

"THE PLATONIC REPUBLIC."

THE BEGINNINGS OF KANT'S JURIDICO-POLITICAL PHILOSOPHY IN THE *CRITIQUE OF PURE REASON*¹

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Amicus Plato, sed magis amica veritas

In response to the editor's invitation to subject a favorite passage from Kant to closer scrutiny, this essay focuses on Kant's engagement with Plato at the beginning of the Transcendental Dialectic of the *Critique of Pure Reason*,³ which presents a crucial but often overlooked feature of Kant's *magnum opus*. In particular, the essay examines Kant's positive pronouncements on the "Platonic republic" (*Platonische Republik*) in Book One of the Transcendental Dialectic by placing them in the twofold context of the first *Critique's* affirmative retake on Plato's Forms (*Ideen*) and its original views on juridico-political matters. More specifically, the essay aims to show that Kant's prime position in legal and political philosophy, as contained in the first edition of the *Critique of Pure Reason* (1781), involves a normative conception of civic life that places the societal exercise of individual freedom under universal laws.

Historically as well as systematically, Kant's presentation of his original position in juridico-political philosophy, which forms part of his reading of Plato's Forms in general and of Plato's *Republic* in particular, occurs in advance of the print publication of Kant's writings dedicated to the philosophy of political history and juridical law ("right," *Recht*) from the mid 1780s through the late 1790s and also ahead of his foundational writings in moral philosophy from the mid to late 1780s (*Foundations for the Metaphysics of Morals*, 1785; *Critique or Practical Reason*, 1788). In particular, the beginnings of Kant's juridico-political philosophy in the *Critique of Pure Reason* anticipate the eventual appearance of his pure philosophy of law in the *Metaphysics of Morals* (1797) by no less than sixteen years. Moreover, a closer examination of the Platonic inspiration behind Kant's proto-philosophy of law and politics in the first *Critique* affords a fascinating glimpse into the original difference and systematic separation of (juridical) law and ethics in Kant's critical philosophy.⁴ Section 1 explores the extent of affinity between Plato and Kant as arch-representatives of ancient and modern idealism. Section 2 traces the transition from Platonic dogmatism to Kantian criticism in the theory of ideas. Section 3 presents Kant's appropriation of the idea of the "Platonic republic" for purposes of a specifically modern republican account of the rule of law under conditions of freedom.

1. PLATO AND KANT

Schopenhauer at one point recommends his readers to focus their study of the philosophers of the past on two outstanding thinkers, Plato and Kant. The pairing of Plato and Kant as main representatives of the Western search for wisdom also informs Schopenhauer's own philosophy, as set forth in *The World as Will and Representation* – with Kant's transcendental idealism underlying Schopenhauer's account of the world as representation as it is governed by the principle of sufficient reason and Plato's theory of Forms informing the account of aesthetic and artistic cognition of the world as representation as it is conceived independent of the principle of sufficient reason, detailed in Books One and Three of Schopenhauer's *magnum opus*, respectively.

But there is more to Schopenhauer's exclusive linkage of Plato and Kant as the masterminds of Western philosophy than their syncretistic recycling in his own neo-Kantian metaphysics of cognition and his neo-Platonic metaphysics of art. For Schopenhauer, Plato and Kant are joined in the pursuit of one of the two key concerns of philosophy in general, including non-Western thought, viz., the distinction and the connection between the real and the ideal (the other chief concern being the freedom of the will peculiar to Western thought, according to Schopenhauer). The first of the two main problems of philosophy, as seen by Schopenhauer, emerges epistemologically as the relation between sensing and thinking, ontologically as the relation between the world of sense and the world of the understanding, and axiologically as the relation between truth and semblance. For Schopenhauer, Plato and Kant share a dualist doctrine that differentiates the world in accordance with a twofold, realist and idealist stance on it and that orients human life from one (the real) to the other (the ideal) in a movement that is at once intellectual ascent and moral advance.

