into existence by governing human actions. Theory in this domain thus retrieves a priori concepts and principles in the form of duties (\textit{PP}, 279-80; VIII, 275-77). For their part, duties are understood by Kant as the compulsive form in which man as a phenomenal being — distracted by his sensuous inclinations — experiences the thought of the moral law (principle) that would be self-acting in the (‘holy’) will of a purely intelligible being.\footnote{For a key formulation of this conception, see Kant’s \textit{Groundwork of the Metaphysics of Morals}, \textit{PP}, 66-7; IV, 413-14.} Such a conception is of course radically incompatible with Garve’s non-metaphysical ethics, where duties are aligned with man’s natural desire for happiness.

From Kant’s metaphysical viewpoint, then, critics like Garve have completely misunderstood the place of practice or experience in moral philosophy; that is, as the medium of realisation for pure concepts functioning as duties: ‘But in a theory that is based on the concept of duty, concern about the empty ideality of this concept quite disappears. For it would not be a duty to aim at a certain effect of our will if this effect were not also possible in experience (whether it be thought as completed or as always approaching completion); and it is theory of this kind only that is at issue in the present treatise’ (\textit{PP}, 280; VIII, 276-77). This also means of course that those who attempt to derive moral, legal, and political principles from empirical or historical experience are not only mistaken but are morally culpable; for they are doing moral damage to principles whose normativity consists in treating experience as that which devolves from the actualisation of pure principles. In a typical expression of this viewpoint from the \textit{Vorarbeiten} to the ‘Theory and Practice’ essay, we thus find Kant asserting that: ‘The principles of the political constitution must be derived from concepts of right [\textit{Rechtsbegriffen}] as principles a priori, and that is theory. It is a false and harmful axiom that something is right because until now it has been known through experience as the only means to reach the end. This puts the cart before the horse’ (XXIII, 134-35).
Once this distinction between theory and practice is in place then anyone who claims to be deriving moral, legal or political principles from experience or history will stand condemned by their very attempt: as derogating from the pure principles that it is their duty to recover and realise. Far more than a forensic architecture, then, this distinction is the instrument of a spiritual demeanour that views empirical knowledge as corrupting and its exponents as morally corrupt. From this viewpoint, in arguing that Kant’s moral theory will not work because in practice moral motivation is tied to man’s empirical desire for happiness, Garve’s criticisms are self-discrediting. Not only does he fail to comprehend that morality is not contingent on the realisation of any empirical end or desire — that it appears instead as the unconditional command or duty to conform one’s will to a rational being that is its own end — but in admitting the desire for happiness to the grounds of moral motivation, Garve corrupts the true motivation for morality. For Kant, the only motive compatible with morality is the feeling of awe for intelligible being itself as it manifests itself within man’s phenomenal nature, whereas for someone ‘to make it his maxim to foster the influence of such motives [as the desire for happiness], on the pretext that human nature does not admit of such purity … is the death of all morality’ (PP, 286-87; VIII, 285).

Similarly, in the domain of political right, Kant’s exemplary opponent Thomas Hobbes is also automatically convicted of failing to accede to the theoretical perspective afforded by the a priori principle of right: as the reconciliation of the external freedom of each with the external of freedom of all through the formation of a reciprocally coercive common will. From Kant’s perspective, Hobbes is guilty of deriving the principle of political authority from the experience of conflict rather than on theoretical access to the harmonisation of freely willing rational beings. According to Kant’s theory-practice architecture, the question of whether a people can reconcile their conflicts to form a unified self-governing will is not something that can be determined via history or empirical experience, as this reconciliation is brought about through the a priori principle of right itself. This means that ‘the right of a state [Staatsrecht] is based on a priori principles (for experience cannot teach what right is), and there is a theory of the right of a state, no practice being valid unless it accords with this’ (PP, 304; VIII, 306).

