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The Kantian Idea of Constitutional Patriotism
Part 2: The Very Idea of a Constitutional Republic

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Abstract: It is argued that constitutional patriotism needs to be grounded in the very Kantian idea of a republican constitution, especially as that Kantian idea is developed by Ernst Cassirer, Karl Jaspers, and Hans Saner. The account of Kantian constructivism by Onora O'Neill and the conception of Kantian constitutionism and its relation to Plato's *Republic* developed by Christine Korsgaard are discussed. It is argued that the Kantian idea of a constitution and of constitutional patriotism gives rise to a distinctive reading of the foundations of the constitution and of constitutional patriotism. That idea is also grounded in a distinctive, fundamentally public and agent-based, as well as historical, reading of Immanuel Kant and of Kant's whole work including especially the *Critique of Pure Reason* and its principle of the original synthetic unity of apperception. Kant's notion of a public and historical revolution in thought and politics is discussed in relation to Michel Foucault's conception of enlightenment and revolution; a conception of Kant's agent-based revolutionary thought is defended that also includes and is not juxtaposed to an analytic philosophy of truth, as it is for Foucault. The fundamental role of the public sphere in the understanding of the revolutionary Kantian basis of the very idea of the constitution and of constitutional patriotism is developed and advocated.

Keywords: Jaspers, Karl; Kant, Immanuel; Korsgaard, Christine; O'Neill, Onora; Rawls, John; Saner, Hans; *Critique of Pure Reason*; *The Conflict of the Faculties*; Constitutional patriotism; critique; republican constitution, idea of; the public sphere; Kantian idea; cosmopolitanism.

Advancing the Idea of Constitutional Patriotism

In striking words, Hannah Arendt claimed in lectures given at the New School for Social Research in 1970 that of the few works on Immanuel Kant's political philosophy,

> there is only one that is worth studying—Hans Saner's *Kants Weg vom Krieg zum Frieden*…Of all the books on Kant's philosophy as a whole, it is only Jaspers' treatment that devotes at least a quarter of the space to this particular subject [the subject of political philosophy]. (Jaspers, the only disciple Kant ever had; Saner, the only one Jaspers ever had.)[1]

Onora O'Neill refers to this passage with approval in her own writings, which are among the most important and influential works to have appeared in the recent revival of interest in Kant's moral and political theory and in the connection to Kant's wider

[1] Hannah Arendt, *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner, Chicago, IL: The University of Chicago Press 1992, p. 7.

philosophy. O'Neill is among those very distinguished former students of John Rawls who have spearheaded the revival of interest in Kant's moral philosophy by the great American political philosopher.[2] It is thus significant that O'Neill refers to the passage from Arendt in her effort to re-interpret and to refocus interest on Kant's notion of politics and its importance for Kant's concepts of reason and for the proper understanding of modern philosophy.

Given Kant's enormous stature in philosophy as a whole and particularly in German philosophy, Arendt's claim that Jaspers was the "only disciple Kant ever had" is even more striking than her claim that Saner was the only disciple Jaspers ever had. Arendt is herself an exception to the claim that she makes concerning Saner's relationship to Jaspers. While Arendt is not a disciple of Jaspers in a narrow sense, it is also true that neither is Saner one: even his dissertation on Kant shows a considerable independence in his approach to Kant's philosophy from the one by Jaspers, who is in turn in no ordinary sense a disciple of Kant. Arendt owes fundamental and important insights to Jaspers, who supervised her dissertation. It is especially from Jaspers that Arendt developed her life-long love of Kant's philosophy. Despite the friendship between Jaspers and Martin Heidegger in the late 1910s and early 1920s, when Arendt worked first with Heidegger and then with Jaspers, Heidegger's aim was to assimilate Jaspers' Kantianism and his emphasis on the existential conception of limit-situations and simultaneously to discredit both the Kantianism of Jaspers (as well as the Kantianism of Husserl and Cassirer) and the modernism and *Existenzphilosophie* of Jaspers by portraying Jaspers' *Existenzphilosophie* as psychologistic and also as too theoretical and detached from the very existential conditions of agency that Jaspers highlights in his discussion of limit-situations. Heidegger already began this process with his unpublished 1922 review of Jaspers' *Psychologie der Weltanschauungen*; Heidegger argued in the review that Jaspers took a too psychological-theoretical approach to the existential conditions of agency.[3] Heidegger continued the process of lumping Jaspers together with Kierkegaard and a psychologistic Kantianism in *Sein und Zeit* (1926) and in his subsequent writings into the 1930s and 1940s.

Hans Saner has importantly framed some of Jaspers' most important contributions in relation to both Arendt and to Heidegger and also made the nature of Jaspers' concerns about Heidegger more apparent, while also trying to evaluate the status of the respective claims of Jaspers and Heidegger against each other. He has thrown light on the nature of their friendship and later antagonism and on their relationship to Kant.[4] Saner has also made an important contribution to the understanding of the role of conflict as a motor to development in all spheres in Kant, especially so in Kant's political philosophy. The title of Saner's first work in the German original accurately describes its scope: Kant's path from war to peace; antagonism and unity: paths to Kant's political thought.[5] In the first volume of this work which was to remain its only volume, Saner begins with a focus on Kant's political philosophy, but he does so against the background of a general account of the diversity and unity in Kant's thought and especially in Kant's metaphysical thought. In the first section of the book, Saner develops an analogy between the role of opposition and interaction in the physical world and in the legal, political, and moral world. Saner's discussion of the role of polemics in Kant's thought is both novel and brilliant. Saner also shows that it is a fundamental and completely general feature of Kant's thought that one must proceed from conflict to peace. Following in the footsteps of Jaspers and in dialogue with Arendt, Saner developed a conception of Kant's whole philosophy as a process of grappling with the opposition between unity and diversity. Thus, for Saner, there is no sharp dividing line between Kant's epistemological and metaphysical thought and the historical developments that drive society and political organizations forward in the public sphere.

Saner never published the follow-up volume on the way from war to freedom in Kant's more narrow

[2] For example, Onora O'Neill, "Reason and Politics in the Kantian Enterprise," in *Constructions of Reason: Explorations of Kant's Practical Philosophy*, New York, NY: Cambridge University Press 1989, pp. 3-27, here p. 4.

[3] Martin Heidegger, "Critical Comments on Karl Jaspers's Psychology of Worldviews," in *Becoming Heidegger: On the Trail of his Early Occasional Writings*, eds. Theodore Kisiel and Thomas Sheehan, New York: NY, Routledge 2014, pp. 119–43, here pp. 132-4.

[4] Hans Saner, *Einsamkeit und Kommunikation: Essays zur Geschichte des Denkens*, Basel, CH: Lenos, 1994.

[5] Hans Saner, *Kants Weg vom Krieg zum Frieden: Band 1: Widerstreit und Einheit: Wege zu Kants politischem Denken*, München, DE: Piper, 1967.

political philosophy. It is only in other works that Saner actually proceeds to a full discussion of Kant's conception of politics in a narrower sense and to a discussion of Kant's account of how to move politically from conflict to peace and to the framework of human rights. Saner emphasized both the importance of Jaspers' conception of limit-situations and of Jaspers' conception of a truly world-inclusive and fully culturally-inclusive world philosophy. Saner was interested not only in the wider cosmopolitan dimension of Kant's thought and that of Jaspers, he was also an important critical voice in the discussion of contemporary political issues including the status and inclusiveness of Swiss democracy.

