

STRATA OF THE INTERSUBJECTIVITY

A REWORK OF A CONCEPT OF SOCIETY PRESENT IN KANT'S PRACTICAL PHILOSOPHY

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INTRODUCTION

Kant's practical philosophy has not stood out as one of the most sensitive ones towards the social. However, those who believe that his *Groundwork for the Metaphysics of Morals* focused on all of which this philosopher had to say about the practical usually set aside the social viewpoints considered in his well-known political and legal concepts, as well as in his philosophy of history and anthropology. By now, no reader well-versed on his texts would assert that the social is not to be found there, sometimes deep down, sometimes on the surface, but it is certainly true that it makes sense to define the mere human coexistence of the social within his practical philosophy: let's say that, strictly speaking, not every concept of coexistence may come about by *motu proprio* in something related to the social. Hence the importance of differentiating between Kant's suggestions that refer to a forced human coexistence (given that we inhabit a planet that is not endlessly flat), to the form of society, and to societies as such, without completely withdrawing from the metaphysical realm. In § 41 of *Doctrine of Right*, for example, it is asserted that a civil union (*unio civilis*) cannot be classified as a society insofar as its members (for Kant: the sovereign and the citizen) are in "no partnership. They are not fellow-members: One is *subordinated to*, not *coordinated with* the other; and those who are coordinate with one another must for this very reason consider themselves equals since they are subject to common laws. The civil union *is* no so much a society but rather *makes one*".² What is interesting about this excerpt is that civil union, according to Kant himself, certainly establishes a form of coexistence regulated by laws which are shared by means of a general willingness that unifies beforehand the free will of finite, rational beings. This means

<https://doi.org/10.36311/2318-0501.2022.v10n1.p153>

that a political community is, at least, a form of human coexistence in which its members “are subject to common laws”. However, when we consider the previous statement, we come to realize that Kant does not seem to be talking about laws conceived by the external use of freedom, but rather, by its internal use, and based on this, a society can only be a form of human coexistence in which its members internally share a fundamental structure of practical commands (maxims). Hence, as suggested by the last statement in the excerpt, civil union is a metaphysical concept of the form, or condition of possibility, that a society must have in order to manage the shared space, and not a fate of human nature.

Partly encouraged by the previous preliminary observation, I suggest that it is possible to rework in Kant’s practical thinking a set of *strata of the intersubjectivity*, which are not spheres, realms, nor forms of socialization that may induce an evolutionary interpretation, but instead, theoretical instances of the creation of a concept of the social. Similar to how Reinhart Koselleck defines strata of time with the purpose of identifying the many rhythms and motions within the univocality of historical social dynamics,³ we should define at least three conceptual moments of the intersubjectivity within Kant’s practical thinking, which, as I have stated, refer to the forms of human coexistence, to the form of the social, and to the social as community. To do this, I will first rework the political and legal instances of his proposal which refer to both natural and civil right in order to highlight the connection established between the Kantian notion of universal coercion and a specific *form* of society (*Gesellschaft*) (1). Secondly, I will analyze some of the mathematical, physical, and chemical analogies which function as conceptual scaffolding to understand the external and internal uses of freedom, with the goal of underscoring the different aspects of the social which overlap between the political and legal, and then, the ethical (2). Subsequently, I will delve into some of the most prominent coordinates of the “ethical community” (*ethischen gemeinen Wesens*) that Kant addresses in his *Religion within the Boundaries of Mere Reason*, in order to highlight two highly important issues: first, this is where Kant can openly talk about a society as such, and second, the ethical community seems to conceptually hinge on the legal and the ethical (3). In order to describe in detail how an articulation like this can be created, I will argue that it is necessary to keep in mind, on the one hand, the intrinsic normativity of the moral maxims, and on the other, the prominent cultural role of the “visible churches” or historical ecclesiastic faiths according to Kant, when socializing moral maxims, thus increasing the possibility that people may appropriate them and eventually confirm them internally (4). Finally, I will contextualize this rework within more general Kantian notions, such as that of moral, already accepted by a great portion of specialized debate (5). As it will be shown, the intuition of this rework echoes across several current studies on Kant, although for the time being, it may not be possible to find an account of the strata of his notion of the intersubjectivity.

1) FIRST AND SECOND INSTANCES OF THE INTERSUBJECTIVITY: POLITICAL WILL AND RIGHT

In order to rework the illustrated project that Kant may have had in mind while developing his practical philosophy, we must begin with that form of interaction which, to his thinking, seemed to be the most basic one: the political one. This is because it is general will the only one that, from a practical standpoint, can make up the minimal guarantees required by the coexistence of rational and finite beings within the same space; and as we will see next, that will entails a particular form of human interaction. § 13 of *Doctrine of Right* is entitled “Any Piece of Land can be Acquired Originally, and the Possibility of such Acquisition is based on the Original Community of Land in General.” Here, Kant claims that the first statement of the title is justified by a hypothesis of practical reason already established in § 2, while the second one is based on the following proof. We must quote it *in extenso*:

All men are originally (i.e., prior to any act of choice that establishes a right) in a possession of land that is in conformity with right, that is, they have right to be wherever nature or chance (apart from their will) has placed them. This kind of possession (*possession*) – which is to be distinguished from residence (*sedes*), a chosen and therefore an acquired *lasting* possession – is possession in *common* because the spherical surface of the earth unites all the places on its surface; for if its surface were an unbounded plane, men could be so dispersed on it that they would not come into any community with one another, and community would not then be a necessary result of their existence on the earth. The possession by all men on the earth that precedes any acts of theirs which would establish rights (that is constituted by nature itself) is an *original possession in common* (*communio possessionis originaria*), the concept of which is not empirical and dependent upon temporal conditions, like that of a supposed *primitive possession in common* (*communio primaeva*), which can never be proved. Original possession in common is, rather, a practical rational concept which contains a priori the principle in accordance with which alone men can use a place on the earth in accordance with principles of Right.

