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Why John Dewey's Icarian Attempt, to Soar Up as Mediator Between Kant and Hitler, was a Veritable Flop

Summary

In the first chapter I deal with Dewey's critique of German politics as influenced by classical Germany philosophy and especially by Immanuel Kant. Since Dewey saw in the complex of 'philosophical' influences two theorems as crucial, namely Kant's distinction between a sensible and a supersensible realm and Kant's doctrine of the categorical imperative, I shall deal in two further chapters with these doctrines.

I. Dewey on German philosophy and politics

During the First World War, the American philosopher John Dewey, one of the founders of "American Pragmatism", gave three lectures: on "German Philosophy: The Two Worlds", on "German Moral and Political Philosophy" and on "The Germanic Philosophy of History". These lectures were published in 1915 under the title "German Philosophy and Politics". A second edition of the book appeared in 1942, in which Dewey added to the three lectures an introduction on "The One-World of Hitler's National Socialism".²

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² *John Dewey*, German Philosophy and Politics, New York: G. P. Putnam's Sons, 1942. All quotations below refer to this edition, for which I shall use the abbreviation JD.

For Kant's works I shall use the following abbreviations: Anth = Anthropology from a pragmatic point of view; GMS = Groundwork of the metaphysics of morals; HN = Notes and fragments; KpV = Critique of practical reason; KrV = Critique of pure reason; KU = Critique of the power of judgement; MS = The metaphysics of morals; MSI = De mundi sensibilis atque intelligibilis forma et principiis; Päd = Lectures on Pedagogy; Prol = Prolegomena to any future metaphysics that will be able to come forward as science; RGV = Religion within the boundaries of mere reason; RL = Doctrine of Right; SF = The conflict of the faculties; TL = Doctrine of virtue; TP = On the common saying: That may be correct in theory, but it is of no use in practice; VARL = Drafts for the doctrine of Right; V-Met/Arnoldt = Metaphysik Arnoldt (K3); V-Met/Dohna = Metaphysik Dohna; V-Met-K2/Heinze = Metaphysik K2 (Heinze, Schlapp); V-MS/Vigil = Notes on the lectures of Mr. Kant on the metaphysics of morals taken by Johann Friedrich Vigilantius. WA = An answer to the question: What is enlightenment?; ZeF = Toward eternal peace.

I refer only to the Akademie Edition, since the reader can easily find the corresponding pages in the Cambridge Edition. Translations of quotations from Kant are taken or adapted, *unless indicated otherwise*, from the *Cambridge Edition of the Writings of Immanuel Kant*, Cambridge: Cambridge UP, 1992 –. Minor changes to these translations have been tacitly made by me.

The number before the (first) full stop refers to the volume, the number after it to the page. A second full stop is followed by a reference to the line. For the *Critique of pure reason*, reference is made to the 1st (A) and the 2nd (B) edition. – My additions within quotations are in square brackets. Such brackets also indicate omissions. My italics = m/it; my translation = m/tr.

Where I have myself translated writings of Kant into English, I have put priority on the highest possible correspondence with the original. That may sound (as my own English writing, of course, also might do) in places a bit awkward or even somehow "teutonic". I have unfortunately just the great disadvantage that Kant's mother tongue and not English is my native language.

This introduction begins so: „History has probably never beheld such a swift and complete reversal of conditions as that which took place in Germany after the close of the first World War. The transformation is so great in quality as well as in quantitative aspects that it raises the question whether the classic philosophy of Germany has any applicability to the Germany of the National Socialist epoch.“³

In order to understand why Dewey asks this question at all and then answers it in a certain way, it is necessary to know what he thinks and judges about this "classic philosophy of Germany". He talks, it is true, about all three philosophers whom he considers relevant in this context – Kant, Fichte and Hegel –, but he sees Kant as the one on whom everything later is based. The present contribution will essentially be limited to Kant's role and only touch on what Dewey says about Fichte and Hegel.

In everything he argues about and against Kant, Dewey mainly makes use of two theorems that do indeed play a decisive role in Kant's philosophy: first, what he calls Kant's "two-world scheme"⁴, and then the doctrine of the categorical imperative. Dewey's entire book is saturated with what he thinks about these theorems. And his devastating appraisal about them is shaped by his own "experimental philosophy"⁵, positivism and utilitarianism.⁶

1) Dewey's central thesis is that there is a close connection between "German philosophy" and "German politics" and that this connection is ultimately based on Kant's theory of man as a citizen of two worlds, – the main subject of Dewey's first lecture.

Dewey approaches what he takes to be Kant's two-worlds doctrine with something like the following.

"It is characteristic of German philosophical procedure to hold that a look »without« must be based upon a prior look »within«. Intuition [sic] is in philosophical discourse a method of looking »within« which reveals principles that are first and ultimate truths in spite of their hazy character."⁷

"One shrinks at the attempt to compress even his [Kant's] leading ideas into an hour. Fortunately for me, few who read my attempt will have sufficient acquaintance with the tomes of Kantian interpretation and exposition to appreciate the full enormity of my offense. For I cannot avoid the effort to seize from out his highly technical writings a single idea and to label that his germinal idea. For only in this way can we get a clew to those general ideas with which Germany [!] characteristically prefers to connect the aspirations and convictions that animate its [!] deeds. Adventuring without further preface into this field, I find that Kant's decisive contribution is the idea of a dual legislation of reason by which are marked off two distinct realms – that of science⁸ and that of morals⁹. Each of these two realms has its own final and authoritative constitution: On one hand, there is the world of sense, the world of phenomena in space and time in which science is at home; on the other hand, is the supersensible, the noumenal world, the world of moral duty and moral freedom."¹⁰

³ JD p. 13.

⁴ JD p. 23.

⁵ JD p. 141; JD p. 81: "philosophic empiricism".

⁶ See also the critique by *Hermann Zeltner*, "Deutsche Philosophie und deutsche Politik", in: *Kant-Studien*, 48 (1956/57) 550-558.

⁷ JD p. 21.

⁸ GG: that of nature [!] and its laws.

⁹ GG: that of freedom and its laws.

¹⁰ JD p. 63.

"It is a precarious undertaking to single out some one thing in German philosophy as of typical importance in understanding German national life. Yet I am committed to the venture. My conviction is that we have its root idea in the doctrine of Kant concerning the two realms, one outer, physical and necessary [GG: Man belongs to it as a natural rational being.], the other inner, ideal and free [GG: Man belongs to it as a moral rational being.]. To this we must add that, in spite of their separateness and independence, the primacy always lies with the inner. [...] Surely the chief mark of distinctively German civilization is its combination of self-conscious idealism with unsurpassed technical efficiency and organization in the varied fields of action. If this is not a realization in fact of what is found in Kant, I am totally at loss for a name by which to characterize it. [...] I do mean, primarily, that Kant detected and formulated the direction in which the German genius was moving, so that his philosophy is of immense prophetic significance; and, secondarily, that his formulation has furnished a banner and a conscious creed which in solid and definite fashion has intensified and deepened the work actually undertaken. [...] Kantianism has helped formulate a sense of a national mission and destiny."¹¹

"The more the Germans accomplish in the way of material conquest, the more they are conscious of fulfilling an ideal mission; every external conquest affords the greater warrant for dwelling in an inner region where mechanism does not intrude." It is a "combination of devotion to mechanism and organization in outward affairs and of loyalty to freedom and consciousness in the inner realm [...] Freedom of soul and subordination of action dwell in harmony. Obedience, definite subjection and control, detailed organization is the lesson enforced by the rule of causal necessity in the outer world of space and time in which action takes place. Unlimited freedom, the heightening of consciousness for its own sake, sheer reveling in noble ideals, the law of the inner world. What more can mortal man ask?"¹²

Thus, Dewey's 'argument' ultimately boils down to the assertion that, thanks to Kant's all-determining doctrine, 'the Germans' always find in one world, as it were in the heaven of ideas, legitimacy for their actions in the other, subordinate world.

In this context, Dewey quotes almost a whole page from a writing by the Prussian cavalry general Friedrich von Bernhardi, "supporting his teachings [...] by the Kantian distinction between the »empirical and rational egos.«"¹³ And then he declares Bernhardi's text¹⁴ to be an "appeal for military preparedness [...] reinforced by allusions to the Critique of Pure Reason".¹⁵

What is to be thought of this soldier and his alleged spiritual affinity to Kant, should be sufficiently revealed in the following quotations.

"But it is quite another matter if the object is to abolish war entirely, and to deny its necessary place in historical development. This aspiration is directly antagonistic to the great universal laws which rule all life. War is a biological necessity of the first importance, a regulative element in the life of mankind which cannot be dispensed with, since without it an unhealthy development will follow, which excludes every advancement of the race, and therefore all real civilization. »War is the father of all things.« The sages of antiquity long before Darwin recognized this. The struggle for existence is, in the life of Nature, the basis of all healthy development. [...] The law of the stronger holds good everywhere."¹⁶

¹¹ JD pp. 69 f. Did Dewey do empirical research on this? Did he measure the various influences? After 1800, Kant's philosophy for a long time hardly played a role. The distortion of his teachings in German Idealism is not to be blamed on him. Neo-Kantianism was very diverse and had little impact on "the people". For the national-socialists, Kant played no role at all. – What Dewey presents is a gross and historically absurd overestimation of the influence of Kant's teachings and any kind of 'Kantianism' even on general intellectual life in Germany at the time of Dewey's utterances, not to mention such an influence on thought and action of the great crowd, the "man in the Clapham omnibus".

¹² JD p. 71. Dewey seems to see this in all seriousness as a result of Kant's "root idea". One really doesn't need to have read much of Kant himself to realize what a parody Dewey is dishing up here.

¹³ JD p. 74.

¹⁴ *Friedrich von Bernhardi, Germany and the next war*; New York: Longmans, Green & Co., 1914, 73-74 (in the chapter "Germany's historical mission").

¹⁵ JD p. 75.

¹⁶ *Friedrich von Bernhardi, op. cit., Kindle-Version, pp. 2 f.*

"Strong, healthy, and flourishing nations increase in numbers. From a given moment they require a continual expansion of their frontiers, they require new territory for the accommodation of their surplus population. Since almost every part of the globe is inhabited, new territory must, as a rule, be obtained at the cost of its possessors – that is to say, by conquest, which thus becomes a law of necessity. [...] The right of conquest is universally acknowledged. [...] The right of colonization is also recognized. Vast territories inhabited by uncivilized masses are occupied by more highly civilized States, and made subject to their rule. Higher civilization and the correspondingly greater power are the foundations of the right to annexation. [...] Lastly, in all times the right of conquest by war has been admitted."¹⁷

This intellectual dragoon abuses even Goethe for his purposes:

"the instinct of self-preservation leads inevitably to war, and the conquest of foreign soil. It is not the possessor, but the victor, who then has the right. The threatened people will see the point of Goethe's lines: »That which them didst inherit from thy sires, In order to possess it, must be won.«"¹⁸

That Bernhardt quotes once the fundamental law of pure practical reason,¹⁹ once mentions the *Critique of pure reason*²⁰ and also speaks once of "the difference between the empiric and the intelligible Ego"²¹, means just as little that he represents any Kantian position here, as it meant for Adolf Eichmann when, in the Jerusalem trial, he invoked the categorical imperative for his actions.

What this tough campaigner writes here, is actually the contradictory opposite of what Kant taught. Already Hobbes would have said to him: "You are describing nothing other than what I have called »status naturalis«. What you make of it is social Darwinism."

Dewey thinks that he can counter the 'apriorism' he considers to be Kantian with the following:

"Yet there are certain disadvantages attached to *a priori* categories. They have a certain rigidity, appalling to those who have not learned to identify stiffness with force. Empirical matters are subject to revision. The strongest belief that claims the support of experience is subject to modification when experience testifies against it. But an *a priori* conception is not open to adverse evidence. There is no court having jurisdiction. If, then, an unfortunate mortal should happen to be imposed upon so that he was led to regard a prejudice or predilection as an *a priori* truth, contrary experience would have a tendency to make him the more obstinate in his belief. [...] Empirically grounded truths do not have a wide scope; they do not inspire such violent loyalty to themselves as ideas supposed to proceed directly from reason itself. But they are discussable; they have a humane and social quality, while truths of pure reason have a paradoxical way, in the end, of escaping from the arbitrament of reasoning. They evade the logic of experience, only to become, in the phrase of a recent writer, the spoil of a »logic of fanaticism.« Weapons forged in the smithy of the Absolute become brutal and cruel when confronted by merely human resistance.

The stiffly constrained character of an *a priori* Reason manifests itself in another way. [...] John Morley pointed out long ago the undoubted historic fact that the whole modern liberal social and political movement has allied itself with philosophic empiricism.²² It is hard here, as everywhere, to disentangle cause and effect. But one can at least say with considerable assurance that a hierarchically ordered and subordinated State will feel an affinity for a philosophy of fixed categories, while a flexible democratic society will, in its crude empiricism, exhibit loose ends."²³

¹⁷ Op. cit., Kindle version, pp. 5 f.

¹⁸ Op. cit., Kindle version, p. 6. The German original reads: was du ererbt von deinen Vätern hast, // erwirb es, um es zu besitzen." *Goethe*, Faust I, verse 682 f.

¹⁹ Op. cit., Kindle version, p. 32.

²⁰ Op. cit., Kindle version, p. 47.

²¹ Op. cit., Kindle version, p. 34.

²² A kind of spiritual brother, from whom John Stuart Mill drew important inspiration, was, of all people, a German, a contemporary of Kant, Fichte, and Hegel: Wilhelm von Humboldt.

²³ JD pp. 79-81.

Kant probably did not occur or appear to him as being a liberal. But Dewey does mention Locke in this context. Now, however, Locke's whole so-called liberalism did not prevent him from wanting to exclude atheists from society²⁴ (unlike Kant) and to speak out in favour of the slave trade (again and just as strongly unlike Kant²⁵). Locke fitted perfectly into the world of Anglo-Saxon "trafficking ethics" which Dewey contrasts as a shining example with the ethics of the categorical imperative. What that awful cavalryman said above about conquest and colonisation, was after all, for centuries, common political practice of those, Dewey thinks of, when he speaks of "intelligent self-interest", of "merchants bargaining" and of the mentioned "trafficking ethics".²⁶

2) His second lecture on "German moral and political philosophy" Dewey starts with a quotation from Kant's *Critique of judgement*:

"Even if an immeasurable gulf is fixed between the sensible realm of the concept of nature and the supersensible realm of the concept of freedom, so that it is not possible to go from the first to the second (at least by means of the theoretical use of reason) any more than if they were two separate worlds of which the first could have no influence upon the second, – yet the second is *meant* to have an influence upon the first. The concept of freedom is meant to actualize in the world of sense the purpose proposed by its laws."²⁷

It is true that Dewey previously said of Kant's writings that they "have proved an admirable *terrain* for the display of German *Gründlichkeit*", but he himself does not consider it necessary for his translation. The translation of the Cambridge Edition, which is delightfully correct in this case, is as follows:

"Now although there is an incalculable gulf fixed between the domain of the concept of nature, as the sensible, and the domain of the concept of freedom, as the supersensible, so that from the former to the latter (thus by means of the theoretical use of reason) no transition is possible, just as if there were so many different worlds, the first of which can have no influence on the second: yet the latter *should* have an influence on the former, namely the concept of freedom should make the end that is imposed by its laws real in the sensible world"²⁸.

²⁴ "Those are not at all to be tolerated who deny the being of God." Ebbinghaus, in his 50-page introduction to "A Letter Concerning Toleration", edited in English and German, concludes that "Locke's toleration is in its terms in contradiction not only with the right of the State, but even with all possible right of humanity. This is shown by the necessity of excluding atheists from toleration." (*John Locke, Ein Brief über Toleranz, übersetzt, eingeleitet und in Anmerkungen erläutert von Julius Ebbinghaus; Hamburg: Verlag Felix Meiner, Zweite verbesserte Auflage 1966, LXII [m/tr]*)

²⁵ See on this: Georg Geismann, "Why Kant was not a "racist". Kant's 'race theory' within the context of physical geography and anthropology – A philosophical approach instead of ideologically motivated ones"; in: *Jahrbuch für Recht und Ethik*, 30 (2022)

²⁶ JD p. 90.

²⁷ KU, 05.175 f.

²⁸ I add here also both the rest of the paragraph necessary for a better understanding of Kant's train of thought, and moreover the German original:

"and nature must consequently also be able to be conceived in such a way that the lawfulness of its form is at least in agreement with the possibility of the ends that are to be realized in it in accordance with the laws of freedom. – Thus there must still be a ground of the **unity** of the supersensible that grounds nature with that which the concept of freedom contains practically, the concept of which, even if it does not suffice for cognition of it either theoretically or practically, and thus has no proper domain of its own, nevertheless makes possible the transition from the manner of thinking in accordance with the principles of the one to that in accordance with the principles of the other."