In one of his final shorter writings, Kant himself shows the insight that Saner had in seeing the importance of dynamic conflict resolution in the whole of Kant's thought.[6] Kant argues in "Perpetual Peace in Philosophy" that the arguments between philosophical schools are connected with the natural tendency of human beings to get into conflict with one another.[7] For Kant, such philosophical conflict is not wholly a bad thing since it prevents human beings from lethargically falling apart and experiencing decay. In general, Kant promotes a theme that he will take up in *The Conflict of the Faculties* in his discussion of the relationship between philosophy and medicine; namely the idea that philosophy has a therapeutic function: philosophy is able to make one healthier. This idea in *The Conflict of the Faculties* is generalized to give an account of the wider importance of philosophy in directing world culture, the state, and the university towards a more comprehensive conception of the public welfare and of the good. This is a wider conception of the public welfare than the one which motivates or is conceived by any of the other faculties of the university or of the state. In thus grounding the other faculties and the state itself in the idea of the general public welfare including not only self-perfection, and regard for others, but also in public truth telling (even to the ones in power) that are key to the very idea of the university, Kant takes up the fundamentally moral-political dimension of his Copernican revolution. Our grip on the systematicity of the cosmos is grounded in our capacity to respond to the here and now of our contemporary situation with the public expression of truth as we understand it from our point of view in space, time, culture and politics. For Kant, narrowly theoretical systematicity is oblivious to its own enabling conditions in culture and politics and to our agency in history. Thus a fully systematic conception of the cosmos must be cosmopolitan and cosmopolitical, it must see the cosmos systematically from humans' changing vantage-point within that cosmos and it must include the way in which they relate to the cosmos as agents who form their own systematic conception of that cosmos and thus participate in the formulation of the very laws that govern nature and the cosmos (so far as the cosmos is intelligible to them). Such participation in sovereignty and in law-giving for the cosmos is what it means to be a citizen of the cosmos (a cosmopolitan).

Onora O'Neill, the Categorical Imperative, and the Transcendental Doctrine of Method

In more recent work on Kant, it is especially the merit of O'Neill and other former students of Rawls to have recommended and developed a more searching account of Kant's categorical imperative and its role in human reasoning. For O'Neill, the categorical imperative of moral practical reasoning becomes the fundamental principle of all reasoning. As such, the categorical imperative provides the procedure for lawmaking that institutes a common constitutional culture. Properly understood, the constitutional culture instituted by the categorical imperative provides the space within which one constitutes one's self both as an individual and as a citizen. The dynamic unity of citizen and self is achieved when one fully appreciates the historical, political-social and pragmatic dimensions of Kant's conception of reason. Following Jaspers, Arendt and Saner, O'Neill has emphasized the importance of the historical and political-social dimensions of Kant's conception of reason, especially with regard to Kant's development of his conception of public reason in the "A-Preface" and in the "Transcendental Doctrine of Method" in the *Critique of Pure Reason*.[8]

[6] Immanuel Kant, "Proclamation of the Imminent Conclusion of a Treaty on Perpetual Peace in Philosophy (1796)," transl. Peter Heath, in *Theoretical Philosophy After 1781*, Cambridge, UK: Cambridge University Press 2002, pp. 451-460.

[7] Immanuel Kant, "Perpetual Peace: A Philosophical Sketch," in *Kant's Political Writings*, ed. Hans S. Reiss, transl. H. B. Nisbet, Cambridge, UK: Cambridge University Press 1970, pp. 93-130.

[8] Immanuel Kant, *Critique of Pure Reason*, transl. Paul Guyer and Allen W. Wood, Cambridge, MA: Cambridge University Press, 1998. [Henceforth cited as *CPR*]

Kant begins the first edition of his *Critique of Pure Reason* with a claim to the authority of critique; he demands in the Preface that not only all culture and science submit to critical evaluation, but also that religious and political authority do so, as well:

> Our age is the genuine age of criticism, to which everything must submit. Religion through its holiness and legislation through its majesty commonly seek to exempt themselves from it. But in this way they excite a just suspicion against themselves, and cannot lay claim to that unfeigned respect that reason grants only to that which has been able to withstand its free and public examination. [*CPR* 100-1]

Later in the "Transcendental Doctrine of Method," Kant returns to the idea that all normative commitments must be subject to free and public examination. In the first chapter of "The Discipline of Pure Reason," Kant argues that the very existence of reason depends on the public exercise and critique of reason, thus explicitly rejecting a methodologically solipsistic conception of reason:

> The very existence of reason depends upon this freedom, which has no dictatorial authority, but whose claim is never anything more than the agreement of free citizens, each of whom must be able to express his reservations, indeed even his veto, without holding back. [*CPR* 643]

Each human being who engages in reasoning has the right to express "thoughts and doubts...for public judgment" and to cast a vote in "universal human reason" without being called out publicly as a "malcontent and a dangerous citizen"; for Kant this is a holy right that is "not to be curtailed" (*CPR* 650).

In the "Transcendental Dialectic" and the "Transcendental Doctrine of Method" Kant develops a conception of critique understood as the establishment of a constitution that governs a society of free agents who come together under laws that they promulgate for themselves and act on publicly as the result of public discussion. From Kant's standpoint,

> One can regard the critique of pure reason as the true court of justice for all controversies of pure reason…set the task of determining and judging what is in reason in general in accordance with the principles of its primary institution...The critique...derives all decisions from the ground-rules of its own constitution, whose authority no one can doubt...in which we should not conduct our controversy except by due process. [*CPR* 649-50]

The *Critique of Pure Reason* is intended to be not only the normative law-court of truly cosmopolitan law; it is also conceived of by Kant as the instance responsible for the very installation of law.

The role of the categorical imperative in all reasoning is connected with the historical and social-pragmatic and especially the fundamentally practical dimension of Kant's thought. As long as one views Kant's conception of theoretical reason as largely independent of and prior to his conception of practical reason, then it seems hard to justify the notion of the categorical imperative as the principle of all reason. However, on my reading of the *Critique of Pure Reason*, the argument presented there is a refutation in its first half (in the "Transcendental Doctrine of the Elements") of the notion that theoretical reason can operate independently of time and establish a cognitive standpoint that is independent of the possibility of experience. In its second half, in the "Transcendental Doctrine of Method," Kant then also shows that there is no reason and hence no exercise of theoretical reason that is independent of the systematically normative constraints of our practically and publicly-structured reasoning in history; this also applies to our reasoning about nature. On this basis one can then see why and how it could and indeed must be the case that the categorical imperative is also the normative principle of theoretical reason. To engage in theoretical reasoning is also to have a normative commitment to telling the truth both to oneself and to others and this is only possible through public action in time and history.

Kant's argument in the "Transcendental Doctrine of Method," in its second half, shows that the systematicity of reason and the employment of reason to understand things in their systematic relations to each other must be grounded in the normative, pragmatic-practical, systematic, and historical conditions of human agency. Kant takes speculative reason, theoretical reason deprived of its embeddedness in practice and in practical reason, to be a failure in what it attempts to accomplish. As Kant shows in "The Canon of Pure Reason," the systematic conditions of salience required for our theoretical reason to act successfully must be grounded in the human social commitment to act as a moral agent in view of a shared highest good. Thus, the *Critique of Pure Reason* concludes with a conception of a unified theoretical and practical philosophy. The unity of theoretical and practical reason would however be abortive if, following the standard interpretation we did

not see that reason does not operate in a vacuum. The argument of the whole of the "Transcendental Doctrine of Method," but especially of its last two chapters, "The Architectonic of Pure Reason" and "The History of Pure Reason" are devoted to arguing that our systematic reasoning is historically grounded and grounded in a pure reason to which we have access only through our systematic understanding of the historical development of culture, inquiry and science. This systematically historical-social and agential conception is the cosmic-cosmopolitan, world and human existence disclosing conception of philosophy that was very important to Jaspers and to his reading of Kant and that Jaspers develops systematically in his own Philosophy. Jaspers emphasized the cosmic-cosmopolitan conception of philosophy throughout his work but especially in his account of Kant in *The Great Philosophers*.[9]

Onora O'Neill, the Polemical Use of Reason, and the Transcendental Doctrine of Method

O'Neill takes up not only the important themes of historicity and publicity, but especially of the importance of public discussion from Jaspers, Saner, and Arendt and their understanding of Kant. Following Saner, she emphasizes the polemical use of reason in establishing normative principles through public argument and debate. O'Neill's emphasis on the importance of Kant's "Transcendental Doctrine of Method" and of the conception of historicity in the *Critique of Pure Reason* are themes regarding which she expresses her debt to Jaspers, Saner, and Arendt.[10] I would take this interpretation even further by interpreting Kant's concept of reason and even of the *a priori* as intrinsically practical and historical in the whole of the *Critique of Pure Reason*. I maintain that the fundamentally practical, social, and historical systematicity developed in the "Transcendental Doctrine of Method" lays the systematic normative and socio-historical groundwork for the systematic conception of science and of a science of metaphysics in the whole of the *Critique of Pure Reason*. The "Transcendental Doctrine of Method," the second half of the *Critique of Pure Reason* lays out the systematic methodological framework (as it is evident from its title) for the first half of the *Critique of Pure Reason*, that first half itself bears the title "Transcendental Doctrine of Elements" in its meaning of a transcendental doctrine of what is elementary (*Elementarlehre*). The latter doctrine of what is elementary in our knowledge includes "The Transcendental Aesthetic" and "The Transcendental Logic" (the latter of the two in turn is subdivided into "The Transcendental Analytic" and "Transcendental Dialectic").