To be sure, Schopenhauer's persuasive portrayal of Plato and Kant as the twin heroes of the life of thought is motivated and oriented by his own post-Kantian retake on the idealist tradition in ancient and modern philosophy. Moreover, Schopenhauer can claim neither Plato nor Kant as an ancestor or antecedent for the entire other side of his philosophy, which joins a Platonic-Kantian idealism of the world as representation with a crypto-Fichtean and pseudo-Schellingian anti-rationalism of the world as will, detailed in the philosophy of the will in nature and the ethics of the will's psycho-cosmic itinerary from self-affirmation to self-denial in Books Two and Four of *The World as Will and Representation*, respectively.⁵

The exclusive pairing of Plato and Kant is not limited to Schopenhauer and his pursuit of historical credentials for an essentially ahistorical account of world and self. Other philosophers indebted to Kant also have sought to compare – and contrast – Kant with Plato and to seek out the affinities between two philosophers otherwise separated by the great gulf that divides ancient and modern philosophy. Particularly noteworthy is the case of Paul Natorp, a prominent late 19th century and early 20th century philosopher and, together with Hermann Cohen, the head of the Marburg school of neo-Kantianism – and the author of a scholarly study of Plato, covering most of the dialogues, in an attempt to claim Plato as a proto-Kantian for the critical tradition in philosophy.⁶

Natorp's philosophical project of retrieving the Platonism of Kant by way of exhibiting the Kantianism of Plato has its *fundamentum in re* in Kant's own extensive engagement with Platonic philosophy, which is to be found in his published writings (*Druckschriften*) as well as in his literary remains (*Nachlaß*) and in the extant transcripts of his lectures (*Vorlesungsnachschriften*). To be sure, Kant is not a historian of philosophy. In fact his work on Plato, as manifested in the scattered texts mentioning or using Plato, precedes the philologically based philosophical discussion of Plato to be found in his successors, chiefly among them F. D. E. Schleiermacher, who produced a comprehensive German translation of Plato's works still in use today.

Kant himself treats Plato the same way he refers to other philosophers of the remote and recent past as well as the present – citing them without quoting them, reducing their complex views to elementary doctrinal and methodological positions and treating them as virtual contemporaries in an abstract, ahistorical dialogue with alternative approaches to philosophical problems deemed to be as perduring as their previous solutions are considered deficient.⁷

Still Plato stands out in Kant's treatment of the philosophical past for the breath and depth of attention that he devotes to Platonic and neo-Platonic concepts and doctrines throughout his philosophical career. In particular, Kant's core project of a critical assessment of past and possible metaphysics, carried out under an epistemological perspective and resulting in the development of "transcendental philosophy" (*Transzendentalphilosophie*) and its preliminary presentation in the "critique of pure speculative reason"⁸ in the *Critique of Pure Reason*,⁹ is shaped by a comprehensive critique of the Platonic and neo-Platonic recourse to intellectual intuition as a dogmatic device claiming pure rational knowledge of supersensory objects. But Kant's critical engagement with Plato and with Platonism is not limited to the destruction of the latter's dogmatic metaphysics and extravagant epistemology. In other regards Kant shows a critical appreciation for Platonic positions and offers a sympathetic assessment of concepts and doctrines attributed to Plato and reconstructed in the context of Kant's own emerging or developed views on the nature of knowledge in general and the possibility of synthetic cognitions a priori in particular.

The common ground on which the critical encounter of Kant with Plato takes place is the idealist stance they both take – albeit in quite different and even opposed ways – on the "critical distinction" (*kritische Unterscheidung*)¹⁰ between appearance and reality. For Kant as for Plato objects divide into those of sense (or sensibility) and those of thought (or the understanding). To be sure, in Kant the objects of mere thought are exactly that: noumena or *intelligibilia* (those being the Greek and Latin terms for such entities), with no warranted assertibility on their own, while the objects of sense (phenomena or *sensibilia*) constitute the possible objects of knowledge (*Wissen*) and of the latter's completist integration into science (*Wissenschaft*). By contrast, for Plato the beings of thought, composed of Forms or ideas, constitute the proper and exclusive objects of knowledge or science (*episteme*), while the objects of sense afford only uncertain and unreliable epistemic belief (*doxa*).