As is well known, the *communio possessionis originaria* of earth makes up one of the most important premises of *Doctrine of Right* which later helps to argue that universal reciprocity among human beings is the only source of juridical normativity: Kant asserts that when “I thereby declare that everyone else is under obligation to refrain from using that object of my choice”,⁴ it makes sense, then, to count on something that belongs to oneself, thus emphasizing beforehand a universal reciprocity that is not tied to personal judgment; and it is precisely this reciprocity among human beings that later connects with the principle of innate equality of their external freedoms, since if I desire to create an obligation for others which will prevent them from accessing something that belongs to me without my permission, I am “under obligation to every other to refrain from using what is externally his; for the obligation here arises from universal rule having to do with external rightful relations”.⁵ On that account, as we can observe, the social aspect exhibited by human beings upon having to deal with public right, as well as that of people and the cosmopolitan one, becomes evident.⁶ However, the *type* of intersubjectivity that Kant ascribes to that reciprocity is not so evident.

Insofar as *Groundwork for the Metaphysics of Morals* aims to be a metaphysics, and not a critique, nor an anthropology of morals,⁷ Kant does not believe that in this theoretical instance human beings should be regarded as social creatures (which is habitual in the field

of anthropology), or as a transcendental abstraction (habitual in critiques), but rather, as a peculiar entity trained to socialize within specific circumstances. Considering that Kant asserts that “if its surface [referring to the Earth] were an unbounded plane, men could be so dispersed on it that they would come into any community with one another, and community would not then be a necessary result of their existence on the earth”, we can wonder if he actually believed that given the possibility to avoid reciprocal interaction, it makes sense to imagine human beings that did not already have the *need* to form some kind of association. If we take a look at Hegel’s suggestion without failing to consider the evident contextual and methodological differences he claims, we can see how he contrasts a town as an anthropological precedent: people always come from the womb of a community, and within it, they always seek each other out reciprocally in order to confirm to each other the moral status they believe to have, or in any case, deserve. In § 36 of the *Philosophy of Right*, for example, we read “The commandment of right is therefore: *be a person and respect others as persons*” inasmuch as, like Kant,⁸ Hegel considers “abstract” right to be relational, *i.e.*, as a matter of reciprocal acknowledgment.⁹ In fact, in the *Addition* of § 37, it is noted that whoever persists in his attempt to shy away from social relations that lie beneath abstract right cannot avoid making the mistake of taking one part for the whole, since juridical personality is nothing but an “one aspect of the whole relationship”.¹⁰ However, Hegel asserts that the knowledge-of-oneself as a juridical person occurs within fabric of social equality: “It is a part of education, of *thinking* as consciousness of the individual in the form of universality, that I am apprehended as a *universal* person, in which [respect] *all* are identical”.¹¹ On that account, it does not really matter if tomorrow humanity manages to scatter all across the solar system; it is always expected that people request a mutual acknowledgment of their dignity from each other.¹² In Kant’s opinion, however, political community is a prior concept that reason produces spontaneously when *faced with something* external which interestingly has *a priori* similar status: an environment that compels us to coexist, to be close to each other and that consequently prevents our isolation. And in this context, the idea of “universal reciprocity” put forward by his doctrine of right is build on the foundation of physical analogies which refer to bodies which affect each other, which does not prevent them from being porous, which makes human sociability a condition of possibility, but not an anthropological characteristic:

The *civil union* (*unio civilis*) cannot itself be called a *society*, for between the *commander* (*imperans*) and the *subject* (*subditus*) there is no partnership. They are not fellow-members: One is *subordinated to*, not *coordinated with* the other; and those who are coordinate with one another mist for this very reason consider themselves equals since they are subject to common laws. The civil union *is* not so much a society but rather *makes* one.¹³

While it is true that in another excerpt from *Doctrine of Right* it is asserted that natural right as well as civil right are forms of human coexistence worthy of being categorized as social,¹⁴ here we are specifically told that civil community must be understood as a substantially different, and to a great extent, discontinuous, moment from the one shaped by natural right. There is a gap between these ways of understanding coexistence inasmuch as civil union exalts the universality of the form of the interaction, while natural right focuses on the particularity

of its contents (commands).¹⁵ Even so, that civil union which “is not a society” but rather, the foundation for the development of one (*macht vielmehr eine Gesellschaft*), is presented as a condition of possibility of right (this is precisely what the metaphysical approach to right is about), and along with it, of the management of the shared space.

Kant understands the precedent of political community based on the premise of the universal community of the ground, and given the possibility that human beings could scatter across the solar system, it makes sense to wonder how much that precedent can be stressed. To show this, I insist on contrasting Kant’s political and legal approach with Hegel’s: while Hegel understands that the precedent of socialization is not consolidated on the foundation of a shared external thing, but rather, on the internal desire (*Trieb*) of consciousness at the moment of self-development,¹⁶ Kant seems to base the precedent of the political community on the foundation of an external thing (or rather, an external sense) which is inevitably shared; and it is precisely this inevitability of the case which makes the task of rationally solving how to manage and coexist around that thing (or external sense) a mandatory one. While Hegel perceives a plural anthropological precedent which deliberately goes beyond the well-known critical distinctions between phenomenon and noumenon when connecting the gnoseological with the ontological,¹⁷ Kant avoids resorting to anthropological premises and delves into the mechanisms offered by practical reason to manage human coexistence *once it becomes mandatory*, without getting to the point of claiming that this coexistence is mandatory to human beings. Hence, the metaphysical approach in *Doctrine of Right* is structured on the foundation of a metaethical loan, which sometimes goes unnoticed, and which comes from *physica generalis*.