"Ob nun zwar eine unübersehbare Kluft zwischen dem Gebiete des Naturbegriffs, als dem Sinnlichen, und dem Gebiete des Freiheitsbegriffs, als dem Übersinnlichen, befestigt ist, so daß von dem ersteren zum anderen (also vermitteltst des theoretischen Gebrauchs der Vernunft) kein Übergang möglich ist, gleich als

This brings Dewey to the topic of his lecture:

"This fact fixes the chief features of Kant's philosophy of Morals and of the State."²⁹

and very quickly also to his attack against Kant's "gospel of duty"³⁰:

"if the idea of command (which inevitably goes with the notion of duty) carries a sinister suggestion of legal authority, pains and penalties and of subservience to an external authority who issues the commands, Kant seems to have provided a final corrective in insisting that duty is self-imposed.³¹ [...] The Kantian principle of Duty is a striking case of the reconciliation of the seemingly conflicting ideas of freedom and authority."³²

And then Dewey brings out his heaviest weapon:

"Unfortunately, however, the balance cannot be maintained in practice. Kant's faithful logic compels him to insist that the concept of duty is empty and formal. It tells men that to do their duty is their supreme law of action, but is silent as to what men's duties specifically are.³³ Kant, moreover, insists, as he is in logic bound to do, that the motive which measures duty is wholly inner; it is purely a matter of inner consciousness. To admit that consequences can be taken into account in deciding what duty is in a particular case would be to make concessions to the empirical and sensible world which are fatal to the scheme. The combination of these two features of pure internality and pure formalism leads, in a world where men's acts take place wholly in the external and empirical region, to serious consequences."³⁴

"I do not believe, then, that *pure* ideas, or pure thought, ever exercised any influence upon human action. I believe that very much of what has been presented as philosophic reflection is in effect simply an idealization, for the sake of emotional satisfaction, of the brutally given state of affairs, and is not a genuine discovery of the practical influence of ideas. [...] But I also believe that there are no such things as *pure* ideas or *pure* reason."³⁵

"What is called pure thought, thought freed from the empirical contingencies of life, would, even if it existed, be irrelevant to the guidance of action. For the latter always operates amid the circumstances of contingencies. And thinking which is colored by time and place must always be of a mixed quality. [...] But it is of the nature of ideas to be abstract: that is to say, severed from the circumstances of their origin".³⁶

ob es so viel verschiedene Welten wären, deren erste auf die zweite keinen Einfluß haben kann: so *soll* doch diese auf jene einen Einfluß haben, nämlich der Freiheitsbegriff soll den durch seine Gesetze aufgegebenen Zweck in der Sinnenwelt wirklich machen; und die Natur muß folglich auch so gedacht werden können, daß die Gesetzmäßigkeit ihrer Form wenigstens zur Möglichkeit der in ihr zu bewirkenden Zwecke nach Freiheitsgesetzen zusammenstimme. – Also muß es doch einen Grund der Einheit des Übersinnlichen, welches der Natur zum Grunde liegt, mit dem, was der Freiheitsbegriff praktisch enthält, geben, wovon der Begriff, wenn er gleich weder theoretisch noch praktisch zu einem Erkenntnis desselben gelangt, mithin kein eigentümliches Gebiet hat, dennoch den Übergang von der Denkungsart nach den Principien der einen zu der nach Principien der anderen möglich macht."

²⁹ JD p. 84.

³⁰ JD p. 85.

³¹ What Dewey calls "a final corrective" is a triviality: that what one should do (duty) can ultimately only be understood as an act of freedom, i.e. as self-imposed. Goethe implied this when he wrote: "And only the law can give us freedom", as did Leonardo "free one obeys better" or Hobbes with his "dictamen rectae rationis" securing freedom through peacemaking. The 'commanding' authority can only be *internal*: one's own lawgiving reason, the *homo noumenon*.

³² JD pp. 85 f.

³³ One wonders if Dewey ever even glanced into the *Groundwork of the metaphysics of morals*; *On the common saying*; *That may be correct in theory, but it is of no use in practice* *Toward eternal peace*; and *The metaphysics of morals*.

³⁴ JD p. 86.

³⁵ JD p. 54.

³⁶ JD p. 57.

Kant clearly moves in Plato's wake;³⁷ Dewey, however, has a certain affinity with Aristotle, and his intellectual kinship with Locke and Hume is evident. He considers cognition without experience to be impossible.

"The *dangerous character of these consequences*" he attempts to show then by a long quotation from the already mentioned Bernhardt. One sentence therein is revealing: "Immanuel Kant, the founder of the critical philosophy, taught [...] the gospel of moral duty, and Scharnhorst³⁸ grasped the idea of universal military service".³⁹

Dewey's comment:

"The sudden jump, by means of only a comma, from this gospel of moral duty to universal military service is much more logical than the shock which it gives to an American reader would indicate. I do not mean, of course, that Kant's teaching was the cause of Prussia's adoption of universal military service and of the thorough-going subordination of individual happiness and liberty of action to that capitalized entity, the State.⁴⁰ But I do mean that when the practical political situation called for universal military service in order to support and expand the existing state, the gospel of a Duty *devoid of content* naturally lent itself to the consecration and idealization of such specific duties as the existing national order might prescribe. The sense of duty must get its subject-matter somewhere, and unless subjectivism was to revert to anarchic or romantic individualism (which is hardly in the spirit of obedience to authoritative law) *its appropriate subject-matter lies in the commands of a superior*. Concretely *what the State commands is the congenial outer filling of a purely inner sense of duty*."⁴¹

The summary then given by Dewey shows both his own moral-philosophical position and that the Kantian position remained closed to him – not only the doctrine of the categorical imperative, but above all the "analytic of pure practical reason" in the *Critique of practical reason*:

"In short, the sublime gospel of duty has its defects. Outside of the theological and the Kantian moral traditions, men have generally agreed that duties are relative to ends. Not the obligation, but some purpose, some good, which the fulfillment of duty realizes, is the principle of morals. The business of reason is to see that the end, the good, for which one acts is a reasonable one – that is to say, as wide and as equitable in its working out as the situation permits. Morals which are based upon consideration of good and evil consequences not only allow, but imperiously demand the exercise of a discriminating intelligence. A gospel of duty separated from empirical purposes and results tends to gag intelligence. It substitutes for the work of reason displayed in a wide and distributed survey of consequences in order to determine where duty lies an inner consciousness, empty of content, which clothes with the form of rationality the demands of existing social authorities. A consciousness which is not based upon and checked by consideration of actual results upon human welfare is none the less socially irresponsible because labeled Reason."⁴²

One page later, Dewey returns to Bernhardt's remarks, which he apparently adopts as accurate, and speaks of "the German principle of duty in opposition to the French principle of rights – a favorite contrast in German thought."⁴³

It does not even occur to him that to every right there is a corresponding duty and to every duty a corresponding right. Rather, he asserts:

³⁷ See KrV A 313-317/ B 370-374; SF 07.90 f.

³⁸ Gerhard von Scharnhorst (1755-1813), Prussian general and military reformer.

³⁹ JD pp. 86 f.; *Friedrich von Bernhardt*, op. cit., Kindle version, p. 40.

⁴⁰ In the United States, the draft has been employed by the U.S. federal government in six conflicts: the American Revolutionary War, the American Civil War, World War I, World War II, the Korean War, and the Vietnam War.

⁴¹ JD p. 87 (m/it). There is no worse way to misunderstand Kant's teachings. The moral law is a law that can only be given by oneself and only to oneself.

⁴² JD pp. 88 f.

⁴³ JD p. 90.

"the conception of duty is one-sided, expressing command on one side and obedience on the other, while rights are at least reciprocal."⁴⁴

No, Sir, also to somebody's right corresponds a duty of right of others. If, on the other hand, by "reciprocal" Dewey means that not only A but also B has a right, then the same is true of duty. Quite apart from this, in Kant's moral philosophy the concepts of duty, command and obedience do not refer to two different human beings, one commanding and one obeying, but to one and the same human being as a person, conceived on the one hand as "commanding" *homo noumenon*, on the other hand as "obeying" *homo phaenomenon*.⁴⁵

Dewey continues:

"[Rights] admit of more or less, of compromise and adjustment."⁴⁶

Well, as far as this is the case, it applies likewise to the duties corresponding to the rights. But Dewey is not deterred and continues:

"So also does the characteristic moral contribution of English thought – intelligent self-interest. This is hardly an ultimate idea. But at least it evokes a picture of merchants bargaining, while the categorical imperative calls up the drill sergeant. Trafficking ethics, in which each gives up something which he wants to get something which he wants more, is not the noblest kind of morals, but at least it is socially responsible as far as it goes.⁴⁷ »Give so that it may be given to you in return« has at least some tendency to bring men together; it promotes agreement. It requires deliberation and discussion. This is just what the authoritative voice of a superior will not tolerate; it is the only unforgiveable sin."⁴⁸

"[Kant's] breach with the enlightenment is nowhere as marked as in his denial that man is by nature good. On the contrary, man is by nature evil – that is, his philosophical rendering of the doctrine of original sin."⁴⁹

Dewey quotes here the title of Chapter III from Part One of *Religion within the boundaries of mere reason*: "The human being is by nature evil". He does not say that Chapter I is titled: "Concerning the original predisposition to good in human nature" and that the whole of Part One is titled: "Concerning the indwelling of the evil principle *alongside the good* or Of the radical evil in human nature."⁵⁰ And, of course, he does not elaborate on Kant's justifications.

Dewey's detailed statements about Kant's philosophy of the State deviate so frequently and strongly from Kant's doctrine that for this reason alone it is not possible to go into them

⁴⁴ JD p. 90.

⁴⁵ For more see below chapter II.

⁴⁶ JD p. 90.

⁴⁷ In the chapter "On the basis for thinking of an end that is also a duty" in Kant's *Doctrine of virtue*, Dewey could have read with regard to what he propagates here:

"So it is not a question here of ends the human being *does adopt* in keeping with the sensible impulses of his nature, but of objects of free choice under its laws, which he *ought to make* his ends. The study of the former type of ends can be called the technical (subjective) doctrine of ends; it is really the pragmatic [!] doctrine of ends, containing the rules of prudence [!] in the choice of one's ends. The study of the latter type of ends, however, must be called the moral (objective) doctrine of ends. But this distinction is superfluous here, since the doctrine of morals is already clearly distinguished in its concept from the doctrine of nature (in this case, anthropology) by the fact that anthropology is based on empirical principles, whereas the moral doctrine of ends, which treats of duties, is based on principles given a priori in pure practical reason." (TL 06.385)

Dewey advocates a pure doctrine of prudence, which is *in principle* distinct from what Kant understands by a doctrine of morals. He argues with regard to the "principle of morality" with the wrong, namely "practical material determining grounds" (KpV 05.40).

⁴⁸ JD p. 90 f

⁴⁹ JD p. 92.

⁵⁰ m/it.

here. It would also be much too complicated. For he does not establish any references and does not name any sources.

In the second half of his second lecture, Dewey deals with Fichte.

"I have already mentioned the fact that Kant relaxes the separation of the moral realm of freedom from the sensuous realm of nature sufficiently to assert that the former is *meant* to influence the latter and finally to subjugate it. By means of the little crack thus introduced into nature, Fichte rewrites the Kantian philosophy."⁵¹

How Dewey then throws together Fichte's philosophy according to his own ideas cannot be dealt with in this contribution. But some remarks about what he says here about Kant are pertinent. Already with formulations like "Kant relaxes sufficiently to assert" and "little crack thus introduced into nature" Dewey suggests a strange arbitrariness in Kant's train of thought. So he says a few lines later: "Kant, to whom, save for the concession [sic] just referred to, a complete separation of the two operations of legislative reason sufficed." If Dewey had studied Kant's critical philosophy with what he calls "German Gründlichkeit", it might have occurred to him that it is by no means a "concession" of Kant with respect to a "complete separation" (what should this "concession" look like?). The gap exists between legislation based on concepts of nature and legislation based on the concept of freedom. And theoretical reason can have no influence (can not act) on the realm of the concept of freedom. But the world of the concept of freedom (or practical reason) is supposed to have influence on the natural world. And this brings us to Kant's doctrine of transcendental freedom, which Dewey, however, completely ignores. In any case, there can be no question of "relaxing" and "crack" with regard to Kant's teaching, which is under criticism.

"In the grosser sense of the words, Germany has not held that might makes right. But it has been instructed by a long line of philosophers that it is the business of ideal right to gather might to itself in order that it may cease to be merely ideal."⁵²

Well, it was Thomas Hobbes, the greatest English political philosopher,⁵³ who was at the beginning of this line.⁵⁴ I would like to know which kind of counterargument Dewey had in his arsenal.

"that philosophical absolutism may be practically as dangerous as matter of fact political absolutism history testifies. The situation puts in relief what finally is at issue between a theory which is pinned to a belief in an Absolute beyond history and behind experience, and one which is frankly experimental. For any philosophy which is not consistently experimental will always traffic in absolutes no matter in how disguised a form. In German political philosophy, the traffic is without mask."⁵⁵

3) In his third and last lecture on "The Germanic philosophy of history" Dewey also manages to bend Hegel's thinking for the purposes of his attack:

"Hegel took from Fichte the notion of a unity or synthesis arrived at by »positing,« and overcoming an opposite. Struggle for existence (or realization) was thus an »organic« part of German thinking long before

⁵¹ JD p. 99.

⁵² JD 112 f.

⁵³ Some might bring the name John Locke to bear, but neither a so-called "liberal" position, nor an immense historical-political impact suffices to be the greatest English political philosopher.

⁵⁴ See for this *Georg Geismann*, "Kant als Vollender von Hobbes und Rousseau", in: *Der Staat*, 21 (1982) 161-189; and *Georg Geismann*, "Hobbes' Grundlegung des Vernunftstaats der Freiheit", in: *Jahrbuch für Recht und Ethik*, 5 (1997) 229-266.

⁵⁵ JD p. 113.

the teaching of Darwin.⁵⁶ [...] When a recent German writer⁵⁷ argues that for Germany to surrender any territory which it has conquered during the present war would be sacrilegious, since it would be to refuse to acknowledge the workings of God in human history, he speaks quite in the Hegelian vein."⁵⁸

According to Dewey, German politics during the First World War cannot be explained with Darwin or with Nietzsche; it rather has its "roots in the classic idealistic philosophy culminating in Hegel". Kant laid the foundation and "remains the philosopher of Germany".⁵⁹ But others, like Fichte and Hegel,

"helped people the Kantian void of the supersensible with the substantial figures of the State and its Historical Evolution and Mission. Kant bequeathed to the world an intellect devoted to the congenial task of discovering causal laws in external nature, and an inner intuition which, in spite of its sublimity, had nothing to look at except the bare form of an empty law of duty."

Here, once again Dewey gets an opportunity for one of his numerous malicious, albeit philosophically rather foolish remarks:

"Kant was kept busy in proving the existence of this supernal but empty region. Consequently he was not troubled by being obliged to engage in the unremunerative task of spending his time gazing into a blank void."⁶⁰

As James A. Good has expounded,⁶¹ Dewey was actually for decades himself a veritable Hegelian and became an opponent only during World War I, while his real philosophical adversary and target was always Kant since he had taken over Hegel's arguments against Kant's ethics.⁶² The epithets with which Dewey mainly leads his attack on German Idealism⁶³

⁵⁶ It needs quite a vivid imagination for the leap from Hegel's dialectic steps from thesis and antithesis to their synthesis, to Darwin's struggle for existence and – to top it – this as an "organic" part of German thinking.

⁵⁷ No name, no source!

⁵⁸ JD pp. 131 f.

⁵⁹ According to the Habermas-pupil Axel Honneth, the editor of a German edition of Dewey's book, it is "the first and perhaps only [writing] that does not try to blame Hegel's concept of the state, nor Nietzsche's vitalism, but rather Kant's two-worlds doctrine, for the mentality of the Germans in both world wars". Oddly enough, Honneth seems to see Dewey's "diagnosis" as a "strong challenge". (*John Dewey, Deutsche Philosophie und deutsche Politik*, Berlin/Wien: Philo, 2000, p. 34 f.[m/tr])

⁶⁰ JD p. 137.

⁶¹ James A. Good, "John Dewey's »Permanent Hegelian Deposit« and the Exigencies of War", in: *Journal of the History of Philosophy*, 44 (2006) 293-313.