The different assessment of the ideal and the real in Plato and Kant makes them adopt structurally related but contentually opposed versions of idealism. Kant espouses an idealism of forms ("formal idealism"),¹¹ according to which a priori forms – specifically the pure forms

of sensibility – condition and shape the objects of sense.¹² Plato advances an idealism of Forms (“ideas”), according to which everything is what it is due to the Forms it instantiates (*metexis*) and everything so existing is known only in terms of those Forms. Moreover, while Kant ties form to subjectivity – more precisely, to pure, “transcendental” subjectivity and specifically to the latter’s pure forms of sensibility (space and time) – and has objectivity be grounded in such more-than-subjective subjectivity, Plato dissociates form from formation and has the Form-ideas consist in a fixed set of logical super-predicates and ontological super-universals.

Finally, in Kant’s version of idealism (“transcendental idealism”)¹³ the validity of the a priori sensory forms of space and time is limited to objects given sensorily (“appearances”), at the exclusion of their validity for objects insofar as they do not appear to the senses (“things in themselves”). For Kant, the objective validity of space and time involves at once their “empirical reality” (*empirische Realität*) – their reality with regard to appearances – and their non-empirical or “transcendental ideality” (*transzendente Idealität*) – their ideality *qua* non-reality with respect to the things (in) themselves.¹⁴ Accordingly, for Kant ideality comes to convey non-validity or “nullity” (*Nullität*),¹⁵ a conceptual move that amounts to a complete reversal of the Platonic limitation of true reality and actual validity to the ideas in their supra-subjective status as absolute forms.

2. FROM PLATO TO KANT

The major differences between Kantian criticism and Platonic dogmatism and between Platonic and Kantian idealism notwithstanding, Kant emerges not only as the methodological critic and doctrinal opponent of Platonic metaphysics and its associated epistemology. In particular, Kant turns to Plato for a conception of thinking, along with the latter’s vehicles and objects, that reaches, in principle, beyond the world of appearances and aims at a different, higher sphere reserved for a mode of thinking and conceiving of objects that operates with the pointed exclusion of sensing and perceiving.

Kant’s sympathetic portrayal of Plato, to be found in the very work – the *Critique of Pure Reason* – that also contains some of his most severe criticisms of metaphysical thinking in the Platonic tradition,¹⁶ is apt to surprise those readers of the first *Critique* who focus on the theory of experience to be found in the work’s “first half,” through the end of the Transcendental Analytic – a bipartite division of the work not to be found in the text itself but dating back to by H. J. Paton’s pioneering commentary on what he termed “Kant’s metaphysic of experience.”¹⁷ Yet for Kant and his attentive reader, the *Critique of Pure Reason* not only does not end with the Transcendental Analytic but first comes into its own in the following extensive section, the Transcendental Dialectic, which comprises almost two thirds of the work and contains a basic as well as detailed critique of pure reason’s pretense to knowledge of supersensory objects.

To be sure, the negative, destructive critique of dogmatic metaphysics effectuated in the Transcendental Dialectic presupposes the prior parts of the first *Critique*, in particular the Transcendental Aesthetic’s argumentative introduction of transcendental idealism, which limits the objects of possible knowledge to things as they are sensorily given under conditions of space

and time (appearances) and subject to further determination by the categorial concepts and principles set forth in the Transcendental Analytic. But the Transcendental Dialectic following these parts of the work is not a mere anti-dogmatic annex to the previously presented positive account of the non-empirical conditions of experience and of the objects of experience.

