Kant's Political Thought in the Prussian Enlightenment

Ian Hunter

Introduction

This chapter provides an historical account of Immanuel Kant's political and religious writings by situating them in the context of the Prussian enlightenment. Enlightenment or *Aufklärung* was the term adopted by protagonists during the eighteenth century to name a series cross-cutting public debates over the reform of Prussia's religious and political constitution and its social and economic order.[1] These debates were centred in Berlin and the small university towns of Halle and Königsberg. They drew their protagonists from the north-German *Bildungsbürgertum* — the stratum of Protestant university-educated theologians, pastors, bureaucrats, jurists and professors — who communicated via journalism, sermonising and academic disputations, and through interlinking memberships of university faculties, Protestant congregations, Masonic lodges, and private clubs and debating societies. This social and literary network formed the 'public' that Kant addressed in his political and religious writings. Given its composition, however, membership of this public was not entirely distinct from or opposed to membership of the state or church, with much depending in this regard on the 'persona' adopted by officials and clergy when engaging in the debates. Neither did the shared educational qualification of the *Bildungsbürgertum* mean that its members were united by a homogenous rational or moral culture — no more than is the tertiary-educated middle class in today's Western societies. What linked the members of this public was the Protestant intellectual culture transmitted in north-German universities and churches. This is also what divided them, as this culture itself remained fractured by opposed intellectual formations, ethical styles, and political commitments, as we shall below.

Kant's political and religious writings were shaped by the Protestant rationalist philosophy (metaphysics) of the north German universities, pre-eminently that of Leibniz and Wolff, albeit significantly transformed and distinguished by Kant's own elaboration of a 'critical', transcendental idealist variant. This is not to say that Kant's views on particular political and religious questions were determined by his philosophical doctrines. Rather, the way in which Kant understood the domains of politics and religion

as such was shaped by the kind of philosophical demeanor that Kant cultivated. Kant thought about Prussia's political and religious constitution in the persona of a Protestant rationalist metaphysician. His rationalist natural law conception of politics is thus marked by the metaphysical separation of an ideal domain — understood in terms of harmonious relations established between self-governing 'rational beings' — from an empirical or historical domain. Concomitantly, the domain of empirical or historical politics is understood in terms of the obstacles posed to the realisation of ideal rational self-legislation by man's 'animal' nature or sensuous passions and interests. This style of thinking contrasted sharply with Pufendorf's natural law and with German public law as expounded by Johann Jacob Moser. Pufendorf derived political and juridical norms from a Hobbesian anthropology which placed them at the disposal of the civil sovereign;[2] while Moser derived them from the complex web of imperial and territorial enactments that formed the public law constitution of the German Empire.[3] Similarly, while religious rationalism ('Neology') was significant among Lutheran theologians and clergy — on account of their shared exposure to Wolffian metaphysics — Kant's philosophical theology may still be regarded as the theology of a rationalist philosopher. This is not least because for Kant the 'historical' or 'revealed' doctrines of Lutheran Christianity — the soteriological narrative of the Fall, Christ's vicarious atonement, and mankind's regeneration and redemption — are all treated as symbols of mankind's self-purifying capacity to govern himself through the 'pure practical reason' of Kant's own moral philosophy.[4]

Our task, then, is to outline the manner in which Kant's political and religious writings were shaped by the particular academic-philosophical milieu in which he was formed and the distinctive philosophical persona that he cultivated. This holds the key to distinguishing his way of engaging with the debates of the Prussian enlightenment from that of such groups as the public-law jurists, Lutheran theologians, 'reform absolutists', and others, who staked their own claim to the mantle of *Aufklärung*. To achieve this historical contextualisation, it is necessary to observe two interlinked protocols. First, we must be careful not to allow Kant's construction of the ideal (a priori) and empirical domains to organise the relation between philosophy and historiography, for this would turn history into the space in which an ideal philosophy is empirically manifested. Our task, though, requires that we treat the separation of the ideal ('theory') and the empirical ('practice') as itself a characteristic of a particular style of philosophical activity — one taught in the rationalist faculties of the north-German universities — for which we must

offer an historical account. Second, for the same reason we must not treat the history of political and religious thought in late eighteenth-century Prussia as if it were characterised by the gradual surfacing of ideal juridical and moral norms in empirical domains of (autocratic) politics and (orthodox) religion destined for rational transformation, or else irrationally resistant to such. In fact this style of 'philosophical' historiography was itself an ideological expression of philosophical rationalism for which we must also offer an historical account, by tracing the interests that anchored it in the political and religious contests of the Prussian *Aufklärung*.

If, then, we approach Kant's philosophy as the basis of his political and religious thought, this does not mean treating it as the source of ideal concepts and norms through which he was able to illuminate and reshape the merely empirical domains of politics and religion, providing the 'theory' for a 'practice' of enlightenment. Rather, it means treating his philosophy as the instrument by means of which he cultivated a distinctively rationalist-philosophical outlook and persona, which in turn shaped a distinctively rationalist-philosophical way of thinking about Prussia's political and religious constitution. To the extent that it was grounded in the cultivation of distinctive sense of self and social mission, Kant's philosophical engagement in the Prussian political and religious controversies of the late eighteenth century was not fundamentally different from the ideological engagements of the public-law jurists, 'reform absolutists', 'orthodox' Lutherans, and others who competed with the Kantians in the Prussian 'public sphere'.[5] We can begin, then, by briefly characterising the Kantian style of philosophical culture and the distinctive persona of the philosopher to which it gives rise, before outlining Kant's philosophical politics and philosophical theology.

The Morals of Metaphysics

Kant's political and religious writings are based in his moral rather than his theoretical philosophy, even if his moral philosophy itself relies on two key planks of the *Critique of Pure Reason*.[6] These planks are the elaboration of a formal and critical (as opposed to a material and dogmatic) conception of the metaphysical subject, and the related 'critical' demonstration of 'moral freedom' — the capacity of an intellectual being to be self-acting independent of empirical causation and sensuous inclination — in the third antinomy of the Transcendental Dialectic. In his *Groundwork of the Metaphysics of Morals* Kant famously construes the principle of morality not as something arising from man's empirical nature and historical way of life but as formal and a priori — 'the ground of

obligation must not be sought in the nature of the human being or in the circumstances of the world in which he is placed, but solely a priori in concepts of pure reason' — as this is the only way of ensuring that morality will apply universally and unconditionally.[7] The formal character of Kant's moral philosophy might thus seem to present an insuperable obstacle to the task of historical contextualisation that we have set ourselves. After all, if the principle of Kantian morality is indeed discovered independently of experience, through moral reason's reflexive recovery of its own a priori concepts, then it can hardly be the product of a particular historical style of philosophising characteristic of philosophy faculties in Protestant northern Germany.

In fact reflection on the formal character of Kantian philosophy leads not to a terminus but to a switch-point between philosophical and historical lines of inquiry. Philosophical inquiry into Kant's moral philosophy begins by accepting the formal construction of the principle of morality. It then works within the problem-space of how such a principle — arrived at through formal reflection independent of all anthropological assumptions and socio-historical purposes — might still ground obligations effective on sensuously distracted human beings acting in concrete historical circumstances.[8] Historical inquiry, however, begins by treating the formal construction of the moral principle as the concrete historical activity of Kantian philosophers. It then regards the image of sensuously distracted human beings acting under the command of 'pure practical reason' as indicative of the particular (metaphysical) moral anthropology that informs this philosophical activity. Needless to say, it is not our intention here to offer a full-scale justification for adopting the historical approach, only to provide some prima-facie reasons for its permissibility.[9]

In the first place it can be observed that Kant's formal universal construction of moral philosophy has not been generally accepted within the domain of philosophy itself. Philosophers working in the Hegelian tradition thus regard Kant's formal principle as too concrete, in the sense of being tied to unacknowledged metaphysical assumptions associated with the theological notion of the self-determining intellect. They also regard it as too abstract, in that these assumptions remove morality from the process of institutional innovation and transformation that lies at the heart of Hegelian historicism.[10] This is not to indicate a preference for Hegelian over Kantian philosophy, only to show that despite its self-understanding — as universal moral reason's reflexive recovery of its a priori principle — Kant's formalism is simply one philosophical construction of moral reason among several on offer.

Second, the programmatic and material dimension of Kant's formal method can itself be gleaned from the fact that he ascribes concrete moral consequences to the use of the method itself. For Kant, to refuse an ethics based on empirical views of human character, and to adopt instead a moral principle grounded in the concept of pure rational being, is more than just a methodological protocol for arriving at a true moral philosophy. In fact he regards this methodology as an ethical imperative required to secure the moral purity of those undertaking moral philosophy:

> Now the moral law in its purity and genuineness … is to be sought nowhere else than in a pure philosophy; hence, this, (metaphysics) must come first, and without it there can be no moral philosophy at all. That which mixes up these pure principles with empirical ones does not even deserve the name of philosophy … much less does it deserve the name of a moral philosophy, since by this very confusion it actually damages the purity of morals themselves and acts against its own end.[11]

Kant thus identifies the formal purity of his construction (its capacity to derive the principle of moral philosophy from concepts independent of empirical morality) with its moral purity (its capacity to preserve the morals of philosophers against the corrupting effects of empirical reasoning). This is warrant enough for approaching Kant's formal method historically, as the programmatic means for cultivating a particular kind of moral persona for the philosopher. In an important regard Kant's metaphysics of ethics is an ethics for metaphysicians.

This way of approaching Kant's moral philosophy allows us to adjust our understanding to its proper scale, setting, and significance. This philosophy was a cultural program of moral cultivation that was shaped by its competition with similar programs amid the academic rivalry and journal combat of the Prussian enlightenment. Kant had been prompted to write his first morals treatise, the *Groundwork* of 1785, by the publication of Christian Garve's Cicero translation and commentary, the *Philosophische Anmerkungen and Abhandlung zu Ciceros Büchern von den Pflichten* (Philosophical Remarks and Essays on Cicero's Books on the Duties) that had appeared in 1783.[12] Garve had been responsible for the first negative review of the *Critique of Pure Reason*. Published in the *Göttingische Anzeigen von gelehrten Sachen* in January 1782 — and heavily reworked by the editor Georg Feder — Garve's review annoyed Kant by minimising the distinctively transcendental features of the *First Critique* and assimilating it to Humean scepticism and Berkleyean idealism.[13] Garve's Cicero edition thus gave

Kant the opportunity to avenge himself on his critic, even if he did so indirectly by elaborating a moral philosophy that repudiated Garve's Ciceronian conception of the duties root and branch.

As Manfred Kuehn has observed, Ciceronian duties are derived from the roles or offices that organise civil life in the public sphere of the *res publica* — the political commonwealth — with individuals obligated by honour to cultivate the moral persona required to occupy a particular office.[14] In deriving duty from the inner imperative of a self-legislating 'rational being', and in treating society as the reciprocal communication of this legislation among a universal community of such beings, Kant was not just attacking Garve's Ciceronian ethics of office. In fact he was repudiating the whole Ciceronian conception of a society of civil offices whose historical anchorage was the Prussian ordering of public offices to which Garve's moral philosophy was adapted.[15] This is a pointer to the cultural and political significance of Kant's ostensibly formalistic claim that 'the ground of obligation must not be sought in the nature of the human being or in the circumstances of the world in which he is placed, but solely a priori in concepts of pure reason'.