⁶² "Contrary to the traditional account of his repudiation of Hegel, Dewey's first published criticism of the philosopher appeared rather abruptly during World War I. The conclusion that Dewey's reassessment of Hegel was motivated by geopolitical realities rather than impartial philosophical analysis is difficult to avoid. [...] as Americans deliberated about their nation's entrance into World War I, Dewey prepared his first public condemnation of Hegel, *German Philosophy and Politics* (GPP). Dewey's primary goal in GPP was to reveal the cultural/philosophical roots of German militarism. The book's main target is Kantian dualism, or what Dewey called Kant's »two worlds« thesis. Though it may seem odd that he focused on the advocate of »perpetual peace,« throughout his career Dewey criticized Kant more than any other philosopher. Dewey proclaimed that Kant's doctrine of »the two realms, one outer, physical and necessary, the other inner, ideal and free« is the element of German philosophy that has defined German national character. The German people were not, Dewey added, consciously devoted to Kantian philosophy; rather, »Kant detected and formulated the direction in which the German genius was moving, so that his philosophy is of immense prophetic significance.« In this regard, GPP is Hegelian intellectual history. Dewey's claim was that Kant had understood and was a vehicle for the German *Zeitgeist*." (Op. cit. p. 306) "Dewey's attitude toward German thought and culture in general was adversely affected by the rhetoric of German and German-American intellectuals during the war." (Op. cit. p. 310)

⁶³ The expression "Deutscher Idealismus" is a (by no means uncontroversial) technical term for a particular epoch in the history of philosophy. It essentially refers to the philosophy of Kant, Fichte, Schelling and Hegel. The idealism is called "Deutsch" ("German"), because these four philosophers were Germans, not because it somehow represents a position that would have anything specifically German about it. (Another example in literature: Scottish moral philosophy: not "schottische", but "Schottische Moralphilosophie".) That's why the attribute is written with a capital first letter. It thus loses the meaning it would have as the lowercase adjective "deutsch": to spe-

are all well known from the criticism that Hegel leveled at Kant's categorical imperative: empty, abstract, and therefore usable at will. Only later Dewey extended that criticism to include Hegel himself. Then, everything that was not experience-oriented became cognitively irrelevant and dangerous; and for Dewey that was in particular German Idealism.

What is especially irritating in reading Dewey's last lecture is the picture of history cobbled together by him according to his prejudices.

He gives to the fact, that "the unity of the German people" "became established through the war with France, "symbolic significance".

"Ever since the time of the French Revolution – if not before – German thought has taken shape in conflict with ideas that were characteristically French and in sharp and conscious antithesis to them."⁶⁴

This sentence might have acquired a certain correctness if Dewey had said "English" instead of "German". The examples given by Dewey all prove the opposite. Rousseau was well known and highly regarded in Germany; with regard to Kant he was, next to Hume, the most influential thinker and a picture of him was the only one in Kant's house. The French Revolution also met with great enthusiasm and support; for Kant it was certain that "such a phenomenon in human history *will not be forgotten*, because it has revealed a tendency and faculty in human nature for improvement such that no politician, affecting wisdom, might have conjured out of the course of things hitherto existing, and one which nature and freedom alone, united in the human race in conformity with inner principles of right, could have promised."⁶⁵ The cosmopolitanism expressed in the French Enlightenment reached its zenith in Kant.

The most annoying thing about Dewey's theses certainly is, that he just talks in general terms and almost never mentions names or sources. He himself once says disarmingly: "Such scattering comments as these prove nothing."⁶⁶ Individual historical claims, even many, may be correct on their own; and many of the statements he refers to are outrageous. But going into them is just impossible, since he never names the author and the source, so you can't check and assess them at all. Dewey puts it all together into a patchwork that's completely off the mark; often already by the fact that it is quite anachronistic. Even if one accepts Dewey's constant generalizations, still the 'spirit' prevailing in Prussia 1784, when Kant called the "age of enlightenment" the "century of Friederich", was a completely different one from Prussia/Germany 1900 at the time of the sabre-rattling Kaiser Wilhelm II. And not only Kant, but the whole of German Idealism is closer to the end of the 18th century than to the end of the 19th century. And at the time of Wilhelminism from 1890 to World War I, Fichte and Hegel played only a minor role and the "New-Kantians" were politically to a considerable extent "leftists", many were Socialists or even Marxists.

For his topic dealing with the relationship between German philosophy and German politics, Dewey refers in all seriousness to Tacitus' work "Germania" and writes:

"The characteristics assigned by him to the German [!] tribes are such as any anthropologist could duplicate from any warlike barbaric tribe. Yet over and over again these traits (which Tacitus idealized as Cooper, say, idealized the North American Indian traits) are made the basis of the philosophic history of the German [!] people. [...] This turns out to be the germinal deposit of spiritual-mindedness which later showed it-

cify more precisely the object denoted by the noun. Since this procedure is not possible in English, I write instead – unlike Dewey – the normally lowercase noun "idealism" with a capital first letter "Idealism".

⁶⁴ JD p. 115.

⁶⁵ SF 07.88.

⁶⁶ JD p. 120.

self in Luther and in the peculiar genius of the Germans for religious experience.⁶⁷ The following words are from no less an authority than Pfeleiderer⁶⁸: »Cannot we recognize in this point that truly German characteristic of *Innerlichkeit* which scorns to fix for sensuous perception the divine something which makes itself felt in the depths of the sensitive soul, which scorns to drag down the sublime mystery of the unknowable to the vulgar distinctness of earthly things? The fact that the Germans attached but little importance to religious ceremonies accords with this view.« To others, this sense of mystery is a prophetic anticipation of the Kantian thing-in-itself.⁶⁹

Similarly nonchalant and at the same time bold, Dewey makes again an arc from Kant via Fichte and Hegel to the German culture of the present.

"The two worlds of Kant were too far away from each other. The later idealistic world constructions [Fichte, Hegel] crumbled; but their débris supplied material with which to fill in the middle regions between the Kantian worlds of sense and of reason. This [...] is their lasting contribution to present German culture."⁷⁰

The talk of "too far away from each other" is misleading, as if there would be a gap. Dewey himself succumbs to the error and speaks of "material [...] to fill in the middle regions". Unfortunately, here too Dewey does not show concretely and precisely what the contribution consisted of. In any case, the "gulf" between the two domains, of which Kant himself speaks, was not at disposal for filling with any "material".

"In Europe, speaking generally, »Americanism« is a synonym for crude empiricism and a materialistic utilitarianism. It is no part of my task to show how largely this accusation is due to misunderstanding.⁷¹ [...] Our working principle is to try: to find out by trying, and to measure the worth of the ideas and theories tried by the success with which they meet the test of application in practice. Concrete consequences rather than *a priori* rules supply our guiding principles. [...] From the standpoint of *a priorism*, it ["an experimental philosophy of life"] is hopelessly anarchic; it is doomed, *a priori*, to failure. From its own standpoint, it is itself a theory tested by experience."⁷²

Dewey is quite wrong here. This methodological standpoint of "trial and error" is not at all in a competitive relationship with Kant's so-called apriorism. For it relates completely and exclusively to the phenomenal world; and with regard to this, Kant represents the same point of view as Dewey, at least if "trial and error" is understood to be theory-guided rather than blind experimentation. But Dewey would have to explain once, how even a mathematician or a logician should work with the method of trial and error. Does Dewey really think that Thales experimented and measured triangles over and over again, finally coming to the conclusion that the sum of the angles was always 180°? And what is Dewey's empirical way to define the concept of Right? As far as practical philosophy is concerned, Dewey would do better to read the "analytic of pure practical reason" in Kant's *Critique of practical reason*. Anyone who

⁶⁷ That between the time, when Tacitus wrote his book, and Luther waves upon waves have swept the land, which is now known as Germany, is obviously no point for Dewey. Nor does he care that these waves also have swept the land of today's England and of Flanders, the land of Dewey's ancestors. And when he speaks of peculiar genius for religious experience, the countless sects in his own country, of all places, obviously do not come to mind.

⁶⁸ Dewey most likely is speaking here either of Otto Pfeleiderer (1839-1908), a German theologian, who had close ties to Britain and the United States, where his influence was greater than in Germany, or of the brother Edmund Pfeleiderer (1842-1902), a German philosopher and theologian.

⁶⁹ JD pp. 124 f. Dewey's nonchalance in beginning with Tacitus's Germanic tribes, only to end after less than a page with Kant's thing-in-itself, is indeed astounding. – A major reason why I so extensively allowed Dewey to speak for himself is my conviction that his self-destruction is more fatal than any comment could be.

⁷⁰ JD p. 138.

⁷¹ Dewey would have done well to consider this for his judgements in the book as well.

⁷² JD p. 140 f.

attaches so much importance to empiricism should, before judging Kant so harshly, first study his philosophy thoroughly.

4) It may be allowed to repeat, how Dewey begins the introduction to the second edition of his book as follows:

„History has probably never beheld such a swift and complete reversal of conditions as that which took place in Germany after the close of the first World War. The transformation is so great in quality as well as in quantitative aspects that it raises the question whether the classic philosophy of Germany has any applicability to the Germany of the National Socialist epoch.“⁷³

Well, with regard to the applicability of Kant's practical philosophy, to anyone who is even a little familiar with it, comes immediately to mind the devastating judgement Kant would surely pronounce on this epoch.

But Dewey proceeds quite differently:

"A plausible case may be made out for the conclusion that the only factor of identity between the philosophy that brought Hitler to power and the philosophies reported upon in the chapters which follow is belief in the intrinsic superiority of the German people and its predestined right to determine the destiny of other nations."⁷⁴ "We have perhaps reason for holding that what he attributes to blood and race is in fact a product of culture and cultivation, in the formation of which the classic philosophers were educational forces."⁷⁵

One might be a little amazed to hear that it was a philosophy that brought Hitler to power, and one might wish to learn what kind of philosophy that might have been. But with regard to the "philosophies" alluded to, even with only a superficial knowledge of them, one is perplexed and rubs one's eyes in disbelief.

As early as 1915, Dewey, in a way that turned Kant's moral teaching into its opposite, ascribed to it the absurd consequence that the "subject-matter ["appropriate" to the "sense of duty"] lies in the commands of a superior"⁷⁶, namely of the State. Thus, Dewey can then in 1942 easily end his genealogy of 'German' thinking and acting, which began with the allegedly Lutheran Protestant Kant, with Hitler. He approaches the climax of his conviction by declaring apodictically:

"It is upon the side of infiltration of the teachings of the philosophic representatives of Germany into popular attitudes and habits that we find underlying continuity between them and the powerful components of Hitler's appeal."⁷⁷ A little later he concludes: "In his *Mein Kampf* Hitler along with glorification of force, expressly states its subordination (military and economic alike) to ideas and ideals. Without this strand of continuity with the »idealistic« philosophers who were educators of the German people there is no reason to suppose the latter would have responded as it has in fact responded."⁷⁸ About Hitler himself we learn: "In any case, Hitler has a truly Germanic devotion to a *Weltanschauung*."⁷⁹

⁷³ JD p. 13.

⁷⁴ JD p. 13.

⁷⁵ JD p. 15. Would Dewey nowadays really say that the philosophers of American pragmatism brought Trump to power? I myself doubt that the rioters who stormed the Capitol in Washington 2021 did this under the educational influence of the classic philosophers of American pragmatism. What I am sure of, however, is, that they would never have done that under the influence of Kant's practical philosophy.

⁷⁶ JD p. 87.

⁷⁷ JD p. 17.

⁷⁸ JD pp. 19 f.

⁷⁹ JD p. 21. One desperately asks oneself what one should think of that, especially since the author himself was of Germanic descent. Even when Dewey speaks of Hitler's *Weltanschauung*, this does not offer any possibility of building a bridge to German Idealism. Kant may have coined the term, but uses it only once – in the *Critique*

Such a gimmicky concoction, a *German Dewey* would say, is an expression of American thinking and can be traced back to its philosophers of pragmatism.

Of course, all these far-reaching and bold, but at the same time rather abstract theses by Dewey make the reader quite curious to see their concrete terms. To Dewey "there is something uncanny in the scorn which German ethics, in behalf of an unsullied moral idealism, pours upon a theory which takes cognizance of practical motives." Again, it is completely unclear what exactly is claimed by which ethicist here. And then Dewey lets his resentment run free:

"In a highly esthetic people one might understand the display of contempt. But when an aggressive and commercial nation carries on commerce and war simply from the motive of obedience to duty, there is awakened an unpleasant suspicion of a suppressed »psychic complex.«"⁸⁰

Of course, as was to be expected, Fichte and Hegel are for Dewey the greater 'bogey-men' compared to Kant, admittedly always with the proviso that they could only become so by inheriting Kantian idealism. That they then subjected this heritage to a radical change does not bother Dewey; for according to him their thinking suffers from the same deficiency as Kant's: it is not 'empiricism'. What Dewey actually offers is a patchwork quilt of bits and pieces borrowed at random from Kant, Fichte, Hegel and their successors, which he unfolds with the intention of making the reader's step from "German philosophy" to "German politics" possible.

"an appeal [of Hitler] to the latent idealism of the [German] nation, in which »material,« that is, economic, interests are specifically set in opposition to higher »spiritual« interests. [...] In short, it was Hitler's mission to overcome that division between the »inner« and the »outer,« the ideal and the actual, between spiritual faith and the hard realities of action which had constituted »The Two Worlds of Germany,« and for this reason I have felt justified in entitling this chapter »The One-World of Hitler's Germany.«"⁸¹

Just then, if one would take seriously for a moment Dewey's references to German Idealism with regard to German politics, one would have to say that Hitler is trying here to correct the errors brought upon the German people by German Idealism.

Dewey speaks of Hitler's "profession of reverence for »personality«." Admittedly, he at first says:

"I have no desire to interpret these professions as yielding even a verbal deference to the Kantian principle of personality – as an »end in itself.«",

but then he continues:

"But these passages should make clear the emptiness of formal philosophical and theological assertions of the supreme value of »personality,« exactly as other utterances make evident the barrenness, combined with threat of social harm, of formal proclamations of idealism."⁸²

And then Dewey makes clear:

"To healthy common sense [presumably thinking of himself in particular], an »ideal« has meaning when it is taken as something to guide effort in production of future concrete changes in the existing state of affairs. In the two-world scheme of German philosophy, the ideal was the future brought into the present in the form of a remote but overarching heavenly sky – cloudy but still unutterably sublime. [...] Empty, formal

of the power of judgement (KU 05.255). But there, it has a completely different meaning than that which Hitler had in mind or what the term vulgo later assumed.

⁸⁰ JD p. 91.

⁸¹ JD pp. 24 f.

⁸² JD pp. 28 f.

use of *ideals* and *personality* is not confined to German philosophy. It has found lodgment in the teaching of philosophy in this country and Great Britain. [...] idealism and personality separated from empirical analysis and experimental utilization of concrete social situations are worse than vague mouthings. They stand for »realities,« but these realities are the plans and desires of those who wish to gain control, under the alleged cloak of high ends, of the activities of other human beings.⁸³ Hitler's success within Germany and the threat to the peoples of the whole world that success has produced is a tragic warning of the danger that attends belief in abstract absolute »ideals.«⁸⁴

Here we have the whole arsenal, Dewey uses to argue against what he believes to be the philosophy of German Idealism (which he thinks he can simply call German philosophy here): empty, formal, abstract, separated from experience. The next chapter will show how misguided all this is.

Dewey makes the 'salto mortale' from Kant to Hitler as follows: Kant (and for him not already Plato) invented the idea of the two worlds and determined by that German culture.⁸⁵ Hitler found out that this was exactly where Germany's weakness lay. It was his mission to "overcome that division between the »inner« and the »outer«, the ideal and the actual, between spiritual faith and the hard realities of action which had constituted the »Two Worlds of Germany«".⁸⁶ If Dewey had had any resentment against Bach and the Viennese classical period, he could have 'argued' as follows: Through Haydn, Mozart and Beethoven – with Bach as a forerunner – Germany, according to Hitler, had become a nation of effeminate music lovers. He saw his mission in overcoming the musical effeminacy through a strong dash of Wagnerism and the effeminacy in general through military training and warfare. In both cases, however, one would know whom to blame for Hitler's views and actions: Bach.

There is no doubt that also and not least philosophers have had a positive as well as negative influence on human history. But in general, and indeed with regard to all kinds of philosophies, this influence is more to be ascribed to the many epigones and eclectics than to the few great ones who all too often would have to be protected from their 'friends'. The misuse of a teaching – which in principle is possible at any time – can only be attributed to its author if this teaching itself invites or even instigates such misuse by its very nature. With regard to Fichte's and Hegel's philosophy of the State, this perhaps cannot be completely ruled out; but even that would not provide any support for the link that Dewey draws to the world wars. But how one could use the philosopher of the liberal-democratic constitutional State par excellence, i.e. Kant, for that link without first perverting his teaching, as Dewey certainly does, escapes my understanding.