The Transcendental Dialectic supplements the account of the principles of sensibility (*Sinnlichkeit*) in the Transcendental Aesthetic and the account of the principles of the understanding (*Verstand*) in the Transcendental Analytic with an account of the principles of reason (*Vernunft*).¹⁸ In particular, reason in the specific sense in which it is elucidated in the Transcendental Dialectic – as the very “faculty of principles” (*Vermögen der Prinzipien*)¹⁹ – is not reducible to the faculty of the understanding dealt with in the Transcendental Analytic. It is precisely because the Transcendental Dialectic introduces its own concepts and principles, specifically different from those germane to the Transcendental Analytic, that the previously established restriction of the understanding to possible experience is not sufficient to rule out the reach of reason, as opposed to the understanding, beyond possible experience to the supersensory objects target by traditional, dogmatic metaphysics, viz., God, soul and world.

The further type of concept introduced in the Transcendental Dialectic eludes the restriction of the understanding and its concepts to possible experience by making the very transcending of experience – in fact, of any possible experience – its defining characteristic. As concepts concerning the unconditional (*Unbedingtes*) or the totality of conditions, the pure concepts of reason represent objects that, in principle, are not given in experience but that are entertained in thought, by means of concatenated syllogistic inferences, as the unconditioned or the sum total of conditions to everything conditioned given by sensibility and thought by the understanding.²⁰

Kant lends further articulation to the methodological and procedural differences between the use of the understanding and the employment of reason by designating the kinds of concepts involved in each of the two cognitive faculties with historically laden and personally specific terms. For the “pure concepts of the understanding” (*reine Verstandesbegriffe*) he resorts to the designation “categories,” introduced by Aristotle for the general kinds of logico-ontological predicates.²¹ In particular, Kant notes the core function of the categories to “understand” (*verstehen*)²² experience and its objects on the basis of given appearances and their conceptual determination as representations of empirical objects, situated in space and time and governed by universal laws that constitute the systematic unity of nature.

By contrast, Kant draws on Plato and the latter’s introduction of metempirical logical and ontological grounds, viz., the Forms (*idea, eidos*; German *Idee*), to capture the supersensory intent of the concepts of reason.²³ On Kant’s construal, the claimed objective reference of the ideas as concepts originating in pure reason is not based on prior sensory input, as in the case of the pure concepts of the understanding, which – while originating in the pure understanding – require a priori sensory conditions (schemata) for their effective employment as modes of the valid cognition of objects.²⁴ In the case of ideas, by contrast, possible experience does not serve as the warrant grounding cognitive claims but as the starting point for a chain of inferences

that leads from a given conditioned to an unconditioned, or to a totality of conditions, which as such, in principle, cannot be given but can only be thought.²⁵

To be sure, on Kant's critical assessment, the concepts so employed do not yield the objectively valid cognition (knowledge, *Wissen*) claimed by traditional, dogmatic metaphysics on behalf of the existence and essence of the soul, the world and God. In particular, metaphysical reasoning of the dogmatic kind rests on the conceptual confusion of the ontological status of a given conditioned with that of its conceived totality of conditions or the unconditional supposed to be underlying it. Critically considered, the objects of the concepts of reason (ideas) are not "given" (*gegeben*) but only "imposed" as tasks or problems (*aufgegeben*).²⁶ They are entities to be supposed or presupposed with no cognitive warrant available for their actual existence. Far from being concepts that are constitutive of an object domain of its own, composed of supersensory beings, ideas in Kant – more precisely, purely speculative, "transcendental ideas"²⁷ – turn out to be nothing but regulative principles that are to orient the empirical employment of the understanding toward a complete system of nature forever approached and never achieved by reason's coordinating cognitive efforts.