When we consider the sense that Kant ascribes to the “law of reciprocal coercion necessarily in accord with the freedom of everyone under the principle of universal freedom”, we find a “*construction* of that concept, that is, the presentation of it in pure intuition a priori, by analogy with presenting the possibility of bodies moving freely under the law of the *equality of action and reaction*”.¹⁸ Here, Kant explains that the *concept* of right cannot be fathomed from itself, but rather from the notion of “fully reciprocal and equal coercion brought under a universal law and consistent with it.” And just like the dynamic concept of motion lies beneath geometry inasmuch as it is part of pure mathematics (statement which seems to refer to the transcendental concept of motion: B 154, note), “reason has taken care to furnish the understanding as far as possible with a priori intuitions for constructing the concept of Right”:

A right line (*rectum*), one that is straight, is opposed to one that is *curved* on the one hand and to one that is *oblique* on the other hand. As opposed to one that is curved, straightness is that *inner property* of a line such that there is only *one* line between two given points. As opposed to one that is oblique, straightness is that *position* of a *line* toward another intersecting or touching it such that there can be only *one* line (the perpendicular) that does not incline more to one side than to the other and that divides the space on both sides equally. Analogously to this, the doctrine of Right wants to be sure that *what belongs* to each has been determined (with mathematical exactitude). Such exactitude cannot be expected in the doctrine of virtue, which cannot refuse some room for exceptions (*latitudinem*).¹⁹

Similar to how the law of gravitation between the “free motion” of bodies through attraction, action and reaction, Kant thinks “in a state of equilibrium between the effect and

counter-effect of wills that limit each other in accordance with the universal law of freedom”.²⁰ From this standpoint, this does not seem to be about a constitutive coactive reciprocity of people (an anthropological view), but rather, about an inevitable quality in accordance with the physical and geometrical inevitability that human coexistence entails since we must be locked in the same place: it is about a human reciprocity (or form of a society), which is atomic, non-porous, but mandatory, which must nonetheless be kept at all costs without giving way to injustice:

The general will of the people has united itself into a society that is to maintain itself perpetually; and for this end it has submitted itself to the internal authority of the state in order to maintain those members of the society who are unable to maintain themselves. For reasons of state the government is therefore authorized to constrain the wealthy to provide the means of sustenance to those who are unable to provide for even their most necessary natural needs.²¹

2) ON THE QUANTITATIVE AND QUALITATIVE ASPECT OF KANT'S PRACTICAL PHILOSOPHY

If we zoom in on some of the connotations which carry the physical and geometrical analogies that Kant uses to deal with the political community, we can see that the external use of freedom does not entail porous agents for intersubjectivity and for circumstances, but rather, agents who are somehow “closed”, already self-developed, who in spite of influencing each other physically due to the *faktum* of occupying a space on common ground,²² and coordinate their actions through the public use of reason, are not reciprocally defined as people. By this, I mean that the political aspect that lies on the sovereignty defined by that previous union of all individuals' judgments entails a peculiar notion of these, one in which they are considered as already developed, and not in the social process of being developed. Here, the differences between Kant and Hegel's suggestions become illustrative once again: external freedoms, in Kant's view, collide with different levels of intensity and results as if they were physical bodies. Hence, the *concept* of right seems to want to play a role similar to that of gravitational law in Newton's physics: the first one from the transcendental abilities of practical reason, and the second one from blind natural teleology. Hegel, on the other hand, insists that consciousnesses shape one another when they challenge each other and demand different types of moral confirmations from the other: their *Bildung* is formal as well as ontological.

The absence of intersubjective porosity that Kant seems to have in mind in his *Doctrine of Right* is not only supported by that analogical “creation” of the concept of universal reciprocity according to *physica generalis*, but also when he insists that is not only impossible to set a goal for someone, but if this were possible, that act would involve committing the moral offense of violating the principle of autonomy. This insistence makes sense in the distinction that Kant establishes between the internal and external uses of freedom, and the qualitative and quantitative characteristics that are speculated about one and the other. At first, the external use of freedom does not promote qualitative dynamics that somehow modify the subjectivity of the members of a political community, but rather, the trading of forces: “Resistance that

counteracts the hindering of an effect promotes this effect and is consistent with it,” Kant says when attempting to explain why right is linked to the faculty of coercion.²³ This does not mean that Kant moves away from Rousseau and instead gets closer to Hobbes when it comes to deciding whether or not the social contract is an instance of self-development of individual agency, but rather, he dodges the matter by fundamentally getting rid of any anthropological component that may hinder his metaphysical approach to right.²⁴ However, Kant seems to slip a purely mathematical/physical understanding of political subjectivity when he insists that people cannot (and must not) set goals for each other. This is because Kant was convinced for most of his life that it was both physically and psychologically impossible to set a goal for someone from the outside, since the task of setting goals to pursue is to be carried out exclusively by our practical rationality. However, it is also true that our philosopher was able to see that this was not completely impossible (especially considering what Johann Ch. von Wöllner’s famous edict caused during his time), and thus, he had to add that if it were possible, it would not be ethical.²⁵ At any rate, the original concept of the citizen that Kant keeps in mind is that of a not-very-porous, rational and finite entity, and this is why he is so confident with regards to this matter, which exalts the opposing and qualitative character that the internal use of freedom entails.²⁶

When Kant sets out to account for how moral law can cause anthropological changes (sedimentations) in us, with a tendency to virtue and character, he uses chemical analogies, and through them, he seems to describe processes of the development of subjectivity.²⁷ Keep in mind, for example, when he contrasts the course of action of a chemist who “adds alkali to a solution of calcareous earth in muriatic acid” with the attitude of someone who shows “a man who is otherwise honest (...) the moral law by which he cognizes the worthlessness of a liar”:

(...) his practical reason (...) at once abandons the advantage and unites with what maintains in him the respect for his own person (...) and now the advantage, after it has been separated and washed from any appendage of reason (...), is weighed by everyone, so that perhaps it [can] still enter into combination with reason in other cases, only not where the advantage could be opposed to the moral law, which reason never abandons but unites with most intimately.²⁸

It seems as if around that time, in the mid-1780, Kant thought that moral action was capable of by-producing anthropological “reactions”, and leave in us character residues that promote the development of a kind of virtue which is always faulty and provisional, since “nothing straight can be constructed from such warped Wood as that which man is made of”.²⁹ Therefore, if Kant accounts for the functioning of ethical practical rationality by means of chemical analogies, and builds the course of action of legal rationality by means of physical analogies, it makes sense to wonder if at any point both uses of freedom intertwine or influence each other; and if this is so, how do they do it?