The normativity of Kant’s anti-Hobbesian political theory thus flows from the purity of the principle that it recovers from man’s rational being — the principle of
noumenal community — which must be realised in practice and history, as the latter are only devolved appearances of the former. In this intellectual setting, Hobbes’s ‘prudential’ construction of authority on the basis of the permanence of conflict among citizens is anything but a reasonable response to the problem of political authority under conditions of religious civil war. Instead, Kant regards it as a ‘desperate leap’ that destroys the legitimacy of government by allowing its only normative source to be overwhelmed by experience and reduced to sheer ‘force’. The symptomatic result of this is to be found in Hobbes’s account of the people’s transfer of their political will to an autonomous sovereign who exercises it for the end of security, rather than as their executor of the principle of right and its noumenal common will (PP, 304; VIII, 306-7).

Finally, Kant deploys the same strategy in the domain of cosmopolitan right, arguing that no amount of contrary experience can invalidate the ‘presupposition’ of mankind’s progressive development towards a harmonious world state or federation, as this development represents the actualisation of the principle of right to which the empirical world will eventually conform whether man intends it or not. According to Kant, the status of this theoretical principle — as a transcendental duty or norm binding on mankind as such — means that there is no need for him to argue against Moses Mendelssohn’s contrary view that mankind is morally static. Mendelssohn too is culpable for failing to treat historical experience as the domain in which intelligible being is progressively unfolded: ‘It does not matter how many doubts from history may be raised against my hopes … as long as these doubts cannot be made quite certain I cannot exchange the duty … for the rule of prudence not to attempt the impracticable …; and however uncertain I may remain as to whether something better is to be hoped for the human race, this cannot infringe upon the maxim, and hence on its presupposition, necessary for practical purposes, that it is practicable’ (PP, 306; VIII, 309).

Kant’s whole intellectual demeanour here of course presupposes that human being is indeed universally characterised by the kind of spiritual hierarchy that he envisages: that is, that there is a domain of a priori true principles rational access to which determines the good and the right unconditionally, and thus a domain of empirical experience and practice in which theory proposes to realise these noumenal principles in phenomenal selves and circumstances. It is remarkable that so much modern commentary on Kant’s cosmopolitanism simply reproduces this structuring
presupposition and the intellectual demeanour to which it gives rise.\textsuperscript{46} In our commentary on the \textit{Rechtslehre}, however, we have outlined a different way of understanding the metaphysics of noumenal and phenomenal being on which Kant’s distinction between theory and practice is based. This metaphysics, we argued, should be understood not as the universal human access to a priori true principles, but as the means of forming the particular kind of subject who will accede to principles as a priori truths: the persona of the metaphysical philosopher. In our historical redescription of Kant’s postulation, deduction and application of the concept of noumenal possession and the principle of right, we did not encounter a chain of true arguments capable of demonstrating a principle lying a priori in human reason. Rather, we encountered the latent form of a self-transformative spiritual exercise improvised on the basis of long-standing neo-Platonic doctrines and practices. In accordance with the intellectual scenography of this exercise, the philosopher is required to relate to himself as a divided being whose true (noumenal) self resides in a community of pure intelligences outside space and time; whose phenomenal self encounters the thoughts of these intelligences as appearances in the phenomenal world; and who must therefore treat these appearances as occasions for a purifying retrieval of their a priori principles, thereby transforming himself into the kind of subject who is qualified to accede to truth in this way.

If this redescription turns out to be tenable, then our understanding of Kant’s distinction between theory and practice will need to change radically. It will mean that Kantian theory cannot be understood as the rational retrieval of an a priori principle of right that applies unconditionally as a norm of practice regardless of the empirical forms of law and politics. Rather, Kantian theory will itself be empirically regarded as an historical (spiritual) practice in which the philosopher accedes to a local conception of right — as the reconciliation of the freedom of each with the freedom of all in a phenomenally devolved noumenal community — as if it were a pure

principle recovered from his pure noumenal self. Seen in this light, then there is only one thing that makes this particular practice of moral self-cultivation normative or unconditional in relation to the wider field of ethical, juridical and political practices: namely, that once the philosopher has undergone the required self-transformation and is ‘in character’ as a metaphysician, he will unconditionally assert this persona’s normative outlook; that is, the idea that the empirical world is the flawed realisation of pure noumenal intellactions. This is because in order to occupy this persona the philosopher is compelled to suspend all those disciplines in which law and politics are treated as autonomous realities rather than flawed appearances — for example, the disciplinary arrays associated with the history of public law and political thought mentioned above — and thus to dismiss their principles as lacking any normative standing by virtue of their dwelling in the domain of corrupted experience.