Yet on Kant's account, the role of reason – of purely cognitive, speculative reason, to be precise²⁸ – is not exhausted by its systematic function of providing imaginary focal points for the ideal extension of the cumulative cognitions of the categorial understanding in the latter's essentially empirical employment. Due to its characteristic scope beyond any and all possible experience, the speculative ideas of reason introduce a dimension of thought that essentially exceeds the understanding's constitutive commitment to the domain of nature and its objects in space and time. According to Kant, it is the further function of the ideas of reason to assure that the world of sense is not taken to exhaust what there is – or might be or ought to be – and thus to open up a conceptual space, however ontically empty or epistemically inaccessible on purely cognitive grounds, that prepares the subsequent occupation and determination of that very space with entities and objects differently constituted and alternatively warranted than the natural objects of theoretical cognition. More specifically, the speculative ideas of theoretical reason in Kant prepare the deployment of practical, morally motivating reason, which requires a conceptual space – the world of the understanding (*Verstandeswelt*) – not confined by the strictly determinist laws of nature. Moreover, the space so delineated by the essential extension of the scope of reason beyond the "bounds of the understanding" (*Grenzen des Verstandes*)²⁹ is to be occupied by a special kind of idea and its peculiar principle, viz., the idea of freedom (from natural laws) and the moral principle (of unconditional obligation).³⁰

To be sure, the account of sensibility, understanding and reason in the *Critique of Pure Reason* does not actually address moral matters and practical principles, except by anticipation of their subsequent treatment in moral philosophy proper. Nor is the further perspective of reason's practical use allowed to exercise a manipulative influence on the design and doctrine of the first *Critique*. Rather Kant maintains a naturally purposive structure of reason that involves a complementary and completist relation of mutual support and enhancement in which the (theoretical) restriction (to nature) and the (practical) realization (through freedom) are in an equilibrium of perfect, as it were pre-established harmony.³¹

Moreover, in addition to procuring the conceptual space for the subsequent extension of the critique of reason into matters of moral philosophy, Kant critical theoretical philosophy, as presented in the *Critique of Pure Reason* and in the *Prolegomena to Any Future Metaphysics*, contains doctrinal details that direct the quasi-Platonically conceived transcendental ideas of reason toward a critically warranted metaphysics addressing the traditional topics of rationalist metaphysics (God, soul, world). For, according to Kant, the restriction of objectively valid theoretical cognition to experience and its object domain (appearances) not only restricts the a priori cognitive forms to an empirical employment. It equally involves the limitation of the domain so constituted (experience) to mere appearances, at the exclusion of the things as they are, or rather might be, "in themselves." While the latter domain stays open and remains empty from the standpoint of theoretical cognition, the restriction of knowledge to possible experience – on Kant's account – does not *eo ipso* amount to the restriction of objects in general to empirical objects. By establishing, on theoretical grounds alone, that the cognitive restriction to experience does not exclude, in fact even involves, a not-impossible, "problematic"³² extension of objects beyond the natural and the apparenial into the supernatural and substantial, Kant supplements the destructive, negative critique of metaphysics with a minimally sized, limitatively structured and indirectly oriented metaphysical canon consisting chiefly in the rejection of the empiricist or skeptical denial of the existence of God, of the immortality of the soul and of the reality of freedom.³³

In particular, the critical Kant argues against the crypto-metaphysical anti-metaphysics of the skeptic-turned-dogmatist, whom he historically identifies with Hume³⁴ and to whom he ascribes the doctrinal dogmatic triad of psychological materialism (no immortal soul), cosmological naturalism (no freedom of causation) and theological fatalism (no providential God).³⁵ By contrast, Kant's own critically delimited stance on metaphysics, as presented in the first *Critique* and in the *Prolegomena*, refrains from any positive metaphysical claims, consists entirely in the argumentative exclusion of the aforementioned positions and is exhausted by the limitative metaphysical positions of psychological anti-materialism, cosmological anti-naturalism and theological anti-fatalism. According to Kant, any further specification of the metaphysical objects of the pure ideas of reason has to rely on justificatory resources other than theoretical cognition, viz., morally natured and practically based cognition involving not the grounds and bounds of rational knowing but those of rational willing and the latter's ideal object, viz., the highest good.³⁶