3) THE THIRD INSTANCE OF THE INTERSUBJECTIVITY: RATIONAL RELIGION

That peculiar excerpt in which Kant asserts that, on an endless flat ground, human beings would not get involved in any sort of communion, but rather, they would tend to scatter, makes us think that the sociability that underlies his notion of universal reciprocity is nothing but the *form* a society should adopt; reason for which nothing is said about the ethical-vital contents that should orbit within it. By this form of sociability, he seems to refer, as I have tried to illustrate, to rational, finite entities which are not porous among themselves, to bodies that, once forced to coexist, find themselves trapped in the need to manage their spatial and temporary coexistence in accordance with practical reason.³⁰ While it is hard to believe that Kant himself would not really deem human beings as inevitably sociable from an anthropological standpoint, and that he would assume that at some point it makes sense to think of ourselves as a “light dove, in free flight cutting through the air the resistance of which it feels, [and] could get the idea that it could do even better in airless space”,³¹ there are not many excerpts in his *Groundwork for the Metaphysics of Morals* that make this clear; inasmuch as it is metaphysics, and not a critique, nor an anthropology of morals, he does not wish to jeopardize his system with notions related to human nature, which does not occur with a *Tugendlehre* that establishes a concrete *ethos* and even draws up notes for a “metaphysic anthropology”.³² His *Doctrine of Right* is a system in which the precedent stems from the possibility, minding the course of action laid out by the categorical imperative, and at the same time, trying not to jeopardize theoretical reason with some epistemic statement about the world.³³ Hence the theoretical possibility of considering human beings both socially and asocially.³⁴

However, between the perspective of *physica generalis* which allows to elaborate the concept of universal reciprocity (the external use of freedom) and the experimental analogy that Kant takes from chemistry to account for the possibility of ethical action (internal use of freedom) there is a sphere of socialization that he tried to tackle in terms of a critique of religion. Many have observed in *Religion within the Boundaries of Mere Reason* the principles of a sort of “political ethics”³⁵ whose fundamental goal is to manage, not remove, radical evil, inasmuch as this, in Kant’s view, may arise from the free will of individuals who still find themselves in legitimate and egalitarian societies.³⁶ The external aspect of right prevents it from entering the realm of attitudes (*Gesinnungen*) that bring our will to life, and this is why radical evil may emerge right there, in the internal use of freedom, and become something normal in spite of being part of a fair institutional structure. In this context, the absence of intersubjective porosity that underlies the form of juridical sociability allows individuals to reach agreements guided by a mutual instrumentalization when unable to say much about the ethical.³⁷ Here comes the challenge of defining how to abandon the ethical state of nature that survives the overcoming of the political state of nature when there is no evident imperative urging us to do it.³⁸

That ethical community that Kant tries to define in the First section of the Third part of *Religion* refers to a form of sociability that allows its members to carry out an ethics of virtue that can no longer be thought of, but which instead is specific, historically placed, and culturally imbued.³⁹ This is due to the fact that radical evil is a social product of specific people’s

free will, it is not an anthropological characteristic, and thus, ahistorical, of them; and faced with a specific and historical challenge of these characteristics, Kant had to understand that ethical society as a means, and not a mechanism, of conversion of “men’s hearts.” It is about a specific form of sociability that offers the necessary wherewithal for every person to set forth on and sustain in time their virtuous self-development without being forced to do it.

As is well known, the duty of making up this kind of society does not fall on individually considered people, but instead, it is about a duty that the “human race itself” which is about “promotion of the supreme good as a communitarian good.”⁴⁰ However, Kant adds that the duty of this collective promotion is fully aware of the difficulties linked to the human finiteness it faces, and thus, “We can already anticipate that this duty will need the presupposition of another idea, namely, of a higher moral being through whose universal organization the forces of single individuals, insufficient on their own, are united for a common effect”.⁴¹ The concept of an ethical society, Kant tells us, is the “concept of God’s people” according to ethical laws: this way, the “invisible” church that the categorical imperative officiates works as a critical sieve to settle between the kindness and evil of the (historically) “visible” churches, since, on the one hand, these can take the “pure faith” that people need to develop an ethics of virtue and use it as a means through their many religious faiths;⁴² on the other hand, however, they may also become an efficient mechanism for the development of obedient subjectivities, or of “passive faith”.⁴³ In fact, it is precisely this last aspect of the historical churches the one that allows us to observe quite clearly how Kant lays out the instances of the social from the outside to the inside, starting with political will and right (external freedom), then moving on to the ethical community (connection between external and internal freedoms), and finally tackling ethical agency (internal freedom). The ethical community would be, from this perspective, a theoretical stratum of the intersubjectivity within which we can properly talk about the social without going beyond the scope of metaphysics, inasmuch as in it, the members “are subject to common laws” that were not produced by the external use of freedom, but instead, by its internal use. This is why I suggest that in this concatenation of fields, we could observe a civilizing process that matches a sort of *Bildung*, or a process of development of moral subjectivity, although this would entail having to explain, among other issues I cannot tackle here, why the ethical society, and in this case, the “visible” churches, are able to make the principles of the ethics of virtue possible. To do this, in the next section, I will try to specify the importance that I think Kant attributed to the socialization of moral maxims.