Kant’s insistence that a priori theory sets unconditional norms for a domain of empirical practice is thus neither more nor less than an insistence that the normative outlook of the metaphysical theorist be asserted intransigently in the face of other disciplinary outlooks — those of the public law jurists and ‘empirical’ political philosophers, for example — which are in fact no less normative than that of the Kantian metaphysician, albeit in different ways. Hobbes’s way of constructing the principle of sovereignty — as the exercise of coercive power for the purposes of security (rather than ‘right’) on the premise of permanent conflict among citizens — should not be characterised, then, in the Kantian manner: that is, as a failure to rise from experience to theory that robs Hobbes’s principle of all normativity and reduces sovereignty to ‘force’. Rather, this characterisation should be understood in terms of the spiritual disqualification of a political theory on the basis of a metaphysical theory, Kant’s intransigent adherence to which arises from its role in forming the spiritual purity of his philosophical persona. So too Kant’s insistence that Hobbes’s principle of sovereignty has no normative ground should be understood in terms of the metaphysical persona’s implacable hostility towards what is in fact an autonomous Hobbesian norm: civil peace as opposed to metaphysical harmony.

Similar remarks apply to Kant’s parallel attempts to dismiss Garve’s eudaemonistic ethics and Mendelssohn’s view of mankind’s moral stasis. Kant’s claim that his opponents have failed to recover the a priori principle of right — and that in doing so they have allowed their empirical doctrines to corrupt the realisation of this principle in practice — is thus nothing other than the sectarian assertion of one
kind of theoretical program against another, one kind of intellectual persona and
outlook against an array of others. It is this philosophical sectarianism that provides
the proper context for Kant’s assertion that there is no need for him to prove his
assumption that man’s moral nature will be progressively realised in history: ‘I do not
need to prove this presupposition; it is up to its adversary to prove [his] case. For I
rest my case on my innate duty … so to influence posterity that it becomes always
better … . It does not matter how many doubts may be raised against my hopes from
history …’ (PP, 306; VIII, 309).

Once Kant’s metaphysics has thus been redescribed as a spiritual exercise for
forming the metaphysical persona and outlook, then the philosophical history that is
central to the essays on cosmopolitan peace can be treated in a similar fashion. I have
already suggested that the essays are largely exoteric in relation to the recondite
metaphysics contained in the three critiques and the Rechtslehre. It is significant then
that in the Vorarbeiten to the ‘Theory and Practice’ essay, perhaps in reaction to
Burke’s claims regarding the political toxicity of metaphysics, Kant made the
following elliptical note on metaphysics in relation to politics and religion:

What is metaphysics? Philosophy of the supersensible, that is, of that
which cannot be given in any experience. Right thus also belongs to
metaphysics. — [So too] God as the ground of nature; freedom as the
basis of moral laws; [and] immortality, because as the author of moral
laws God gives them their corresponding effect in nature. … [Thus too]
that which in the law of nations [Völkerrecht] is regarded as a
cosmopolitan commonwealth. (XXIII, 134)

After reaffirming that political maxims must only be derived from a priori principles
of right — specifically the principle that social conflict be resolved only through the
harmonisation of free beings in a communal will — Kant comments that ‘while it is
thus possible in this way to make theory simultaneously practical in maxims,
nonetheless execution emerges from empirical trials [Erfahrungsversuchen]’. He then
offers the following indication of the kind of empirical trials that might allow the
metaphysical principle of right to find the cosmopolitan commonwealth as its
‘corresponding effect in nature’:

Seen from below nothing is achieved through morality and political
constitutionality. Wars, which increase with civilisation, deplete all,
becoming evermore costly and demanding many men in constant service and arms. But when seen from above in terms of the aggregate of states — [in which] they make war until they have depleted their resources in accordance with the drive for jealous domination rooted in human nature — it is possible that the states will enter into the condition of republics.