To get some sense of the complex cultural-political terrain on which such debates took place — largely *terra incognita* in studies of Kant's moral philosophy — we can situate the Garve-Kant conflict in relation to a somewhat similar events that took place in the first decades of the century. In 1713 the famous public-law jurist and public intellectual Christian Thomasius published his *Cautelen zur Erlernung der Rechtsgelehrtheit* (Precautions for the Study of Jurisprudence).[16] A distillation of his private seminar for advanced law students at the University of Halle, Thomasius's *Cautelen* offers cautionary advice on how such students should negotiate the entire field of academic sciences taught in the universities of Brandenburg-Prussia: public law, theology, medicine, metaphysics, rhetoric, history, natural law, and more; although it is only his advice on how law students should study moral philosopher that concerns us on this occasion. Negatively, this advice was designed to warn his students off the metaphysical moral philosophy and natural law taught in the philosophy faculties that supported Lutheran scholasticism.[17] Thomasius had two main concerns in this regard: to attack the notion that the sensuous inclinations of the will can be controlled by speculative reason; and to repudiate the related idea that individuals might derive the norms of natural law through the speculative 'holiness' of their own reason, through which they discern divine law.[18] Positively, Thomasius sought to imbue his students with

an 'Epicurean' natural law (political psychology) according to which sensuous inclinations and passions are constitutive of the will. This means that morality consists in the inner restraint or 'calming' of the passions — a practice of tempering violent passions by cultivating countervailing moderate ones — as opposed to subordinating the passions to reason.[19]

On this basis, Thomasius could separate morality from law — which pertains only to the sovereign's coercive maintenance of external peace — but also from a distinct ethical domain that he called decorum.[20] Decorum concerns rules designed to fit individuals for life in society in areas of conduct lying beyond legal control and moral principles. Thomasius's construction of decorum compares significantly with the Kant-Garve conflict, as its fundamental premise is that social intercourse requires us to interact with individuals whose religious and moral principles may be fundamentally unlike our own. This means that we must not attempt to impose our own 'true' or 'pure' morality on our social *confrères* — an indecorous purism that Thomasius associates with Quakers, monks and scholastics — and should instead cultivate forms of conduct capable of rendering us agreeable to others whose morals we do not share. Such forms of conduct derive from the manners of those who are regarded as the finest representatives of the estate to which we belong, and they include the appropriate modes of relating oneself to the inhabitants of estates higher or lower than one's own. It is through the imitative acquisition of these manners — the modes of dress, speech and demeanor suited to the occupancy of particular estate or 'official' positions — that we learn the forms of 'decent' conduct that make society possible between religiously and politically fractured groups, within the liminal parameters set by law and morality. Thomasius impresses on his law students that they have a special obligation to cultivate the discipline of decorum, as it is only in the law faculty that this discipline can flourish, for this is the faculty that is charged with preserving social intercourse and civil order regardless of conflicts of religious and moral principle.

Thomasius's moral philosophy can thus be understood as an ethics for law students destined for juridical and political office in a confessionally divided society. To what extent, then, may Kant's moral philosophy be regarded as an ethic for philosophy students being oriented to a different social mission and destination? We have already observed that Kant's 'formal' conception of moral philosophy imports substantive metaphysical-moral ideas associated with the cultivation of a particular intellectual persona. The persona of the moral metaphysician is one who overcomes the moral corruption attendant

on 'empirical' moral philosophies of the Garve and Thomasius type by purifying his intellect through pure concepts of morality. The central metaphysical conception around which Kant's moral ideas cohere — the notion of a pure (in both senses) 'rational being' (*Vernunftwesen*) capable of conforming its will to self-legislated moral laws — was definitive of the metaphysical scholasticism attacked by Thomasius. Kant had inherited this figure of thought from Protestant scholasticism via Wolff's rational psychology.[21]

It is striking that that the very conception of 'metaphysical holiness' against which Thomasius warns his law students — the notion of a self-legislating rational will that he regards as a threat to his students' moral modesty and a risk to their occupancy of civil office — is precisely the conception that Kant holds out to his philosophy students. No longer presented as a substance as in earlier rational psychology, rational being nonetheless remains a powerful competitor in the battle of moral self-conceptions. Kant thus tells his students (and readers) that they should regard themselves in a 'twofold way', with the first side resting 'on [man's] consciousness of himself as an object affected through the senses' and the second 'on consciousness of himself as an intelligence, that is, as independent of sensuous impressions in his use of reason (hence as belonging to an intelligible world)'.[22] Rather than arising from moral reason's formal recovery of its pure concepts, it is Kant's concrete struggle for dominance in the field of competing moral programs — particularly the conflict between his metaphysics of morals and Garve's ethics of office — that shapes Kant's conception of the moral subject, as a self-legislating intelligence mired in sensuous inclinations that it must overcome:

> So it comes about that mankind claims for himself a will which allows nothing to be imputed to it that belongs merely to his desires and inclinations; and, on the other hand, that he regards as possible, in fact as necessary through it, actions that can be done only by disregarding all desires and sensuous incitements. The causality of such actions lies in him as intelligence and in the laws of effects and actions that follow the principles of an intelligible world. Of this he knows nothing more than that in it reason alone — in fact pure reason independent of sensibility — gives the law. Additionally, that since it is there, as intelligence only, that he is his proper self (while as man he is only the appearance of himself), those laws apply to him immediately and categorically, so that what inclinations and impulses (hence the whole nature of the sensible world) incite him to, cannot infringe the laws of his will as intelligence … .[23]

Kant's construction of moral obligation — in terms of the imperative force of a self-legislating intelligence impacting on a sensuously distracted being — is thus indicative of a learned way of relating to the self. This was available to students in the Protestant rationalist tradition as a form of moral self-culture for a particular philosophical persona, and was in competition with such rival forms as Thomasius's and Garve's in the journal wars of the Prussian enlightenment. It was on the basis of this conception of the moral subject and moral obligation that Kant elaborated his philosophical theology and natural law politics. This is the (historiographical) sense in which Kant's religion and politics may be regarded as ideologically anchored in the cultural politics of Protestant philosophical rationalism.

Kant's political and religious discourses are tied to his moral philosophy by an array of concepts clustered around the two key figures of 'autonomy' and the 'kingdom of ends'. In the *Groundwork*, the conceptions of autonomy and the kingdom of ends are elaborated on the basis of a figure of thought deeply rooted in the history of Christian university metaphysics, namely the notion of the 'end in itself'. First developed as part of the metaphysical characterisation of God, the notion of a being 'whose existence is in itself an end' ('increate being') contrasts with other beings ('creatures') whose existence is determined by ends imposed by another.[24] On this originally Christian-Aristotelian doctrine, value or the good is determined by the end or purpose that determines the (teleological) existence of things. As a pure autotelic intellect that intuits the end for which it exists — 'I am that I am' — God thus possesses 'absolute value' via the intrinsic purpose of self-creation. Conversely, his 'creatures' possess only relative value in relation to the ends prescribed for them.[25]

In transposing this figure of the self-legislating intelligence to man, Kant produces an analogue for the relation between the divine mind and its creatures: namely, in the relation between man's self-legislating pure intelligence — as an end in itself possessing 'absolute value' — and his embodied self whose 'relative value' derives from desires or ends arising from sensuous inclinations.[26] This is the source of Kant's conception of the person as a rational being to be respected as an end in itself, and of humanity as a dignity or value to be respected absolutely. These conceptions have been widely celebrated as bulwarks preserving humanity against its instrumental misuse for alien ends. In this regard, though, it should be observed that for Kant humanity is not man but something quite different, namely, 'rational being in man'. This is what makes it possible for Kant to combine absolute respect for humanity with condescending toleration of (empirical) man,

as can be seen in his moral prohibition of suicide as a means of ending suffering and (in this sense) obtaining happiness: 'It [humanity] demands the duty of morality, and it is only man who demands happiness, which must be unconditionally subordinated to morality. … Personhood, or humanity in my person … is therefore thought of as a subject that is destined to give moral laws to man, and to determine him, as occupant of the body, to whose jurisdiction the control of all man's powers is subordinated'.[27]

The concepts of autonomy and the kingdom of ends that illuminate Kant's religious and political philosophy are thus accompanied by a penumbra of metaphysical ideas in whose half-light we can make out the persona of the rationalist metaphysician, formed through the thinking of these ideas. Kant thus characterises autonomy in terms of the capacity of rational beings to be subject only to laws of their own making: 'Hence the will is not merely subject to the law but subject to it in such a way that it must be viewed as also giving the law to itself'.[28] We should recall, though, that this notion of self-legislation is grounded not in historically existing men, but in the conception of an autotelic intelligence that conforms its existence to laws of its own intuition.

In a similar fashion, Kant lays the basis for his conception of polity and society via the concept of the 'kingdom of ends in themselves'. He characterises this as a 'systematic union of different rational beings through common laws'. This union takes place through suspension of the subjective ends and inclinations that individuate empirical persons, leading to a 'whole both of rational beings as ends in themselves and also of the personal ends that each may set himself'.[29] Here we should recall, though, what it is that qualifies rational beings as ends in themselves, namely, their status as pure intelligences whose self-legislative willing is governed by the end of their own intellectual existence. This means that the reciprocal unity of their legislative wills in a harmonious kingdom is predetermined by the fact that as pure intelligences they must all will the same thing: namely, their own existence as pure intelligences. This fundamental feature of Kant's moral philosophy was first observed by Heinz Heimsoeth:

> A pluralistically constructed 'realm of spirits', of immortal individuals (of the
> kind in Berkeley's world or in Swedenborg's), is the tacit background of
> [Kant's] rational faith. … Every interpretation of the categorical imperative
> (which commands me always to behave in such a way that the maxim of my
> will could serve as the principle of *universal* law) in an individualistic sense
> changes its meaning and essentially misinterprets Kant's intent. For Kant, too,
> everything comes down to a community of rational beings, which is made

possible by the fact that all of them will essentially the same thing and that in the spiritual-rational core of their being they are totally alike. Only 'empirical' self is individual in the sense of something unique; the special character of individuals is merely a fact; it is not itself something of importance and value.[30]

Perhaps we have done enough to show that we cannot understand Kant's religious and political ideas by assimilating them to modern concepts whose meanings are presumed to be transparent: concepts, for example, of the secular autonomy of reason, or of republican government understood as the people's self-legislative 'general will'. If we are to understand Kant's construction of these concepts then we must begin by tracking them to the metaphysical philosophy from which they emerged and to the persona of the metaphysician formed by this philosophical activity.

Kant's Political Metaphysics

Somewhat paradoxically, the historical understanding of Kant's political thought has suffered from its modernising adaptation to meet the needs of two highly successful twentieth-century normative philosophies, those of John Rawls and Jürgen Habermas. Kant's figure of a kingdom of pure self-legislating intelligences or 'noumenal selves' continues to inform these philosophies. It lies behind Rawls's construction of selfless legislators occupying the 'original position' behind a 'veil of ignorance'; and it drives Habermas's model of the rational participants in a democratically deliberative public sphere.[31] Understandably, though, these modernising adaptations strip the kingdom of ends of key metaphysical elements, particularly Kant's construction of self-legislation in terms of the autotelic willing of a community of pure intelligences.[32] This would not be a problem were it not for the fact that the adaptations are then used to interpret the historical Kant. When this occurs, however, then crucial features of the politics Protestant metaphysical rationalism drop from sight, as does its distinctive place in the war of position that characterised the Prussian enlightenment.[33]

The basic elements of Kant's political thought were elaborated in his *Rechtslehre* or Doctrine of Right in 1797, initially bearing the title *Metaphysische Anfangsgründe der Rechtslehre* (Metaphysical Elements of the Doctrine of Right). Despite Kant's claim that his philosophy is not based in a conception of human nature, his political thought may be appropriately viewed as a particular species of natural law.[34] As we have just seen, it is indeed based on a moral anthropology (or angelology) — of man as a pure self-

determining intelligence — and it shares the general aim of natural law in deriving juridical and political norms through 'natural' (as opposed to revealed) reflection on what is required for the governance man as a being with a certain kind of nature. The leading idea of Kant's *Rechtslehre* is that natural law norms — the 'principle of right' — may be arrived at through reflection on what is needed for rational beings to achieve rightful ownership of different parts of the globe. This gives rise to a politics based on the protection of reciprocally determined natural rights.