3. KANT'S PLATO

The Platonic inspiration behind Kant's account of ideas and their distinct domain beyond possible experience but within reason is not exhausted by the preparation and propagation of a critically certified metaphysics of the limitative cognition of God, soul and the world, as envisioned in the Appendix of the Transcendental Dialectic.³⁷ Nor is reason's reach beyond nature to moral matters restricted to the novel version of the traditional doctrine of the highest good provided in the Canon of Pure Reason of the Transcendental Doctrine of Method.³⁸ In illustrating his account of the concepts specific to reason (ideas) in the opening book of

the Transcendental Dialectic, Kant focuses on Plato's philosophical predilection for ideas in moral matters, chiefly that of virtue (*Tugend*). The move from theoretical ideas, which also are entertained by Plato and so mentioned by Kant, to practical ideas allows Kant to distinguish a false, illegitimate use of ideas in Plato from their legitimate deployment to be found already in Plato and taken up, in a specifically modified form, by Kant.

At the opening of his critical engagement with Plato, Kant critiques Plato for turning ideas *qua* concepts of pure reason into "archetypes of the things themselves" (*Urbilder der Dinge selbst*).³⁹ He goes on to offer a deflationary reading of Platonic ideas based on the hermeneutic insight that it is possible, by carefully comparing an author's thoughts with each other, to understand an author better than he understood himself.⁴⁰ Kant illustrates the yield of such a critically shaped interpretation by turning to practical ideas, which involve the idea of "freedom"⁴¹ and are not based on concepts reflecting the order of nature but are expressive of reason. Taking virtue as an example, Kant cites approvingly Plato's insight into the non-empirical origin of the "idea of virtue" (*Idee der Tugend*) as the "rule" (*Regel*) and "prototype" (*Muster*) of ethical conduct.⁴²

But Kant takes issue with Plato's extension of ideas into theoretical cognition, especially into mathematics, given that the latter does not exceed experience but, according to Kant, lies entirely within the confines of possible experience.⁴³ On Kant's construal, the chief characteristic of practical ideas is the latter's causal power in actions and on objects, due to which reason possesses efficacy in the moral domain.⁴⁴ The yield of the previously stated hermeneutic maxim of improving on an author's self-understanding by way of comparative criticism thus consists in Kant's distinction between the use of ideas in mathematical and in moral matters. On Kant's account, ideas are essential and even foundational in the latter case, whereas the assimilation of mathematical concepts, which – according to Kant – involve the forms of sensibility and are hence restricted to the formal features of appearances, constitutes a misuse of ideas and amounts to the confusion of a priori concepts based on (sensory) intuition with a priori concepts based on reason.⁴⁵

The close linkage of Platonic ideas with practical freedom and moral matters detected by Kant foreshadows and even prepares the move from transcendental freedom to moral freedom and the associated transition from pure theoretical ("speculative") reason to pure practical reason effectuated in Kant's foundational moral philosophy. Still the critical reconstruction of practical ideas in Plato at the beginning of the Transcendental Dialectic precedes the latter's introduction of transcendental freedom in the solution to the Third Antinomy.⁴⁶ The practical freedom adduced by Kant in his critical interpretation of Plato is not yet the absolute, "transcendental freedom"⁴⁷ of pure reason, envisioned in the solution to the Third Antinomy as transcendental freedom and substantiated in the *Critique of Practical Reason*, but the freedom of the elective will (*Willkür*) from empirical determination and the latter's alternative susceptibility to non-empirical concepts of reason (ideas) and pure principles of reason (moral laws).