(XXIII, 135)

It is history, then, that reveals how the metaphysical principle of right finds its realisation in the order of nature in the form a cosmopolitan republicanism. This insight is unavailable to an empirical historiography ‘from below’, for which such phenomena as wars remain morally meaningless and lacking in cosmopolitan purpose. It is only when seen from the heights of a philosophical history — that is, from the viewpoint of a history that treats historical events as signs of the unfolding of the (principle of) noumenal community in phenomenal time — that these apparently meaningless events reveal their hidden moral significance. In asserting that apparently negative events such as wars have positive outcomes when seen ‘from above’ over the long term, Kant gives birth to the ‘dialectical’ form of philosophical history. It is by attributing political events with hidden dialectical consequences that the philosophical historian discerns in nature a moral purpose. As Kant formulates it in the ‘Universal History’ essay, this purpose is nothing less than the temporal realisation of noumenal community in the form of a cosmopolitan republic: ‘The history of the human race as a whole can be regarded as the realisation of a hidden plan of nature to bring into being an internally — and for this purpose also an externally — perfect political constitution, as the only condition in which she can fully develop all of her capacities in mankind’ (UH, 50; VIII, 27). We have already seen that for Kant this perfect republican constitution — in which the citizens govern themselves through public laws executing their own common will — is neither more nor less than means of realising the pure noumenal community of right in the phenomenal world.

Note that here I have significantly altered H. S. Nisbet’s translation of this passage in the Reiss edition of Kant’s Political Writings. In Nisbet’s rendering the perfect political constitution is characterised as ‘the only possible state within which all natural capacities of mankind can be developed completely’, thereby losing Kant’s stress on nature as the agent that develops the predispositions that ‘she’ has implanted in man: ‘… den einzigen Zustand, in welchem sie alle ihre Anlagen in der Menschheit völlig entwickeln kann’.
Kant’s account of the progressive cosmopolitan unification of mankind via communications, war, and commerce—in his celebrated ‘Perpetual Peace’ essay—should thus be situated in this intellectual context: as the central example of his philosophical-historical decipherment of the nature’s realisation of rational being in time. Kant establishes this context in ‘Perpetual Peace’ via two complementary observations. On the hand, as we have seen in the Rechtslehre, he argues that ‘reason’ requires a cosmopolitan state, for the a priori principle of right pertains to the global juridical community by which mankind achieves rightful possession of the surface of the earth. On the other hand, he now observes that, as a matter of historical fact, the drive of a priori right towards its cosmopolitan realisation is resisted by states jealous of their purely territorial right, abetted by those intellectual ‘sorry comforters’—Grotius, Pufendorf and Vattel—who theorise right in territorial terms (PP, 325-28; VIII, 354-57). It appears that, in requiring empirical states as the means of perfecting or actualising man’s rational being in a cosmopolitan order, the metaphysics of morals is forced to rely on empirical statesmen whose moral imperfection—their action in accordance with the self-interest of territorial states—precludes this actualisation. Kant thus begins to formulate an aporia between the (metaphysical) morality and (empirical) politics that would threaten the realisation of noumenal community in the phenomenal world.

It is just at this point that Kant’s philosophical history takes over his discourse, introduced by the observation that nature itself is ordered in such a way as to ‘providentially’ bring about man’s moral perfection through the very empirical realities that appear to preclude this. Such a moral purposiveness remains opaque to empirical statesmen and their sorry juridical and political advisers, whom nature transforms into instruments of morality despite their intentions; but it is decipherable by the philosophical historian who is morally qualified to read empirical history’s hidden dialectical significance: ‘What affords this guarantee (surety) is nothing less than the great artist nature … from whose mechanical course purposiveness shines forth visibly, letting concord arise by means of the discord between human beings even against their will’ (PP, 331; VIII, 360). The mechanics of travel and communication have thus established a physical contiguity of mankind that simulates the ideal global contiguity required for the formation of a cosmopolitan community of nations (PP, 328-31; VIII, 357-60). At the same time, ‘nature wills’ that this
contiguity should give rise to conflict and war as the means to future concord and peace, employing two instruments possessing the required dialectical character:

[Nature] makes use of two means to prevent peoples from intermingling and to separate them: differences of language and of religion, which do bring with them the propensity to mutual hatred and pretexts for war but yet, with increasing culture and the gradual approach of human beings to greater agreement in principles, leads to understanding in a peace that is brought forth and secured not as in … despotism, through the weakening of all powers, but by means of their equilibrium in liveliest competition’.