Kant's *Rechtslehre* is thus based on the metaphysical anthropology of man the self-determining pure intelligence that he elaborated in his metaphysics of morals. In fact Kant's political and legal doctrine is formed on the basis of the extraordinary conception that right or justice originates when this pure intelligence, existing outside space and time, seeks to exercise its freedom 'externally' by occupying the global surface of the earth.[35] It is on this ground that Kant formulates his principle of right or justice — as the harmonisation of the external freedom of each with the external freedom of all in accordance with a universal law — and thence his conception of the juridical community.[36] Kant thus constructs juridical community as the devolved form of the moral community. This emerges when rational beings form a common will on the basis of the 'universal reciprocal coercion' required to harmonise individual external claims to the surface of the earth, as opposed to universal reciprocal intellection that characterises their angelesque community in the moral 'kingdom of ends in themselves'.[37]

Formulated in this historically-oriented manner, the metaphysical doctrines underlying Kant's construction of justice and politics appear recondite even esoteric to us moderns, not least because of the depth at which they have been buried in such exoteric receptions as those of Habermas and Rawls. It is thus worth supplying a full quotation that encapsulates them, this one taken from Kant's working notes to the *Rechtslehre* — the *Vorarbeiten zur Rechtslehre* — where the connection between the metaphysical anthropology and his conception of justice is starkly apparent:

> When right [justice] is thought of between men as pure intelligences, in no
> relation to things or to each other in space and time, then it is easy to
> determine according to general rules. One need consider nothing but freedom
> and the exercise of choice [*Willkür*] in relation to each other, either
> immediately or by means of things. Yet one can say in general that all
> external right — regarded as possession of the choices of others (because one
> has control of their willing) — is grounded in the idea of a community of

wills [*Gemeinschaft der Willkühr*]. And when for the sake of concretely realising this right man is viewed as a being of the senses [*Sinnenwesen*], then the idea of a community of wills requires, firstly, the sensible [*sinnliche*] conditions for determining right in relation to things, under which alone a communal will is possible; second, such [conditions] through which [a communal will] becomes real; third, the condition for the use of persons as things through which a unified will becomes necessary.[38]

The central elements of Kant's juridical and political philosophy flow directly from this metaphysical picture of the sensory conditions required to actualise the common willing of a community of pure intelligences. It is on this basis that Kant grounds his construction of right or justice by posing the philosophical problem of 'noumenal possession' (*possessio noumenon*): how can a pure intelligence existing outside space and time occupy the physical surface of the earth? According to Kant's metaphysical anthropology, cosmology and cosmography this problem is inescapable and fundamental. As noumenal or spiritual beings men are metaphysically compelled to make use of the earth in order to redeem it from the morally vacuous status of *res nullius* — an ownerless thing — and in order to obtain embodiment for themselves in the world of space and time.[39] Right for Kant is thus fundamentally understood in terms of the empirical actualisation of the idea of the communal willing of a community of pure intelligences through which they harmonise their occupancies of the surface of the earth.

The spherical character or global character of the earth's surface turns out to be crucial for this construction, as it is the continuous and finite nature of the sphere that establishes contiguity among the rational beings seeking to occupy it. This is what allows their exercises of 'external freedom' to conflict — were the earth an infinite plane then there would be neither conflict nor law, says Kant — and gives rise to right or justice as the principle that resolves this conflict through communal will-harmonisation.[40] Noumenal or rightful possession of the earth — that is, the capacity of pure intelligences existing outside space and time to occupy the surface of the earth without infringing each others' choices — is thus reciprocally related to the formation of a communal will. This is understood in terms of the harmonisation of the choices of each with the choices of all through 'universal reciprocal coercion' in accordance with a universal law.[41] It permits the universe of rational beings to achieve a justly distributed possession of the surface of the earth without having to physically attach themselves to it and thereby lose their noumenal freedom.

For Kant, the achievement of unified external willing via universal reciprocal coercion is thus the devolved juridical analogue of the intellectually unified willing of pure intelligences in the moral kingdom of ends. This in turn holds the key to Kant's way of conceiving politics. Right begets politics because even though the exercise of choice in the 'state of nature' determines the possibility of (natural) right, this right remains 'provisional' until there is a means of enforcing the common will's universal reciprocal coercion, which entails entrance into the civil condition or state.[42] Kant thus conceives of the state as the public juridical embodiment of the universal reciprocal coercion that is required to permit a totality of pure intelligences to achieve rightful possession of the earth. This 'state in idea' — viewed as the instrument of the harmonised will of a community of rational beings — is thus treated as the moral norm or archetype for all actually existing states:

> A state (*civitas*) is a union of a multitude of human beings under laws of right. Insofar as these are a priori necessary as laws, that is, insofar as they follow of themselves from concepts of external right as such (are not statutory), its form is the form of a state as such, that is, of the state in idea, as it ought to be in accordance with pure principles of right. This idea serves as a norm (*norma*) for every actual union into a commonwealth (hence serves as a norm for its internal constitution).[43]

Kant therefore conceives political authority and the state as the sensory condition for actualising the otherwise noumenal community of rational wills through which a rightful possession of the earth is achieved. This is the light in which to view his specification of the three juridical attributes of the citizens of the 'ideal republic':

> The members of such a society (*societas civilis*) that is, a state, unified for law-giving, are called citizens (*cives*). And their juridical attributes — inseparable from their essence (as such) — are [first], rightful freedom, to obey no other law than one to which [the citizen] has given his consent; [second], civil equality, or recognising among the people no superior over him except one whom he has just as much of a moral capacity to bind juridically as the other has to bind him; third, the attribute of civil independence, [meaning that] that he owes his existence and preservation, not to the choice of another among the people, but rather to his own rights and powers as a member of the commonwealth, such that in juridical matters his civil personality may not be represented by another.[44]

In viewing it as a community of free, equal and self-governing citizens, each obeying only those laws that all would will in common, Kant conceives the state or republic as the sensory actualisation of a metaphysical potentiality: that is, as the phenomenal machinery that gives effect to the communal willing of a universe of noumenal intelligences seeking to occupy the globe.

We are now in a position to characterise Kant's juridical and political thought as 'metaphysical' in a descriptive rather than pejorative sense. Kant's principle of right and conception of the state are metaphysical in the sense of being based on one of the central thought-figures of the discipline of German university metaphysics: the idea of man as a rational being or pure intelligence distracted by the sensuous inclinations associated with his material embodiment.[45] In the *Rechtslehre*, Kant treats this idea as something that it is permissible to think (without claiming to know), as a practical principle for making sense of the possibility of noumenal or metaphysical possession. As a result of our discussion, though, it should be said that entertaining the notion of noumenal possession is the result of learning (being taught) to think the idea of sensuously embodied rational being: that is, to think using the instruments of rationalist metaphysics in the persona of a metaphysician. This is what permits philosophers to envisage right or justice in terms of the harmonised willing of a totality of world-seeking rational beings, and to view the state as the actualisation of this mutually coercive willing.

If we recall our earlier redescription of the formal or a priori character of Kant's practical philosophy — as itself a moral objective associated with cultivating the persona of the metaphysician — then we can bring a properly historical perspective to bear on Kant's conception of the ideal form of the state. In teaching that his conception of the state — as the harmonised and irresistible collective willing of rational citizen-sovereigns — represents the ideal norm for all historically existing states, Kant should be seen as expounding the characteristic view of the state held by a certain kind of historically existing intellectual: the Protestant German university metaphysician. The historian cannot thus afford to treat late eighteenth-century Prussia as the (imperfectly) realised form of the Kantian ideal state, for his task is to treat the Kantian ideal state as something whose thinking first became possible for a certain kind of intellectual in late eighteenth-century Prussia. The fact though that Kant and his followers do treat Prussia as such an imperfect realisation of an ideal state is an important clue as to the character of Kantian political thought. It indicates that this thought assumes the form of a normative political hermeneutics. This is a hermeneutics that uses metaphysics to project an ideal form of the

state as a means of revealing the 'true' nature of an historical state rendered imperfect by the projection itself.

The particularity of this metaphysical-hermeneutic way of advancing juridical and political norms within the cultural politics of the Prussian enlightenment can be seen by briefly developing our comparison of Kant's natural law with the Pufendorfian form.[46] Rather than positing rational beings seeking harmonious willing in order to guarantee natural rights, Pufendorf constructed natural law norms in a quite different way and for quite other purposes. He posited man as a passion-driven historical being whose need for mutual security can only be satisfied through the imposition of norms of sociability by a political 'superior'.[47] Pufendorf was a one of the *gelehrte Räte* or academic advisers to the Protestant princely territorial states of Sweden and Brandenburg, and his objective was to reconstruct natural law in terms norms of sociability required to render historical man peaceable, as opposed to norms of rationality advanced to render ideal man actual.[48] Pufendorf's natural law was designed to place norms of sociability at the disposal of a secular territorial sovereign or state, removing them from the hands of clerical and academic estates whose claims to judge morals and politics on the basis of universal rationality and righteousness were regarded as a threat to such states. This strategy had a particular resonance in Brandenburg-Prussia, where the centralising dynastic government was seeking to subordinate and pacify religiously fractious clergy and estates.[49]

This does not mean that Pufendorf's natural law political thought was 'non-normative' or merely 'historical' in the sense of failing to capture the formal grounds of moral judgment or the ideal form of the state.[50] In fact this view of Pufendorf belongs to those whose commitment to formal judgment and the ideal state is indicative of a rival cultural and political program. This is the program formulated via a metaphysical political hermeneutics designed to project the imperfection of the historical state from the standpoint of those — university metaphysicians — claiming custodianship of its pure idea. No less normative and programmatic than Kant's, Pufendorf's natural law political thought was formulated in a different academic and literary genre. It was not a political hermeneutics for a university metaphysicians, but a political theory-program for the *politici* and juristically trained officials of the secularised Protestant territorial states of northern Germany.[51] This is what permitted Pufendorf's natural law to be adapted to a characteristic array of concrete political and juridical uses: as a semi-official political philosophy for high court officials; as a means of integrating imperial public law (the Westphalian treaties in particular) into the political objectives of the princely territorial

state; as a political psychology for the juristically trained officials of this kind of state (most notably in Thomasius's teaching at Halle); and as an ideological weapon used against Christian natural law, which sought to subordinate political objectives to 'higher' legal norms and rights based in divine reason.[52]

Most of the features of Kant's political thought fall into place when it is seen as a political metaphysics and political hermeneutics for the stratum of Protestant rationalist philosophers. We have seen that Kant's conception of the state is projected as the solution to a specific metaphysical problem: how can a universe of rational beings or pure intelligences achieve rightful possession of corporeal objects? This leads to a conception of the state as the ideal form of the required reciprocal coercive harmonisation of wills into an irresistible general will. The unification of wills and powers in Kant's version of sovereignty thus takes place not in the register of concrete sovereign state-building — how to form a unified and unchallengeable agency of political decision and action — but in the register of moral and political legitimation. Neither, though, does Kantian legitimacy depend on the model of a contractual agreement among the people to delegate powers to a sovereign, as Kant's agreement of wills is necessitated by the metaphysical problem of noumenal possession.[53] For Kant, sovereignty and the state should be seen as the expression of the reciprocal harmonisation of wills that allows rational beings to possess the surface of the globe, that is, of metaphysical right or justice: 'The well-being of a state must not be understood as the welfare of its citizens and their happiness' but as 'that condition in which its constitution conforms most fully to principles of right'.[54]

Kant thus does not formulate sovereignty as the principle of a set of political arrangements required to achieve a territory's domestic peace and external security: a unified agency for making and enforcing law, a standing army, a taxation system, and so on. He constructs it, rather, as a principle of political legitimacy based on the representative exercise of the people's collective will. As a principle of legitimacy, Kantian popular sovereignty does not require that the consensual unification of the people's will has ever actually taken place, as it is the pure projection of a metaphysical moral requirement:

> It [the unification of wills] is instead only an idea of reason, which, however, has its undoubted practical reality, namely to bind every legislator to give his laws in such a way that they could have arisen from the united will of a whole people and to regard each subject, insofar as he wants to be a citizen, as if he

has joined in voting for such a will. For this is the touchstone of any public law's conformity with right.[55]

As the repository of this principle of legitimacy, Kant's central political concept — republicanism — is thus a normative concept within his political metaphysics. It refers to the 'way' a government can legislate *as if* its laws had arisen from the will of the people, which is how Kant conceptualises political freedom and equality.[56] Deploying a Trinitarian language, Kant argues that the condition for this legitimate form of government is the separation between the legislative and executive (and judicial) 'persons' of the general will. This allows the (executive) ruler to act as the 'servant' of the 'public will', thereby distinguishing him from the 'despot' who enforces laws of his own making and hence imposes his 'private will'; although it is not immediately clear why laws enacted in accordance with this division of political persons should be regarded as if they had arisen from the people's united will.

