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Immanuel Kant: *Metaphysical Elements of Justice. Part I of the Metaphysics of Morals, Second Edition*, Translated, with Introduction and Notes, by John Ladd, Indianapolis/Cambridge: Verlag Hackett Publishing Company 1999, LX, 194 Seiten, ISBN 0-87220-418-9

This review is written in English because it concerns primarily those scholars and students of Kantian (and other German) philosophy who are not (yet) capable to read texts in the German original.

More than three decades after the first, selected edition (1965) of his translation of Kants *Rechtslehre*, John Ladd presents here a second, revisited and complete edition with a strongly enlarged introduction and an abundance of new notes either referring to names mentioned in Kant's text or providing, very usefully, the original German expression as well as clarifying annotations.

The translation contains many changes with regard to the first edition. Random samples revealed mostly, although not always, an improvement. To give just one negative example: The original says „Zu aller Gesetzgebung (sie mag nun innere oder äußere Handlungen und *diese* entweder a priori durch bloße Vernunft, oder durch die Willkür eines andern vorschreiben) [...]“ (RL 06.218.11-13; my italics). Ladd's first edition translated this into „All legislation (whether it prescribes internal or external actions, and *these* a priori through mere reason or through another person's will) [...]“ (my italics). In the new edition, Ladd distorts that by saying „All legislation (whether it prescribes internal or external actions, and whether *it is prescribed* a priori through simple reason or through another person's will) [...]“ (my italics).¹

As far as the text remained unchanged, it also „inherited“ mistakes from the first edition.² Also here one example: Kant speaks about „moralische Weltweisheit“ (RL 06.217.30). Actually, it should have got around that „Weltweisheit“ is for Kant a synonym for „philosophy“. Only Hastie (1887!) translated it accordingly into „moral philosophy“, while Ladd says „worldly wisdom“ and Gregor „moral wisdom“.

Finally, there are improvements which are insufficient. Again one example: When Kant speaks of „Handlungen als Facta“ (RL 06.230.10) he only emphasizes that it is exclusively about *free* agency.

¹ By the way, Gregor translates in the „Cambridge Edition“ (1996) „diese“ unnecessarily into „them“ and makes it thereby impossible to refer, as one has to, what follows after „and“ only to „external actions“.

² Further critical remarks can be found in my „World Peace: Rational Idea and Reality. On the Principles of Kant's Political Philosophy“; in: Hariolf Oberer (Hrsg.), *Kant. Analysen - Probleme - Kritik*; vol. II; Würzburg 1996, 265-319.

Therefore, „als Facta“ must not be translated into „as facts“ (Hastie; Ladd 2nd ed.), let alone into „in fact“ (Ladd 1st ed.), but into „as deeds“ (Gregor³). Deeds, viewed merely as facts, are appearances determined by laws of nature. But they are „made“ (facta) by men as free agents, and as free actions they are viewed as being under (moral [juridical, not ethical!]) laws of (outer) freedom.

It is hardly surprising that a line by line comparison of various paragraphs in the four translations at hand shows that all of them have their merits and their shortcomings, in fact down as far as the individual paragraphs. One may judge the translation in the „Cambridge Edition“ to be the most „scholarly“ out of all. And, yet, I still would not prefer it *throughout* to the others.

Ladd himself speaks of the „aim to offer a translation that is not only accurate, but readable, intelligible, and clear *to the non-expert who may not know German*“; and he prudently adds that „a student who wishes to undertake a *serious* scholarly study of Kant’s political philosophy and philosophy of law cannot simply rely on translations, but should consult the German text directly“. (LV; my italics) Above the entrance to the „hell“ of that study one reads the merciless words: „Voi che non leggete tedesco lasciate ogni speranza.“ The reasons are, first, that even the most literal translation cannot avoid to deviate time and again from the original and, second, that the original itself frequently asks for interpretation. This doesn’t mean that translations should not be as literal as possible,⁴ since they may, after all, make the understanding of the original easier, though not replace it. And no one profits more from a translation, no matter whether good or bad, than a scholar for whom the language of the original is the native language, since a comparison, especially with various translations, quite often forces him to check the correctness of his own reading.

Similarly to the „Cambridge Edition“ also Ladd models his second edition on the „newly edited“ version of the *Rechtslehre* (Felix Meiner: Hamburg 1986) with its more or less serious replacements and cuts. As distinct from the „Cambridge Edition“, however, Ladd adopts not only two of the changes, but almost (!) all of them.⁵ Research work will thus become quite laborious and confusing. Moreover, the allegedly improved German version is far from being generally accepted. It would therefore have been better to wait for further critical discussion or to leave the point altogether to secondary literature.

The book contains a rather long and, for the non-expert, an altogether useful introduction dealing with the „spirit“ of Kant’s moral and political philosophy; with the divisions of his moral philosophy and its „radicalism“; with „Kant and the Roman Law“, „Kant on marriage and children“ and „liberty and coercion“; with the ideal and the actual in Kant’s political philosophy; and last, but not least with the problems of a translator to translate concepts like „Rechtslehre“, „objektives (and) subjektives Recht“, „Privatrecht“ and „Öffentliches Recht“, „Wille“ and „Willkür“ into English.

Unfortunately, there are also some flaws to be found in the introduction, i.e. the confusion of „negative freedom“ with „outer freedom“ (XVI-XVII); the confusion of the Roman Law distinction between possession and property (ownership) with Kant’s distinction between sensible (physical) possession and intelligible (purely juridical) possession (including property) (XXXI-XXXV); and the assertion that „the basis of a person’s right to liberty is the fact that the person is an autonomous moral being“ (XXXVI) while for Kant „the concept of an external right as such proceeds *entirely* from the

³ In a note she adds „perhaps ,as facts““. In the first version of her translation (1991) she had translated it into „as facts“ and added in a note: „perhaps ,as deeds““.

⁴ Cf. also the excellent review of two translations of Kant’s First Critique by James Jakob Fehr (Kant-Studien 92 [2001] 106-109).

⁵ Neither of these two editions vindicate their respective decision for adoption and non-adoption.

concept of *freedom* in the *external* relation of people to one another“ (GTP 08.289; 1st and 3rd italics mine).

Two minor points at the end: 1) The „selected bibliography“ contains 10 titles „specifically related to the *Rechtslehre*“, then 5 with regard to Roman Law, and finally 8 – these even briefly commented on – with regard to „social and legal background in the 18th-century Germany, especially relating to marriage and women“. I cannot convince myself that the proportions here are appropriate. 2) The original titles of the Doctrines of Right and of Virtue should be given correctly; and „Akademie-Ausgabe“ and „Geismann“ should not be distorted respectively into „Academische Ausgabe“ and „Geisman“.