(PP, 336; VIII, 367)

Finally, nature uses commerce and trade to bind nations together on the basis of their mutual self-interest, thereby producing a phenomenal ‘surrogate’ for the world state dictated by reason, in the form of cosmopolitan federation of states that blunts the worst features of a residual territorial sovereignty (PP, 336-7; VIII, 368).

As in the Rechtslehre, however, so too in ‘Perpetual Peace’ Kant’s discourse is not a means of discerning the true purpose of reason hidden in natural events. Rather, it is a means of forming a subject or intellectual persona that is capable of acceding to truth in this special way: that is, as the decipherment of a rational truth that is occluded by the moral opacity of the phenomenal self’s empirical world, yet reveals itself to a being that history will render rational. Kant declares that with regards to their inner moral significance — that is, their role in actualising the noumenal community in a phenomenal political community — the events of global communications, war and commerce remain indecipherable for all those who treat them as empirical phenomena. In doing so he suspends their status as objects for an array of disciplinary Wissenschaften — the historicised disciplines of public law and Politica, the jus gentium of the ‘sorry comforters’ — and transforms them into occasions for a self-reflexive intellectual act or ‘spiritual exercise’. This is an exercise — programmed by the nexus between the moral sensuousness of the phenomenal self and the cognitive sensuousness [Sinnlichkeit] of empirical phenomena — in which the philosopher is required to treat his own moral opacity as the source of the moral opacity of (empirical) historical events. His decipherment of the hidden moral significance of these events is thus to take place through an exemplary act of self-decipherment and self-purification.
Kant’s philosophical history is thus a special kind of philosophical-historical hermeneutics. This is one aimed at achieving the reflexive moral purification of the interpreter through the interpretation of historical events as bringing about the progressive moral purification of mankind. The philosophical hermeneut thus can accede to only the degree that his (phenomenal) intellect has itself undergone this purification and been transformed into the (noumenal) intellect in which reason becomes conscious of its unfolding in history. This hermeneutic philosophical history is thus an exercise that ties the hidden truth of political history — that events such as communication, war and commerce are gradually bringing about man’s moral perfection in a cosmopolitan federation — to formation of the morally purified persona through which this truth is acceded to. As this truth concerns the future ‘destiny of man’, and lies not in outward knowledge but in the inner purity of the one who retrieves it from within, then the persona in question may be characterised as that of the philosophical-historical prophet. This prophetic role surfaces in several of Kant’s comments, including this one from the ‘Universal History’ essay: ‘We can see that philosophy too has its chiliasm, but of a kind the realisation of whose idea philosophy itself can promote, although only very indirectly, and is thus not [?] enthusiastic [schwärmisch]’ (UH, 50; VIII, 27). In thus tying the decipherment of nature’s moral purposiveness to the moral purity — or secular holiness — of the persona who deciphers, Kant may be regarded as refashioning the prophetic role of the neo-Platonic philosopher for use in the Protestant philosophy departments of northern-Germany.

It is thus radically anachronistic for modern international relations commentators to interpret Kant as offering a ‘theory’ of a cosmopolitan international order, as if Kant’s ‘nature’ were the equivalent of a natural phenomenon open to social-theoretical investigation. Kant himself explicitly rejects the characterisation of his undertaking as ‘theory’ in the cognitive sense, as the nature he engages with is a quasi-divine agency that is supposed to be secretly ‘willing’ man’s moral perfection, and Kant’s engagement takes the form of a self-transformative hermeneutic philosophical history (PP, 331-2; VIII, 360-62). By the same token, we have seen that

attempts to modernise Kant — by ostensibly screening out his two-world metaphysics and teleological history — run the risk of reinstating these in their exoteric form as philosophical history. This is what happens in the case of Habermas’s ‘detranscendentalising’ reconstruction of the noumenal community as an idealised deliberative democracy.\(^{49}\) Habermas claims that Kant’s cosmopolitanism has been both outstripped and confirmed by the dialectical course of modern globalisation, commerce, and armed conflict, which has both shattered Kant’s prognosis of mankind’s progressive unification yet restored it on a new basis. Now we can see that in making these claims Habermas treats Kant’s discourse itself as an occasion for a self-clarifying recovery of the unfolding of reason in time — rather than as an object of contextual historical investigation — thereby occupying the persona of the philosophical-historical prophet.