Kant begins the *Critique of Pure Reason* in the Prefaces to both of its editions with the historical situation of the *Critique*. In the first edition, he starts off with the historical claims to sovereignty by metaphysics and their defeat; this paves the way for the public scrutiny of those claims to sovereignty, and a demand for the public critical scrutiny of all claims to authority and sovereignty, including the claims not only of philosophy, the humanities and science, but also the scrutiny of claims to authority by religion and political governance. In the second edition, in changed political and philosophical circumstances, Kant begins the "B-Preface" with an account of science as a shared cooperative and public endeavor, characterized by a systematic methodology that systematically defines the very objects with which science is concerned. Kant then puts his ambition for a science of metaphysics in the context of the history of science and presents it as embracing a Copernican revolution in which our a priori commitments in cognition become the very systematic basis upon which we are able to interpret what we perceive as objects belonging to the systematicity of experience.

Kant begins both Prefaces with the public use of reason in its historical context. He goes on in the main body of the *Critique of Pure Reason* to develop the conditions under which we can relate to objects and bring our cognitive purposes to bear on objects. Time and space as forms of *a priori* intuition (in "The Transcendental Aesthetic") are the starting point for cognition of objects. Kant then relates all meaningful theoretical cognition to what is experienced in those forms of intuition in "The Transcendental Analytic." In "The Transcendental Dialectic," Kant shows that efforts by purely theoretical reason to grasp things independently of those, especially temporal, forms of meaningful cognition and thus to ground metaphysics independently of time and space, fail

[9] Karl Jaspers, "Kant," in *The Great Philosophers, Volume I: The Foundations*, transl. Ralph Mannheim, New York, NY: Harcourt, Brace & World 1962, p. 230-381.

[10] For example, Onora O'Neill, "Constructivism in Rawls and Kant," in *The Cambridge Companion to Rawls*, ed. Samuel Freeman, New York, NY: Cambridge University Press 2003, pp. 347-67.

systematically because they are systematically illusory. Kant ends the first *Critique* in its final two chapters, "The Architectonic of Pure Reason" and "The History of Pure Reason," by articulating the systematic role of practical and historically-situated public and social and cosmopolitical reasoning in retrieving and systematically reconstructing metaphysics from its historical origins. From beginning to end, the *Critique of Pure Reason* develops the temporality and historicity of all significance, while at the same time arguing that temporality and historicity express the systematic relatedness of all experience that transcends anything provided by a theoretically isolated perception.

Reason is, as I understand Kant, a background normative holistic framework grounded in the originally synthetic and relational, but also fundamentally public and objective unity that underlies all individual self-consciousness, Kant's famous original synthetic and objective unity of apperception. The normativity implicit in that original and global synthetic unity already informs and is structured by space and time as forms of *a priori* intuition and thus guides the constructions in which humans are involved from their spatio-temporal and historical point of view. While one constructs with one's reason, reason is never itself constructed for Kant except from the vantage point of one's temporal and historical grasp of what reason is and what one is reasoning about.

O'Neill's conception of the autonomy of reason is juxtaposed to the sensible and temporal manner in which humans exercise their reasons as individuals, in contrast to this I think that the individual exercise of reason always goes together with the normative context of reason and its autonomy. Her conception of reason and its autonomy seems to float free of Kant's account of the temporality and the historicity of human conceptual competence and also of the underlying original synthetic and normative unity of self-consciousness that is for Kant the very form of judgment. Thus, Kant insists that the "logical form of judgment is the objective unity in the apperception of the therein contained concepts" (*CPR* 251, B 140). The logical form of judgment is merely the way in which concepts are brought together in judgments with a self-conscious eye to the normativity of those concepts and the manner in which they are connected together in a proposition an understanding of which all humans could share. There is a distinctive Kantian sense in which legal and political structures as well as mathematical and physical ones are constructed, but on the basis of a global, yet also dynamic, social-structural unity grounded in the publicity of humans' reasoning and grounded also in the objective unity of apperception that is always already implicitly there in what humans do and especially in the practice of science and inquiry. The dynamic unity of opposites in that conception is at the forefront of Saner's conception, a conception in which he finds himself at one with his teacher, Jaspers. Cassirer and the Marburg School bring out the dynamic role of the objective unity of apperception in that fundamentally public conception of communicative rationality more forcefully. The key to transcending the oppositions between local combatants in debate and inquiry and to the very idea of publicity and of a republican constitution is for Kant to see that, what one does, including one's reasoning, is always normatively, historically and publicly grounded, but is publicly grounded in virtue of one's participation in the fundamental publicity of language and in the fundamental publicity of concepts and judgments as they are brought together in the original synthetic unity of shared self-consciousness.

In O'Neill's conception, the *Critique of Pure Reason* is involved in a process of vindicating reason. Reason is never itself constructed for Kant except from the vantage point of humans' temporal and historical grasp of what they are reasoning about. I would argue that reason itself needs no vindication, even if one's reasoned action does; Kant's conception of reason and its systematicity is already implicit in all experience through its intrinsic connection to the original synthetic unity of self-consciousness that underlies the very form of spatial and temporal intuition as well as all perception and inner experience. This is what allows Kant to talk of the differences between concepts in the systematic unity of reason in terms of different systematically and dynamically related standpoints and perspectives. The original synthetic unity of apperception gives both to intuition and concepts an inherent connectedness to each other and both to individual and to shared points of view, so that neither intuition or concept neither individual nor publicly shared point of view can be made sense of without the other and are thus illusory abstractions when taken to be independent of one another.

The original synthetic unity of apperception gives holistic structural significance to the intervals of space and time, and to the points, lines, planes, and moments that are the limits of those intervals. However, numbers

and geometrical structures also have this differential structural significance as forms according to which time and space may be given structure and order. Kant's structural holism extends to all logical structure, as well. The logical forms of judgment are expressions of the systematicity of the holistic structural idea of the "pure understanding"; everything logical has a place and systematic position within the space of logical possibility constituted by the original synthetic unity of self-conscious thought. For Kant, concepts are always concepts of something used by someone who is accountable to normative standards of correctness (proximately to that of the community, but ultimately to that of all reasoning beings in their ability to reason together and to articulate matters responsibly to themselves and to each other).

Arguing with O'Neill for the claim that the Kantian conception of reason is intrinsically dynamic, purposive, contextual, social, and historical, on the basis of this dynamic-historical and social conception of reason, I also argue against what I find to be O'Neill's too abstract, rule-based, and individual and individual cognitive state-independent conception of Kantian autonomy.[11] The rule-based conception cannot make comprehensible our very following of rules in particular circumstances in what we do. There is however also a laudable effort by Rawls and his students, including O'Neill, to overcome the very paradigm of abstract rule-based rational choice that underlies a significant part of the abstract conception of Kantian autonomy to which they are *nolo volo* committed.

Rawls' Kantian constructivism rests on an important appeal to practices and to reflective equilibrium; Rawls' Kantian constructivism constructs an abstract model of justice, yet it also takes morality and the good to be constructed from the fundamental principles of justice and the idea of an original contract.[12] There are two dimensions to Rawls' Kantian constructivism. Rawls argues that there are no moral facts that are independent of reasoned constructions. Moral facts are constructed by persons who are members of a culture and who are also participants in a construction that constitutes the first principles of justice. For Rawls, the right precedes the good. He attempts to construct the first principles of justice by constructing an abstract model that he then adapts to the facts by a process of establishing a "reflective equilibrium" with scholars' well-entrenched intuitions about what is correct. This kind of constructivism resembles David Hilbert's mathematical constructivism and allows Rawls to draw on the holistic context of historical and social significance that might seem to be left out when merely using an abstract model.[13]

In his discussion of Kant's "fact of reason" Rawls emphasizes the importance of Kant's holistic conception of reason; the holism of reason is reflected in its ultimate concern with the highest good. Already in "Justice as Fairness" (1958), Rawls had begun to link his conception of justice to Kant's conception of an original contract as an idea of reason. "Kant was not far from wrong when he interpreted the original contract merely as an idea of reason."[14] Just as ideas of reason generally secure the greatest unity and extension for the concepts of understanding, the idea of social contract can be employed "to clarify the concept of justice" by representing its general unifying ground (*JF* 59). This view of justice as grounded in the notion of social contract, in fact, follows naturally from Rawls' view that the question of justice "arises once the concept of morality is imposed upon mutually self-interested agents, similarly circumstanced" (*JF* 59). If justice is a conception that self-interested agents create to regulate their joint interactions, then the metaphor of a contract seems appropriate to represent the kind of jointly acceptable standard for behavior that is required by it. Underlying these Kantian conceptions and their understanding of fidelity to a constitution is a conception that Kant develops in its most sophisticated version in the *Critique of Pure Reason* in terms of the manner in which what he calls the original synthetic unity of apperception underlies our entire culturally mediated experience of the objects both of our inner and outer experience.