Dewey vividly recalls one of Mark Twain's "foreigners abroad" commenting on an opera by Wagner or the work of Michelangelo; with the difference, admittedly, that the ignorance and incompetence of the "foreigners", displayed with great self-confidence, leads to situations of extreme comedy, while in the case of Dewey one can be sure that he meant it seriously and, moreover, in his self-confidence, had neither of his ignorance nor of his incompetence any inkling. Now, no one can expect a philosopher of American pragmatism to venture into the 'highs' or 'lows' of German Idealism or to try to understand Kant's transcendental

⁸³ See below (pp. 37-39) Ebbinghaus's comment for this.

⁸⁴ JD pp. 29 f. – Once a remark about Hitler even sounds like a positive assessment: "There is one important matter in which Hitler's National Socialism represents a break with the orthodox German tradition of political philosophy. Contrary to what is often said, Hitler did not indulge in deification of the State or political organization." (JD p. 32) As usual, Dewey doesn't name names, let alone sources. Such a procedure could be called demagogic.

⁸⁵ See especially JD pp. 23 f; 137 f.

⁸⁶ JD p. 25.

deduction of the pure concepts of the understanding. But one might fairly expect that he would not comment on these issues as pompously as Dewey does. What he is doing here, is – misunderstanding Nietzsche – philosophizing with a sledgehammer. However, Dewey's philosophy of empirical "trial and error" has proven its worth: he tried and he was wrong, admittedly without realizing it himself – first in 2015 and then, even more thoroughly, in 1942.

5) Checking the craftsmanship

Dewey is not to be blamed for the fact that Kant's philosophy remained a closed book for him, that he literally unsuspectingly saw the Kantian idealism still active in the mentality expressed in Hitler's "Mein Kampf" and that he thought to recognize quite generally, as the cause of the failed German politics in the 20th century, a failed attitude of mind, brought to the point and to the summit by Kant and then effective through the German Idealism of Fichte, Schelling and Hegel as well as through German Romanticism up to the present, and thus in particular through the failed "German philosophy". But he indeed can be blamed for making short work of the underlying doctrine of Kant by simply declaring it false and, moreover, typically German, without giving any serious reasons. And he can be blamed for the fact that his book consists almost entirely of – often adventurous – assertions, mostly of a generalizing nature, without even caring about an understanding of the philosophy he supposedly talks about all the time, let alone about a proof of its alleged influence on "German politics". One cannot avoid the impression that in this book a deep-seated resentment is expressed in a sometimes malicious way.⁸⁷ Something like that is well known from many pamphlets that were published during the First World War on both sides of the front against the respective opponent(s), even and especially by well-known intellectuals.⁸⁸ With Dewey, however, one reads: "Instead of expressing surprise at the characteristic utterances of university men with reference to the great war, we should then rather turn to the past history in which the ideas now uttered were generated."⁸⁹ And then Dewey devotes the remaining three quarters of the first of his three lectures to Kant.

Dewey's boldness in making claims is matched only by his carelessness. He hardly gives an author's name, let alone a source for his citations; and when he paraphrases, he is often far removed from the original⁹⁰ or this even doesn't exist at all.⁹¹

⁸⁷ There is also a defence of Dewey's position, but unfortunately, it still undercuts the sorry effort of that book. See *Cedric Braun*, "Dewey, Ebbinghaus, and the Frankfurt School, A controversy over Kant neither fought out nor exhausted", in: Michael G. Festl (Ed.), *Pragmatism and Social Philosophy*, Routledge, 2020.

⁸⁸ See *The New York Times*, *Current History*, A Monthly Magazine, *The European War*, Volume I. From the Beginning to March, 1915, No. 1: What Men of Letters Say.

⁸⁹ JD p. 61.

⁹⁰ See e.g. with regard to Hegel JD pp. 42-44, to Kant JD p. 76, and even alleged quotations: JD pp. 69; 93; 98. With Kant one reads: "freedom to make *public use* of one's reason in all matters. [...] The *public use* of one's reason must always be free, and it alone can bring about enlightenment among human beings; the *private use* of one's reason may, however, often be very narrowly restricted without this particularly hindering the progress of enlightenment." (WA, 08.3 f.) Dewey turns it into what he needs for his attack on the so-called two-worlds doctrine. Although he first says: "True freedom is inner freedom, freedom of thought together with the liberty consequent upon it of teaching and publication", he goes on with: "In contrast with this realm of inner freedom stands that of civil and political action" (JD p. 76). Well, a judge, for example, may find a State law unconstitutional or otherwise illegitimate. As a judge ("private use" of his reason) he still has to apply that law. But at the same time, he has the right as a citizen to publicly present his arguments against it. And that would be a civil and political action.

⁹¹ See e.g. JD p. 121.

It is often not possible to tell which of the authors in question is meant. For example: "The cosmopolitanism of the French Enlightenment was transformed by German thinkers into a self-conscious assertion of nationalism."⁹² Does Dewey mean Lessing or Kant, Goethe or Schiller, Schopenhauer or Nietzsche, Karl Marx oder Houston Stewart Chamberlain? In the case of a page-long quote, the author is "an historian of German civilization"⁹³. You get the opinion of "a recent German writer"⁹⁴, "an American writer"⁹⁵, "a German professor of philosophy"⁹⁶. In general, something unequivocally defined is only very seldom mentioned; usually it is just as vaguely abstract as it is generalizing: "the Germans"⁹⁷, "German thought", "German thinking"⁹⁸, „German mentality"⁹⁹, "German writers"¹⁰⁰, "(the) German philosophy"¹⁰¹, "the Germanic philosophy"¹⁰², "the German genius", "the German consciousness"¹⁰³, "the faith of the German"¹⁰⁴, "Prussian faith"¹⁰⁵, "the Teutonic temptation"¹⁰⁶, "German ethics", "the German attitude"¹⁰⁷, "Germanic attitude"¹⁰⁸, "according to the German view"¹⁰⁹, "German philosophical procedure", "a truly Germanic devotion to a *Weltanschauung*"¹¹⁰.

To demonstrate the method with which Dewey enforces his result, one can pick out anything: For example, one reads with regard to the "classic German thought" about an "apparent challenge which its highly technical, professorial and predominantly *a priori* character offers to the proposition that there is close connection between abstract thought and the tendencies of collective life."¹¹¹ Dewey speaks of Luther and "the more recent tradition concerning his peculiarly Germanic status and office. [...] But while most nations are proud of their great men, Germany is proud of itself rather for producing Luther."¹¹² Dewey falsifies Kant's famous dictum from the preface to the second edition of the *Critique of pure reason*, that he "had to deny knowledge in order to make room for faith"¹¹³, into: "In Kant's own

⁹² JD p. 115.

⁹³ JD p. 72.

⁹⁴ JD p. 132.

⁹⁵ JD p. 80.

⁹⁶ JD p. 81.

⁹⁷ JD p. 59.

⁹⁸ JD p. 131.

⁹⁹ JD p. 14.

¹⁰⁰ JD p. 132.

¹⁰¹ JD pp. 86; 99; 107 f..

¹⁰² JD p. 115.

¹⁰³ JD p. 70.

¹⁰⁴ JD p. 73.

¹⁰⁵ JD p. 113.

¹⁰⁶ JD p. 81.

¹⁰⁷ JD p. 117.

¹⁰⁸ JD p. 95.

¹⁰⁹ JD p. 117.

¹¹⁰ JD p. 21.

¹¹¹ JD p. 59.

¹¹² JD p. 61.

¹¹³ KrV, B XXX.

words: »I have found it necessary to deny knowledge of God, freedom [!] and immortality in order to find a place for faith« – faith being a moral act.»; and he then continues in a grandiose misunderstanding of Kant's philosophy of religion: "Then he proceeds to reinterpret in terms of the sensuous natural principle and the ideal rational principle the main doctrines of Lutheran Protestantism."¹¹⁴ "That [Kant] brought to consciousness the true meaning of the Lutheran reformation is a commonplace of the German historian."¹¹⁵

Well, that's what some might have thought in the 19th century. But the Prussian minister Wöllner, a Lutheran Protestant, evidently took a very different view when, after the publication of *Religion within the boundaries of mere reason*, he forbade Kant to comment any further on religious matters.

For his assertions about the "German speech", Dewey even uses the fact that in German nouns are written with capital first letters.

"[...] one might discourse upon the deep meaning of the Capitalization of Nouns in the written form of the German language, together with the richness of the language in abstract nouns. One might fancy that the dignity of the common noun substantive, expressing as it does the universal or generic, has bred an intellectual deference. One may fancy a whole nation of readers reverently bowing their heads at each successively capitalized word."¹¹⁶ In such fashion one might arrive at a picture, not without its truth, of what it means to be devoted to a *priori* rational principles [brought into the world especially by Kant]."¹¹⁷

A few lines later Dewey comes to his main point:

"What a convenience, what a resource, nay, what a weapon is the Kantian distinction of a *priori* rational form and a *posteriori* empirical matter. Let the latter be as brutally diversified, as chaotic as you please. There always exists a form of unity under which it may be brought. If the empirical facts are recalcitrant, so much the worse for them."¹¹⁸ It only shows how empirical they are. To put them under a rational form is but to subdue their irrational opposition to reason, or to invade their lukewarm neutrality. Any violence done them is more than indemnified by the favor of bringing them under the sway of a *priori* reason, the incarnation of the Absolute on earth."¹¹⁹

Now, that this is an adequate description of a Kantian doctrine, or even of its relation to the way in which, in Dewey's view, political and social questions were approached in Germany, it is difficult to assert even with an only superficial philosophical resp. historical knowledge. One cannot even speak of a successful Kant persiflage here.

¹¹⁴ JD p. 68.

¹¹⁵ JD p. 62.

¹¹⁶ In order to recognize which humbug Dewey spreads here, it is enough to keep in mind that in the context of the European languages, as far as I see, only in English the personal pronoun for the 1st person singular is capitalized: "I", and that, except in Dutch, only in English also the adjectives referring to nations are capitalized: English, French, Italian. What would English readers do with their head when they read sentences like: "In the morning I like to have a traditional English breakfast. In the evening, I like to think about how to make English cuisine great again and how to regain control over British economic affairs."?

¹¹⁷ JD p. 78. See also JD pp. 72 f., where Dewey long-windedly quotes a "historian of German civilization" who is not mentioned by name or source and who first speaks of "Germanic tribes", "peoples", "soul", but then suddenly of "German science". When, immediately afterwards, "Germanic successes and failures" are mentioned and then again "German art", it becomes clear that the unknown author, like Dewey himself, only ever thinks of "German" when he speaks of "Germanic".

¹¹⁸ Dewey presumably, when he was somehow taken with Hegel and dealing with him in his younger years, read a sentence that is nowhere to be found in Hegel's work, but was ascribed to him, often in a tone of conviction: If reality (or the facts) doesn't agree with theory - much the worse for reality (or for the facts). With reference to Hegel's philosophy, the rumoured sentence is at best a caricature; with reference to Kant's philosophy, it is an absurd verbiage. Hegel's infamous proclamation in the Preface to the *Philosophy of Right* reads: "What is rational is real; and what is real is rational."

¹¹⁹ JD p. 79.

Finally, Dewey turns his verdict on Kant's allegedly disastrous influence on modern German history into a rhetorical question:

"Yielding to the Teutonic temptation to find an inner meaning in the outer event, one may wonder whether German thought has not since Kant's time set its intellectual and spiritual clocks by the Kantian standard: the separation of the inner and the outer, with its lesson of freedom and idealism in one realm, and of mechanism, efficiency and organization in the other."¹²⁰

Of course, nonsense is produced all the time and everywhere and is in itself not worth mentioning. The reason for devoting nonetheless a review to this book is the fact that it was penned by one of the most renowned philosophers of the 20th century and could therefore be taken seriously. But the reading almost continuously provokes a stunned "si tacuisses". The book is not only acceptable, but even good only in the very few interspersed passages in which Dewey loosens the dogged grip of his victim for the length of a breathing space and reveals something of his own pragmatist philosophy. In view of their brevity and rarity, however, these passages cannot save the book, especially since they can be found scattered everywhere in the very extensive work of this author.

In the first of his lectures, Dewey once complained: "To one who is professionally preoccupied with philosophy there is much in its history which is profoundly depressing."¹²¹ I must confess that after having read Dewey's book I can only agree with his statement.

II. Kant about the sensible and the supersensible realm

First of all, it is to be noted that for a use of the distinction between "phaenomenon" and "noumenon", already made in the schools of the ancients,¹²² it is not at all necessary to resort to the doctrine of the ideality of space and time and to the *specifically Kantian* distinction between "mundus sensibilis" and "mundus intelligibilis", which is based on this doctrine.

Kant himself gives a decisive indication in the Critique of pure reason:

"right cannot appear at all; rather its concept lies in the understanding and represents a constitution (the moral constitution) of actions that pertains to them in themselves. The representation of a body in intuition, on the contrary, contains nothing at all that could pertain to an object in itself, but merely the appearance of something and the way in which we are affected by it; and this receptivity of our cognitive capacity is called sensibility and remains worlds apart from the cognition of the object in itself even if one might see through to the very bottom of it (the appearance)."¹²³

Actions to which pertains "in themselves" a moral constitution, must, of course, in no way be understood as an "object in itself" like the one spoken of a few lines later. This "remains completely unknown to us"¹²⁴, while right itself and the juridical-moral constitution of an action are certainly a possible object of (practical) cognition.¹²⁵ Nor can one say of the sensible ac-

¹²⁰ JD p. 81.

¹²¹ JD p. 58.

¹²² "scholis veterum [...] audiebat". MSI 02.392; see also 02.395; Prol 04.314.

¹²³ KrV A 44/B 61; cf KU 05.228.

¹²⁴ KrV A 42/B 59.

¹²⁵ Thus already MSI 02.395.

tion with regard to right, as Kant does with regard to the body of which he speaks, that "if we view the objects of the senses as mere appearances, as is fitting, then we thereby admit at the very same time that a thing in itself underlies them, although we are not acquainted with this thing as it may be constituted in itself, but only with its appearance, i.e., with the way in which our senses are affected by this unknown something."¹²⁶ That "in itself", with reference to the actions, means that the "moral" constitution does not pertain to the event falling under the senses, but to the action as an imputable deed under laws of right. The way in which Kant talks about right here, hardly allows the interpretation of a restriction of cognition to the appearance of objects that are in themselves unrecognizable and therefore cannot serve as proof that Kant in the *Critique of pure reason* claimed the doctrine of transcendental idealism also for the doctrine of Right, which for this very reason would also have to be regarded as "critical". Incidentally, Kant only wants to make it clear in the quoted passage that the distinction between appearance (and its possible knowledge) and thing in itself has absolutely nothing to do with the difference between an indistinct and a distinct cognition.

The view that also the categorical obligation of right ultimately depends on transcendental idealism finds a certain seductive support in the fact that Kant also makes use of the distinction between phaenomenon and noumenon in the doctrine of Right,¹²⁷ albeit almost exclusively in the doctrine of private Right for the special distinction between physical (sensible, empirical) possession and merely rightful (intelligible) possession. Without this distinction, one could not even speak of another doing me wrong through the use he makes of a thing, even if I do not have this thing in physical possession ("possessio phaenomenon"), but nonetheless in merely rightful possession ("rational possession"; "possessio noumenon").

Admittedly, even at first glance it can be seen that "possessio noumenon" cannot possibly be understood as a "thing in itself" underlying what appears to the senses, and "posses-

¹²⁶ Prol 04.314 f.

¹²⁷ Incidentally, it may be noted here that the Cambridge Edition of Kants *Doctrine of Right* is unfortunately not an English version of what is contained in the Akademie Edition, but rather of a mutilated text: Immanuel Kant, *Metaphysische Anfangsgründe der Rechtslehre* (ed. Bernd Ludwig), Hamburg: Felix Meiner Verlag, 1986. – The perpetrator Bernd Ludwig calls it misleadingly a 'philological reconstruction' (pp. XXIX, XXXI) – by which the philosophical essence especially of the part on Private Right is completely destroyed. The proofs for that, at least in Kant's mother tongue, are overwhelming.*) For serious work on Kant's *Doctrine of Right* the Cambridge Edition is quite useless. It is therefore better to use the *first* translation of the Doctrine of Right by Mary J. Gregor (*Metaphysics of Morals*, Cambridge 1991), although it, too, contains at least one critical mistake - in the first lines of § 44 (RL 06.312). Ludwig gave his 'reconstruction' the motto: "The philosophers have only *interpreted* the *Doctrine of Right* in various ways; the point is to *change* it." (*Bernd Ludwig*, *Kants Rechtslehre*, Hamburg: Felix Meiner Verlag, 1988, 1) The result forces a new motto: "Ludwig has only *changed* the *Doctrine of Right*; the point is to understand it."