Finally, we can observe that it is the cultivation of this intellectual persona that holds the key to Kant’s exemplary reconciliation of morality and politics, especially as outlined in the appendix to the ‘Perpetual Peace’ essay. We have already observed the terms in which Kant formulates the relation between morality and politics in our discussion of the Rechtslehre. There Kant’s metaphysics of morality determines the form of the ‘ideal republic’ (*respublica noumenon*) — one whose legislation is legitimate if its coercive power arises from the reciprocal harmonisation of rights in the common will of the people — while he treats politics in terms of the attempt to ‘execute’ this ideal in the empirical world through the spread of republican constitutions. In the ‘Theory and Practice’ essay Kant programs the realisation of ideal morality in empirical politics by organising their relationship as that of theory — the a priori principle of right — to its practical carrying out. This means that if it is to avoid blocking the realisation of the ideal in the real, politics must be regarded as executing a concept understood as a duty, right up to the limit case of building a world republic. This is the relation that Kant then formulates as an aporia in the ‘Perpetual Peace’ essay — How can the principle of mankind’s moral perfection be realised by empirical statesmen who are by definition imperfect? — and then resolves via a philosophical history in which nature will itself perfect man using empirical means in accordance with history’s hidden cosmopolitan purpose.

\(^{49}\) Habermas, ‘Kant’s Idea of Perpetual Peace’.
In the appendix to ‘Perpetual Peace’, immediately following his ‘Secret article for perpetual peace’ — that ‘States armed for war shall consult the maxims of philosophers regarding the conditions of possibility for public peace’ — Kant reformulates the aporia between morality and politics via the relation between philosophers and jurists (PP, 337; VIII, 368). Statesmen should secretly consult philosophers because only they can advise as to what the only unconditional maxim of politics — the principle of right — requires of them. Jurisconsults cannot do this because they are the official embodiment of a conception of power understood to be at the disposal of such extrinsic ‘material’ ends as the security of the state or the welfare of the people. In exercising political power for the purpose of realising such sensuous empirical ends — as opposed to enunciating law on the basis of the a priori principle of right — jurists themselves have been corrupted by power, turning into mere ‘representatives of the power of the state’ whose ‘office is only to apply existing laws but not to investigate whether such laws themselves need to be improved’ (PP, 337-8; VIII, 369). It is on the basis of the supposedly morally corrupting effects of political power that Kant appears to eschew the persona of the philosopher-king as the model for the political role of philosophers. In doing so, however, he seems to render the philosopher’s secret advice powerless in the empirical political world; for in empirical politics power is only exercised ‘prudentially’: that is, for the realisation of such corrupting ends as security and happiness arising from man’s sensuous inclinations.

Having reformulated the aporia between morality and politics in terms of that between powerless truth and corrupting power, Kant then proceeds to reconcile it via the special persona of the ‘moral politician’. In contrast with the ‘political moralist’ — the jurist or statesman who only advances prudential maxims of state interest — the moral politician shows how the maxims of political prudence can be gradually conformed to the unconditional principle of right (PP, 340; VIII, 372). It is thus the role of the philosopher-as-moral-politician to mediate between the empirical ends of political prudence and the a priori principle of moral right. He does this in his capacity as moral pedagogue to heads of state, advising them that they must continuously correct the defects of their empirical constitutions by bringing them into alignment with the principle of right. According to Kant, only as a result of the advice issuing from the philosopher-as-moral-politician can political power be exercised in a manner to realise the a priori principal of right and its noumenal community; for only
through this persona can the hidden moral purpose of nature be deciphered and declared in the world of empirical politics.