4) THE MORAL REALISM OF MAXIMS AND THEIR SOCIALIZATION

My suggestion is that by putting the pieces together the way I have been doing so far, we can observe components of a process of the development of subjectivity that goes from the outside (external use of freedom) to the inside (internal use of freedom), and whose most important backbones are found in the notion of “ethical community.”⁴⁴ This is because Kant ascribes extreme importance to all those spheres of socialization within which individuals have the opportunity to learn about maxims related to the ethics of virtue: whether it be about

historical religions,⁴⁵ everyday teachings,⁴⁶ or formal education⁴⁷ Kant seems to be convinced that people's moral discipline starts with the access to their historically available cultural heritage, considering that this is the only place where they can find the necessary resources to fathom, rehearse, and elaborate their own maxims of action. In favorable conditions for socialization, the members of a community have the opportunity to develop their rational abilities by means of the appropriation of public knowledge which has been cultivated from generation to generation; although, he is far from only promoting the input and output of that knowledge, Kant insists that individuals must confirm it time and time again by means of particular judgments without abandoning the task of sharing the reasons that guide their understandings at the same time. Hence, historical religions make up one of the means of "recognition of all our duties as divine commands"⁴⁸ still available in modern societies. And to understand why the socialization of moral maxims is so important within the project illustrated by Kant, I will highlight two important aspects of his theory of ethical agency: on the one hand, the intrinsic normativity of the maxims, and on the other, the framework of sense within which people can effectively appropriate them, elaborate them, and then attribute them to themselves to label their actions as theirs, *i.e.*, as intentional.⁴⁹

With regards to the first issue, it is necessary to keep in mind that, from Kant's point of view, those "subjective principles of action" contain the proper adjudicative forms to later become universal laws: "the suitability of the maxim of every good will to make itself into a universal law is itself the sole law that the will of every rational being imposes on itself, without grounding it on any incentive or interest in it".⁵⁰ Here, Kant seems to assert that the categorical imperative assesses the aspirations of validity of the maxims by confirming their internal structures, or *forms*. The well-known case of the false promise illustrates part of what our philosopher has in mind when it comes to showing why the underlying maxim does not satisfy the ethical standards of his proposal: it is precisely its unsuccessful aspiration to universal validity that gives it away. Unlike the material emphasis presented in *Tugendlehre*, the categorical imperative that Kant draws up in the 1780's sinks its evaluative teeth in the internal form or disposition of the content of the maxim; and based on that, its demands are exclusively metaethical. On that account, what has been pondered upon by the universalization test is not so much the maxim's content (the false promise, suicide, returning the deposits, etc.) but rather, the way in which it proclaims its aspiration of validity. In a way, this means that maxims are, as Christine M. Korsgaard would put it, "intrinsically normatives".⁵¹ Even though these maxims have to be thought of as a socially created and available product (an aspect which I will address shortly), they also have to be at least fathomable and effectively understood (fathomed) by agents to then be able to consider their authorities (reasons) and according to them, assess possible practical justifications. There is no doubt that part of the –linguistic, semantic, and axiological– content of a maxim is already available in the spheres of socialization occupied, but it won't be a prospect moral law if the agent does not manage to consider it as a possible "subjective principle" of *his* behavior. Hence, the teaching of the maxims becomes something so costly: if these are already "intrinsically normatives", then it makes sense to socialize the access to them in order for them to be appropriated and eventually agreed upon reflexively by

individuals by means of the categorical imperative. Herein lies, precisely, part of the publicity of the contents promoted by that ethical society in *Religion within the Boundaries of Mere Reason*.

Let's look at an illustrative case to examine this issue in depth; generally speaking, most western societies consider the action of not telling the truth as an ethical offense. Even though lying seems to reveal processes of phylogenetic learning,⁵² and from an instrumental point of view, it is harder to justify lying as opposed to telling the truth, its western ethical statute always seems to be the same one, in other words, it is detrimental to the minimum amount of trust required by any form of successful human coexistence.⁵³ However, we know that in Kant's view, telling the truth is not enough, considering that the action must be brought upon by a satisfactory maxim, in accordance with the standards of the categorical imperative: someone can avoid lying due to fear of the punishment that he will face upon being caught (especially by divine omniscience or by his own conscience), or he can tell the truth by reason of duty. What is important here is not bringing this under the well-known deontological lens that settles between the immorality of an action and the morality of another; but instead, Kant seems to believe that if the maxim of not lying is not socialized, the practical challenge of having to ruminate on the reasons that justify our action cannot take place. That abyss that an individual faces when he finds himself free of the authority of inclinations does not turn him into a god,⁵⁴ as he cannot delineate his course of action all by himself, but instead, it turns him into an entity that is only capable of reflexively accepting, rejecting, and rebuilding those motivational prospects (and nothing more); an entity trained to rationally review and weigh the maxims aspiring to become a moral law already available in the cultural environment occupied. Hence the importance of the religious, educative, and pedagogical spheres as far as the socialization of the maxims is concerned: once the proper maxims are available in the metaphorical environment occupied, we can be sure that the individual will eventually be able to confirm them through his reflexive agreement while he develops his cognitive abilities within healthy environments of socialization, and precisely in this manner, give way to the production/reproduction of a society as such.

This allows me to transition not too abruptly to the second characteristic of Kant's theory about ethical agency, which holds interest for the matter at hand, because in order to comprehend and review a maxim that aspires to become a law, it is necessary, among other things, to (a) understand the sense of the action it entails, (b) confirm its authority (reasons) to justify the action, and (c) consider how likely it is for that possible "subjective principle of action" to be susceptible to becoming *our* subjective principle of action. At the same time, the confirmation of the maxim considered (which involves passing the universalization test) implies accepting that this can effectively become our will, and based on it, we can (will be able to) attribute the ownership of the prompted action to ourselves. However, the intentionality of our moral actions does not exclusively come down to the confirmation of the maxims which we believe drive our will, precisely because Kant (at least during his *Critique...* phase) was completely distrustful of our reason's ability to discover our real motives for action by means of introspection.⁵⁵ If we interpret the sense of our actions based *only* on the statement we make about their content, we would have to accept that, sooner or later, our intentions may become clear in our eyes, and this is something Kant used to vehemently argue about, even in the