*) See: *Gerhard Buchda*, *Das Privatrecht Immanuel Kants. Der erste Teil der Rechtslehre in der Meta-physik der Sitten. Ein Beitrag zur Geschichte und zum System des Naturrechts*. Jena: Frommann, 1929 – *Friedrich Tenbruck*, "Über eine notwendige Textkorrektur in Kants »Metaphysik der Sitten«", in: *Archiv für Philosophie*, 3, 1949, S. 216–220 – *Burkhard Tuschling*, "Das »rechtliche Postulat der praktischen Vernunft«: seine Stellung und Bedeutung in Kants »Rechtslehre«"; in: *Hariolf Oberer / Gerhard Seel* (Hrsg.), *Kant. Analysen – Probleme – Kritik*, Würzburg 1988, 273-292 – *Hans Friedrich Fulda*, "Kants Begriff eines intelligiblen Besitzes und seine Deduktion („Metaphysische Anfangsgründe der Rechtslehre“, § 6)"; in: *Jahrbuch für Recht und Ethik*, 5 (1997), 103-119, bes. 104, 117 – *Hans Friedrich Fulda*, "Erkenntnis der Art, etwas Äußeres als das Seine zu haben"; in: *Otfried Höffe* (Hrsg.), *Immanuel Kant, Metaphysische Anfangsgründe der Rechtslehre*, Berlin 1999, 103 f. – *Jeffrey Edwards*, *Autonomy, Moral Worth, and Right*, Berlin/Boston: 2018, 131 – *Michael Wolff*, "Julius Ebbinghaus, die rechtlichen Grenzen der Staatsgewalt und die Interpretation der *Rechtslehre* Kants", in: *Manfred Baum / Dieter Hüning* (eds), *Kants Staat der Freiheit. Zur Interpretation der Rechtslehre Kants* durch Julius Ebbinghaus, Stuttgart: 2020, 145-193 – *Michael Wolff*, "Kant über das Recht des Privatgebrauchs des Erdbodens. Zugleich eine Beantwortung der Frage, warum § 16 der *Metaphysischen Anfangsgründe der Rechtslehre* der richtige Ort für die fünf falsch gesetzten Absätze aus § 6 ist"; in: *Kant-Studien*, 111 (2020) 67-103.

sio phaenomenon" not as its "appearance".¹²⁸ To rightful ownership does not necessarily correspond empirical ownership and vice versa. The possessed object itself is, of course, in *both* cases of possession an object of experience; but intelligible possession as such is literally a "being of the understanding"¹²⁹; it concerns rightful possession as "thinkable merely by the understanding" as distinct from "possession as appearance".¹³⁰ This, on the other hand, as merely physical possession, has no juridical quality at all.¹³¹ It would be quite absurd to interpret its relationship to merely rightful possession in the sense of the relationship between phaenomenon and noumenon, as is known from the *Critique of pure reason*. The same applies to the "Platonic [sic!] *ideal* (respublica noumenon)", "conceived [...] by virtue of pure concepts of reason", which is, it's true, "the eternal norm for all civil constitution in general",¹³² but cannot seriously be understood "as it was in the Transcendental Analytic", as a thing in itself. "[T]here, reason was concerned with theoretical cognition of the nature of things and how far it could extend, but here [in the Doctrine of Right] it is concerned with the practical determination of choice in accordance with laws of *freedom*, whether the object can be cognized through the senses or through the pure understanding alone, and *right* is a pure practical *rational concept* of choice under laws of freedom."¹³³ When Kant speaks of an idea with regard to the "respublica noumenon" which "lies at the basis of all political forms", namely as a norm for human practice, here: for politics "as doctrine of right put into practice"¹³⁴, then here, too, one cannot think of the way in which, according to the doctrine of transcendental idealism, things in themselves underlie the objects of sensible intuition.

What Kant in the *Groundwork of the metaphysics of morals* says about the two standpoints, from which a rational being

"can regard himself and cognize laws for the use of his powers and consequently for all his actions; *first*, insofar as he belongs to the world of sense, under laws of nature (heteronomy); *second*, as belonging to the intelligible world [GG: to "a supersensible nature and [...] a pure world of the understanding"¹³⁵], under laws which, being independent of nature, are not empirical but grounded merely in reason"¹³⁶,

that can also be applied to juridical relationships. What has to be taken into account, though, he says himself in a different context:

¹²⁸ Cf RL 06.249.

¹²⁹ KpV 05.48. "Right (formaliter) is an idea to which the corresponding object cannot be given at all in experience; therefore ius cannot be divided into ius noumenon and phaenomenon. It can only be *given* in practical respect, but in theoretical respect only be thought." VARL 23.330. (m/tr; not in CE)

¹³⁰ RL 06.255. "All concepts of right are intellectual; but in order to apply them, to present them as phaenomenon, they always have need of physical actions, though these do not necessarily pertain to possession, and the latter is therefore intellectual, merely, or the Idea of disposing over the thing by means of the right. It is merely thought, therefore, and does not require physical custody of the object of the right; so *mine*, likewise, is only that, the possession of which can be thought by me." (V-MS/Vigil 27.596)

¹³¹ "There is no genuine contradiction between these two concepts of possession [the physical and the rightful], for the first is possession in appearance which, as unilateral appropriation (without a lawful corroborating universal will), is not sufficient for merely rightful possession and for mine or yours, but it is nevertheless necessary for that as the requisite *designation* of my lawgiving universal will within which the merely rightful possession is preserved even without physical possession." VARL 23.280 f. (partly m/tr).

¹³² See SF 07.91; see also KrV A 316/B 372 ff.

¹³³ RL 06.249.

¹³⁴ ZeF 08.370.

¹³⁵ KpV 05.43.

¹³⁶ GMS 04.452.

"what is under discussion here does not go beyond the purely moral and rightful relations to be found among human beings during life as well. These are relations in which human beings stand as intelligible beings, insofar as one *logically puts aside*, that is, *abstracts from*, everything physical (i.e., everything belonging to their existence in space and time); but one does not remove them from this nature of theirs [...] in a relation purely of rights, which is entirely intellectual, abstraction is made from any physical conditions (of time)".¹³⁷

This logical putting aside and its decisive function for the doctrine of Right can be easily understood if one takes a closer look at the ("true and only possible"¹³⁸) transcendental deduction of the concept of acquisition by contract in the *Doctrine of Right*. It refers to the two constitutive rightful acts of choice: promise and acceptance, through which, after the preparatory acts: offering and assent, the contract of acquisition is concluded and thus what is offered is acquired. "But what belongs to the promisor does not pass to the promisee (as acceptant) by the *separate* will of either but only by the *united will* of both, and consequently only insofar as both wills are declared *simultaneously*." This "simultaneously" is empirically impossible, since both acts of declaration "must necessarily *follow* each other in time [...] when one act *is* the other either *not yet* or is *no longer*." The difficulties arising from this impossibility of justifying rightful acquisition by contract can only be removed by the transcendental deduction of the concept of such an acquisition. *As a rightful one*, the relationship between the two parties involved in the conclusion of the contract is "purely intellectual". And that's why,

"that possession [at issue in the acquisition] is represented through the will, which is a rational capacity for giving laws, as intelligible possession (possessio noumenon) in accordance with concepts of freedom in abstraction from those empirical conditions, as what is mine or yours. Here both acts, promise and acceptance, are represented not as following one upon another but [...] as proceeding from a single *common* will (this is expressed by the word *simultaneously*); and the object (*promissum*) is represented, by omitting empirical conditions, as acquired in accordance with the law of pure practical reason."¹³⁹

In general, therefore, intelligible possession differs from empirical possession in that it does not appear like the latter, but that it is "a postulate of pure reason (pure as abstracting from all sensible conditions of space and time in *what concerns the concept of right*)"¹⁴⁰, just merely thought of, without being given up as possession acquired by contract.

The result of the logical putting aside of everything that belongs to the physical existence of man, which evidently does *not* presuppose the doctrine of the ideality of time, still refers to man as a natural living being in the sensible world who as such is subject to the (empirical) laws of nature, belonging to the genus *Homo sapiens*, for whom, however, in addition – and that is what the logical putting aside is all about – thanks to his endowment with practical reason for his willing and acting, laws for the (external) use of choice apply and who insofar belongs at the same time to an intelligible world, whereby the two dimensions that determine

¹³⁷ RL 06.296. Hobbes already worked with the idea of an identical will, independent of the passage of time, of one and the same person. "And there is in every breach of covenant a contradiction properly so called; for he that covenanteth, willeth to do, or omit, in the time to come; and he that doth any action, willeth it in that present, which is part of the future time, contained in the covenant: and therefore he that violateth a covenant, willeth the doing and the not doing of the same thing, at the same time; which is a plain contradiction." *Thomas Hobbes, The Elements of Law, Natural and Politic* (ed Ferdinand Tönnies), London 1889; reprint London 1969, XVI 2; see also Hobbes, *De Cive*, ch. III.

¹³⁸ RL 06.273.

¹³⁹ RL 06.272 f.

¹⁴⁰ RL 06.273 (m/it).

him as a person are essentially different.¹⁴¹ One is the "real" dimension of spatio-temporal reality: "man in our own person"¹⁴²; the other is the dimension of claims of (juridical-practical) validity which is related to that reality but is not itself real, but "ideal": "humanity in our own person"¹⁴³. Because the "homo phaenomenon", "the human being as a sensible being endowed with reason"¹⁴⁴, who as such is a physical being subject to the laws of nature, is *at the same time* understood as a moral being subject to the laws of freedom of the "homo noumenon"¹⁴⁵, juridical personality (something about the human being, "which is not itself appearance"¹⁴⁶, i.e. something intelligible) is, insofar as it is only about laws of external freedom, intended for him and he is "regarded as a *person*"¹⁴⁷ ("though only in a practical respect – for there is no theory about the causal relation of the intelligible to the sensible"¹⁴⁸). The "homo noumenon" presents the human being "merely in terms of his *humanity*, his personality independent of physical attributes".¹⁴⁹ He is "merely a personified idea"¹⁵⁰ of the human being under laws of Right. The subject "represented as affected by physical attributes, the *human being* (homo phaenomenon)"¹⁵¹ is in the light of this idea¹⁵² a juridical person.¹⁵³ As such, he is first the subject of the right of humanity in one's own person and thus the subject of the right to rights and then the subject of rights of human beings.¹⁵⁴ But he is both at the same time, he cannot be one without the other; and both are understood here in a juridical and therefore purely rational way: man has certain for him *intended* rights of human beings by virtue of the right of humanity *intended* for him as a juridical person.

Here, too, one can use the manner of speaking used by Kant: the "moral constitution", to be a juridical person and as such to have certain rights, belongs to man "in himself", insofar as he is imputable regarding his actions and subject to laws of Right. As a result of the different spatio-temporal conditions under which human beings are, they differ as juridical per-

¹⁴¹ Cf the excellent essay of *Chong-Fuk Lau*, "Freedom, Spontaneity and the Noumenal Persepctive"; in: Kant-Studien 99 (2008) 312-338; further: *Hans Wagner*, *Die Würde des Menschen*, Würzburg: Königshausen & Neumann, 1992, 156 ff.; 183 ff.

¹⁴² V-MS/Vigil 27.579.

¹⁴³ V-MS/Vigil 27.579.

¹⁴⁴ TL 06.439.

¹⁴⁵ "The morally practical reason in us that is humanity (homo noumenon) which gives us laws. " VATL, 23.398 (m/tr); see also V-Met/Arnoldt, 29.1023.

¹⁴⁶ KrV A 538/B 566.

¹⁴⁷ TL 06.434; see also V-Met/Arnoldt, 29.1019 f.

¹⁴⁸ TL 06.439.

¹⁴⁹ RL 06.239.

¹⁵⁰ V-MS/Vigil, 27.593.

¹⁵¹ RL 06.239.

¹⁵² "The difficulty about the supreme principle of right is that one has wanted to examine the right of a human being (the relation of freedom in space and time) before one had examined the right of a person as such (as *noumenon*). Hence the difficulties in applying these principles have been held to be difficulties regarding pure principles *a priori*." (VARL 23.300).

¹⁵³ "[...] that we set our intelligible self, i.e., humanity in our own person, over against our sensible being, i.e., man in our own person, and thus contrast man as the agent with humanity as the lawgiving party." (V-MS/Vigil 27.579). "We conceive of man first of all as an ideal, as he ought to be and can be, merely according to reason, and call this Idea *homo noumenon*; this being is thought of in relation to another, as though the latter were restrained by him; this is man in the state of sensibility, who is called *homo phaenomenon*. The latter is the person, and the former merely a personified Idea [...]" (V-MS/Vigil 27.593).

¹⁵⁴ See RL 06.239 f.

sons by the "empirically conditioned or rather determined"¹⁵⁵ *rights of human beings* they each have: so many different human beings – so many different juridical persons. With regard to the *right of humanity* that constitutes them as such, they differ in nothing. It is humanity¹⁵⁶ in the idea, intended for every human being, by which this being becomes "homo noumenon". Therefore, the principle of the right of humanity is "absolute and without a subject" and "merely formal" because it is related to the "homo noumenon" as such, "of whom there are no empirical determinations"¹⁵⁷, which, however, does by no means make him the thing in itself that is familiar from the "transcendental analytic" of the *Critique of pure reason* and yet remains "entirely unknown".¹⁵⁸

The "being[.] of the understanding"¹⁵⁹ "humanity" (homo noumenon) refers both in the doctrine of Right and in the doctrine of virtue to the human being (homo phaenomenon) as a free being and to the laws (of freedom) valid for such a being; in the first case to the human being merely as an outerly free being (and thus capable of rights), in the second case to the human being as an also innerly free being (and thus capable of virtue). The difference between doctrine of Right and doctrine of virtue with respect to the meaning of "homo noumenon" results from the difference of how the being of the understanding is in each case conceived. Both the "homo noumenon" of the doctrine of Right is the idea of a human being whose *outer* use of his choice, and the "homo noumenon" of the doctrine of virtue is the idea of a human being whose *inner* use of his choice completely agrees with pure rational principles. In both cases, this idea functions as archetype, ideal, standard, eternal norm.¹⁶⁰ It has objective reality only insofar as it determines human action or volition, and the human being is holder of rights (person) in space and time (as homo phaenomenon).

It should be noted in passing that in all practical philosophy the relation of "mundus intelligibilis" to "mundus sensibilis" is different from that in theoretical philosophy.¹⁶¹ In practical respect, "mundus intelligibilis" is "the world"¹⁶² of *rational* beings considered in accordance with objective laws of *freedom*¹⁶³, and as a purely practical idea related to the sensible world ("mundus sensibilis"). It is about "furnish[ing] the sensible world, as a *sensible nature* (in what concerns rational beings [GG: regarding their volition and action]) with the form of a world of understanding, that is, of a *supersensible nature*, though without infringing upon the mechanism of the former."¹⁶⁴ The talk of "homo noumenon" refers to the practical faculty of

¹⁵⁵ VARL 23.257 (m/tr).

¹⁵⁶ Cf KrV A 318/B 374; SF 07.39; 07.58; GMS 04.429; 04.439; KU 05.257; RGV 06.28; 06.61; TL 06.405; 06.418; 06.451; 06.480; Päd 09.447; Anth 07.324.

¹⁵⁷ VARL 23.257 (m/tr; m/it).

¹⁵⁸ KrV A 42/B 59. Since man as a person is both at the same time: "homo noumenon" and "homo phaenomenon", he can also as a member of the intelligible world be distinguished from other persons and judged juridically resp. morally. The human being has personality by being a (practical) rational being, but it belongs to him as a human being, i.e. as a natural rational being in its individuality. He is responsible for his actions as an individual and he is punished for them as an individual (homo phaenomenon).

¹⁵⁹ KpV 05.48; Prol 04.332: "better: being [.] of thought".

¹⁶⁰ Cf e.g. KrV A 569-70/B 597-98; KpV 05.43; SF 07.91.

¹⁶¹ See also KpV 05.06; 05.54 ff.

¹⁶² Admittedly one only thought of.

¹⁶³ Refl 4254, HN 17.484 (m/it); cf GMS 04.438.