The philosopher-as-moral-politician will thus advise the statesman to govern in a ‘republican way’ — that is, to command such laws as ‘would be willed by the people’ were they already to have achieved the moral refinement required to form a harmonised common will — and thereby help to bring this condition about: ‘A state can already govern itself in a republican way — even if the present constitution accords with the possession of a despotic ruling power — until the people gradually becomes susceptible to the influence of the mere idea of the authority of law (just as if it possessed physical power) and is thus deemed fit for its own law-making (which is originally grounded in right)’ (PP, 340; VIII, 372). So too the moral politician will advise the statesman to enlist his state in a global federation of states — understood as the empirical ‘analogy’ of an ideal world republic — as the only form in which the freedom of states may be exercised in rightful harmony and perpetual peace, thereby permitting the statesman to use his political prudence in accordance with the principle of right: ‘Thus the harmony of politics with morals is possible only within a federative union — which is therefore given a priori and is necessary by principles of right — and all political prudence has for its rightful basis the establishment of such a union in its greatest possible extent, without which end all its subtilising is unwisdom and veiled injustice’ (PP, 350; VIII, 385).

In his persona as moral politician, the philosopher thus does not bring about the reconciliation of morality and politics through a revolution designed to peremptorily realise the a priori principle in a pure republic or a global state; for that would be to act in advance of the gradual transformations in empirical politics through which nature is transforming mankind into the kind of being capable of harmonising his will in accordance with the a priori principle (PP, 340; VIII, 372-73). Rather, the philosopher is the human being in whom this gradual process is revealed to consciousness and turned into political practice. It is through an exemplary philosophical hermeneutics — in which he deciphers the hidden moral purposiveness of empirical political events via a self-clarifying recovery of their dialectical moral tendency — that the philosopher is qualified as a political adviser to empirical politicians, showing them how their prudential politics can realise this inner tendency, and thereby hastening the future cosmopolitan condition of humanity. In other words, it is in his persona as prophetic philosophical historian — the figure whose
knowledge of the hidden purpose of history is grounded in the purity of his intellect — that the philosopher is qualified to advise the statesman on the correct use of power. As the adviser to statesmen charged with the moral perfection of their citizens, the Kantian philosopher is thus envisaged as the power behind the throne of a pedagogical state.

It will come as no surprise that Kant regards the philosopher’s role as moral politician as something grounded in the a priori universal reason of mankind. This means that the philosopher’s actions as political prophet and public moral pedagogue are not governed by any extrinsic political interests, or by the interests of philosophers as an academic guild or social caste. Rather, philosophers act on behalf of the ‘humanity’ whose moral reason they recover, allowing Kant to declare of them that ‘because this class is by its nature incapable of forming seditious factions or clubs, it cannot be suspected of spreading propaganda’ (PP, 338; VIII, 369). What is surprising — or should be — is the degree to which this view of the disinterested universal-rational basis of Kantian moral politics remains unquestioned in commentary on Kant’s cosmopolitanism. Indeed, it is explicitly defended by those arguing that Kant’s privileging of the philosopher as political adviser arises not from any recondite discipline or caste interest, but from the philosopher’s recovery of the universal principle of right from humanity’s a priori practical reason.

In the preceding discussion, however, we have seen that Kant’s practical reason is indeed grounded in a recondite metaphysical doctrine — that teaching the morally self-determining capacity of noumenal pure intelligences — and that the principle of right is formulated in terms of the community of these intelligences, as we recall in Kant’s comment that: ‘When it is thought in terms of the relations between men as pure intelligences in no relation to things and to each other in space and time, right is easy to determine according to general rules. One needs to allow for nothing more than freedom and the power of choice [Willkür] in relation to one another, either immediately or mediated through things’ (XXIII, 299). The role of this neo-Platonic doctrine, we have argued, is not to provide a philosophical basis for a priori truth, but to form the moral psychology or intellectual persona deemed spiritually qualified to

50 For exceptions that prove the rule, see Tully, ‘The Kantian Idea of Europe’; and Bourke, ‘Theory and Practice’.
accede to truth a priori. In the *Rechtslehre* this takes place in arguments — the postulation, deduction, application of the principle of right — that are in fact spiritual exercises through which the philosopher suspends ‘phenomenal’ law and politics in order to recover from within his own noumenal self the principle by which he participates in the community of pure intelligences. In the exoteric essays on cosmopolitan peace the exercise takes place as the philosophical hermeneutics through which the philosopher transforms empirical political events into occasions for the exemplary decipherment of their hidden moral purpose, revealed only in his own morally purified intellect. It is not from universal practical reason, then, that the Kantian philosopher retrieves the principle of right, but from the recondite spiritual exercises of a metaphysics responsible for forming the moral psychology of the Kantian philosophical persona. This highly-wrought personage exists not as the self-consciousness of human reason but as the status-persona of a special caste of university metaphysicians, privileged as custodians of a pure knowledge to which they accede through their intellectual purity.