case of happiness.⁵⁶ Setting aside the set of reasons to be shared, the *homines phaenomena* will always be, as far as he is concerned, *homines noumena*.⁵⁷ Additionally, the epistemic skepticism Kant holds with regards to the content of our intentions does not apply only to introspection either, but also to the way in which it allows us to account for the metaphoric horizon within which we have the opportunity to, first, fathom and consider the maxim. The statements of the content of the intentions we may make, regardless of how deep our introspection may be, would set aside the fact that, just like in Greek tragedies, we can always be certain (*i.e.*, have reasons) we are doing the right thing, when in reality we are involved in horrible, unspeakable things. The action always entails externality, it is directed “at others,” which has nothing to do with the agent carrying out the action, in spite of not being able to stop resorting to, and going back to, it when it comes to correctly understanding the sense of the action that the maxim considered entails. Just like in the case of Oedipus, maybe the real sense of intentions will become accessible for the agent in due course, *i.e.*, retrospectively, although this may never come to pass (which is the case of happiness). This “independent” social reality, is in fact the one that allows Kant to include a step in the universalization test which pertains to the need to imagine a world in which the maxim considered is applied by individuals as if it were a natural law,⁵⁸ since, from his perspective, the maxims must always be considered within a social framework in which all individuals behave as ends-in-themselves. We could be bold enough to say that the universalization test does not focus on solving the daily aspect, as this is already accounted for by the historical setting occupied, but instead, an aspect that is strictly –logical and– moral (its intrinsic normativity): a maxim which does not adhere to the standards of the categorical imperative does not have a reason to be (excuse my ambiguity) in a hypothetical kingdom of ends.

Therefore, the intrinsic normativity of the maxim and the “external” framework (both social and symbolical) which allows for its comprehension and consideration allow, firstly, to review the well-known formalist criticism which, from Hegel⁵⁹ to the present day, Kant’s ethics has been subject to, and secondly, to incorporate one of the most outstanding notes of those strata of the intersubjectivity that lies within the ethical community. It is just that the visible churches, with their sacred scriptures, scholars, and explanations of these, their statutes, and resulting ecclesiastic faiths, may use the internal aspect of the ethical law as a means, inasmuch as they get progressively closer to *universality*:

We have noted that, although a church sacrifices the most important mark of its truth, namely the legitimate claim to universality, whenever it bases itself upon a faith of revelation which, as historical faith, (even if more widely spread and more firmly secured for the remotest posterity through scripture) is incapable of a transmission that commands conviction universally, yet, because of the natural need of all human beings to demand for even the highest concepts and grounds of reason something that *the senses can hold on to*, some confirmation from experience or the like, (a need which must also be seriously taken into account when the intention is *to introduce* a faith universally) some historical ecclesiastical faith or other, usually already at hand, must be used.⁶⁰

In this context, the ideas of the kingdom of heaven, hell, prophecies, the concept of happiness associated to the establishment of the kingdom of God, and *Apocalypse* are, after all,

symbolic representations “aimed merely at stimulating greater hope and courage and effort in achieving it”⁶¹ which urges us to pursue the supreme ethical law, since:

The leading-string of holy tradition, with its appendages, its statutes and observances, which in its time did good service, become bit by bit dispensable, yea, finally, when a human being enters upon his adolescence, turn into a fetter. So long as he (the human species) “was a child, he was as clever as a child” and knew how to combine learning too, and even a philosophy helpful to the church, with propositions imposed upon him without any of his doing: “But when he becomes a man, he puts away the childish things.”⁶²

5) FINAL THOUGHTS

As many researchers have already stated, unlike what was observed in the 1780’s and in the 1790’s, Kant employs “moral” (*moralisch*) in a strictly metaethical sense, which encompasses the juridical as well as the ethical sphere. Thus, reading that juridical mandates are also categorical imperatives, or moral laws, in his *Doctrine of Right* may be confusing at times. In this context, the moral may in fact seem to begin with political will, which lays the foundation, as we have seen, at least for the form of a society (through the concepts of general will and reciprocal coercion) to allow within it the development of proper attitudes (*Gesinnungen*) which slowly manage to overcome it: the moral goes with the political and legal, and then goes beyond them.⁶³ This is all which can be said about the metaphysics of morals, considering that delving any deeper into how the external use of freedom could give way to the development of individual abilities necessary for the internal use of freedom entails having to get into the muddy waters of anthropology. However, and without falling into the mud, the concept of “ethical community” presented in *Religion within the Boundaries of Mere Reason* involves a step in that direction. It is not my intention, however, to assert that Kant himself viewed these strata of the intersubjectivity in this order, or even in this manner. Minding the scope of his very system of practical philosophy, it makes sense to keep in mind that metaphysics and anthropology are, first of all, communicable, although it is never truly clear how this is even possible: “social” can be used in many ways and to refer to many different things, and based on that, we cannot help but be careful with the various objectives that Kant himself goes after when tackling some “intersubjective,” “reciprocal,” “interactive,” aspect, or one pertaining to human coexistence.

A different way of tackling this whole matter would be by beginning with Kant’s theory of ethical agency, insofar as, like I have already suggested, it seems to focus on internal aspects (the intrinsic normativity of the maxims) as well as on external ones (frameworks of sense). This way, we could immediately address the gap between the internal and external uses of freedom, although, at the same time, we would end up focusing on the subject. My goal regarding this matter, however, has been to shed light on the account of the external aspect that the various strata of the intersubjectivity take on in Kant’s practical philosophy, without having to delve into the field of anthropology, including history. The goal is to observe, at least

partially, the role that the (spatial, social, symbolical, and cultural) environments seem to play underneath it all within his practical system. In this context, the socialization of the maxims promoted by the visible churches works as a hinge and allows us to view a formative process of the ethical agency from the outside to the inside, *i.e.*, from the external use of freedom to its internal use; from the geometrical and physical aspect to the chemical and temporal ones. Religions, in this point of Kant's proposal, seem to play a role that I deem to be of utmost importance: they appear as centers that manufacture metaphors, concepts, and symbols that are capable of harboring ethical ideas which are important for Kant, and which can be expressed in layman's terms. Even though it is true that this cultural creation of ethical representations must always be accompanied by explanations and accuracy as far as ethical law is concerned, our philosopher's intention was to insert a critical sieve in the center of the religious traditions of his time to settle things between good and evil, and from there, promote the creation of a pure religion that would facilitate the moral education of people. Always in specific social, legal, and political settings, I think this historical mediation of the supreme ethical principle deserves to be addressed, without having to delve into the hell of casuistry.⁶⁴