¹⁶⁴ KpV 05.43. GMS 04.458: "The concept of a world of understanding is [...] only a *standpoint* that reason sees itself constrained to take outside appearances *in order to think of itself as practical*"

reason. According to Kantian teaching, also to a pig as a thing in appearance corresponds a thing in itself. Nevertheless, one could not possibly speak of it in *practical* respect of "porcus noumenon."¹⁶⁵

Whether Kant now speaks of the realm of freedom, the realm of ends,¹⁶⁶ the realm of the highest good or the kingdom of God, for him it is always about an "intelligible world" and thus about a different world order than that of nature as an object of experience. All these 'realms' are an intelligible "order of things"¹⁶⁷ which determines or can determine the human being in this world besides the order of nature. Kant's talk of the human being as a citizen of two worlds merely indicates the – almost plain – fact that the human being as a natural being is subject to the laws of nature, but as a willing rational being (also) subject to the laws of freedom, and that, depending on the point of view from which one looks at him, he must be counted as belonging to one or the other world order and thus at the same time as belonging to both orders of the world in which he lives as a finite rational being.

"[A] rational being must regard himself as *intelligence* (hence not from the side of his lower powers) as belonging not to the world of sense but to the world of understanding; hence he has two standpoints from which he can regard himself and cognize laws for the use of his powers and consequently for all his actions; *first*, insofar as he belongs to the world of sense, under laws of nature (heteronomy); *second*, as belonging to the intelligible world, under laws which, being independent of nature, are not empirical but grounded merely in reason.

As a rational being, and thus as a being belonging to the intelligible world, the human being can never think of the causality of his own will otherwise than under the idea of freedom; for, independence from the determining causes of the world of sense (which reason must always ascribe to itself) is freedom."¹⁶⁸

"[T]he human being must be destined for two entirely different worlds: for the realm of sense and understanding and so for this *terrestrial world*, but also for another world, *which we do not know*, for a moral realm."¹⁶⁹

Kant calls "the world as it would be if it were in conformity with all moral laws (as it *can* be in accordance with the *freedom* of rational beings and *should* be in accordance with the necessary laws of *morality*) a *moral world*." Although "conceived thus far merely as an intelligible world", the idea of it is to be realized in the sensible world. But 'realization' here does not mean that with it the intelligible world would become, as it were, a world-as-appearance. Acting under laws of freedom has two elements: the material fulfillment of duty by acting in conformity with the law and the formal fulfillment of duty by acting out of respect for the law. The first element leads to the legality of the action, the second to its morality. And this very morality never appears. Its 'realization' takes place exclusively in the intelligible world and is therefore for us humans no object of possible cognition. Legality (as the realization of moral ends), on the other hand, really appears and is thus, as part of the sensible world, also an object of possible cognition. When Kant speaks of the moral world as an "idea, which really

¹⁶⁵ See for this also Schmucker's criticism of Kemp Smith in: *Josef Schmucker, Das Weltproblem in Kants Kritik der reinen Vernunft*, Bonn: Bouvier 1990, p. 325; and *Josef Schmucker, Die Ursprünge der Ethik Kants in seinen vorkritischen Schriften und Reflektionen*, Meisenheim: Hain 1961, pp. 264 ff.

¹⁶⁶ By the way, the idea of a purely intelligible realm of ends and of laws of freedom (of morality), being in force there like laws of nature (see GMS 04.436.25) is as such not aimed at realization (as often assumed in literature), but has a heuristic function: with regard to our duties and rights (as human beings and citizens).

¹⁶⁷ See GMS 04.454; 04.457; KpV 05.42; 05. 49; 05.086; KU 05.377; 05.458.

¹⁶⁸ GMS 04.452.

¹⁶⁹ SF 07.70 (m/it).

can and should have its influence on the sensible world, in order to make it agree as far as possible with this idea", then this influence itself can only be a phaenomenal one and the conformity of the sensible world with the idea can only be a conformity with the moral laws. As far as the human beings as rational beings, subject to the laws of freedom, are in "thoroughgoing systematic unity" with each other, they form in the sensible world, of which they are a part as sensible beings, at the same time a supersensible and therefore invisible community, a "corpus mysticum" lying outside of all possible experience.¹⁷⁰

Kant's distinction between a sensible world (*mundus sensibilis*) and a world of understanding (*mundus intelligibilis*) is *not* to be understood *ontologically*.¹⁷¹ This is a purely methodical-critical distinction between the world of the understanding and the world of the senses, not a separation and juxtaposition – however "real" – of two disparate and incommensurable elements of the being.¹⁷² The unification of reason and sensibility, of the world of understanding and the sensible world, is a pure idea of reason. It does not mean a reality that can ever be found in this world, but only a task set for man by the moral law for his volition and actions¹⁷³ and an object of hope made possible by the moral law, namely another, (merely imagined) future world of the highest good.

Moral empiricism and the associated rejection of Kant's doctrine of transcendental freedom, as we find it in Dewey, is also currently widely advocated, even by so-called 'Kantians'.

Louden¹⁷⁴, for example, thinks it is possible to avoid dealing with the idea of transcendental freedom, "the stumbling block of all empiricists"¹⁷⁵, and with the associated "paradoxical speculations", "if we approach it [Kant's "paradoxical account of freedom"¹⁷⁶] not from the dizzying heights of his critical philosophy but rather from [...] the perspective of pragmatic anthropology".¹⁷⁷ However, the freedom, that Kant's anthropology and then also Loudon deal with, is solely the "practical freedom" according to Baumgarten: *known through experience*. Only in this way does the question, otherwise quite absurd for Kant, "how can freedom be investigated empirically"¹⁷⁸ make sense. Loudon attests himself "intellectual modesty": "We do not brashly and arrogantly [*contra* Kant himself¹⁷⁹] claim to be able to prove that we are

¹⁷⁰ KrV A 808/B 836. Here is not – as is often the case – to think of the world of the highest good. In Kant's time, "mystical" was also used instead of "moral" and as opposed to "physical"; e.g. "persona moralis, mystica" in *Johann Gottlieb Buhle*, *Lehrbuch des Naturrechts*, Göttingen: 1798, 23. See also: *Ingeborg Heidemann*, "Das Ideal des höchsten Guts. Eine Interpretation des Zweiten Abschnitts im »Kanon der reinen Vernunft«", in: *Ingeborg Heidemann / Wolfgang Ritzel* (ed), *Beiträge zur Kritik der reinen Vernunft 1781-1981*, Berlin / New York: 1981, 233-305.

¹⁷¹ See e.g. RL 06.296 fn; 06.335.

¹⁷² According to Bruno Bauch, Schiller understood Kant's logical distinction as a real opposite and therefore believed that, what actually was only extramoral for Kant, was for him immoral. (see *Bruno Bauch*, "Schiller und die Idee der Freiheit", in: *Kant-Studien*, 10 (1905), 346-372).

¹⁷³ Cf KpV 05.43; KrV A 808/B 836.

¹⁷⁴ *Robert B. Loudon*, "Freedom from an anthropological point of view", in: *Nature and Freedom*. Proceedings of the XIIth International Kant-Congress, Eds. Violetta L. Waibel et al., Berlin/Boston 2018, vol. I, 457–472.

¹⁷⁵ KpV 05.07

¹⁷⁶ Robert Loudon, op. cit. p. 457.

¹⁷⁷ Op. cit., pp. 458; 462.

¹⁷⁸ Op. cit, p. 460.

¹⁷⁹ Loudon refers here to KpV, 05:03.14 f., 05: 47.29–31.

transcendentally free [...], we merely assume the possibility of freedom". His "approach" would avoid "the embarrassing noumenal pitfalls that ensnare those Kantians who persist in engaging in metaphysical speculations about the details of transcendental freedom" and would allow, "to replace the schizophrenic picture of humans that is entailed by one currently popular interpretation of the Kantian metaphysical perspective on freedom with a common-sense, unified picture of human agency that better fits Kant's own texts."¹⁸⁰ For Louden's purely anthropological perspective his 'modest' attempt at approximation was of course not necessary at all, as he could easily have learned from Kant himself.¹⁸¹ With his *dogmatic* "approach", however, he remains at an unbridgeable distance from Kant's *critical* "account of freedom".

Wood, regarding his alleged justification for ignoring the doctrine of transcendental freedom, speaks of Kant's "desperate expedient such as Kant's infamous [sic] distinction between phenomenal and noumenal causality"¹⁸² and of the two-world doctrine behind it. Wood comes to the conclusion that for "Kant's ethical theory proper, including his deduction of the moral law from the presupposition of freedom [...] the controversial metaphysics of transcendental idealism" is not needed. For this, Kant's "naturalistic understanding of freedom" would be sufficient, which is shown in his historical and anthropological works in the attempt to integrate human freedom into a naturalistic understanding of human beings as a biological species.¹⁸³ More differentiated reflections on the systematic distinction between transcendental and practical freedom, negative and positive concept of freedom,¹⁸⁴ choice, free choice, will, free will, and their role for the distinction, which Wood does not discuss at all, for instance between intelligible and empirical character or between "virtus noumenon" and "virtus phaenomenon" are not given by Wood. Even the idea of autonomy poses no problem for him within his naturalistic understanding of freedom with his "informed common sense in the late twentieth century."¹⁸⁵

In a lecture transcript from 1793/94 there is a good presentation of the Kantian counter-position:

"Freedom cannot [...] be made comprehensible, and so in itself there is no freedom; only the belief that we are free is capable of explanation. But to picture man as free has this great difficulty, that we have to think of him in the world of sense, and in relation to his natural necessity. There seems to be a manifest contradiction in the fact that a man is supposed to determine himself on his own account, and yet be already predetermined. Nor would this contradiction be removable, were we not necessitated to view man from two sides, namely as phaenomenon, i.e., as an appearance through his inner sense, and as noumenon, i.e., as he knows himself, in himself, through the moral laws. It is an additional question, whether we can be taught that we are free by empirical psychology, merely, or whether we can learn of this only through morally practical principles and our consciousness of them. From principles of the first kind we should know ourselves merely in the world of sense; moreover, if we had no moral laws, or categorical imperative of duty within us, and our actions stood merely under conditions of nature, and our grounds of determination were purely hypothetical, there would be no obligation, and all actions would be based simply on technico-

¹⁸⁰ Op. cit., p. 472.

¹⁸¹ See SF 07: 91 f.

¹⁸² Allen W. Wood, *Kant's ethical thought*, Cambridge: 1999, p. 173.

¹⁸³ See op. cit., p. 179 f.

¹⁸⁴ See for this: Georg Geismann, "Zur Rolle der Freiheit in Kants (Moral-)Philosophie"; in: *Kant-Studien*, 111 (2020) 386-422.

¹⁸⁵ Allen W. Wood, op. cit., p. 179. Similarly far away from Kant as Wood, is also the other general editor of the Cambridge Edition: Paul Guyer, "Naturalizing Kant", in: *Kant verstehen – Understanding Kant. Über die Interpretation philosophischer Texte* (Eds. Dieter Schönecker and Thomas Zwenger), Darmstadt: 2001, 59–84.

practical laws. Morality, therefore, is the sole means of obtaining consciousness of our freedom. – That this consciousness of freedom should be immediately present in us, is impossible [...] the consciousness of dutiful performance of action must therefore be inferred, not immediately, but through a moral imperative of freedom, and the moral consciousness must be derived by me from that. [...] There is thus within me a power to resist all sensory incentives, as soon as a categorical imperative speaks. The position, then, is that *freedom is known by an inference (namely from the moral law) and not immediately felt*. [...] Hence it is also not possible to know freedom in a psychological manner; it is possible only through the moral law."¹⁸⁶

In the *Metaphysics of morals* Kant brings the matter to the point once again:

"The concept of *freedom* is a pure rational concept, which for this very reason is transcendent for theoretical philosophy, that is, it is a concept such that no instance corresponding to it can be given in any possible experience, and of an object of which we cannot obtain any theoretical cognition; the concept of freedom cannot hold as a constitutive but solely as a regulative and, indeed, merely negative principle of speculative reason. But in reason's practical use the concept of freedom proves its reality by practical principles, which as laws prove a causality of pure reason for determining choice independently of any empirical conditions (of sensibility generally), and a pure will in us, in which moral concepts and laws have their source."¹⁸⁷

Let it be noted: It is the *exclusive*, not the *thoroughgoing*¹⁸⁸ determination of the world of experience by the mechanism of nature, on which the assumption of freedom threatens to fail. The complete predetermination also of the human being with his volition and actions is not a subject for any doubt for Kant.¹⁸⁹ Within the limits of experience, therefore, there can be no freedom in the positive sense ["independence of [...] reason itself (with regard to its causality for initiating a series of appearances) from all determining causes of the world of senses"¹⁹⁰]. In this respect, natural mechanism and freedom are *incompatible*. The *compatibility* of the two heterogeneous kinds of causality implied in Kant's proof of the conceivability of transcendental freedom, on the other hand, means that "an *absolute causal spontaneity* beginning *from itself* a series of appearances that runs according to natural laws"¹⁹¹ can be thought of, without thereby affecting the predetermination of natural events. The ambiguity of the preposition "with" in the recurrent question as to whether, according to Kant, freedom is "compatible with" natural causality is presumably the reason for the confusion that can be encountered in the discussion of "compatibilism" and "incompatibilism."

The following Kantian original, rarely taken note of, may, in conclusion, be read as a summary of the answer Kant could have given to Dewey's attack on what he thought to be Kant's "two-world scheme"¹⁹².

"I have learned from the critique of pure reason¹⁹³ that philosophy is not a science of representations, concepts and ideas, or a science of all the sciences, or anything else of this sort. It is rather a science of the human being, of his representations, thoughts and actions; – it should present all the components of the human being both as he is and as he should be, that is, in terms both of his natural functions and of his re-

¹⁸⁶ V-MS/Vigil 27.505-07 (m/it); see also: V-Met/Dohna 28.682.23–25; V-Met-K2/Heinze 28.773.10-16.

¹⁸⁷ MS 06.221 (partly m/tr).

¹⁸⁸ Cf KrV A 537/B 565.

¹⁸⁹ E.g. RGV 06.49 f.; V-MS/Vigil 27.502 f.

¹⁹⁰ KrV A 803/B 831.

¹⁹¹ KrV A 446/B 474.

¹⁹² JD p. 23.

¹⁹³ This means of course the fact, not the book *Critique of pure reason*.

lations of morality and freedom. Ancient philosophy was quite mistaken in the role it assigned the human being in the world, since it considered him a machine within it, entirely dependent on the world or on external things and circumstances, and so made him an almost all but passive part of the world. – Now the critique of reason appeared and assigned the human being a thoroughly *active* existence in the world. The human being himself is the original maker of all his representations and concepts, and ought to be the sole author of all his actions. That »*is*« and this »*ought*« lead to two quite different functions in the human being. Accordingly, we also find in man two quite different elements, namely sensibility and understanding on the one hand, and on the other hand reason and free will; and these two are essentially distinct. In nature, everything *is*: the question of *ought* does not arise there. And since sensibility and understanding aim only at determining what *is* and how it comes to be, they must have their function in nature, in the physical world, and so belong to it. Reason tries constantly to enter the supersensible, to see what there *might be* beyond sensible nature. Although it is a theoretical power, it thus appears not to have its function in what is sensible. Free will, however, consists in independence from external things, since these ought not to be incentives in a human being's actions; still less, then, can it belong to nature. But then where to? The human being must be destined for two entirely different worlds: for the realm of sense and understanding and so for this terrestrial world, but moreover also for another world, which we do not know, for a realm of morals.