[11] See my, "Kant's Threefold Autonomy," in *The Emergence of Kant's Notion of Moral Autonomy*, eds. Stefano Bacin and Oliver Sensen, New York, NY: Cambridge University Press, 2018.

[12] Rawls uses the term "Kantian constructivism" in John Rawls, "Kantian Constructivism in Moral Theory," *The Journal of Philosophy* 77/9 (9 September 1980), 515-572.

[13] John Rawls, "Themes in Kant's Moral Philosophy," in *Kant's Transcendental Deductions: The Three Critiques and the Opus postumum*, ed. Eckart Förster, Stanford, CA: Stanford University Press 1989, pp. 81-113.

[14] John Rawls, "Justice as Fairness," in *Collected Papers*, ed. Samuel Freeman, Cambridge, MA: Harvard University Press 1999, pp. 47-72, here p. 71. [Henceforth Cited as *JF*]

On Rawls' conception, the constitutional patriot would owe fidelity to the abstract principles that reason constructs for deciding the basic structure of society. However, the free choices that individuals make within the basic structure of society would not be expressions of constitutional culture. Rather, those choices would just reflect people's preferences as individuals. Thus, the Rawlsian conception of reason leaves no intimate connection between the actions by which one develops one's character as an individual and the actions that one undertakes as a citizen. However, as I have argued, on Kant's view, and on Rawls's considered view, one's participation in public reasoning within the constraints of constitutional culture is both the way in which one makes something of one's self and makes oneself a citizen. Individual reasoning and reasoning-as-a-citizen cannot be pried apart.

Christine Korsgaard, Constitution, and Plato's Republic

Rawls' sensitivity to the history of philosophy and of political thought, the holist and historical dimension of his conception of reflective equilibrium and of Kantian constructivism are on full view in the work of another former student of Rawls who also has become a very important philosopher in her own right. In her deeply interesting book on self-constitution, Christine Korsgaard develops Kant's conception of self-constitution in terms of an account of individual and social identity.[15] She sees a deep analogy between the appropriate way of thinking of action in the Kantian conception and the manner in which Plato conceives of the action of a human being or of a city- state. She urges that one reject the model of action as a combat of reason with desires and inclinations; this is what she calls the Combat Model. Instead of thinking of a person's actions as simply the outcome of forces that are acting in oneself, one should think of action along the lines of what Korsgaard calls the Constitutional Model (*SC* 134-5).

Korsgaard connects Kant's conception of self-constitution to that of Plato and Aristotle by reference to the function argument in Plato. She emphasizes the Platonic constitution of the city-state (*polis*) as a whole through its unification under the idea of justice; she also draws on Plato's comparison of the individual to the city-state. Korsgaard argues with Plato that it is the proper task of one's intellect and reason to govern desire and emotion and to govern for the sake of the whole; for reason is alone concerned with the good of the whole. Korsgaard maintains that Kant's claim that reason motivates one is not to be understood in terms of an opposition between reason and desire (or rather between reason and habituated desire, inclination). Kant's conception of action is not to be understood on the battlefield model (the Combat Model) and morality as a kind of battlefield citation, but instead reason is to be understood in terms of the Platonic constitutional model. Reason's claim to authority in the individual as well as in the state is from its ability to govern the whole community for the good of all in the way demanded by the constitution of a city-state or republic.

Kant himself argues in *The Metaphysics of Morals* that legislative, judicial, and executive authority ought to constitute different spheres of government that cooperate to constitute a whole political agent. However, governmental authority—sovereignty—is ultimately invested in the legislative authority of the people. Korsgaard appropriates this model of sovereignty and political authority for ethics to argue that it is the office of our reason to govern the whole agent and act for the whole agent rather than our being merely concerned with the specific, largely context-dependent, interests of desire and feeling. For Korsgaard, all organisms are purpose-directed. Yet only human beings form a self-conscious and rational conception of what they want to be. Self-consciousness engenders a distancing from natural purposes and a fragmentation of the person into competing motivational centers. According to Korsgaard, humans' natural functioning as organisms is interrupted by their need as rational beings to deliberate about what they ought to do. For Korsgaard, the Platonic distinction between parts of the soul is due to the fragmentation of the soul as a result of reason's need to deliberate among alternative courses of action. This makes it necessary on her view to reconstitute oneself from a heap. By taking this position, Korsgaard runs the risk of superimposing a Humean or neo-Lockean conception of a person as a bundle of perceptions held together by memories onto the Aristotelian and Platonic conception of the soul as a unity of function that is always directed at the ideal standard (idea) of such a unity of function and agency in life. There is thus in Korsgaard's characterization of her position the danger that her position will fall back

[15] Christine Korsgaard, *Self-Constitution: Agency, Identity, Integrity*, New York, NY: Oxford University Press, 2009. [Henceforth cited as *SC*]

into some form of what she calls the Combat Model.

Freedom to act is grounded for Kant in a process of constituting oneself as an integrated agent who can act in accordance with the principle of systematic unification provided by the good. Likewise, Kant conceives of ideas as purposive representations of wholes in terms of their ultimately differential and normative (and causal practical) contribution to the good. This is an important theme in Jaspers, as well. But an important part of the Kantian conception that also relates it to the Platonic conception seems largely to drop out of Korsgaard's account. This encourages her to talk as if you are not an agent unless you are a fully integrated agent; the worry is that we are never agents in the sense of fully integrated agents and so never act. It is a deficiency of a theory of agency if it can never take us actually to act. But that is a deficiency that is avoided in the Platonic and in the Kantian accounts of agency by taking our agency and that of the city-state to be constituted by our relation to the very idea of our constitution.

Korsgaard correctly ascribes the constitutional model to Kant, however, I argue that key to Kant's notion of the constitution is the very idea of the constitution. One does not fully succeed in realizing the idea of the constitution of the state in a global community or in a local community. Likewise, one does not fully realize the integrity of one's own person; it is not part of being human that humans are ever fully successful in getting completely behind what they do. One is guided and determined in what one does by the ideal that is embodied in one's individual character, in one's true sense of self and in the idea of the constitution of the self and of the state and ultimately of a truly cosmopolitan community. But that ideal is never fully realized.

In contrast to Cassirer, Jaspers, and the German idealists, Korsgaard does not appeal to the texts in which Kant himself relates the *Critique of Pure Reason* to Plato's *Republic* and its idea of normativity, even though she places great weight on the comparison of Kant's notion of autonomy with the Platonic notion of law-giving for developing her account of self-constitution. By treating different cognitive functions in isolation from each other, and distinguishing different representations in cognitive function, Kant generates the illusion that his conception of representation works from independent atomic representational building blocks including desires in the way that Locke and David Hume often seem to approach sensations and ideas. Korsgaard appears at times to give in to this illusion even though officially she rejects it. Her conception of Kantian reason, like those of most contemporary interpreters of Kant seems to take the systematic and practical unity of reason to be a matter of after-the-fact reconstruction, whereas I take the unity of reason with the whole of the sensible world always implicitly to underlie what humans as thinking self-organizing organisms do. I agree with Korsgaard that for human beings the underlying unity of one's self and of the world and of the world from the vantage point of one's own self is never merely given, at least not for me, it is a process of coming to understand what does and ought to matter to humans in the whole of the cosmos as seen from their distinctive point of view.