This can be clarified if we recall that Kant regards the formation of a rightful general will as constitutive of the a priori idea of the state, hence as independent of all historically existing political arrangements. Republican political arrangements — the separation of the legislative, executive and judicial persons of the state — are thus regarded not as constitutive of the general will but as a schematism for the empirical representation of its idea. This is why Kant characterises republicanism via the Trinitarian analogy — 'the general united will consists of three persons (*trias politica*)'[57] — treating the people's united will as the ineffable political godhead whose governance of the visible political universe is only manifested by the republican division of governmental persons. Despite the fact that he occasionally discusses the divided powers as establishing reciprocal checks and balances for the empirical exercise of sovereignty, Kant's fundamental conception of them is as the unified co-ordinate means of manifesting the supreme unified will. Kant's central political principle — the unified will of the people as the test of political legitimacy — is thus not itself determined by republican political arrangements. This can be seen from the fact that when Kant applies this test — for example, to show the illegitimacy of laws arbitrarily privileging a noble social estate — he does so not by asking whether republican governments might actually pass such laws (clearly they have), but by asking instead whether such a law could be universalised in a community of rational beings.[58]

This is a pointer to the fact that Kant's conception of the general will is driven by a metaphysical principle — the a priori harmonisation of wills required to allow a universe

of rational beings to occupy the globe — that no conceivable set of historical political arrangements could exemplify, except, that is, as the object of a normative political hermeneutics based on this principle. It is for this reason that Kant can interpret Frederick the Great as the legitimate embodiment of the principle of republican government — because the will of the people is not the historical people's actual will but an ideal harmonisation capable of being represented by a single ruler — while simultaneously arguing that actual government must gradually approximate the ideal form of the democratic republic.[59] It is also why he can treat the state as irresistible and irreproachable — as the manifest form of the people's own right-creating will which makes political resistance a crime — and yet regard it as intrinsically imperfect; as no empirical historical state can fully embody the pure idea of the state as the unified will of a community of rational beings.[60]

In fact, Kant's pure idea of the state is not linked to historical governments as a norm for their concrete political reform. Rather, this linkage is envisaged in terms of the progressive approximation of the empirical people to the unified willing of the ideal community of rational beings, through a protracted process of historical refinement. It is this projected process — and not the division of governmental powers — that allows Kant to treat a monarchical government as republican, in so far as the monarch governs in a way that fosters the maturation of the people's powers of reason:

> Consequently, it is a duty to enter into such a system of government [in which citizens obey laws of their own making], but in the interim it is the duty of monarchs, even though they rule as autocrats, to govern in a republican (not democratic) way, that is, to treat people according to principles which are commensurate with the spirit of laws of freedom (as a people with developed reason would prescribe them for itself), although they would not literally be asked for their consent.[61]

Kant's predominant conception of the historically existing Prussian state is thus of an *Erziehungsstaat*, a pedagogical or tutelary state. Here the state is envisaged as legislating in the name of a the self-legislative will of a community of pure rational beings as a means of bringing this community into historical existence. This is what Kant means by '*Volksaufklärung*' or the enlightenment of the people. It is this pedagogical conception of the state — transforming the people in accordance with the metaphysician's conception of a community of rational beings — that linked the political ideas of rationalist philosophy faculties to those of the socially adjacent Masonic lodges and illumination societies.[62]

With their internal hierarchy organised around a Leibnizian philosophical ascent from sensuous to intelligible being, the lodges provided the rationalist philosophers with a social space for a certain kind of political activity. This took the form of an enclave politics dedicated to the total rational transformation of the people, hence a politics significantly removed from the work of those for whom *Volksaufklärung* meant the improvement of peasant agricultural practices; even if the same individuals sometimes advocated both programs as they shifted intellectual personae between metaphysician and public law political adviser.[63]

In this regard Kant's conception of concrete politics bears a striking resemblance to that of other Protestant metaphysicians and lodge members — especially Fichte's — but also to Herder's.[64] In conceiving the *Bildung* of a moral nation through culture and language, however, Herder's conception of the pedagogical state was attuned to the interests of the Lutheran clerical estate, and was self-consciously opposed to the Kantian cultivation of a community of pure reasoners.[65] According to Kant, since the enlightenment of the people concerns only their natural (not positive) rights as derived from universal reason, then 'the natural heralds and expositors of these among the people are not officially appointed by the state but are free teachers of law, that is philosophers who, precisely because this freedom is allowed them, are objectionable to the state, which always desires to rule alone; and they are decried, under the name of enlighteners [*Aufklärer*] as persons dangerous to the state'.[66] If we recall, though, that the positing of a gap between the ideal state and the historical commonwealth is itself an instrument for the cultivation of the persona of the rationalist metaphysician, then the project to close this gap by means of the pedagogical state is indicative of the theory-program of the Protestant rationalist philosophers. That at least is the hypothesis that will govern our discussion of Kant's intervention in the debate over the enlightenment or rationalisation of religion.

Rational Religion and the Prussian Religious Constitution

In his 1793 essay 'On the Common Saying: That may be correct in theory, but it is of no use in practice', Kant offered to exemplify the utility of his principle of political legitimacy — 'what a people cannot decree for itself, a legislator cannot decree for a people' — by asking the following question: 'Can a law prescribing that a certain religious constitution, once arranged, is to continue permanently, be regarded as issuing from the real will of the legislator (his intention)?' This question can be readily answered,

Kant argues, by asking two further questions: 'May a people itself make it a law that certain articles of faith and forms of external religion, once adopted, are to remain forever? And so: May a people hinder itself, in its posterity, from making further progress in religious insight or from at some time correcting old errors?' According to Kant, these questions show that 'an original contract of the people that made this a law would itself be null and void because it conflicts with the vocation and end of humanity'. As a result of the fact that in this contract the actual legislative will of the people is not in accordance with its fully developed rational will — the 'vocation and end of humanity' — such a religious constitution 'is not to be regarded as the real will of the monarch'. The people (or their rational philosophical representatives) thus have a natural right to protest this constitution, albeit non-coercively.[67]

In the context of the intense journal combat over the intellectual character and political consequences of being enlightened, Kant's 'On the Common Saying' was intended to settle a number of scores.[68] Against Christian Garve's criticism that his formal morality lacked motivating power and practical consequences — made in Garve's essay collection of 1792 — Kant wished to show that, as he had developed it in his doctrine of right, his moral philosophy provided practical grounds for determining the legitimacy of state laws. This was also aimed at negating the Hobbesian view that only the state can determine political rights and obligations — in accordance with the ends of social peace and 'happiness' — while simultaneously rebutting the view (put recently by August Wilhelm Rehberg) that metaphysics was the politically destabilising source of French Jacobinism. Of particular importance for grasping the context of Kant's essay, though, is the case chosen to exemplify his principle of political legitimacy — the indefinite maintenance of a particular religious constitution — as this was a thinly veiled reference to Kant's own immediate engagement with the Prussian religious constitution and indeed the Prussian state.

In June 1792 the second of the essays that would form part of Kant's *Religion within the Bounds of Bare Reason* was refused approval by the Prussian government's Immediate Examination Commission, to which he had chosen to send it prior to publication in the *Berlinische Monatsschrift*. Established by Friedrich Wilhelm II in 1791 to assist with the enforcement of 1788 Edict of Religion, the Commission formed part of a set of measures designed to contain Protestant religious rationalism. These measures were overseen by the king's minister for religious affairs, Johann Christoph Wöllner. In arguing that the theology and sacraments of Biblical (Lutheran) Christianity should be

seen as the merely external form of a true inner religion — in fact a 'moral religion' based on his metaphysical conception of man's self-purifying and self-legislating rational will — Kant's essay treated revealed 'historical' religion as a vestige destined to wither away. This would occur, Kant prophesied, as the progressive refinement of human reason rendered unnecessary the material rewards and sanctions of the historical Biblical revelation and ecclesial faith, displacing them with a 'kingdom of virtue' understood as a community of morally self-governing rational beings.[69] In other words, in the rejected essay of 1792 Kant used his own moral philosophy to determine what humanity's vocation and destiny would be: perfection of the pure 'rational being in man' and the formation of a global community of such beings.

The argument put in 'On the Common Saying' in the following year — that the legislative maintenance of a particular religious constitution (even if consented to) is illegitimate because it conflicts with the 'vocation and end of humanity' — was thus a defence of Kant's own censored religious philosophy. In this way, Kant proclaimed himself one of the 'natural heralds and expositors' of the people's natural religious rights. In doing so, however, he was advancing his own religious philosophy as the authentic expression of the people's 'real' legislative will — that is, the will that they would form were their reason to be fully developed — with his moral philosophy determining what reason looks like when it is fully developed. Apparently Wöllner was not entirely convinced by Kant's revelation of the people's 'real' will in religious affairs. In October 1794, soon after the publication of Kant's *Religion*, the philosopher received a royal order declaring that in this work and associated writings he had 'abused his philosophy for the purpose of distorting and disparaging several principal and fundamental doctrines of Holy Scripture and of Christianity', and that considering his 'duty as a teacher of the young' and the king's well-known religious policy, this conduct was irresponsible and must cease forthwith.[70]

A good deal of the twentieth-century commentary on Kant's brush with the Prussian authorities relied on Wilhelm Dilthey's view of it: namely, as an attempt by the state to stand in the way of humanity's path to *Aufklärung*, manifest here in Kant's recovery of a 'pure religion of reason' from within the historical husk of positive religion.[71] Dilthey's neo-Kantian view, though, is quite anachronistic. It portrays the historical events in which Kant was a philosopher-protagonist from the protagonistic viewpoint of Kant's own philosophy: as an attempt to block humanity's rational emancipation by blocking humanity's philosopher of rational emancipation. In fact Dilthey treats Kant's philosophy

of the manifestation of reason in history as if it were reason's own historical self-manifestation, once again displaying the covert identification of philosophy (as a local institutional cultivation of the intellect) with reason (envisaged as the universal self-clarificatory power of the human mind). He is thus quite unable to offer an account either of the local factional position assumed by Kant's religious philosophy in the cultural-political conflict over Protestant religious rationalism, or of the historical circumstances and significance of this conflict in the context of the Prussian religious constitution. So too the twentieth-century commentary that has followed Dilthey's template study in this regard, in which Wöllner and the Edict are treated as symptoms of a gathering anti-enlightenment storm.[72]