Abstract. This article presents a rework of three strata of a concept of the social which can be found in Immanuel Kant's practical philosophy without turning to his anthropological and historical works. To do this, the notions of human coexistence (natural right) and universal reciprocal coercion (civil right) that Kant describes in *The Metaphysics of Morals* are specified to point out that, with them, it is not possible to refer to a society, but to a form of it. Subsequently, some of the coordinates of the "ethical community" addressed in *Religion...* have been reworked to argue, on the one hand, that here we can speak of a society as such, and on the other hand, that it can build a bridge between the juridical society and the ethical education of people, *i.e.*, between the external use of freedom and its internal use, because (a) it allows to socialize moral maxims and (b) these can harbor a peculiar intrinsic normativity.

Key words: Immanuel Kant, the social, politics, philosophy of right, religion.

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NOTES/NOTAS

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² MS, RL, 307. The translations of excerpts of Kant’s texts have been taken from available versions in our language. Information on editions used can be found in the references.

³ Koselleck (2018).

⁴ MS, RL, § 8, 256.

⁵ MS, RL, § 8, 256. See a proposal that connects the premise of community of the ground with the appropriation later acquired, and the establishment of sovereignty and the resulting political will in *Metaphysics of Morals* by Macarena Marey (2021, chs. 4 and 5).

⁶ Katrin Flikschuh (2010) hits the mark when she points out that in Kant's proposal, public, people's and cosmopolitan right overlap in such a symmetrical relation that they cannot even be considered independently; they are all juridical instances of the same political will unified beforehand within an insurmountable spherical spatial context: "Since the earth's surface is not unlimited but closed, the concepts of the Right of a state and of a Right of nations lead inevitably to the Idea of *Right for all nations (ius gentium)* or *cosmopolitan Right (ius cosmopoliticum)*. So of the principle of outer freedom limited by law is lacking in any one of these three possible forms of rightful condition, the frame work of all the others is unavoidably undermined and must finally collapse" (MS, RL, § 43, 311).

⁷ MS, 215-7.

⁸ MS, TL, § 38.

⁹ Hegel (1991, §§ 71 y 73).

¹⁰ The war-related perspective of the intersubjective acknowledgment, as some contemporary folks have pointed out (Honneth, 1996, chs. 2 and 3), can be found in his early writings (Hegel, 1979).

¹¹ Hegel (1991, § 209, Observation).

¹² Here I refer to the rework by Frederick Neuhouser (2000, chs. 4 and 5) and Robert B. Pippin (2008, ch. 7).

¹³ MS, RL, § 41, 307.

¹⁴ "The highest division of natural Right cannot be the division (sometimes made) into *natural* and *social* Right; it must instead be the division into *natural* and *civil* Right, the former of which is called *private Right* and the latter *public Right*. For a *state of nature* is not opposed to a social but to a civil condition, since there can certainly be society in a state of nature, but not *civil* society (which secures what is mine or yours by public laws). This is why Right in a state of nature is called *private Right*" (MS, RL, 242). For the problem of the Kantian authorship of this passage, see Ludwig (2009). Likewise, instead of highlighting the *factum* of Earth's roundness here, Höffe (1979, p. 206 on) restricts himself to pointing out (somewhat inaccurately, I believe) that conflicts within the natural state arise, according to Kant, by sharing "the same living environment."

¹⁵ Alberto Pirni (2016), apart from pointing out the same gap, argues that it can be overcome by means of the third formulation of the categorical imperative (regarding the kingdom of the ends) when he holds that, like the first formulation, it also makes up a metaethical formula (in fact, on which is *deon* as well as *telos*: GMS, 437) which can be applied to ethics as well as to right.

¹⁶ We must clarify something: the desire (*Trieb*) of acknowledgement is tackled by Hegel as such in his *System of Speculative Philosophy* (from 1803-1804) and *The Phenomenology of Spirit*, and not in his *Philosophy of Right*. In the latter, as is well known, the object of study is made up of the figures of the concept of freedom.

¹⁷ Hegel (1995, p. 94 on).

¹⁸ MS, RL, § E, 233. To confirm whether or not Kant uses a mathematical approach in his doctrine of right, see Friedrich Kaulbach (1982, pp. 59-65).

¹⁹ MS, RL, § E, 233.

²⁰ TP, 293.

²¹ MS, RL, 326.

²² MS, RL, §14, 263.

²³ MS, § D, 231.

²⁴ While Rousseau (2012, Part I, ch. viii) observed in the social contract an irreversible moral transformation of natural men (see Neuhouser, 2011), Hobbes (1991, Part I, ch. xiii) seems to not find any sort of anthropological change there, given that it is some sort of "mental experiment" (McLean, 1981, p. 341; Höffe, 1979, p. 198 and on).

²⁵ TP, 290-1; RGV, 134, note; SF, 18-9 and 21-2.

²⁶ A discipline regarded as more advanced than Newton's physics when it comes to metaphysics of nature (MS, 215).

²⁷ Owen Ware (2014) had already observed this aspect to point out the philosophical reasoning that Kant seems to follow in his second *Critique*, which is different from the one in *Groundwork*. I digress to a certain extent, however, from his good analysis by pointing out the qualitative character that Kant expresses in these excerpts.

²⁸ KpV, 92-3; see also KpV, 163.

²⁹ IaG, 23-4; RGV, 101.