Immanuel Kant and the Platonic Idea of a Republican Constitution

For Kant, the possibility of critique depends on having a standard by which to judge what is right and what is wrong. The possibility of establishing such a standard for us is already implicit in our very ability to reason about what to do. This leads Kant in a very fundamental sense to embrace the Platonic idea of a republic of reason. Kant is deeply critical of Plato's conception of ideas, including the idea and ideal of a state, when taken as objects of theoretical contemplation, which in his interpretation is how Leibniz conceives ideas. The methodological solipsism and the fundamentally theoretical (theory-based) approach to ideas of the rationalist and the empiricist conceptions of ideas is shown in the second half of the "Transcendental Logic" in the "Transcendental Dialectic" of the *Critique of Pure Reason* to be fundamentally inadequate. Ideas so understood are taken to be self-contained and abstracted from the very context that gives those ideas their significance. That abstract conception of thought is exposed to the public and social and historical criticism characteristic of the legitimate exercise of reason in the "Transcendental Doctrine of Method." Ideas are shown to have a fundamentally pragmatic and practical meaning, the systematic significance of which cannot be divorced from their fundamental grounding in the public sphere.

Kant takes ideas, including the idea and ideal of a state to be crucial to our human normative competence in guiding us in what we ought to do. In the introductory section to the "Transcendental Dialectic," Kant puts this forward as part of an account of "Ideas in General"

and in particular of the practical role of ideas in human agency. He gives Plato's idea or ideal of the *Republic* (*Politeia* or constitution) pride of place in its role as practical idea. He is critical of Plato's tendency to think of ideas as objects of theoretical inquiry (*CPR* 396). In a word, he shows in the "Transcendental Dialectic" of the *Critique of Pure Reason* that ideas of non-sensible objects are incoherent when taken as objects, but Kant then shows that such ideas have a fundamental practical significance when they function as implicit standards in our action (rather than as fully articulate and discrete objects of abstract theory).

Plato's idea of a constitution (constitution is arguably a better translation of *politeia*, the Greek title of Plato's work), is not merely chimerical for Kant, as it was, for example, for the historian of philosophy, Jacob Brucker:

> The Platonic republic has become proverbial as a supposedly striking example of a dream of perfection that can have its place only in the idle thinker's brain; and Brucker finds it ridiculous for the philosopher to assert that a prince will never govern well unless he participates in the ideas. But we would do better to pursue this thought further and (at those points where the excellent man leaves us without help) to shed light on it through new endeavors, rather than setting it aside as useless under the very wretched and harmful pretext of its impracticability...nothing is more harmful or less worthy of a philosopher than the vulgar appeal to allegedly contrary experience, which would not have existed at all if institutions had been established at the right time according to the ideas, instead of frustrating all good intentions using crude concepts in place of ideas, just because these concepts were drawn from experience. [*CPR* 397]

Rather than putting aside Plato's Republic and with it the idea as utopian that "a prince will never govern well unless he participates in the ideas" (*CPR* 397), Kant identifies Plato's *Republic*, following the Greek meaning ("constitution") of its title, *Politeia*, with the idea of a "constitution of the greatest freedom according to laws" allowing "the freedom of each to subsist with that of others"; for Kant this idea of a Republic is a "necessary idea" (*CPR* 397). It is an idea that one needs to presuppose not only in "the primary plan of a state's constitution but of all the laws too" (*CPR* 397). A republican constitution is for Kant the underlying form of all self-governance and not of a distinctively republican form of government. Kant sees his own project in the *Critique of Pure Reason* as a critical appropriation of Plato's *Republic*. Thus, Kant takes the idea of a constitution guaranteeing the greatest mutually and reciprocally constrained freedom for all individuals and especially for the citizens of a commonwealth to be the very idea of a constitution and of all laws:

> A constitution providing for the greatest human freedom according to laws that permit the freedom of each to exist together with that of others (not one providing for the greatest happiness, since that would follow of itself) is at least a necessary idea, which one must make ground not merely of the primary plan of a state's constitution and in it of all the laws, too. [*CPR* 397]

Like all practical ideas for Kant, the Platonic idea of a constitution has both causal and normative force. Kant adopts a critical re-interpretation of the system of ideas in Plato's *Republic* as normative-practical commitments rather than as objects of a pure theoretical (mystical, God's eye intellectual) intuition—*nous*. It is not that Kant rejects Plato's position; however, he insists that theory must be grounded in *praxis*, a theory that floats free of practice generates illusory objects. In the end, he embraces Plato's "ascent to architectonic principles" and to the idea of the good as the unifying systematic principle of all ideas and of all explanation:

> If we abstract from its [Plato's] exaggerated expression, then the philosopher's spiritual flight, which considers the physical copies in the world order, and then ascends to their architectonic connection according to ends, i.e., ideas, is an endeavor that deserves respect and imitation; but in respect of that which pertains to principles of morality, legislation and religion where the ideas first make the experience (of the good) itself possible, even if they can never be fully expressed in experience, perform a wholly unique service, which goes unrecognized precisely because it is judged according to empirical rules, whose validity as principles should be cancelled by those very ideas. [*CPR* 398]

Kant does not give up on Plato's project of an ascent to ideas, but he does see its significance in fundamentally practical and normatively action-guiding terms. Provided that one abstracts from Plato's exaggerated expression, then "the philosopher's spiritual flight, which considers the physical copies in the world order, and then ascends to their architectonic connection according to ends, that is, ideas, is an endeavor that deserves respect and imitation" (*CPR* 398). The *Critique of Pure Reason* can be read as a

practical reconceptualization of Plato's journey from the perspectival appearances and physical copies of forms in the natural world to the ideas in virtue of which one systematically understands all of the particular sciences and their ends as well as the idea of the whole of transcendental philosophy and metaphysics that gives them their significance. Kant is skeptical of the notion of ideas as objects of theoretical contemplation, but he thinks that the systematic normativity of the good can guide us in the search for truth and in the public expression of truth; this is why truth telling is such a fundamental moral value for Kant.

For Kant the idea of the good is the basis of the principles of morality, law and religion, for the good exists only in the systematic relation of our conduct to norms. Yet like Plato, he insists that one can only grasp the idea of the good through systematic training and a transformation in one's character in order to bring one's feeling and desire into systematic normative alignment with each other and with those of others and hence with the good. For that to occur, Kant argues that one must develop the critical reflective powers in the public sphere that will allow one to curb temptations to illusory desires, feelings, and objects. But as Kant will argue ever more forcefully in his final works, one will actually need to transform one's whole character, including one's desire, feelings and cognitions so that they are in line with (practical) reason and a systematic motivation to pursue the good. And for that transformation of one's whole character in the direction of an integrated whole, a framework needs to be developed, the authority of which stems from reason and its idea of free (republican) self-governance and is not dependent on any actual existing political, religious, or social authority. When Kant wrote the *Critique of Pure Reason*, he did not yet have such an account. He had no account yet of how practical ideas could transform one's sensibility and feeling to bring one's sensible responses in line with the demands of reason and of the good. Kant's account was only firmly in place after he had completed the other two *Critiques* and with his last published work, *The Conflict of the Faculties*.

Kant's response to Platonic ideas is critical when they are taken as abstract objects of theoretical contemplation, even if Kant's whole opus is a systematic attempt to show how the Platonic idea of a republic and of a republican constitution can constitute the practical norm that underlies the very notion of publicity and of the public sphere and so provides the underlying basis for fundamental human rights. In the introduction to the *Critique of Pure Reason*, in which Kant first develops the idea of transcendental philosophy as a systematic, idea-governed science, he notes that Plato tried to ascend to the ultimate ground of things in ideas. Encouraged by the *a priori* character of mathematics, Plato attempted to do away with all the hindrances posed by the senses to our knowledge; he attempted to proceed "on the wings of ideas, in the empty space of pure understanding" (*CPR* 129). Toward the end of the *Critique* in the section entitled "The Architectonic of Pure Reason," one finds that Kant has not given up either on the Platonic project or on his criticism of the Platonic project, but instead argues that while philosophy and metaphysics properly involve the "critique of reason that dares to ascend on its own wings," philosophy is wisdom through the path of science (*CPR* 700-1); Kant criticizes purely theoretical (speculative) philosophy that attempts to understand things independently of experience. However, he thinks that a systematic transcendental philosophy grounded in ideas of pure reason is possible if one does not understand ideas in a purely theoretical sense but takes them to unify one's experience and inquiry in an inherently comprehensive and systematically normative action-guiding way; wisdom systematically unifies experience for agents who are attentive to the systematic significance of the good and of truth in everything that they do.