The Prussian religious constitution — whose illegitimacy Kant purported to demonstrate with such single-minded clarity in the 1790s — had its beginning in 1614. That was the year in which, immediately following his conversion of the Hohenzollern dynasty to the Calvinist religion, Elector Johann Sigismund issued an edict intended to prohibit the Lutheran clergy of Brandenburg and Prussia from calumniating the territories' Calvinist minority as heretics.[73] More broadly, the edict was intended to bridge the theological gulf between the two Protestant confessions. This was only the first of a long series of public law enactments and treaties — further princely decrees and confessional formulas, compacts between the Calvinist rulers of Brandenburg-Prussia and their Lutheran estates, the imperial public law treaties of Westphalia — that would eventually include the Religious Edict of 1788. Rather than a singular act of legislative will, this series recorded the contingent unfolding of two factors central to Prussian religious and political history. The first of these was the protracted campaign by the Calvinist ruling house to integrate its Lutheran nobles and cities (the 'estates') into a princely territorial state. A central strategy in this campaign was the attempt to reform the liturgy and theology of the Lutheran church, integrating Lutheranism and Calvinism under the Augsburg Confession, as a means of overcoming a key source of estate cultural identity and political resistance.[74] The second great source of the Prussian religious constitution was provided by the two great imperial public law religious peace treaties to which Brandenburg was a signatory, the Peace of Augsburg (1555) and the Peace of Westphalia (1648). The former established the right of Protestant princes to reform their territorial churches in accordance with their own religious convictions, while the latter granted imperial legal recognition to the Empire's three main religions: Lutheranism, Catholicism, and Calvinism.[75]

During the seventeenth century, the religious conflict between Brandenburg's Calvinist rulers and their Lutheran estates inched towards a stalemate. The Hohenzollern Electors gradually abandoned their attempt to achieve a Calvinist reformation of the Lutheran church and opted instead for a bi-confessional system in which the state would not officially endorse a particular religion.[76] In the middle of the century this pragmatic tendency towards political secularisation and limited religious toleration coalesced with the formal legal declaration of toleration in the Treaty of Osnabrück (Westphalia). The Treaty was remarkable in formalising the legal parity between the confessions that had been evolving under imperial public law, and also for the fact that, in the negotiations that produced it, the question of religious truth had been dropped from the agenda in favour of the achieving the purely secular end of social peace.[77] As a result of these developments, and under the stewardship of the 'Great Elector', Friedrich Wilhelm (1640-1688), by the end of the seventeenth-century Brandenburg-Prussia's religious constitution had assumed the form of a multi-confessional system of public churches, which is what religious toleration meant as a concrete historical reality.[78] This multi-layered arrangement of public law was managed by a state that refused to endorse a particular religion — 'political secularisation' — and formulated its policy in terms of maintaining the religious peace between its rival confessional communities, even if the dynasty remained committed to Calvinism as the court religion.[79]

Such was the religious constitution — remarkably stable during the eighteenth century and unchanged at its end — whose illegitimacy Kant purported to demonstrate because it was not based on the pursuit of (rational) religious truth and thus could not have been 'decreed by the people for itself'. Kant was of course right on this point of fact: none of the rival congregations would or could have freely willed a constitution that relativised their truth claims and subjected them to indifferentist state management. As Moser observed with regard to great public law treaties of Religious Peace that framed the religious constitution of the Empire — the treaties of Augsburg (1555) and Westphalia (1648) — their role was not to act as vehicles for the pursuit of religious truth, but to suspend this pursuit as a means of achieving piece between the rival confessions: '[The law of] Religious Peace does not concern the essence of religion. In other words, through such, neither the Catholic religion is required to recognise the Protestant as true or erroneous, nor the Protestant the Catholic; but this issue is to be wholly set aside by both parties. … The whole purpose of the Religious Peace is thus that both sides would cease treating each other with hostility and persecuting each other for the sake of

religion'.[80] In being framed by these fundamental public law enactments, the Brandenburg-Prussian system of regulated multi-confessionalism could never have been grounded in the consent of rational beings seeking religious truth — thereby achieving Kantian legitimacy — as it was designed to remove religious truth as a ground of religious rights, grounding the latter instead in the state's maintenance of social peace. Public law was incapable of being grounded in Kant's principle of right.

By the last third of the seventeenth century, two distinct (but historically related) forms of theological rationalism had emerged as destabilising forces in the cultural politics underpinning the Prussian religious constitution. First, from the beginning of the century, by elaborating the scholastic account of how God as immaterial intellectual being could occupy corporeal things, Lutheran university metaphysics had provided a philosophical defence of the Eucharistic and Christological doctrines enshrined in the anti-Calvinist formula of Lutheran faith, the Formula of Concord.[81] In carrying out this program, the Protestant metaphysicians presented a major obstacle to the political-juristic campaign to minimise such incendiary doctrines in the interests of religious harmony and civil peace. Second, by offering their own account of how a divine intellect or substance manifested itself in the corporeal cosmos, secular metaphysicians purported to provide a true rationalist explication for theological doctrines, the most significant examples being Leibniz's 'monadology' and Spinoza's metaphysical materialism.[82] This secular metaphysics thus also threatened to undermine the constitution's relegation of ultimate truths in favour of social peace, especially when it was used to justify 'natural' political rights against the state. Through its uncompromising commitment to a single underlying rational religious truth, secular metaphysics threatened the constitutional management of the existing array of public religions, as this was premised on the separation of civil rights from religious truth. Secular university metaphysics gave rise instead to utopian programs offering to dissolve and reunite the confessions on a new rational metaphysical basis (Leibniz), or to dissolve them altogether and replace them with a philosophy that harmonised faith and reason (Spinoza).[83]

It is no accident, then, that defences of Brandenburg-Prussia's state-managed multi-confessionalism — for its achievement of relative religious peace after a protracted period of religious civil war — assumed a strongly anti-metaphysical character, oriented to history, public law and politics.[84] In these defences minimally doctrinal 'fideist' forms of Protestantism were paired with (Hobbesian) political and juridical doctrines designed to separate church and state by providing them with mutually exclusive ends: the church as

custodian of a religious truth incapable of civil enforcement, and the state as coercive enforcer of peace regardless of religious truth.[85] In his combative defence of this position, Christian Thomasius drew heavily on his father Jacob's history of philosophy, according to which metaphysics had arisen from the miscegenation of Greek philosophy and Christian faith.[86] The indelible mark of this illicit hybridisation could be seen in all of those metaphysical doctrines — secular and theological — where God is pictured as a divine mind whose intellection of the forms of things brings meaning to the material cosmos. Not only did such doctrines mix God pantheistically with the world, but they also convinced men that they could regenerate themselves by exercising the intellect that joined them to the divine mind, thereby giving rise to 'enthusiast' programs to reshape the religious and political constitution in accordance with the free exercise of this intellect.[87] Thomasius used this historical critique to wage a disputation-war against both Lutheran university metaphysics and the new secular metaphysics of the Leibnizians and Spinozists. We have already noted that he was particularly opposed to metaphysical conceptions of natural law according to which individuals could discern public religious and political norms through their own purified reason. Thomasius regarded this as a double infringement: of the individual's private faith and the state's determination of public right.[88]

However alien it might be to the political sensibilities of those now living in religiously pacified societies under politically secularised states, the occasional action taken against outbreaks of religious rationalism in Brandenburg-Prussia during the seventeenth and eighteenth centuries was neither 'anti-enlightenement' nor indicative of the state's attempt to block the progress of reason and freedom.[89] It represented rather the routine defence of the public law constitution of managed multi-confessionalism which, as the source of the most liberal regime of religious toleration in Europe, staked its own claim to be enlightened. As new research by Michael Sauter has shown, Wöllner — chief architect of the Edict and long portrayed as the poster-boy for anti-enlightenment reaction — was himself an active participant in the *Volksaufklärung*: not that envisioned in terms of a self-governing community of rational beings, but that dedicated to improving the legal entitlements and economic existence of the agricultural peasantry.[90] For its part, the Pufendorfian 'civil philosophy' and Moserian *Staatsrecht* (public law) that supported the Prussian religious constitution were no less deeply embedded in the academic culture of Protestant northern Germany than the religious rationalism of the metaphysicians. This is the appropriate historical context in which to situate the Religious Edict of 1788 and the

attempted censoring of Kant's rationalist theology in the 1790s, which was one of several similar actions taken against rationalist clergy and theologians at this time.

Kant's *Religion* and the Prussian Religious Edict

In reaffirming the state's protection of 'all three main confessions of the Christian religion, namely the Reformed, Lutheran and Roman Catholic' (article 1), the Religious Edict was maintaining the public law basis of Prussian religious toleration, which it then formally extended to include 'the sects previously publicly tolerated in our states': the Jewish nation, the Herrnhutter, Mennonites, and Bohemian Brethren (article 2).[91] Despite the widespread portrayal of it as an attempt to enforce a particular confessional truth — recalling Kant's reference to the illegitimacy of a law prescribing 'certain articles of faith and forms of external religion' — the Edict required only that clergy teach the doctrines of the religions into which they had been ordained, which was of course a condition for maintaining the system of public confessions. This is clear not only from the fact that the Edict relativises truth across all of the confessions — and is thus neutral between competing articles of faith — but also from the fact that it accepts that clergy, like other subjects, may believe what they like in private, so long as this does not interfere with the performance of their public office (article 2). No less inimical to the stability of the system of public religions are the practices of proselytism and conversion undertaken secretly by the confessions, the Catholics in particular (article 4), but also publicly by rationalist Protestant clergymen, who deviate so greatly from the Augsburg Confession that their preaching may regarded as an attempt to convert their flocks to a new (philosophical) religion (articles 7 and 8). From the viewpoint of the Edict and its public law architects, it is thus the religious rationalists who should be regarded as sectarians. So convinced are they of the truth of metaphysics that they refuse to accept the relativistic maintenance of a plurality of such truths and set about converting people to 'reason': 'One is not ashamed to again resuscitate the miserable and long-refuted errors of the Socinians, Deists, Naturalists and other sects, and to spread these in a brazen and shameless way among the people under the utterly misused name of *Aufklärung*' (Article 7).