As for understanding, it is, by its form, intrinsically limited to this terrestrial world; for it consists merely in categories, that is, modes of expression which can refer only to sensible things. Its limits are therefore sharply defined. Where the categories stop, so too does understanding: for the categories form and compose it. (It seems to me that we can also find evidence for the merely terrestrial or natural vocation of understanding in the fact that we find in nature with regard to the powers of understanding a ladder, from the most intelligent human being to the dumbest beast {since we can consider instinct, too, a kind of understanding insofar as free will does not belong to mere understanding}.) But this is not the case with morality, which ends where humanity ends¹⁹⁴ and which is originally the same thing in all human beings. Understanding must, therefore, belong merely to nature; and if the human being had only understanding, without reason and free will, or without morality, there would be nothing to distinguish him from the beasts."¹⁹⁵

"[R]eason cannot be used as a theoretical, speculative power here in this world of sense (and must, because it nevertheless exists as a power in it, be destined for another world), but only as a practical power on behalf of free will. Now free will is purely and simply practical. Its essence consists in this: that its action should not be reaction but rather a pure objective act, or that the incentives of its action and the objects of its action should not coincide; and that it should, accordingly, act independently of understanding's representations, since dependence on them would produce a perverted and corrupt kind of effect, just as it should act independently of the ideas of speculative reason, since, because nothing real corresponds to them, they could easily give rise to a false and unfounded determination of the will. The incentive of free will's action must therefore have its ground in the inner being of the human being himself and be inseparable from this very freedom of the will. Now this incentive is the moral law, which so thoroughly frees us from nature and raises us above it that, as moral beings, we have no need of natural things as causes and incentives in our acts of will and cannot consider them objects of our volition. Rather, the moral person of humanity, alone, takes their place. This law, then, guarantees us a specific characteristic that belongs only to the human being and distinguishes him from all the rest of nature: morality, which makes us independent and free beings and which is itself, in turn, based on this freedom. – Thus, it is only morality, not understanding, what makes us human beings. Although understanding is a fully active power and, to this extent, an independent power, it still needs external things for its action and is at the same time limited to them. Free will, on the contrary, is completely independent and should be determined solely by the inner law: in other words, the human being should be determined solely by himself insofar as he has raised himself to his original dignity and independence from everything but the law."¹⁹⁶

¹⁹⁴ The Cambridge Edition translates: "which comes into being along with humanity".

¹⁹⁵ SF 07.69 f. (partly m/tr).

¹⁹⁶ Op. cit., 72 f.

III. Kant about the categorical imperative

The categorical imperative is of fundamental importance for Kant's moral philosophy in two respects: it has a justification function and it has a criteria function:

1) Through the categorical imperative and through it alone the entire sphere of dutiful human action is determined; in contradiction to it morality of action is not possible. Every action is a duty where the omission, and every omission is a duty where the action is based on a maxim unfit to be universal law.

2) The maxims of human behavior can be judged as to their morality with the help, and only with the help, of the categorical imperative; and every proposition concerning human practice can be tested for its moral validity by comparison with the categorical imperative as the supreme principle of all morality.¹⁹⁷

In the still current criticism of Kant's doctrine of the categorical imperative, the "formalism" argument and the "empty formula" argument usually appear together. But the first argument in the criticism does not necessarily lead to the second; and the second argument also occurs without the first. The first asserts that Kant's teaching does not go beyond a purely formal determination of duties and thus excludes the determination of their content and in particular something like a "material ethics of values"¹⁹⁸. The second intensifies this criticism, so to speak, with the thesis that the categorical imperative is an empty formula and thus allows any maxim to be qualified as moral.

For the famous-infamous "formalism" that is expressed in the categorical imperative resp. in the fundamental law of pure practical reason on which it is based, and through which, as Kant himself points out,¹⁹⁹ his moral philosophy differs from all others, there is – in a nutshell – the following reason:

In the question of which types of *determining grounds of the will* have moral necessity for it, in the determination, therefore, of the *concept* of duty (that which all duties have in common), in short: in the determination of *the mere form of duty* (setting aside all content), with which every moral philosophy as general doctrine of duties systematically has to begin, a distinction must be made between *material* and *formal* principles. The material principles place the determining ground of the will in a certain possible *object* of the will, i.e. in a (presumed) end (happiness, however understood), and are therefore all empirically accidental and thus "quite unfit to be the supreme moral law"²⁰⁰. If now the possible *matter of the will* is ruled out for the determination of the *concept* of duty, then only its *mere form* remains, insofar as it is indeed a form fit for the supreme moral law. Thus, that "formalism" means nothing other than, that the concept of duty and the principle of morality cannot be derived from the possible objects of the will, but only from its form. Correspondingly, duty in general is the practical necessity for a will to have only those maxims that qualify for a giving of universal law.

¹⁹⁷ The categorical imperative is discussed here only as a principium diudicationis. The question of the principium executionis and thus of the role of the moral law as the incentive of action is ignored here.

¹⁹⁸ See, e.g., *Max Scheler, Der Formalismus in der Ethik und die materiale Wertethik*, Halle: Max Niemayer, 1916 (reprint 2007 by Elibron Classics Replica Edition)

¹⁹⁹ See KpV 05.39 ff.

²⁰⁰ KpV 05.41.

Here, now, are two widespread misconceptions about "formalism" to contend with:

a) In no way does Kant's elimination of all material determining grounds from the principle of morality mean that the general categorical imperative itself is "purely formal", i.e. empty of content, an empty formula and therefore morally useless because it can be filled with any desired content. On the contrary, this imperative has an unambiguous content (which constitutes its entire meaning as a moral law, but is non-empirical), namely the qualifying as universal law as condition of the morality of maxims. And even less does the accusation of "formalism" apply to the particular categorical imperatives (of right and of virtue) that are based on the general imperative as their principle.

b) The fact that possible ends are out of the question as *determining ground of the will* in no way means that they therefore do not appear at all in moral philosophy (and that therefore Kant could not have a moral doctrine of ends at all). They even have to appear in a moral philosophy worthy of its name (namely in the doctrine of virtue), but (with this and in this) only then, when the supreme determining ground of the will with regard to all ends possible for this will, has been established.²⁰¹

Finally, in this context, the difference between two frequently overlooked or misunderstood distinctions should be pointed out.

a) In the *Critique of practical reason*, Kant speaks of the "practical material determining grounds in the principle of morality"²⁰² from which he delimits his own "formal" approach, in fact in moral philosophy in general. The distinction relates to the question of whether what is duty (generally in moral-philosophical terms) as far as its form is concerned, is to be determined by abstraction from all matter of the will (from possible ends) – as Kant puts it – or not.

b) In the *Doctrine of virtue*, on the other hand, Kant speaks of the formal and material determining grounds of choice.²⁰³ This distinction made by Kant between doctrine of right and doctrine of virtue concerns the question of whether choice is only to be determined as far as its form is concerned or also as far as its matter (its possible ends) is concerned; of course for Kant in both respects only in accordance with the first distinction. This means: the determination of choice, both as far as its form (in the case of right) and as far as also its matter (in the case of virtue) is concerned, has to take place by abstracting from its matter.

Although a number of subtle statements²⁰⁴ have been made against the reproach, first made by Hegel²⁰⁵ and Schopenhauer²⁰⁶ and later by Georg Simmel²⁰⁷ and Max Scheler, that

²⁰¹ Representative for all misunderstandings discussed here is the mentioned book by Max Scheler; and against it (exhaustively): *Karl Alphéus*, Kant und Scheler, Bonn: 1981; esp. 60 ff.; 320 ff.

²⁰² KpV 05.40.

²⁰³ See TL 06.381.

²⁰⁴ See *Julius Ebbinghaus*, "Deutung und Missdeutung des kategorischen Imperativs"; in: *Studium Generale*, 1 (1948) 411-419; reprint in: *idem*, *Gesammelte Schriften*, vol. I: Sittlichkeit und Recht, Bonn: 1986, 279-295. – *Julius Ebbinghaus*, "Die Formeln des kategorischen Imperativs und die Ableitung inhaltlich bestimmter Pflichten"; in: *Studi e ricerche di storia della filosofia*, 32 (1959) 3-23; reprint in: *idem*, *Gesammelte Schriften*, vol. II: Philosophie der Freiheit, Bonn: 1988, 209 ff. – *Josef Schmucker*, "Der Formalismus und die materialen Zweckprinzipien in der Ethik Kants"; in: Johannes B. Lotz S. J. (ed), *Kant und die Scholastik heute*, Pullach b. München: 1955, 155-205; reprint in: Hariolf Oberer (ed), *Kant. Analysen - Probleme - Kritik*, vol. III, Würzburg: 1997, 99 ff.; *Bernward Grünewald*, "Form und Materie der reinen praktischen Vernunft. Über die Haltlosigkeit von Formalismus- und Solipsismus-Vorwürfen und das Verhältnis des kategorischen Imperativs zu seinen Erläuterungsformeln"; in: Sabine Doyé et al. (Eds.), *Metaphysik und Kritik*; Berlin/New York: 2004, 183-201.

²⁰⁵ See *Hegel*, *Sämtliche Werke* (Glockner), vol. I, 465 ff.; vol. XIX 591 ff.

the categorical imperative is an empty formula, the reproach is still raised again and again, so that a few comments on it may be pertinent.

Not because of its philosophical quality, but only because of its being insistently repeated to this day, I consider Hegel's argument²⁰⁸ against Kant to be worth mentioning. It basically says: In the categorical imperative, exactly that is assumed to be known or given that is supposed to be recognized or given through the imperative. And therefore, the categorical imperative just doesn't guarantee what it claims to guarantee: the morality of actions. There are immoral actions whose maxims can be universalized (e.g. theft), and there are moral actions whose maxims cannot be universalized (e.g. helping the poor) because – listen and be amazed – in the first case there would be no contradiction that there is no property, and in the second case the law would abolish itself because there would be no poor, or only poor.

I confine myself to the first case. Hegel is right – at least in this context: It is not a contradiction that there is no property. But *then* there can be no question of theft. The concept of theft, as well as its execution, presuppose the existence of property. The maxim whose fitness to be universal law is at stake here, can only be: in case of a given (!) system of property willing theft. I'll spare myself expounding the answer here, which is obvious.²⁰⁹ Just one more point: It is indeed trivial that wanting something presupposes the existence of that something; it is just as trivial that wanting is always wanting something; but precisely for this reason, the morality of the will is for Kant not determined by its matter but by its form (the mere fitness for being universal law). When Hegel mocks at the idea that duty "should only be wanted as such, not for the sake of a content"²¹⁰, he does not know what he is doing. For that just does not mean: duty without reference to a possible content, but only: whatever the content of the will, with its maxim the will should satisfy the form of universality. Hegel and all his followers believe they are able to *object* against the statement: 'The form of your willing of something (whatever it may be) needs to fulfill the condition of its qualifying as universal law':

²⁰⁶ See *Arthur Schopenhauer*, "Preisschrift über die Grundlage der Moral"; in: idem., *Sämtliche Werke*, vol. III: *Kleinere Schriften*, Darmstadt: 1980, 642 ff.; bes. 655 ff.

²⁰⁷ See *Georg Simmel*, *Kant*, 5th edition., München/Leipzig: 1921, esp. 137 ff.

²⁰⁸ In order to demonstrate that one can do little with Kant's "universalistic" morality, which relates to all of humanity, in contrast to Hegel's "concrete" morality, some years ago a speaker at a Hegel conference elicited a knowing smile in the audience by telling a story of a man who saved his wife from a mortal danger and, upon her thanks, said to her he would have done so – as prescribed by the moral law – for everyone in the world, related/acquainted or not. If this orator had distinguished, as is philosophically appropriate, between narrow duties of right and wide duties of virtue, then he would also have noticed the irrelevance of his example. For inasmuch as the lifesaving was a duty of right, the man said the only right thing to his wife, because he has such a duty to everyone in the world. Only insofar as the rescue (e.g. because of the possibility of dying oneself) was "merely" a wide duty of virtue, did he have scope of action – also and precisely according to Kantian principles. The difference between the types of duty could have given him the idea that in the globalized world we have duties of right also and especially towards people who live far away and whom we do not know personally, – duties of right, the non-compliance of which cannot be justified by referring to the primacy of "concrete" morality.

²⁰⁹ Some critics apparently believe that they can sharpen the argument decisively by pointing to a thief who rejects property in general and does not steal to enrich himself but to destroy the property system as such. It should be noted here, that the maxims of the "normal" thief and those of the thief who rejects the property order, are, it's true, different for the same act. But when considered more closely, also the maxim of the second thief, made a universal law, leads to a contradiction: first, without property (as the right of disposal, as one pleases, over possible objects whatever they may be) there is no *law-determined* independence of one's free choice from being constrained by another's choice, and secondly, if arbitrary wrongdoing takes place *according to a law*, there is no general security at all of one's right and thus also no independence of one's free choice from the choice of others (an independence which is necessarily to be presupposed with the maxim as one's own).

²¹⁰ *Hegel*, *Philosophy of Right*, § 135 (m/tr).

'Here the willing of *something* is presupposed.' Well, a philosophical remark can hardly be more trivial as well as irrelevant.

Quite in the Hegelian style of argumentation, Aul gives the example of the maxim "If you have children, see to their education" and then goes on: "For the education of children, that one does not have, cannot be taken care of [...], so the validity of categorical imperatives also depends on the realization of certain conditions."²¹¹ Aul here confuses validity with applicability and effectiveness. The validity of the sentence "If you have 5 apples and I give you another 5 apples, then you have 10 apples" is absolutely independent of whether 'the having' of the apples and 'the being given' of the apples is the case or not, indeed whether there is such a thing as apples at all. Likewise, the German traffic rules also apply to a foreigner who never sets foot on German soil.

In a similar way bypassing Kant, Singer argues: according to him, "the imperative »If A has promised B to lend him the money he asked for, then A should lend B the money he asked for.«" is "not a hypothetical imperative in the sense in which Kant defined the term [...] yet it is conditional. The imperative »A should lend B the money he asked for« in this case rests on a prior promise and is conditioned by it. One cannot be required to lend money to anyone who asks for it. So Kant seems to have been misled by the unfortunate choice of his language."²¹² Well, what Singer is altogether talking about here, is nothing but a hypothetical imperative which incorporates a categorical imperative. And it is this imperative that is actually at issue here; it goes: 'Keep the promises you make'. Singer's example is only a case of the application of that imperative whose unconditional validity is wholly independent of its application.²¹³

The reference to the fact, that in Kant's examples certain assumptions are made for maxims not fit for being universal law, is irrelevant. These presuppositions are problem-constitutive, nothing else. What is decisive for Kant's argumentation is, that, what is presupposed in such maxims, is *revoked* at the same time by their transformation into universal laws.

Also a theologian has adopted Hegel's reproach of "empty formalism".²¹⁴ "From the abstract universality of the law of reason [so he paraphrases Hegel] »one cannot proceed to the determination of particular duties«. Rather, »all unlawful and immoral conduct may thus be justified«. And then he clarifies the alleged correctness of Hegel's assertion "in Adolf Eichmann's declaration at his trial in Jerusalem [...] that he always orientated his actions towards Kant's categorical imperative."²¹⁵ [...] In fact, Eichmann should not have had any qualms about the extermination of the Jews being a universal law. The universalization criterion of Kant's categorical imperative does not work here, at least not in the sense of Kant's own humanitar-

²¹¹ Joachim Aul, "Aspekte des Universalisierungspostulats in Kants Ethik"; in: Neue Hefte für Philosophie, 22 (1983) 62.

²¹² The level of Singer's argument may perhaps explain why he apparently must have thought Kant pretty stupid.

²¹³ Marcus George Singer, *Verallgemeinerung in der Ethik. Zur Logik moralischen Argumentierens*, Frankfurt/Main: 1975, 263.

²¹⁴ Wolfhart Pannenberg, *Grundlagen der Ethik*, 2., durchgesehene und ergänzte Auflage, Göttingen 2003, 53 ff.

²¹⁵ What luck for Pannenberg that Eichmann did not speak of an orientation towards the happy news of the gospel!

ian convictions.²¹⁶ Well, it is possible that Eichmann (and with him Pannenberg) erroneously thought that Kant's categorical imperative demanded that one do one's duty unconditionally, while in truth it says first of all what the duty to be done unconditionally consists of. But should he also have understood that only a maxim qualifying for a giving of a universal law comes into consideration for such a duty, then he would have been at the same time objectively deprived of the possibility of considering the extermination of the Jews to be his duty. The first thing to note is that extermination of the Jews is an action. The question of the fitness for a giving of universal law, however, does not refer to an action, but to the maxim of an action. In the present case, it is the maxim of arbitrary killing of people on the basis of purely natural characteristics, i.e. characteristics that are completely independent of the will of these people and therefore cannot be attributed to them either. If there is now any maxim at all, that is not fit for a giving of universal law, then it is precisely this maxim. For the will aiming at such a lawgiving would, by making itself completely dependent on the discretion of another will, abolish itself – and through universal lawgiving every will in general – as a capacity to set voluntary ends for itself. The fact that Eichmann himself "should not have had any qualms about the extermination of the Jews being a universal law", is completely irrelevant to the required fitness for universal lawgiving of the underlying maxim. What Alphéus aptly argues against a misunderstanding by Scheler, also applies here: "Acting out of a sense of duty" is acting out of "insight into the unconditional rational necessity of the action – and not acting on the basis of a »blind, inner command«." ²¹⁷

Another author also believes that he can show²¹⁸ that the categorical imperative related to the mere form of maxims can lead to absurd results and takes the following case as an exemplar for an exhibit: It is, so he argues, necessary for a functioning economic order "that individuals spot so-called gaps in the market and e.g. set up their goods production accordingly." The "form of the maxim of a person who wants to exploit such a gap in the market violates [according to Joerden] the categorical imperative taken at its word. For whoever wants to scout out and use a particular gap in the market cannot possibly at the same time want it to be a universal law to use this gap in the market: In this case, there would no longer be a gap in the market." Joerden, too, is confusing here a concrete action with a maxim. I would like to vary Joerden's example to show the caliber of his argumentation: Reproduction is necessary for the further existence of mankind, and therefore, again, it is necessary that individual males spot females and set up reproduction accordingly. But whoever scouts out a particular woman and wants to use her for reproduction cannot possibly want it to be a universal law to use that woman. In this case she would soon not be a woman anymore. And of course, according to the categorical imperative thus interpreted, Joerden – if one takes his argument seriously – should not have become a professor, and a cook should not have become a cook, and a policeman should not have become a policeman; yes, even sitting on this chair would not be morally permissible, because with a "universalized" sitting maxim everyone would want to sit on this chair. Likewise, the eating of *this* hot dog (impossible to be intended as a universal law) would have to be dispensed with. Ah, under the rule of the categorical imperative mutated into a caricature, there would be no hot dogs at all, because even producing them could not possibly be wanted as a universal law. Fortunately, no one who

²¹⁶ Op. cit., 54 (m/tr).