We have already drawn the consequences of this historical redescription for Kant’s distinction between theory and practice. The normative character of the principle of right does not derive not from a priori reason. It arises instead from the manner in which the principle is acceded to — as an ennobling truth by an illuminated philosophical persona — who is compelled to act in accordance with that which is supposed to realise his pure noumenal self. This means that the unconditional character of the principle is symptomatic not of its intrinsic and universal normativity, but of the intransigence with which it is asserted as the norm of a particular intellectual persona and cultural group. Seen from this vantage, then, Kant’s consignment to the domain of ‘practice’ of a wide array of disciplinary traditions and personae — the empirical historian, the ‘sorry comforters’ of historical *jus gentium*, the Hobbesian political philosopher, the prudential ‘political moralist’ — assumes a malign aspect; for it amounts to an attempt to repress an array of other (and sometimes rival) normative outlooks in order to assert the philosopher’s norm as universal.

Kant does indeed make occasional affirmations of intellectual toleration and pluralism, protesting in ‘Universal History’ that: ‘It would be a misinterpretation of my intention to contend that I wished this idea of a universal history … to suppress the undertaking of actual purely empirically conceived history. My idea is only a
notion of what a philosophical mind, well acquainted with history, might be able to attempt from a different angle’ (UH, 53; VIII, 30). Similarly, in ‘Perpetual Peace’, with regard to his argument that the state should take moral advice from philosophers rather than jurists, he avers that: ‘This does not mean, however, that a state must give the principles of philosophers precedence over the findings of lawyers (representatives of the power of the state), but only that they be given a hearing’ (PP, 337; VIII, 369). These protestations, though, can only be regarded either as disingenuous or else as self-delusions. For, as we saw in the case of Hobbes, the empirical history and prudential politics of the ‘political moralists’, for which Kant here avows respect, are elsewhere treated as morally corrupting — their empirical form miring man in his sensuous empirical self — and as thus bringing about the social disharmony that they diagnose as a feature of human nature.

Here the tolerant mask of the man of reason slips from Kant’s face, revealing the intransigent demeanour of the philosophical prophet intent on the complete moral delegitimation of the empirical and prudential disciplines, ‘in order to put an end to this sophistry (if not to the injustice glossed over by it) and to bring the false representatives of the powerful on earth to confess that they speak not on behalf of right but of force’ (PP, 343; VIII, 376). Once the political moralists have been placed beyond the pale of ‘pure practical reason’ — that is, beyond the normative metaphysics of the university metaphysicians — and tarred with the brush of corrupting the principle of right and the realisation of man’s cosmopolitan moral and political destiny, then they forfeit their place in the rational community and may be shunned and silenced. After enunciating that the principle of a moral politics is the union of a people in accordance with the pure principles of freedom and equality, Kant thus continues that:

However much the political moralists rationalise regarding the natural mechanism through which a human multitude enters society — thereby neutralising those principles [of a moral politics] and thwarting their purpose — or else seek to invalidate these principles through examples of badly organised ancient and modern constitutions … they do not deserve a hearing; principally because such a pernicious theory itself brings about the evil that it predicts, according to which mankind will be thrown into a class with the other living machines, whom need only be visited by the
thought that they are not free beings in order to become, in their own judgment, the most miserable of all worldly beings. \( PP, 345; \) VIII, 378).

In order for him to decipher political events — global communications, state-formation, wars, international commerce — as symptoms of the hidden historical purpose that is carrying man towards a cosmopolitan futurity, Kant must suppress all of those disciplines in which such events are treated not as partial realisations of the noumenal community but as realities formed through worldly forces and interests. Insight into the cosmopolitan future is vouchsafed only to the prophetic persona of the Kantian philosophical historian, formed in the purifying hermeneutic exercise through which this insight is acceded to, which is how Kant’s cosmopolitanism should be understood from an historical viewpoint.