Kant's religious philosophy occupied a place in a crowed spectrum of positions that stretched from various forms of pietistic and sacramental Lutheranism — often combined with public law defences of state oversight — through to the radical naturalism of a figure like Carl Friedrich Bahrdt. Bahrdt argued that the world was based on natural rational

laws, and that man was quite capable of governing himself through reason without the divine intervention of Christ who was in any case only a man.[92] The Protestant teaching that religion should focus on inner morality rather than 'external' ritual and sacraments was widespread across this continuum, not least because the meaning of morality was construed in quite different ways. Within this spectrum, Protestant religious rationalism (the 'theological enlightenment') was defined by the problem of reconciling a metaphysical conception of morality — the idea that as the bearer of a self-governing pure intellect man could effect his own moral regeneration — with the core Christological teaching of the Protestant churches: namely, that owing to his Fallen nature man's moral regeneration and salvation is dependent on Christ's vicarious atonement for human sin.[93] Formed by the impact of Leibniz-Wolffian metaphysics on Protestant religious culture, this problem-space was one that Kant shared with many other north-German philosophers and 'Neologians', including Johann Friedrich Stapfer, Johann Joachim Spalding, Karl Friedrich Stäudlin, Samuel Reimarus, Gottfried Lessing, and Johannes Salomo Semler, to name only some of the more significant.[94] Late-eighteenth-century religious rationalism thus represented a resurgence of a conflict at the heart of Prussia's religious constitution that had emerged with the appearance of secular metaphysics in the second half of the seventeenth century.[95] It was thus no accident that one of the defining controversies of the late-eighteenth-century debate over what it meant to be enlightened should have broken out over F. H. Jacobi's sensational allegation that Lessing had been a Spinozist, or philosophical atheist.[96]

We have already argued that Kant's moral philosophy represents a particular improvisation on the secular 'morals of metaphysics' — centred on the figure of a sensuously distracted morally self-legislating pure intelligence — which we have treated as the means of cultivating a particular kind of intellectual persona. Kant's *Religion within the Bounds of Bare Reason* may be regarded as an exercise in transposing this philosophical figure into the register of Protestant Christianity, for which purpose he deployed two key strategies to reconcile it with the Christology and soteriology of the Protestant churches. First, he elaborated a complex metaphysical hermeneutics that permitted the Biblical account of man's Fall and redemption to be interpreted as a drama played out entirely within the confines of philosophical subjectivity or the persona of the philosopher. On the central issue of the Fall and human sinfulness, Kant advanced both the (pagan) philosophical conception of sin — as the product of the sensuous nature to which man's rational being was mortgaged — and the Christian conception that regards

sin as the product of man's disobedience before God's law. Kant presents these alternatives as an aporia which he then proceeds to resolve by arguing that man indeed chooses to sin, but does so by choosing the sensuous nature that makes his sinning inevitable.[97] Setting aside the logical coherence of this resolution — Kant himself declares it to be a 'mystery' beyond human understanding — it presents a clear example of Kant's hermeneutic method of transposing the Biblical account of man's relation to God into a metaphysical account of man's relation to his own moral subjectivity. Kant sets up a similar aporia and resolution with regard to the relation between man's responsibility for his own moral regeneration and Christ's vicarious atonement for human sinfulness.[98] On the one hand, morality is understood in terms of man's capacity for autonomous rational willing. On the other, though, man's nature has been so corrupted by sin that only an access of external goodness via Christ's grace can redeem him. This aporia is again resolved within the philosophical persona — where it takes the form of a secular 'spiritual exercise' — via the notion that man's rational purification of his own sensuous nature can be regarded as a kind of moral rebirth, brought about 'as if' by an access of a Christ-like rational purity.[99] In other words, Kant interprets the historical Redeemer as if he were a symbol of the timeless 'rational being in man', thereby viewing man as self-redeeming on the basis of his own reason.

Kant's second strategy for reconciling metaphysical morality with Christian doctrine was via the deployment of an accommodationist philosophical history — an account of the 'vocation and destiny of humanity' — having much in common with similar histories provided by Reimarus, Semler, and Spalding.[100] If the Bible treats Christ as the real historical incarnation of God, rather than as a symbol of our inner rational being — '*homo noumenon*' — that is because it was written for the infancy of mankind; that is, for the time the sensuous side of man's double nature was dominant, and crude historical narratives were required to render the noumenal side visible. Now, though, in late eighteenth-century Protestant Germany, it was possible to provide a rational interpretation of the Scriptures, whose content turns out to be Kant's own metaphysical simulation of the Christian mysteries. History itself has thus effected a progressive winnowing of the sensuous Biblical husks from the religion's inner rational core, leading to the revelation of Kant's 'pure moral religion' to an historically enlightened humanity.[101] In other words, in a remarkable *coup de main*, Kant situates his own metaphysical hermeneutics not just as one source of morally improving Biblical interpretations, but as the finally true interpretation: in fact as the vehicle through which the world of self-determining

noumenal beings discloses itself in empirical history through a 'pure rational religion'. Kant thus understands his hermeneutic purification of historical biblical Christianity as heralding the translation of the noumenal community into history and into the 'public' domain, giving the true meaning of the biblical promise regarding the building of God's kingdom on earth:

> All this is not to be expected from an external revolution … — Rather, it is in the principle of pure rational religion, of such religion as a constantly occurring (though not empirical) divine revelation, that the basis for that transition to this new order of things must lie. … There is, however, ground for saying "that the kingdom of God is come unto us", even if only the principle of the gradual transition from church faith to universal rational religion and thus to a (divine) ethical state on earth has taken root universally and somewhere also publically, although the actual establishment of this state lies an infinite distance away from us.[102]

Both of Kant's strategies — the metaphysical hermeneutics and the accommodationist philosophical history — are driven by the figure of self-purifying rational being which, we have argued, forms part of the 'spiritual discipline' for cultivating a particular moral persona: that of the academic secular metaphysician. If Kant's *Religion* offered a rational philosophy of religion then it did so by way of providing a rational religion for philosophers. In the *Religion* Kant was staking the ideological claim of Prussia's university metaphysicians to mediate the conflict between secular metaphysics and Protestant Christology and soteriology, proclaiming in fact that his own metaphysics of self-purifying rational being exemplifies the form in which an historically purified Christianity would give birth to a 'pure moral religion'. By combining this metaphysical hermeneutics of Protestant Christianity with his political metaphysics of the ideal republic, Kant was able to effect an uncompromising double delegitimation of Prussia's religious constitution: as both an obstacle to the eschatological unfolding of a pure religion of reason, and as illegitimate in relation to the 'real' political will of the people. This is will the people would acquire at the end of the process of historical-rational purification but that in the meantime could be discerned and declared by the 'free teachers of law, that is the philosophers'.

The distinctiveness of Kant's ideological position is clear when compared with that of the public law jurists and officials charged with the ongoing management of the Prussian religious constitution itself. In his *Vörtrage über Recht und Staat* (Lectures on

Law and State) given to the Prussian crown prince in 1791-92, for example, the public law jurist Carl Gottlieb Svarez repeated the Pufendorfian and Moserian construction of the state's powers of religious supervision. Svarez instructed the future king Friedrich Wilhelm III that the state has the right and responsibility to regulate the system of public churches, but that that this regulation is restricted to managing the impact of the churches on public peace and must on no account presume to a view on religious truth or 'dogmatic principles'.[103] These were also the terms in which public jurists defended the Religious Edict of 1788.[104]

Kant's position, though, was also distinctive in relation to other groups with whom he shared the space of Protestant religious rationalism, particularly the moderate rationalist theologians. In his response to the Religious Edict, Johann Semler could thus argue that the measure should be supported because it represented the maintenance of the system of public religions from which all of the churches benefited.[105] In a sophisticated division of offices, Semler observed that the Edict concerned the duties of a citizen which involved accepting the existence of an array of public churches regardless of the truth of any of them. As far as the duties of clerical office are concerned, however, the clergy should teach as true the basic doctrines that define a particular church, keeping their rational religious reservations as a matter for their private persona. Semler acknowledged that new principles of reason would indeed lead to changes in the historical teachings of the church. Such changes, though, must take place not on the basis of an individual's philosophical insight into ultimate rational truths, but through modifications to its historical teachings undertaken by the church itself as a corporate body.

We have observed that the Prussian religious constitution was based not in the natural rights of a harmonised general will but in a complex series of public law measures for the pacifying management of an array of public religions. In their different ways, the public law jurists and the moderate rationalist theologians operated within this constitution, whose tolerationist regime was itself widely regarded as 'enlightened' at the time.[106] They did so not on the basis of an autonomous philosophical subjectivity — *homo noumenon* — but in accordance with a pluralised set of offices and duties created by the constitution itself. Contextualised against this historical reality, Kant's political and religious thought may thus be regarded as advancing the factional cultural politics of the Protestant metaphysical rationalists. This was committed to a single metaphysical persona regarded as the only true moral self, and was hostile to any set of political arrangements that could not be viewed as the expression of an ideally harmonised community of

rational wills. In this regard, Kant's thought assumed the form of a prophetic religious and political hermeneutics. This showed how the historical religious constitution appeared when viewed from the perspective of a future community of self-legislating rational beings whose present personification is the university metaphysician himself.

[1] Michael J. Sauter, *Visions of the Enlightenment: The Edict on Religion of 1788 and the Politics of the Public Sphere in Eighteenth-Century Prussia* (Leiden: Brill, 2009), pp. 23-48; James Schmidt, 'The Question of Enlightenment: Kant, Mendelssohn and the Mittwochgesellschaft', *Journal of the History of Ideas* 50 (1989), 269-91.

[2] Fiammetta Palladini, 'Pufendorf disciple of Hobbes: The nature of man and the state of nature: The doctrine of *socialitas*', *History of European Ideas* 34 (2008), 26-60; Ian Hunter, *Rival Enlightenments: Civil and Metaphysical Philosophy in Early Modern Germany* (Cambridge: Cambridge University Press, 2001), pp. 148-96.

[3] Michael Stolleis, *Geschichte des öffentlichen Rechts in Deutschland. Erster Band: Reichspublizistik und Policeywissenschaft 1600-1800* (Munich: C. H. Beck, 1988), pp. 258-67; Mack Walker, *Johann Jakob Moser and the Holy Roman Empire of the German Nation* (Chapel Hill: University of North Carolina Press, 1981).

[4] Walter Sparn, 'Kant's Doctrine of Atonement as a Theory of Subjectivity', in P. J. Rossi and M. Wreen (eds.), *Kant's Philosophy of Religion Reconsidered* (Indianapolis: Indiana University Press, 1991), pp. 103-12.

[5] The polemical dimension of the following account thus flows not from any anti-Kantian animus in the author, but directly from the methodological decision to suspend the metaphysics supporting Kant's distinction between theory and practice; that is, to treat this metaphysics as neither true nor false, but as an historical fact in an historiographic account capable of empirical truth and falsity.

[6] For the contrary view — that Kant's legal and political philosophy is not dependent on his metaphysics of morals — see the chapter by Thomas Pogge in this volume.

[7] Immanuel Kant, *Groundwork of the Metaphysics of Morals*, in M. J. Gregor (ed.), *Immanuel Kant: Practical Philosophy* The Cambridge Edition of the Works of Immanuel Kant (Cambridge: Cambridge University Press, 1996), pp. 37-108, at pp. 44-5. *Akadamie Ausgabe* (*Ak*), IV, p. 389. I have occasionally modified Gregor's translation. Round brackets are Kant's, square ones mine.

[8] For powerful examples of work carried out within these intellectual parameters, see Christine M. Korsgaard, *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996); and Allen W. Wood, *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999).

9   For more, see Ian Hunter, 'The Morals of Metaphysics: Kant's *Groundwork* as Intellectual *Paideia*', *Critical Inquiry* 28 (2002), 908-29; and Hunter, *Rival Enlightenments*, pp. 274-93.

10   For a recent and illuminating example of this approach to Kantian formalism, see George di Giovanni, *Freedom and Religion in Kant and His Immediate Successors: The Vocation of Humankind 1774-1800* (Cambridge: Cambridge University Press, 2005).

11   Kant, *Groundwork*, pp. 45-6; *Ak*, IV, pp. 389-90.

12   Christian Garve, *Philosophische Anmerkungen and Abhandlung zu Ciceros Büchern von den Pflichten* (Breslau, 1783).

13   [Anonymous] (Garve/Feder), 'Critique of Pure Reason by Immanuel Kant. 1781. 856 pages in Octavo', *Zugabe zu den Göttingischen Anzeigen von gelehrten Sachen* (January 19, 1782), 40-8. Reprinted in Brigitte Sassen, (ed. and trans.), *Kant's Early Critics: The Empiricist Critique of the Theoretical Philosophy* (Cambridge: Cambridge University Press, 2000), pp. 53-9.

14   On the ethics of office and its role in ordering moral life in a society of offices, see above all Conal Condren, *Argument and Authority in Early Modern England: The Presupposition of Oaths and Offices* (Cambridge: Cambridge University Press, 2006).

15   Manfred Kuehn, 'Kant's Critical Philosophy and its Reception — the First Five Years (1781-1786)', in P. Guyer (ed.), *Cambridge Companion to Kant and Modern Philosophy* (Cambridge: Cambridge University Press, 2006), pp. 630-63, at pp. 644-48.