Kant finds fault with Plato only to the extent that Plato arguably fails to realize that one could not make an ascent to ideas without the support of one's experience and without realizing that ideas are not objects of purely theoretical contemplation but are instead always normative commitments that one takes on in endeavoring to orient oneself systematically in what one does. Ideas are not objects; they are not to be known merely by intellectual intuition (*nous*) that is stripped of all connection to sensible content and to action. Instead, ideas are intrinsically normative systematic patterns of comprehensive significance that gain their significance from the way in which they allow one to take on normative commitments in what one does (as agent). Kant wishes to dismiss the kind of mystic intellectual intuition, nous, divorced from discursive thought that Plato seems to invoke in the middle books of the *Republic* as a grounding for one's knowledge of the good and of one's knowledge of ideas in general within the overall normative functional pattern of things. With the notion of intellectual

intuition Kant would also banish the interpretation of ideas as ultimately real objects.

It is not possible for anyone ever to get beyond the difference one's experience makes to one's concepts nor can one get beyond the systematic difference that concepts make to experience. Concepts only have significance so far as they make a difference in what one does. It is in this double sense of making a difference in experience, but also in making a difference in experience that is tied to what one does conceptually that Kant can be taken to accept a pragmatist test for significance. This means that Platonic ideas have a purely methodological significance for Kant: "What is an ideal to us, was to Plato an idea in the divine understanding, an individual object in that understanding's pure intuition" (*CPR* 551). Kant does not give up on Platonic ideas, but instead gives them a methodological and pragmatic significance as ideal standards for action, archetypes (the middle Platonist term for Plato's *paradeigma*, "archetype" is a term that Johannes Kepler also uses) or normative principles for the systematic unification of possible experience in what we do. Ideas are principles for the systematic organization of human experience according to our general interests as human agents. Ideas are displayed in our normative competence in systematically and differentially relating to things in what we do. We need to be able implicitly to grasp this background to what we do in order to orient ourselves in what we do. At the end of the *Critique* Kant reasserts his commitment to a version of the Platonic project:

> Thus the metaphysics of nature as well as morals, but above all the preparatory (propaedeutic) critique of reason that dares to fly with its own wings, alone constitute that which we can call philosophy in a general sense. This relates everything to wisdom, but through the path of science, the only one which, once cleared, is never overgrown, and never leads to error. [*CPR* 700-1]

Kant has already expressed his view at this point that

> philosophy is a mere idea of a possible science, which is nowhere given *in concreto*, but which one seeks to approach in various ways until the only footpath, much overgrown by sensibility, is discovered, and the hitherto unsuccessful ectype, so far as it has been granted to humans, is made equal to the archetype. [*CPR* 694]

The footpath to which Kant is referring in this context is the footpath leading from appearances to knowledge and the good. The prisoners in Plato's cave are tied down to illusory appearances of the true and the good by their sensible desires. They must break free of these shackles and find their way up the footpath to knowledge and truth of the ideas that springs from the good (the light that comes from the sun that allows things to be seen and to grow). Kant makes this quite clear in the closing discussion of the Architectonic in which he returns to the footpath metaphor from the beginning of Book VII of the *Republic* and where he alludes back to the reference to Plato from the beginning of the introduction to his own *Critique*. Yet Kant also continues to reject the kind of Platonic (speculative and purely theoretical) metaphysics defended by Moses Mendelssohn in his work *Phaedo*, published in 1767. Kant thinks that the ideas of god and the highest good (as producer of the absolute standard of goodness), freedom (the individual as absolutely responsible for his choices), and the identity and character of the self (including the choice of one's character) with which the *Republic* ends can be given a practical significance as ideas (of pure practical reason) to which we are committed in everyday life.

The layout of the *Critique of Pure Reason* has a systematic structure of nested ideas to it in which every part contributes to the functioning of the whole as transcendental philosophy embedded in the idea of the highest good and in which every part, each systematic idea-governed science of which it is constituted, grows together organically like a living organism. This is very much in the spirit of the Platonic conception of the parts of the human soul and of the parts of the *polis* and their directedness toward the idea of the good that underlies the idea of the ideal *polis*. It also characterizes Plato's conception of reason, language, and communication. In the *Phaedros*, Plato compares the *logos* of language, thought, and dialogue with a living organism.

Plato sees the form of the state as a paradigm set up in the sky (*paradeigma en ourano*) for human beings to follow and to attempt to bring about as much as is possible within the limitations of the sensible world. He also sees the form of the state and the proper functioning of the parts of the state and of the human soul according to the standards of excellence (*arete*, virtue) as key to bringing about the good for human beings. The ability to understand things, including the state, according to what is best (with regard to the idea of the good) is the condition for the possibility of all knowledge and all science properly so called. This

knowledge is inherently systematic. All significance is regarded as tied together by the accurate exercise of epistemic function in relation to the ideas as ideal objects of knowledge. But such proper function can only be determined in respect to a sense of how everything ought to fit together in terms of a connected whole of function in which each item performs its appropriate function in contributing to the whole.

In a certain sense, Kant mediates between the conception of the polis and its constitution (*politeia*) as an organism in Plato's *Republic* (*Politeia*) and Thomas Hobbes' modern conception of the state as a Leviathan (itself a reference to the distinctive product of God's overawing wisdom to which God alludes in dialogue with Job in the *Book of Job*). For Hobbes, the Leviathan of the state is an artificial construct created to sustain the interest of the members of the community in their own self-preservation. With the social contract, a set of principles is instituted that then constitutes and also governs the community. Yet these principles, like those of the social contract theory set forth in Book II of the *Republic* (*Politeia*) by Glaucon on the basis of antecedents in the Sophistic philosophical tradition, have a purely conventional warrant. In criticizing the mathematical model of dogmatic philosophical cognition in the first part of "The Discipline of Reason," Kant also implicitly criticizes this Hobbesian conception (as well as its Leibnizian counterpart) of a scientific political and moral philosophy that identifies all normativity with mere convention and a mathematical construction of preference maximization. In mathematics, it is not inappropriate to take the mathematicians' definitions, axioms, and demonstrations in order to exhaust the significance of mathematical concepts for they not only make the concepts themselves, but also intuit the models that these concepts make true while at the same time being also made true by those very concepts. Like Spinoza, Hobbes wants to extend the mathematical model of physical motion to the springs of human action and the coordination of human motions in the moral sciences. In the process, Hobbes and Spinoza aim to do away with any intrinsic and fundamental appeal to human purposes in science. Hobbes and Spinoza and later also Nietzsche draw a conclusion from Glaucon's contract theory that Plato, Leibniz, and Kant eschew. If a social contract is based on the interest of the parties to the contract in their own self-preservation, then once self-preservation and self-interest in general are no longer in play, then the contract ceases to have any hold on the person.

Plato endeavors to show that even the most powerful individuals can fail to identify their own self-interest and Kant follows Plato in emphasizing this point, a point central to the argument of *The Conflict of the Faculties*. The task of philosophy and of an education to the good life is the training in recognizing what one's true rather than apparent self-interest is. One cannot take this true self-interest to be independent of one's cooperative relation to others in a well-functioning social whole. Kant fully subscribes to this. He argues in *Groundwork III* that the authentic self, "the proper self" (*das eigentliche Selbst*), is "volition as intelligence."[16] It is only in acting according to the interest that one takes in morality from the vantage-point of one's identification with one's authentic self that there is a motivation to do the right things for the right reasons. The narrowly self-interested person fails to recognize that one's interest as a person is not best served by identifying oneself with desires and their satisfaction. A person cannot simply identify with momentary desires; one must also care about one's own history, but also about one's future. Even a narrow notion of happiness as the satisfaction of the sum total of one's desires must relate past, present, and future desires together for the satisfaction of one person. Kant argues that this commits one to the recognition of one's own significance as an end that must be sustained in and through one's agency. This might be thought to be independent of any recognition of other persons as ends to be acknowledged in what one does. But Kant's conception of the public communicative conditions for the normative use of reason imply that one cannot even sustain a recognition of one's own standing as a person without recognizing the standing of others. One does not come to recognize one's own independence from the particular desires that move one without a conception of how in reasoning together with others one comes to see one's own significance as a person involved in a process of reasoning together with others (this idea is then taken up by Gottlieb Fichte and Hegel in their accounts of the role of mutual recognition through the process of working on oneself and on material objects in the establishment of a conception of oneself that is independent of one's momentary needs and desires).