In the systematic context of the *Critique of Pure Reason*, which is essentially and exclusively a "critique of pure speculative reason,"⁴⁸ all that can be ascertained is reason's imposition of ideas-based laws ("moral laws;" *moralische Gesetze, sittliche Gesetze*)⁴⁹ and the freedom from

solely sensory determination thereby entailed.⁵⁰ The further issue of reason's rules possibly being subject to a yet higher determining influence that would turn what is freedom with regard to the senses into nature with reference to further factors remains pointedly unaddressed and purposively left open within the confines of the first *Critique*.⁵¹ In particular, the notion of reason not only standing under laws of its own but being the very author of such laws ("autonomy")⁵² is absent from Kant's rereading of practical Platonic ideas in the Transcendental Dialectic, and from the first *Critique* altogether. The "practical freedom"⁵³ adduced as actual in the *Critique of Pure Reason* is not the practically realized transcendental or cosmological freedom of the Third Antinomy, but the freedom necessary and sufficient for acting through reason and from reasons entertained in the Canon of Pure Reason of the *Critique of Pure Reason*.

The characteristic conception of freedom in volition and action featured in the *Critique of Pure Reason* – a relative and comparative rather than an absolute freedom – also underlies the interpretation of the "Platonic republic"⁵⁴ offered at the beginning of the Transcendental Dialectic. On Kant's (re-)interpretation, Plato's ideal state constitution is not the excessive example of a dreamt-up political perfection issuing from the brain of an idle intellectual. Neither deserves Plato's stated requirement that princes be philosophers to be the object of ridicule. As understood by Kant, the Platonic republic is an indispensable a priori concept of reason ("necessary idea")⁵⁵ that is to guide the first design of a state constitution as much as all subsequent legislation and so to serve as a standard for political theory as well as practice. As an idea, the Platonic republic is neither based on experience nor subject to empirical confirmation or disconfirmation. Instead, it is to function as the criterion for judging any and all exercise of legislative as well as executive power.⁵⁶

But Kant does not leave it at the functional rehabilitation of the Platonic republic as the conveyance of the normative standard for juridico-political activity. In a move that redefines Plato's ideal state (*Politeia*) in decidedly republican terms, Kant links the formal requirement of idea-driven political theory and practice with the material demand of freedom at the core of the ideal political constitution. While this move to an ideal (republican) state of freedom is not based on the general outlook or the specifics of Plato's ideal state, it can be seen as a further result of Kant's exegetical strategy of hermeneutically surpassing an earlier author. Drawing on the republican tradition of civic equality, Kant defines the state *qua* republic in terms of the practically necessary idea of "a constitution of the *greatest human freedom* according to laws that ensure that *the freedom of everyone can coexist with that of the others*."⁵⁷ The dual focus on freedom and law places Kant's definition into the political tradition of republicanism with its equal emphasis on civic freedom from inner and outer domination or interference and on the rule of law to ensure every citizen's equal enjoyment of such freedom.⁵⁸ The republican intent of Kant's definition is rendered clearer yet by his explicit exclusion of the citizens' "greatest happiness" from the definitional prerequisites of political society so defined.⁵⁹ On Kant's account, happiness is not the aim or purpose and not even a definitional feature of the state *qua* republic, but the latter's quasi-natural automatic result.⁶⁰

Yet for all its republican repercussions Kant's definition of the republic that is the state adds an innovation to the features of the rule of law and of equal civic freedom to be found in ancient and early-modern republicanism. The traditional insistence on equitable laws leaves the specifics of the laws unaddressed and even pointedly open, instead focusing on their equitable application. By contrast, Kant's definition specifies, at least formally, the laws that are to rule human freedom in terms of their scope and purpose. The laws are to ensure that everyone's freedom can coexist with that of everyone else. By placing the requirement of universal compatibility on everyone's freedom, the laws envisioned in Kant's definition not only extend equally to everyone but outright intend everyone's *equal freedom*. No one may enjoy their freedom at the expense of anyone else, and everyone may enjoy their freedom to the extent that no one else's freedom is restricted.