16   Christian Thomasius, *Cautelen zur Erlernung der Rechtsgelehrtheit* (Halle, 1713; repr. Hildesheim: Olms, 2006). This was the German translation of the Latin original, *Cautelae circa praecognitia jurisprudentiae* (Halle, 1710).

17   Thomasius, *Cautelen*, pp. 108-36.

18   Thomasius, *Cautelen*, pp. 275-97.

19   Thomasius, *Cautelen*, pp. 325-63.

20   Thomasius, *Cautelen*, pp. 364-405.

21   The still unsurpassed account of the relation between Kant's moral philosophy and Wolff's rational psychology is provided in Josef Schmucker, *Die Ursprünge der Ethik Kants in seinen vorkritischen Schriften und Reflektionen* (Meisenheim a. G.: Anton Hain, 1961). See also two important papers by Heinz Heimsoeth: 'Persönlichkeitsbewußtsein und Ding an sich in der Kantischen Philosophie', in his *Studien zur Philosophie Immanuel Kants: Vol 1, Metaphysische Ursprünge und Ontologische Grundlagen* (Cologne:

Cologne University Press, 1956), pp. 227-57; and 'Zur Frage nach Grund und Herkunft der Moral', in G. Funke (ed.), *Konkrete Vernunft. Festschrift für Erich Rothacker* (Bonn: H. Bouvier, 1958), pp. 207-18.

[22]   Kant, *Groundwork*, p. 103; *Ak* IV, p. 457.

[23]   Kant, *Groundwork*, pp. 103-4; *Ak* IV, pp. 457-8.

[24]   Kant, *Groundwork*, pp. 78-9; *Ak* IV, pp. 428-9.

[25]   One of the most influential formulations of this set of doctrines in Protestant scholasticism can be found in Christoph Scheibler, *Opus metaphysicum, duobus libris universum hujus scientiae systema comprehendens* (Giessen, 1617).

[26]   Considering the late twentieth-century disinterest in this key historical source for Kant's metaphysics of morals, it is important to observe that some of his contemporaries regarded it as central. Garve thus offers an historical argument that Kant's duplex construction of the intelligible and sensible worlds was historically grounded in scholastic theological constructions of the gulf between divine and human intelligence. See, Christian Garve, *Übersicht der vornehmesten Principien der Sittenlehre, von dem Zeitalter des Aristotles an bis auf unsere Zeiten*, in *Gesammelte Werke*, ed. K. Wöfel, Series II, vol. viii (Hildesheim: Georg Olms, 1986 (1798), pp. 354-60.

[27]   Immanuel Kant, *Lectures on Ethics*, ed. P. Heath and J. B. Schneewind, trans. P. Heath (Cambridge: Cambridge University Press, 1997), p. 369; *Ak*, XXVII, p. 627.

[28]   Kant, *Groundwork*, p. 81; *Ak* IV, p. 431.

[29]   Kant, *Groundwork*, p. 83; *Ak* IV, p. 433.

[30]   Heinz Heimsoeth, *The Six Great Themes of Western Metaphysics and the End of the Middle Ages*, trans. R. J. Betanzos (Detroit: Wayne State University Press, 1994), pp. 215-16.

[31]   See in particular Rawls's comment that 'The description of the original position interprets the point of view of noumenal selves, of what it means to be a free and equal rational being', in his *A Theory of Justice* (Oxford: Oxford University Press, 1972), pp. 255-56.

[32]   See, for example, Thomas Pogge's modernising reading of Kant's *Rechtslehre* in this volume.

[33]   For a partial exception in the recent literature, see Katrin Flikschuh, *Kant and Modern Political Philosophy* (Cambridge: Cambridge University Press, 2000). Flikschuh,

though, does not recover the historical character of Kant's metaphysics of rational being, treating it instead as a formal presupposition for a transcendent metaphysics.

[34]   For the contrary view, see Arthur Ripstein's chapter in this volume.

[35]   Immanuel Kant, *The Metaphysics of Morals*, in M. J. Gregor (ed.), *Immanuel Kant: Practical Philosophy* (Cambridge: Cambridge University Press, 1996), pp. 355-603, at pp. 402-9) (*Ak*, VI, pp. 247-55). I will cite from this edition even though it contains an unauthorised editorial reconstruction of the text dealing with noumenal possession. For a summary of the changes introduced, see Mary J. Gregory, 'Translator's note on the text of The Metaphysics of Morals', in Kant, *Practical Philosophy*, pp. 355-57. Readers seeking an English translation of Kant's construction of noumenal possession in the form that he authorised should consult Gregor's earlier stand-alone translation, Immanuel Kant, *The Metaphysics of Morals*, trans. M. Gregor (Cambridge: Cambridge University Press, 1991), pp. 68-90.

[36]   Kant, *Metaphysics of Morals*, pp. 386-88; *Ak*, VI, pp. 229-31.

[37]   Kant, *Metaphysics of Morals*, pp. 388-90; *Ak*, VI, pp. 231-33.

[38]   Immanuel Kant, *Vorarbeiten zur Rechtslehre*, *Ak*, XXIII, pp. 299-300.

[39]   Kant, *Metaphysics of Morals*, p. 401; *Ak*, VI, pp. 246-47. Note that this section — '§ 2 The Juridical Postulate of Practical Reason' — has been relocated in the Gregor's new (1996) Cambridge translation. To view it in its proper place, readers should consult the *Akademie* edition (VI, pp. 246-47) or Gregor's 1991 translation at pp. 68-9.

[40]   Kant, *Metaphysics of Morals*, pp. 402-9; *Ak*, VI, pp. 248-56.

[41]   Kant, *Metaphysics of Morals*, pp. 388-90; *Ak*, VI, pp. 232-33.

[42]   Kant, *Metaphysics of Morals*, p. 409; *Ak*, VI, p. 256.

[43]   Kant, *Metaphysics of Morals*, pp. 456-57; *Ak*, VI, p. 313.

[44]   Kant, *Metaphysics of Morals*, p. 457-58; *Ak*, VI, p. 314.

[45]   See Hunter, *Rival Enlightenments*, pp. 52-8, 102-15, 279-316.

[46]   For a Kantian view of Kant's relation to Pufendorf and the early modern natural jurists, see Georg Cavallar's chapter in this volume.

[47]   Samuel Pufendorf, *The Law of Nature and of Nations in Eight Books*, trans. C. H. Oldfather and W. A. Oldfather, vol. 2 (Oxford: Clarendon Press, 1934), bk I, ch. vi, pp. 87-112.

[48]   Ian Hunter, 'The Love of a Sage or the Command of a Superior: The Natural Law Doctrines of Leibniz and Pufendorf', in T. J. Hochstrasser and P. Schröder (eds.), *Early*

Modern Natural Law Theories: Strategies and Contexts in the Early Enlightenment (Dordrecht: Kluwer, 2003), pp. 169-94.

49   Michael J. Seidler, 'Pufendorf and the Politics of Recognition', in I. Hunter and D. Saunders (eds.), *Natural Law and Civil Sovereignty: Moral Right and State Authority in Early Modern Political Thought* (Basingstoke: Palgrave, 2002), pp. 235-51.

50   For an example of this view, see Christine M. Korsgaard, *The Sources of Normativity* (Cambridge: Cambridge University Press, 1996), pp. 25-32. For the prototype, see Gottfried Wilhelm Leibniz, 'On the Principles of Pufendorf', in P. Riley (ed.), *Leibniz: Political Writings* (Cambridge: Cambridge University Press, 1972), pp. 64-76. Cf., also Georg Cavallar's argument in this volume that Pufendorf belongs to the jurists who 'seem to stand for ordinary, empirical jurisprudence' as opposed to the 'free intellectuals who look for "true ideas" in legislation' (p. 00 below).

51   For helpful terms of comparison in this regard, see Horst Dreitzel, 'Naturrecht als politische Philosophie', in H. Holzhey and W. Schmidt-Biggemann (eds.), *Die Philosophie des 17. Jahrhunderts, Band 4: Das heilige Römische Reich deutscher Nation, Nord- und Ostmitteleuropa* (Basel: Schwabe, 2001), pp. 836-48.

52   Horst Dreitzel, 'Samuel Pufendorf', in Holzhey and Schmidt-Biggemann (eds.), *Die Philosophie des 17. Jahrhunderts, Band 4*, pp. 757-812.

53   Cf., Flikschuh, *Kant and Modern Political Philosophy*, p. 157; and Onora O'Neill's argument in this volume that Kantian political authority is not grounded in consent or contract but in the principle of right understood as a rational imperative.

54   Kant, *Metaphysics of Morals*, p. 461; *Ak*, VI, p. 318.

55   Immanuel Kant, 'On the Common Saying: That may be correct in theory, but is of no use in practice', in M. J. Gregor (ed. and trans.), *Immanuel Kant: Practical Philosophy* (Cambridge: Cambridge University Press, 1996), pp. 273-309, at p. 296-97; *Ak*, VIII, p. 297.

56   Immanuel Kant, *Toward Perpetual Peace: A Philosophical Project*, in M. J. Gregor (ed. and trans.), *Immanuel Kant: Practical Philosophy* (Cambridge: Cambridge University Press, 1996), pp. 312-51, at pp. 324-25; *Ak*, VIII, pp. 352-53; and Kant, *Metaphysics of Morals*, pp. 457-58; *Ak*, VI, p. 314.

57   Kant, *Metaphysics of Morals*, p. 457; *Ak*, VI, p. 313.

58   Kant, *Metaphysics of Morals*, p. 470-71; *Ak*, VI, p. 329. See Robert Pippin's parallel comment, 'Mine and Thine', note 4, p. 441.

[59] Kant, *Perpetual Peace*, pp. 324-25; *Ak*, VIII, pp. 352-53.

[60] Kant, *Metaphysics of Morals*, p. 461-66; *Ak*, VI, p. 318-23.

[61] Immanuel Kant, *The Conflict of the Faculties*, in *Religion and Rational Theology* ed. A. W. Wood and G. di Giovanni (Cambridge: Cambridge University Press, 1996), pp. 233-327, at p. 306; *Ak*, VII, p. 91.

[62] On this linkage, see Martin Mulsow, 'Vernünftige Metempsychosis. Ueber Monadenlehre, Esoterik und geheime Aufklärungsgesellschaften im 18. Jahrhundert', in M. Neugebauer-Wölk (ed.), *Aufklärung und Esoterik* (Hamburg: Felix Meiner, 1999), pp. 211-73; and Gerhard W. Fuchs, *Karl Leonhard Reinhold — Illuminat und Philosoph. Eine Studie über den Zussamenhang seines Engagements als Freirmauerer und Illuminat mit seinem Leben und philosophischen Wirken* (Frankfurt am Main: Peter Lang, 1994).

[63] See Schmidt, 'The Question of Enlightenment'; and Sauter, *Visions of the Enlightenment*, pp. 105-40.

[64] Fichte argued for the state's role in educative transformation of its 'immature' citizens, by coercion if necessary, in his *Addresses to the German Nation* ed. G. A. Kelly (New York: Harper Torchbooks, 1968). Originally published in 1808. See in particular the eleventh address.

[65] On this difference, see Horst Dreitzel, 'Herders politische Konzepte', in G. Sauder (ed.), *Johann Gottfried Herder 1744-1803* (Hamburg: Felix Meiner, 1987), pp. 267-98.

[66] Kant, *Conflict of the Faculties*, p. 305; *Ak*, VII, p. 89.

[67] Kant, 'On the Common Saying', pp. 302-3; *Ak*, VIII, p. 305.