[16] Immanuel Kant, *Groundwork of the Metaphysics of Morals*, ed. and transl. Mary Gregor, Cambridge, UK: Cambridge University Press 1998, p. 62. [Henceforth cited as *GMM*]

In a certain sense Kant is an ideal social contract theorist. The original contract, he writes,

> is in fact merely an idea of reason, which nonetheless has undoubted practical reality; for it can oblige every legislator to frame his laws in such a way that they could have been produced by the united will of a whole nation...This is the test of the rightfulness of every public law. For if the law is such that a whole people could not *possibly* agree to it (for example, if it stated that a certain class of *subjects* must be the privileged *ruling class*), it is unjust; but if it is at least *possible* that a people could agree to it, it is our duty to consider the law as just, even if the people is at present in such a position or attitude of mind that it would probably refuse its consent if it were consulted.[17]

But his conception of what grounds social contract, puts him in line with Plato's objections to real social contract theory at the beginning of Book II of the *Republic* and also puts Kant in a position to meet those objections by appeal to the account of public reason and its grounding in the original synthetic unity of apperception. Kant's objection to the implication of the social contract theory in Book II of the *Republic* that it would not be binding on someone who did not require protection from the violence of others is also an objection to the conception of sovereignty defended by Hobbes and other champions of absolute monarchy. Like Plato in the *Republic*, Kant rejects such appeals to absolute political, religious, or epistemic authority.

"The Discipline of Pure Reason" in particular, but the *Critique of Pure Reason* as a whole, is the process through which the reasoning members of the commons submit themselves "to the lawful coercion which alone limits our freedom in such a way that it can be consistent with the freedom of everyone else and thereby with the common good" (*CPR* 650). Following Hobbes, but also responding to Hobbes in the way that Plato responds to the social contract theory that is presented in the second book of the *Republic* (and also taking up Rousseau's conception of the social contract as constituting a new social autonomy in the state), Kant argues that reasoning in the public sphere must be led out of a state of nature through the institution of a social structure with a constitutive conception of laws. Kant conceives of this process as the process through which the autonomy of reason is publicly established. Although Kant does not use the word "autonomy" in the *Critique of Pure Reason*, he does think of the process through which citizens publicly deliberate together about the fundamental principles according to which they are to govern themselves in their normative practices and pursuits in different domains as a process involving a self-instituted sovereignty of reason. This is a sovereignty of reason in which reason governs, legislates, and adjudicates claims according to "universal reason itself, in which everyone has a voice" (*CPR* 650). The legislation of reason is to be understood as the process by means of which reasoners legislate to themselves. Reasoning is not yet philosophical reasoning as long as one regards reason as foreign (*fremde Vernunft*) (*CPR* 685). Kant insists that the intelligence and autonomy of will is one's proper authentic self (*eigentliches Selbst*) (*GMM* 61). For reasoning is not genuine full-blooded reasoning unless it expresses that one is thinking through what one does. Reasoning involves a critical acceptance on one's own part of the normativity of the claim to which one is committed. The normativity of any claim can only be established by the process of thinking through the basis of that claim in the back and forth of discussion and dialogic reasoning.

Kant's criticism of Plato is intended to strip Plato's theory of ideas of the unquestionable epistemic authority implicit in a non-discursive theoretical grasp of ideas (in terms of what Plato calls *nous* and Kant calls intellectual intuition). It is this seemingly mystic appeal by Plato in the Seventh Letter that so upsets the later Kant and leads him to juxtapose the Plato of the dialogues with the Plato of the letters. Kant's basic concern is that the Plato of the letters is easily taken in a mystical direction involving a special kind of speculative knowledge that is available only to a special aristocratic few. Kant is not immune to the idea that the learned classes have a special role in leading the public to enlightenment. But he does insist that metaphysics does not achieve a special kind of speculative knowledge that is not available to everyday practical reasoning about things through the good hard work of citizens who are not idle aristocrats.

Kant echoes Plato's account of the process of *paideia* needed to acquire wisdom in the context of the cave. He uses Plato's metaphor of the impossibility of pouring wisdom into the minds of others, as the Sophists would

[17] Immanuel Kant, "On the Common Saying: 'This May be True in Theory But it Does not Apply in Practice'," in *Kant's Political Writings*, ed. Hans S. Reiss, transl. H. B. Nisbet, Cambridge, UK: Cambridge University Press 1970, pp. 61-92, here p. 79.

do it, thinking that wisdom is teachable. Following Plato, Kant thinks that one must generate wisdom out of oneself. To do so is to engage in true philosophy, which is always autonomous and contrasts with engaging in philosophy in the purely scholastic or historical sense of learning a certain system by heart:

> *Wisdom*, as the idea of a practical use of reason that conforms perfectly with the law, is no doubt too much to demand of human beings. But also, not even the slightest wisdom can be poured into a man by others; rather he must bring it forth from himself. The precept for reaching it contains three leading maxims: 1) Think for oneself, 2) Think into the place of the other (in communication with human beings), 3) Always think consistently with oneself.[18]

Kant accepts Plato's idea that the turning around the whole soul toward the practical good involved in wisdom is to act according to ideas in their proper systematic connection. It is to act in accordance with the idea of the good; it is to act in accordance with that for the sake of which everything is the way it is. Kant is perhaps slightly less sanguine than Plato about the prospects for the achievement of wisdom. However, his conception of philosophy and especially of systematic philosophy is ultimately tied to such wisdom. Kant sees the key to the discovery of the footpath to the idea of philosophy as a comprehensive systematization of things in what one does according to the idea of the good. This conception is to be found in what Kant calls the cosmic or cosmopolitan conception of philosophy. Philosophy in the cosmopolitan or cosmopolitical sense is a philosophizing that Kant describes in the Architectonic of Pure Reason as the "science of the relation of all cognition to the essential ends of human reason (*teleologia rationis humanae*)" (*CPR* 694-5).

Kant is often regarded as the paradigm of the technical, professional philosopher. While this is true to some extent, it is also the case that Kant follows Socrates and Plato and Greek philosophy in seeing the concerns of professional philosophy to be of significance only insofar as they are at least indirectly relevant to how one ought best to live. The *Critique of Pure Reason* is philosophy according to what Kant in "The Architectonic of Pure Reason" calls the *conceptus cosmicus* (*Weltbegriff*) of philosophy (*CPR* 394). It is the activity of such cosmopolitan philosophizing that is to be presented in the form of academic, scholastic, or school philosophy. Arguably this is the reason why Kant does not explicitly develop the distinction between the world and scholastic conceptions of philosophy in the *Critique of Pure Reason* until the very end of the work.

It is important for Kant to embed philosophy in the activity of philosophical reflection; it is the process of philosophizing that matters rather than seeing philosophy merely as an activity for learning a body of knowledge such as, for example, a metaphysical system. This kind of historical knowledge, that one would get from learning only the ins and outs of a system while abstracting from the difference that what one makes to the good, yields for Kant a "plaster cast of a living human being" (*CPR* 693). Kant takes the world-conception (*Weltbegriff*) of philosophy to be concerned with "that which necessarily interests everyone" (*CPR* 695) and as such to constitute a "teleology of human reason," an account of ends-directed processes through which human beings come to pursue the ends that constitute the human rights that define human beings and to pursue the ends that constitute human reasoning as such. These constitutive and constituted ends and their interests in turn have a systematic normative structure that is captured by what Kant calls ideas and is embodied in his conception of the very idea of a Platonic republic of reason. Such systematically normative ideas in turn form the basis for any body of knowledge; for any body of knowledge will have its distinctive place in the ongoing conversation across time and cultures that is the Platonic republic of reason.