³⁰ Particularly, Kant was worried about managing the *use* of private properties, among them the use of the land, since according to him, the concept of owning something was related to the concept of being a citizen. Regarding this matter, we must keep in mind Kant's political texts (MS, RL, §§ 8-9) and Hegel (1991, §§ 182-256) use the term *Bürgerliche Gesellschaft* to refer to something which in English is called "civil society". The term does not differentiate "civil" from "bourgeois," and for this reason, Marx later on would point out that his language unjustifiably intertwines "civil society" and "bourgeois society." As is well known, Marx (1978) had to resort to French to make use of the terms *bourgeois* and *citoyen* in order to account for the contradiction he noticed between the bourgeois and the citizen after the French Revolution. This certainly has several implications in Kant's political thinking, as is the controversial issue of his distinction between passive and active citizenship (MS, § 46), which I cannot get into here. To read about his matter, I encourage the reader to see Nuria Sánchez Madrid and Alessandro Pinzani (2016), Ma. J. Bertomeu (2019), and Macarena Marey (2021, ch. 6).

³¹ B 9.

³² Heller (1984, pp. 21-96)

³³ The concept of beforehand is not entirely evident in the following statement: "The possession by all men on the earth that precedes any acts of theirs which would establish rights (that is constituted by nature itself) is an *original possession in common (communio possessionis originaria)*, the concept of which is not empirical and dependent upon temporal conditions". The confirmation that our planet is geoid was a little over two and a half centuries old back then, and after the failure of his *Metaphysical Foundations of Natural Sciences* in 1786, Kant had not been able to develop a metaphysics made up of middle terms (*Mittelbegriffe*) that could anticipate the scientificity (or sistematicity) of the laws of physics beforehand. Kant himself confesses to have found this "gap" in his system in a letter addressed to Christian Garve on September 21st, 1798 (right after he published the two parts of his *Metaphysics of Morals* [!]). For more on the issue of the Übergang, see Félix Duque (1991).

³⁴ It could be said that here, the concept of human "unsocial sociability" is suggested in spatial terms, unlike the famous formulation he presents in temporal (historical) terms (IaG, 21-2).

³⁵ Macarena Marey (2021, ch. 7).

³⁶ RGV, 93-4.

³⁷ RGV, 98-9. Instrumentalization which does not imply mutual reification: for the marriage case, for example, see Bárbara Herman, 1993. On the other hand, here we get into the interesting topic of self-ownership: while Kant dismisses this concept in his *Doctrine of Right* because he regards it as analytically contradictory (MS, RL, 270), he defines it as one of the most serious ethical offenses towards oneself (V-Mo/Collins, 341-4).

³⁸ RGV, 96.

³⁹ Here I allude to the readings on *Religion...* by Philip J. Rossi (2005, ch. 4), Arthur Ripstein (2009, pp. 6 on.), James DiCenso (2011, ch. 3) and Macarena Marey (2021, ch. 7).

⁴⁰ RGV, 97-8.

⁴¹ RGV, 98.

⁴² RGV, 107.

⁴³ RGV, 134, note; see also Refl., 6903.

⁴⁴ In many ways, the theoretical challenge I have taken on here is similar to the one Pierre Bourdieu (1985) takes on with his concept of "habitus", and his attempt to overcome the objectivism and subjectivism of the social sciences of his time.

⁴⁵ RGV, 46-7, 112, 132-3.

⁴⁶ V-Anth-Mron, p. 111 on.

⁴⁷ Päd, p. 499 on.

⁴⁸ RGV, 154; see also Refl., 646-7.

⁴⁹ As the reader will notice, I will now swiftly delve into the thorny and well-known topics of Kant's theory of moral agency, such as its formalism, the importance of the objections that Hegel directed at Kant, and the sources of normativity of ethical commands. Given the scope of the theme, I invite whoever is interested in these matters to see Christine M. Korsgaard (1996) and Martín Fleitas (2017).

⁵⁰ GMS, 445.

⁵¹ Without quoting any excerpt textually, Korsgaard (1996, pp. 93-130) offers a similar rework (especially regarding Plato's theory of the virtuous soul) which leads to the adoption of a particular "procedural realism".

⁵² See Garrett et al. (2016).

⁵³ Here we must keep in mind the differences between Kant's well-known and controversial approach to lying and his legal approach (VRL; MS, 238, note and 429).

⁵⁴ MAM, 112.

⁵⁵ GMS, 471, 11-31; RGV, 138-9; Anth, 143, 4-12. With regards to this, I stand closely by the suggestions put forward by Luis Placencia (2018; 2020).

⁵⁶ GMS, 418.

⁵⁷ It is important to keep in mind that *Gesinnung* (at least as far as Kant's use of the word is concerned) does not refer to the interiority involved in the internal sense, nor to any other type of visible interiority, but rather, to the human interiority as long as it belongs to the noumenic kingdom. Hence in *Metaphysical Foundations of Natural Sciences* Kant denied the possibility that empirical psychology could become a natural science of the internal sense: "For the pure inner intuition in which the appearances of the soul are supposed to be constructed is *time*, which has only one dimension", and in this context, "even observation by itself already changes and displaces the state of the observed object" (MAN, 471-2).

⁵⁸ GMS, 421; KpV, 69.

⁵⁹ Hegel (1991, § 135, Observation).

⁶⁰ RGV, 110. Here I follow the interesting approach by James DiCenso (2011, pp. 9-10): "An understanding of the ethical-political along these dynamic or interactive lines helps clarify how Kant negotiates an innovative approach to questions of religion. Even as he develops formidable epistemological critiques of metaphysical, theological, and religious systems disconnected from testable public and empirical realities, he also argues that many of the ideas and ideals conveyed by these traditions, *if ethically interpreted and applied*, can have a transformative effect within social and political realities".

⁶¹ RGV, 134.

⁶² RGV, 122.

⁶³ See Otfried Höffe (1994, ch. 9), Katrin Flikschuh (2000, ch. 3), Manfred Baum (2006), Macarena Marey (2021, chs. 1 and 2).

⁶⁴ The ideas that originally led to fulfillment of this article first arose during the reading of a draft of *Voluntad omnilateral* by Macarena Marey (CONICET, Argentina), along with my participation in the subsequent debate on it put forth by Paola Romero (University of Freiburg, Switzerland) in late October, 2020. I hereby express my deepest gratitude towards them both.

Date of Submission: 4/06/2022

Date of Acceptance: 24/06/2022