²¹⁷ Karl Alphéus, op. cit., 61 (m/tr).

²¹⁸ Siehe Jan C. Joerden, "Drei Ebenen des Denkens über Gerechtigkeit. Dargestellt am Beispiel einiger rechtsethischer Regeln und Prinzipien"; in: Archiv für Rechts- und Sozialphilosophie, 74 (1988) 327-28 (m/tr).

wanted to be a butcher has certainly ever been put off by the question of what would be the case if everyone wanted to be a butcher or even became a butcher.

It cannot be overemphasized that the question of qualifying as universal law does not relate to a specific *action* (e.g. "disturbance of the peace" or "blotting a borrowed book" or "baking buns"), but on the *maxim* of actions (e.g. "do something without considering other people or even against their will"). In the case of blotting a borrowed book, the attempt of the so-called universalization would not lead to the question: Can I, without contradiction, will a universal law that entitles blotting borrowed books? Because many a book smudger may actually not be bothered at all if the books he lent out were also smudged, so that he himself could certainly will the maxim of blotting borrowed books as a universal law. Rather, the attempt made in *Kant's* sense, would lead to the question: Can I, without contradiction, will a universal law authorizing a treatment of borrowed property that is not in accordance with the (possible or probable or even known) will of the owner? The answer can only be: No! For then there would, in principle, no longer be any loaned property, because the borrower's authorization *by law* to treat the loaned property as he pleases would, in principle, remove the willingness of the lender to lend at all. The maxim made universal law would be a law regulating the authorization to certain actions in a way that would make those actions themselves impossible. Therefore, a will that wills its maxim of arbitrary blotting books simultaneously as universal law is a will that makes its own end and thus itself impossible by law, and consequently a self-contradictory will. And so, as a possible lawgiving will, it cannot reasonably will its own maxim, because this would bring it into a willed contradiction with itself.

If one surveys the critique of Kant's "formalism", one is inclined to use the following quotation to exemplify the idea of universalizability: According to Hennis²¹⁹, Kant "[...] postulates [!] the categorical imperative, according to which, as is well known [!], even the criminal can [!] live [!] excellently [!], if he is only willing and powerful enough [!] to accept [!] the consequences [!] of his actions [!] as a universal maxim [!]".²²⁰ The maxim on the basis of which this sentence came about is unknown to me. But with regard to the sentence itself (as far as it is understandable), I would like to give the example of a maxim that cannot be universalized in Kant's sense, namely: to publish sentences in scientific-scholarly garb that are wrong down to the smallest detail. Such a maxim is only possible as long as publishers and readers do not know about it. Made universal law, it would abolish itself. Therefore, a will willing it, would be as lawgiving a will in contradiction with itself. That there are still so many readers in the field of science is perhaps not least due to the fact that nobody really wants to believe that this type of publication could already have become universal law. Incidentally, the maxim to write as carefully as possible, even, if necessary, at the expense of the quantity of one's own production, can be thought of and willed as universal law *without* any contradiction.

In conclusion, it should be made clear once again that Kant's requirement that maxims qualify as universal law resp. for a giving of universal law, goes far beyond what is understood in literature, especially in Anglo-Saxon literature, as "universalizability".

²¹⁹ *Wilhelm Hennis*, *Politik als praktische Wissenschaft*, 2. edition., München: 1968, 27 (m/tr).

²²⁰ Something similar is said by Scheler with regard to the assertion that murder could also be good, "if only the murderer considers the maxim of his action to qualify as principle of universally valid lawgiving" (op. cit., 320). Elsewhere, Scheler says that according to Kant "it is required to avoid contradiction in the setting of ends [...], to maintain the consistency of the will (i.e. to keep 'loyalty' to oneself), to will the same under the same conditions" (op. cit. 101; m/tr).

A maxim is a *rule* of action. Such a rule, if it were a universal law, would mean that every being endowed with practical reason would be aware of it as valid for itself and for everyone else and in the case of application – which is unforeseeable in terms of its occurrence, but always possible (e.g. the need in which one is oneself or others are) – would act in accordance with it; i.e. *with the necessity of a law* making a false promise; denying a deposit which cannot be proved to have been made; not helping one in need. Thinking of a maxim as universal law of nature thus means imagining a nature in which and according to which everyone would make this maxim the determining factor of his actions and at the same time would know that everyone else would do the same.²²¹

"There is only a single categorical imperative." By formulating it as follows: "act only in accordance with that maxim *through* which you can at the same time will that it become a universal law",²²² Kant makes clear that "the reason" for the possibility of willing the maxim as law must be found in the maxim itself – not in any external circumstances of the agent which are in no way determined by the maxim."²²³

The required fitness to be universal law, shortened and rather misleadingly called "universalizability", is by no means aimed at empirical generality, least of all on the generality of an action – according to the motto: what would happen if everyone did it?, i.e. with regard to the possibly undesirable empirical consequences of a behaviour having become general. Rather, it is about the purely rational consideration of what would be the case if a certain maxim of behaviour were a universal law of behaviour. Let us take the maxim of false promises as a means to achieve a specific end, such as obtaining a loan. This maxim implies the will of the promiser, that he is believed, i.e. that the intention not to keep the promise (not to repay the loan) remains secret. But if this maxim were a universal (natural) law, i.e. if promises were broken *with the necessity of law*, then no one would believe him; and therefore no one would give him credit; and so the maxim to procure money through false promises, having become a universal law, would cancel itself out.

The 'universalizing' question to be asked according to Kant with reference to a maxim is therefore by no means: What would be the case in 'anthropological' reality if the maxim were a universal law? For example, when Kant says: "the universality of a law that everyone, when he believes himself to be in need, could promise whatever he pleases with the intention of not keeping it would make the promise and the end one might have in it itself impossible, since no one would believe what was promised him but would laugh at all such expressions as vain pretenses"²²⁴, then the assertions that nobody would believe the promising person and that therefore his promise and thus also the intended end would be made impossible, are not drawn from experience. They cannot be so, if only because it is here about the fitness of

²²¹ For the so often misunderstood "teleological" reading of the natural law formula see: *Klaus Reich*, *Kant und die Ethik der Griechen*, Tübingen: 1935, 37 ff.; reprint in: idem, *Gesammelte Schriften*, Hamburg: Felix Meiner, 2001, 113-146; *Julius Ebbinghaus*, "Die Formeln des kategorischen Imperativs und die Ableitung inhaltlich bestimmter Pflichten"; in: *Studi e ricerche di storia della filosofia*, 32 (1959) 3-23; reprint in: idem, *Gesammelte Schriften*, vol. II: *Philosophie der Freiheit*, Bonn: 1988, 209-229; *Georg Geismann /Julius Ebbinghaus*, "Die Naturgesetz-Formel des kategorischen Imperativs und die Ableitung inhaltlich bestimmter Pflichten"; in: *Kant-Studien*, 93 (2002) 371-373.

²²² GMS 04.421 (m/it); see also 04.432.13; 04.434.13; 04.440.08; KpV 05.27.29; 05.41.32; 05.74.12; RL 06.225.11; TP 08.280.01.

²²³ *Julius Ebbinghaus*, "Interpretation and Misinterpretation of the Categorical Imperative", in: *The Philosophical Quarterly*, 4 (1954) 106.

²²⁴ GMS 04.422.

laws for rational beings in general and by no means only for humans; it is, thus, about the question, whether a certain maxim can, or even must, be thought for all rational beings as being valid such as a law in general asserts. Basically, the question to be asked with regard to a maxim is always the same: Does it express a will which, if the maxim were a universal law, would lead a priori to a contradiction brought about *through the very same will itself*. Precisely for this reason, Kant never tires of speaking of the mere (lawgiving) *form* of a law as the only possible determining ground for a free will,²²⁵ whose decisive characteristic lies exactly in this purely rational determination, which, by the way, is only quite insufficiently grasped by the 'habitual' "universalization" of a maxim.

The *unfitness* of a maxim to be universal law is a necessary and at the same time sufficient condition for the *prohibition* of a corresponding action. Likewise, the *fitness* of a maxim to be universal law is a necessary and at the same time sufficient condition, under which a corresponding action is *permitted*. For the *subclass* of the *command* of a corresponding action, the *fitness* of a maxim to be universal law is also a necessary, but not a sufficient, condition. Whether a permitted action is merely optional or commanded (duty), cannot be deduced solely from the fitness of its maxim to be universal law (through "universalization"). The difference between an optional and a commanded action is that the optional also allows its practical opposite, while the practical opposite of the commanded is forbidden.²²⁶ So one can say that all those actions are obligatory whose practical opposite is based on a maxim that is unfit to be universal law. The commandment then signifies the rational law necessity of an action, the prohibition the rational law necessity of an omission.²²⁷

Supplement

As early as 1948 one of the most intimate connoisseurs of Kantian philosophy, Julius Ebbinghaus, had made a passing but nonetheless devastating, criticism of one of Dewey's theses, which was decisive for the thrust of the book, namely that Kant's categorical imperative is an empty formula that can be used at will.²²⁸ In 1954 it was translated and published in English.²²⁹ I quote here the relevant passage not only as a slating review of Dewey's misinterpretation, but also, and even more so, as an exemplary interpretation of the categorical imperative.

"It is only one step from this to the sensational reasoning we find in a recently resurrected book of Dewey's – *German Philosophy and Politics* (2nd edition, 1944) p. 87. »The gospel of a duty devoid of content (!) naturally lent itself to the consecration and idealisation of such specific duties as the existing national order

²²⁵ See e.g. KpV 05.29; 05.33.

²²⁶ See *Theodor Ebert*, "Kants kategorischer Imperativ und die Kriterien gebotener, verbotener und freigestellter Handlungen"; in: *Kant-Studien*, 67 (1976) 570-583.

²²⁷ *Lutz Koch* (*Kants ethische Didaktik*, Würzburg: 2003, 62) therefore rightly points out that "the decisive factor in the derivation of positive duties (commandments) [...] is less the universalizability of the maxim than the characteristic of necessity" (m/tr).

²²⁸ *Julius Ebbinghaus*, "Deutung und Mißdeutung des kategorischen Imperativs", in: *Studium Generale*, 1 (1948) 411-419; reprint in: *idem*, *Gesammelte Schriften*, vol. I: *Sittlichkeit und Recht*, Bonn: 1986, 279-295..

²²⁹ *Julius Ebbinghaus*, "Interpretation and Misinterpretation of the Categorical Imperative", in: *The Philosophical Quarterly*, 4 (1954) 97-108.

might prescribe«. Even if any one should be found who believes himself entitled by the formalism of Kant's moral law to declare the prescriptions of an existing national order to be prescriptions imposed upon the subjects of that order by the moral law itself, it is still barely comprehensible how Dewey could take such an interpretation of the »gospel of duty« as a proceeding to which this gospel »naturally lent itself«. If, as Dewey imagines, the thought of duty in Kant is »devoid of content« – and so cannot contain any possibility of recognising any definite rule as either lawful or unlawful for human action – it is *quite impossible* to suppose that any definite prescription of the existing national order is »consecrated« by the moral law; for in that case we should have to be able to show either that this prescription itself or that the competence of the national will to lay down such a prescription arbitrarily was required by the moral law. But if, in the opinion of the pseudo-Kantian who fills up the moral law with national prescriptions, the national order has to be sovereign in *arbitrary* ordinances, how can this rank as a categorical imperative (a law of duty)? If national prescriptions are such as are subject to absolutely no law in their volition, we can at least say this much with certainty – that we can be subject to them only *in contradiction* with the moral law of Kant. Otherwise this moral law itself would have to be able to agree with subjection to an arbitrary will that in and for itself was lawless.

Yet this is precisely what Dewey in fact thinks. He goes so far as to say: »Idealism and personality separated from empirical analysis and experimental utilization of concrete social situations are worse than vague mouthings. They stand for realities, but these realities are the plans and desires of those who wish to gain control, under the alleged cloak of high ends, of the activities of other human beings« (pp. 29-30). If this is to be applied to Kant's Ideas of duty and personality, we are faced with the contention that these Ideas can serve to disguise any form of arbitrary despotism. On Dewey's view it would manifestly be possible for any tyrant to supply the content alleged to be lacking in these Ideas of Kant by telling those in his power that the unconditional obedience required by the command of duty was obedience to himself, and that their personality was manifested in a purity of will which in the interests of this obedience would shrink from no sacrifice of life or happiness. Such an abuse of *words* may be possible – but certainly not to any one who connects with the words »duty« and »person« the meanings attached to them by Kant. If the will of the tyrant himself is to have the character of a categorical imperative, this means that his subjects must be subject to him *in every possible exercise of their will*. But how can they be subjected to him *as regards their will* except on the ground that their own will determines them to this subjection? No one will wish to maintain that in virtue of some necessity independent of the exercise of his own will (and so by a law of nature) a man's will can, as it were, be transferred to the willing of another man. But the *maxim* by means of which a man makes this transference, if he subjects himself in every possible exercise of his own will to the arbitrary will of another, cannot possibly have the character of a law for *his* will, and therefore cannot possibly be a categorical imperative; for such a law would make him have no will of his own at all – and consequently he would also cease to be a person.

This is the answer, in the spirit and letter of Kant's moral doctrine, that should have been given to the despot when he sought to prescribe to persons his own arbitrary lawless will as the law of their duty. For the formalism of this doctrine does not, as Dewey imagines and a host of empiricists before him, contain a warrant for man *to select at random absolutely any will as his supreme lawgiver*. On the contrary: with the greatest possible determinateness of content this doctrine forbids man to subject himself to any will other than his own will so far as its maxims are capable of being laws. It forbids this because the maxim of such subjection, if taken as a law, is in necessary and irremovable conflict with his own will. Such a law cannot in the strict sense of the word be willed by him; for it is self-contradictory that a will should be able to will its own annulment with the necessity of law in every possible exercise of its own volition.²³⁰

"Equally astray is the contention that if we feel ourselves immune from need, we can perfectly well will *the maxim of indifference* as a law. This maxim as a law would run as follows – Every one who feels himself immune from need may be deaf to the need of others. It is manifest that however immune from need we may imagine ourselves to be, we *cannot* will this law. The reason is that the universalised maxim of the hard-hearted, let him turn and twist as he will – and indeed every case in which no help is given to him – does not hold subject to the condition on which he agreed to do it, namely, that *he* should be immune from need.²³¹ *Everybody* is authorised by the maxim to refuse help so far as he himself is immune from need – without regard to the position of the man to whom help is refused. Consequently a will which wills the ma-

²³⁰ Op. cit., pp. 101-103.

²³¹ By the way, attention can be drawn to a wrong translation that falsifies the meaning of this sentence: A correct translation could go like this: "The reason is that the universalized maxim of the hard-hearted, let him turn and twist as he will, does not make the cases in which he is not helped dependent on the condition of his agreement with the maxim, namely that *he* be secured against emergencies."

xim of hard-heartedness as a law necessarily contains in itself a will to be abandoned in the not absolutely impossible case of the agent's own need, and therefore it is a will in conflict with itself."²³²

"When Dewey imagined he could find in Kant's moral philosophy a preparation for those outrages [Hitler's] against the rights of man by which a crazy political movement has shocked the whole world, he failed to observe that he was talking about Kant exactly as the Janizaries of the tyrant had also talked."²³³

Berlin, November 2022

²³² Op. cit., p. 105.

²³³ Op. cit., p. 108.