The idea of a possible science of philosophy is tied to the process in which in philosophizing one emulates the archetype and ideal of the philosopher with his synoptic ability to see things in their comprehensive systematic connectedness, this is the relation of things to a comprehensive set of ends or purposes including those of inquiry that we can and ought to bring about together. Thus we emulate this idea successfully only when we see philosophy not just as the solution of academic problems (the scholastic concept of philosophy), but also as the idea of a "legislation found in every human reason" that is grounded in "the essential ends of human reason" (*CPR* 695). According to the world-concept, "the teacher of wisdom through doctrine and example, is the real philosopher. For philosophy is the idea of a perfect wisdom, which

[18] Immanuel Kant, *Anthropology from a Pragmatic Point of View*, ed. and transl. by Robert B. Louden, Cambridge, UK: Cambridge University Press 2006, p. 94-5. [Henceforth cited as *APP*]

shows us the final ends of human reason."[19]

This philosopher, as lawgiver is contrasted with the

> artisan of reason, or the philodox, as Socrates calls him, strives only for speculative knowledge, without looking to see how much the knowledge contributes to the final end of human reason; he gives rules for the use of reason for any sort of end one wishes. [*JL* 537]

In the school conception, the philosopher is a mere artisan of reason who is not concerned with the relevance of knowledge for the ultimate end of human existence. This artisan has skill whereas the cosmopolitan conception of philosophy is also concerned with relevance or utility for the purpose of relating what one knows to our shared ultimate ends as human beings in the cosmos. According to the cosmic or cosmopolitan conception of philosophy we use our reason together in what we do to come up with the laws according to which we govern ourselves and according to which we act. The philosopher in the true cosmopolitan sense is concerned that philosophical commitments also make a difference to human existence and to wider interests that all can share.

The cosmopolitan conception of philosophy is fundamentally tied to the public sphere and to the publicity of language as communication and action. As Kant puts the matter in his *Anthropology from a Pragmatic Point of View*, to see things as a world-citizen or from the cosmopolitan standpoint is not to view things as if one "were the whole world"; the person who relates to the world cognitively, practically and aesthetically from the standpoint of privacy and solipsism relates to the world as if that person were the whole world (*APP* 18, § 2). The world-citizen or cosmopolitan always already sees things from the "pluralist" (*APP* 18, § 2) vantage point of the public sphere in which one is not the whole world. But even what counts as truth in that public sphere is regarded critically; truth must hold up also to, and from the vantage point of, an "alien" point of view; it must allow itself to be viewed as self-legislated by anyone who reasons things through in action. It is not a matter of consensus with others, but always transcends any consensus.

In *The Conflict of the Faculties*, Kant illustrates the normative and law-instituting procedure for conflict resolution in the public sphere that he had articulated in the "Transcendental Doctrine of Method" in the *Critique of Pure Reason*. He shows how one may grasp the transhistorical significance of human rights and truth from one's own vantage point in history in a way that also immediately involves the respect for such rights and truth in what one does. We as individuals in society pursue our individual and shared social and political welfare with an eye to physical, civic, and spiritual goods that constitute us as whole individuals and as a whole society. The idea of the university is devoted to that conception of the integrity of the individual in society. The philosophical faculty is concerned with the public articulation of truth and especially the truth that allows for the individual and for society and for the whole world successfully to pursue physical, civic and spiritual welfare, and integrity. But that integration itself requires that one conceive of the individual, of the different spheres of society, and especially of the university and of the whole world as approximating in what they do to the idea of a self-governing republic in which each and all are recognized for their specific individual contributions and for their contribution to the whole. For Kant, the Copernican revolution in systematizing the cosmos in terms of a system of trajectories for all bodies that can be systematically understood from our changing vantage point on a moving earth is itself an expression of his conception of the truth. As philosophers we must assert the rights of that very conception of truth in the public sphere that is independent of any specific political interest. While independent of any specific political interest, the public advocacy of truth is nevertheless profoundly political in implication. We find our way to our own constitutional identity as individuals, as citizens, and as members of a political community and state by recognizing the underlying significance of those nested forms of constitution and the way in which they must all figure into a universal community of agents that recognizes universal human (and alien) rights. In reasoning about what to do one never fully attains one's goal of thinking things through completely, but one also never can fall completely short of the ideal of reasoning together with others. One cannot even in principle think things through in complete isolation from the world, and from the culture and the history that one shares with others, for then on Kant's view, as Arendt especially emphasizes, one cannot think at all. Freedom of thought is always circumscribed but also informed by the tradition and culture that has given to its people their inner life, but one is also capable,

[19] Immanuel Kant, "The Jäsche Logic" in *Lectures on Logic*, ed. and transl. J. Michael Young, New York, NY: Cambridge University Press 1992, pp. 521-642, here p. 537 [Henceforth cited as *JL*]

through heroic effort, of transcending the limitations of one's time

The Kantian conception is grounded not in the methodological solipsism of rational choice under ignorance. Choice and thought always involves the rich background of one's culture and the society of others. In choosing to do what one does and in choosing the kind of human being that one wants to be, one has to include a sense of belonging to an ever-widening sphere of participation in a world that is shared with agents who are both like and unlike oneself. Even in deliberating about such matters as the proper laws (as well as their execution and interpretation) according to which human beings endeavor to govern themselves, one must always hold to the fundamental idea of an all-inclusive whole of sentient life in which the differences and uniqueness of one and all are to be respected in what we do together in the public sphere. In so doing, one can never limit oneself to the stance of any one tradition, or one approach to the interpretation of the constitution. Any merely local way of understanding the import of the idea of a constitutional republic and of the idea of fidelity to such a constitution must give way before critical and public scrutiny.

Given disagreements about the meaning of the constitution and the tendency to confuse mythologies about the constitution for the constitution itself, one might ask: to what does the constitutional patriot owe fidelity? And as centrifugal forces make more pronounced the differences between citizens, what does it mean to share an identity with one's fellow citizens? Put otherwise, how can a shared identity as a citizen encompass the varied individual identities of those who form the citizenry? The Kantian idea of a constitution affords solutions to those problems. The notion of a constitution cannot be limited to the particularities of a particular text or even to a particular national culture. The understanding of the document and of the political culture in which that document is invested (if a constitutional document exists) must be held up to a standard that is grounded in our very abilities to engage with each other politically, economically, and socially and to form a conception of self. Kantian constitutional patriotism is not patriotic to the original text of the constitution, but to the underlying idea behind the constitution, the idea that gives it systematic and also historical unity through changing amendments to the written constitution, the idea of constitutional and representational self-government.

I have provided an account of the Kantian idea of a constitution, traced its development from Kant to Jaspers, Arendt, and Saner. I then traced the conception to Rawls and to those inspired by his approach to Kant, and I then articulated how constitutional patriotism properly grounded in the Kantian idea of a constitution compensates for inadequacies in alternative conceptions of constitutional patriotism. While John Rawls, Onora O'Neill and Christine Korsgaard appreciate and also emphasize the historical-social and political aspects of Kant's thought, and they earn our deep respect for this achievement, they sometimes revert to a decontextualized, more narrowly theoretical, understanding of reason that threatens to renew the partition between the self as free self-conscious individual and the self as citizen in the public sphere. That is also especially true of Jürgen Habermas and it marks the limits of his own conception of constitutional patriotism. In his early work, in The Transformation of the Public Sphere, Habermas discusses the general background to the Kantian conception of a public sphere and to its historical development and to the Platonic republic of reason. There is no sense in Habermas' early work that Kant's notion of publicity and of the public sphere could have been grounded on the methodologically solipsistic, monological, and ahistorical approach to the a priori for which Habermas will later fault Kant. The very notions of interiority and of the public are taken as historical-cultural developments in the emergence of a bourgeois society of those who also identify themselves as citizens and come to see themselves increasingly also as world- citizens through participation in the republic of letters. Cassirer, Jaspers, Saner, and Arendt have a more fundamental appreciation of the historical, social-political, and dynamically pragmatic dimension of Kant's thought that does not so much bridge the gap between the universal and the particular aspects of human existence but shows that gap ultimately to be illusory. The universal, particular and individual are always in the end abstractions from our always fundamentally norm-guided agency. Constitution and the role of the idea of a constitutional republic serves as the transcendent idea of our integrity within the integrity of the state and of the cosmos that guides us in our action but that is never fully attainable and never fully articulable in narrow theoretical terms. We are never mere heaps or completely integrated agents, nor is the world about us or the political order ever a mere heap or a perfect unity. This also applies to

my own conception. Even or especially the Kantian tradition itself must be understood critically and not be taken to be immune from better understanding and critique. Thus, one must not take oneself fully to understand the fundamental significance of Kantian critique; critique is a matter of ongoing significance and like all philosophy for Kant it must always start afresh as if from the beginning.[20]

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