[68] Useful selections from the debate are provided in Norbert Hinske, (ed.), *Was ist Aufklärung? Beiträge aus der Berlinischen Monatsschrift* 2 ed. (Darmstadt: Wissenschaftliche Buchgesellschaft, 1977); and James Schmidt, (ed.), *What is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions* (Berkeley: University of California Press, 1996). In order to capture the diverse spectrum of religious and political positions in play, these sources should be supplemented by Dirk Kemper's microfilm collection of works published in response to the 1788 Edict on Religion: Dirk Kemper, (ed.), *Mißbrauchte Aufklärung? Schriften zum preußischen Religionsedikt vom 9. Juli 1788* (Hildesheim/New York: Georg Olms Verlag, 1996).

[69] Immanuel Kant, *Religion within the Bounds of Bare Reason*, trans. W. S. Pluhar (Indianapolis IN: Hackett, 2009), pp. 127-37; *Ak*, VI, pp. 115-24.

[70] Kant, *Conflict of the Faculties*, p. 239-40; *Ak*, VII, p. 6.

[71]   Wilhelm Dilthey, 'Der Streit Kants mit der Zensur über das Recht freier Religionsforschung', *Archiv für Geschichte der Philosophie* 3 (1890), 418-50.

[72]   For examples, see Paul Schwartz, *Der erste Kulturkampf in Preussen um Kirche und Schule (1788-1798)* (Berlin: Weidmann, 1925); Klaus Epstein, *The Genesis of German Conservatism* (Princeton NJ: Princeton University Press, 1966); Frederick C. Beiser, *Enlightenment, Revolution, and Romanticism: The Genesis of Modern German Political Thought, 1790-1800* (Cambridge Mass.: Harvard University Press, 1992); Thomas P. Saine, *The Problem of Being Modern. Or, the German Pursuit of Enlightenment from Leibniz to the French Revolution* (Detroit: Wayne State University Press, 1997); and Allen W. Wood, 'General Introduction', in A. W. Wood and G. Di Giovanni (eds.), *Immanuel Kant: Religion and Rational Theology* The Cambridge Edition of the Works of Immanuel Kant (Cambridge: Cambridge University Press, 1996), pp. xi-xxiv.

[73]   Wolfgang Gericke, *Glaubenszeugnisse und Konfessionspolitik der Brandenburgischen Herrscher bis zur Preussischen Union 1540 bis 1815* (Bielefeld: Luther Verlag, 1977), pp. 22-9, 132-36

[74]   See the illuminating account in Bodo Nischan, *Prince, People, and Confession: The Second Reformation in Brandenburg* (Philadelphia: University of Pennsylvania Press, 1994).

[75]   For an overview, see Martin Heckel, 'Zur Entwicklung des deutschen Staatskirchenrechts von der Reformation bis zur Schwelle der Weimarer Verfassung', in K. Schlaich (ed.), *Martin Heckel Gesammelte Schriften: Staat, Kirche, Recht, Geschichte* (Tübingen: J. C. B. Mohr, 1989), pp. 366-401.

[76]   Paul Schwartz, 'Die Verhandlungen der Stände 1665 und 1668 über die Religionsedikte', *Jarhrbuch für brandenburgische Kirchengeschichte* 30 (1935), 88-115.

[77]   On this, see above all, Martin Heckel, 'Die religionsrechtliche Parität', in K. Schlaich (ed.), *Martin Heckel: Gesammelte Schriften, Staat, Kirche, Recht, Geschichte* (Tübingen: J. C. B. Mohr, 1989), pp. 227-323; and Martin Heckel, 'Religionsbann und landesherrliches Kirchenregiment', in H.-C. Rublack (ed.), *Die lutherische Konfessionalisierung in Deutschland* (Gütersloh: Gerd Mohn, 1992), pp. 130-62.

[78]   Hartmut Rudolph, 'Öffentliche Religion und Toleranz. Zur Parallelität preußischer Religionspolitik und josephinischer Reform im Lichte der Aufklärung', in P. F. Barton (ed.), *Im Zeichen der Toleranz. Aufsätze zur Toleranzgesetzgebung des 18. Jahrhunderts*

in den Reichen Joseph II., ihren Voraussetzungen und ihren Folgen (Vienna: Institute for Protestant Church History, 1981), pp. 221-49.

[79]   Gerd Heinrich, 'Religionstoleranz in Brandenburg-Preußen. Idee und Wirklichkeit', in M. Schlenke (ed.), *Preussen, Versuch einer Bilanz. Band 2, Beiträge zu einer politischen Kultur* (Reinbeck: Rowohlt, 1981), pp. 61-88.

[80]   Johann Jacob Moser, *Neues teutsches Staatsrecht, Vol. 1: Von Teutschland und dessen Staats-Verfassung überhaupt*, 43 vols., vol. 1 (Stuttgart: Mezler, 1766), p. 264.

[81]   For an overview, see Walter Sparn, 'Die Schulphilosophie in den lutherischen Territorien', in Holzhey and Schmidt-Biggemann (eds.), *Die Philosophie des 17. Jahrhunderts, Band 4*, pp. 475-97.

[82]   Hunter, *Rival Enlightenments*, pp. 115-26.

[83]   On these metaphysical programs and their cultural and political impact, see Walter Sparn, 'Formalis Atheus? Die Krise der protestantischen Orthodoxie, gespiegelt in ihrer Auseinandersetzung mit Spinoza', in K. Gründer and W. Schmidt-Biggemann (eds.), *Spinoza in der Frühzeit seiner Religiösen Wirkung* (Heidelberg: Lambert Schneider, 1984), pp. 27-64; and Walter Sparn, 'Das Bekenntnis des Philosophen. Gottfried Wilhelm Leibniz als Philosoph und Theologe', *Neue Zeitschrift für Systematische Theologie* 28 (1986), 139-78. For Leibniz's reunion project, see Gerda Utermöhlen, 'Die irenische Politik der Welfenhöfe und Leibniz' Schlichtungsversuch der Kontroverse um den papstliche Primat', in D. Breuer (ed.), *Religion und Religiosität im Zeitalter des Barock* (Wiesbaden: Harrossowitz Verlag, 1995), pp. 191-200.

[84]   Notker Hammerstein, *Jus und Historie: Ein Beitrag zur Geschichte des historischen Denkens an deutschen Universitäten im späten 17. und im 18. Jahrhundert* (Göttingen: Vandenhoeck & Ruprecht, 1972).

[85]   The locus classicus is Samuel Pufendorf, *De habitu religionis christianae ad vitam civilem* (Lund, 1687). English version: *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. S. Zurbuchen (Indianapolis: Liberty Fund, 2002). For an illuminating account of Leibniz's attack on Pufendorf's relegation of the metaphysical project for a reunification of the churches in favour of a state-managed *Religionspolitik*, see Detlef Döring, 'Samuel von Pufendorfs Stellung zur Reunion der Konfessionen in der Kritik von G. W. Leibniz', *Leibniz: Tradition and Aktualität* (Hanover: International Leibniz Congress, 1988), pp. 197-204.

[86]   Christian Thomasius, *Introductio ad philosophiam aulicam* (Leipzig, 1688). On Thomasius's use of his father's anti-metaphysical history, see Ralph Häfner, 'Jacob Thomasius und die Geschichte der Häresien', in F. Vollhardt (ed.), *Christian Thomasius (1655-1728): Neue Forschungen im Kontext der Frühaufklärung* (Tübingen: Max Niemeyer, 1997), pp. 141-64; and Sicco Lehmann-Brauns, *Weisheit in der Weltgeschichte: Philosophiegeschichte zwischen Barok und Aufklärung* (Tübingen: Niemeyer, 2004), pp. 308-15.

[87]   Lehmann-Brauns, *Weisheit in der Weltgeschichte*, pp. 70-99.

[88]   Christian Thomasius, 'The Right of Protestant Princes regarding Indifferent Matters or *Adiaphora*', in I. Hunter, T. Ahnert, and F. Grunert (eds. and trans.), *Christian Thomasius: Essays on Church, State, and Politics* (Indianapolis: Liberty Fund, 2007), pp. 49-127.

[89]   For an indication of some of the other occasions on which the authorities had acted against religious rationalism, see Ian Hunter, 'Kant's *Religion* and Prussian Religious Policy', *Modern Intellectual History* 2 (2005), 1-27, at pp. 10-11.

[90]   See Sauter, *Visions of the Enlightenment*, pp. 1-47; and Sauter, 'Visions of the Enlightenment: Johann Christoph Woellner and Prussia's Edict on Religion of 1788', in H. Blom, J. C. Laursen, and L. Simonutti (eds.), *Monarchisms in the Age of Enlightenment: Liberty, Patriotism, and the Public Good* (Toronto: Toronto University Press, 2003), pp. 217-39.

[91]   The text of the Edict is reproduced in Dirk Kemper, (ed.), *Mißbrauchte Aufklärung? Schriften zum preußischen Religionsedikt vom 9. Juli 1788* (Hildesheim/New York: Georg Olms, 1996), pp. 226-34.

[92]   Carl Friedrich Bahrdt, *Briefe eines Staatesministers über Aufklärung* (Strasbourg, 1789).

[93]   See the helpful discussion by Walter Sparn, 'Vernünftiges Christentum. Uber die geschichtliche Aufgabe der theologischen Aufklärung im 18. Jahrhundert in Deutschland', in R. Vierhaus (ed.), *Wissenschaften im Zeitalter der Aufklärung* (Göttingen: Vandenhoeck & Ruprecht, 1985), pp. 18-57. See also Karl Aner, *Die Theologie der Lessingzeit* (Halle: Niemeyer, 1929).

[94]   On the striking degree to which Kant shared the views of these figures, see Josef Bohatec, *Die Religionsphilosophie Kants in der "Religion innerhalb der Grenzen der bloßen Vernunft". Mit besonderer Berücksichtigung ihrer theologisch-dogmatischen*

Quellen (Hamburg: Hoffmann & Campe, 1938). See also, Frieder Lötzsch, *Vernunft und Religion im Denken Kants. Lutherisches Erbe bei Immanuel Kant* (Köln: Böhlau Verlag, 1976).

[95]   See Sparn, 'Formalis Atheus?'.

[96]   Gérard Vallée, (ed.), *The Spinoza Conversations Between Lessing and Jacobi: Texts with Excerpts from the Ensuing Controversy* (Lanham: University Press of America, 1988).

[97]   Kant, *Religion*, pp. 22-35; *Ak*, VI, pp. 22-32.

[98]   See the illuminating discussion of this in Walter Sparn, 'Kant's Doctrine of Atonement as a Theory of Subjectivity', in P. J. Rossi and M. Wreen (eds.), *Kant's Philosophy of Religion Reconsidered* (Indianapolis: Indiana University Press, 1991), pp. 103-12.

[99]   Kant, *Religion*, pp. 69-87; *Ak*, VI, pp. 62-78.

[100]   For a helpful discussion of this context, see di Giovanni, *Freedom and Religion in Kant*, pp. 1-30.

[101]   Kant, *Religion*, pp. 140-52; *Ak*, VI, pp. 107-22.

[102]   Kant, *Religion*, p. 136; *Ak*, VI, p. 122.

[103]   Carl Gottlieb Svarez, *Vorträge über Recht und Staat* ed. H. Conrad and G. Kleinheyer (Köln: Westdeutscher Verlag, 1960), pp. 505-6.

[104]   See, for example, Jakob Friedrich Rönnberg, *D. Jacob Friedrich Roennberg Hofrath und Professor zu Rostock etc. über Symbolische Bücher im Bezug aufs Staatsrecht* (Rostock, 1790).

[105]   Johann Salomo Semler, *Verteidigung des Königl.[iches] Ediktes vom 9. Jul. 1788 wider die freimüthigen Betrachtungen eines Ungenannten* (Halle, 1788). For a discussion of the context of Semler's intervention in the debate, see Sauter, *Visions of the Enlightenment*, pp. 49-103.

[106]   Rudolph 'Öffentliche Religion und Toleranz'.