The point of Kant's definition of freedom, which restricts everyone's freedom to conditions of its compatibility with the freedom of everyone else, is not restriction *per se*. In fact, rather than reducing freedom, the political constitution envisioned by Kant is designed to enhance it. Far from minimizing everyone's freedom, the Kantian republic maximizes the latter. On Kant's assessment, to achieve and ensure the "greatest human freedom" on a societal scale requires not only the rule of laws but the rule of such laws and of those laws only that in turn are informed by the principle of everyone's equal freedom. Moreover, the freedom involved in civic legislation in the republican vein, as defined by Kant, is the freedom of outer action that is regulated by laws prescribing and prohibiting some things in the interest of permitting and allowing other things. With the idea of the (Platonic) republic Kant has formulated the criterion for civically minded, just laws and has provided a specifically modern retake on the original, Platonic republic's philosophical focus on justice (*dikaiosyne*). The criterion advanced by Kant is the maximal extension and the minimal restriction of external freedom under conditions of everyone's equal freedom.

Kant was to revisit the modern republican conception of the state as a juridico-political society under "objective laws of freedom"⁶¹ within a few years after its initial introduction in the first edition of the *Critique of Pure Reason*: briefly so in Fifth Proposition of his popular essay in the philosophy of history from 1784, the very title of which takes up the Platonic cast of the initial presentation ("Idea For a Universal History With a Cosmopolitan Purpose"),⁶² and more extensively in his lecture course on natural law from the summer semester 1784, preserved in the student transcript known as *Naturrecht Feyerabend*.⁶³ In both cases, the core concern of Kant's conception of civil society or the state of (juridical) law is with guaranteeing the "freedom of others" (*Freiheit anderer*) and hence with "universal freedom" (*allgemeine Freiheit*)⁶⁴ – freedom being understood as the freedom of choice with regard to outer actions. The treatment of external freedom in the *Naturrecht Feyerabend* adds to the previously presented conjunction of restriction and realization in the legislation of freedom's laws the further features of "bindingness" (*Verbindlichkeit*) and "constraint" (*Zwang*) that are to enable and assure the efficacy of juridical laws.⁶⁵ Moreover, the *Naturrecht Feyerabend* sharpens Kant's initial introduction of the juridico-political idea of the state *qua* republic in the first *Critique* by means of the critical distinction between (juridical) law and ethics, presented as the difference between legally enforceable "conformity to law" (*Gesetzmäßigkeit, Legalität*) and juridically

irrelevant but ethically essential "moral mindedness" (*Gesinnung, Moralität*).⁶⁶ The dissociation of the republican state of law and justice from moral motivation and ethical attitude, which was to receive its systematic articulation in the *Metaphysics of Morals* (1797),⁶⁷ conveys Kant's departure from the Greco-Roman and neo-Roman tradition of a civically minded republicanism of committed citizen-patriots in favor of a distinctly modern, liberal version of citizenship that joins obedience to the law with a political participation reduced to representation.⁶⁸

REFERENCES

- KANT, Immanuel. *Gesammelte Schriften*. Hrsg.: Bd. 1-22 Preussische Akademie der Wissenschaften, Bd. 23 Deutsche Akademie der Wissenschaften zu Berlin, ab Bd. 24 Akademie der Wissenschaften zu Göttingen, Berlin 1900ff.
- NATORP, Paul. *Platos Ideenlehre. Eine Einführung in den Idealismus*. Leipzig: F. Meiner, 1903 / Hamburg: F. Meiner, 2004.
- PATON, Herbert James. *Kant's Metaphysic of Experience. A Commentary on the First Half of the "Kritik der reinen Vernunft"*. London: George Allen & Unwin, 1936.
- PETTIT, Philip. *Republicanism*. Oxford: Oxford University Press, 1997.
- PIPPIN, Robert B. *Kant's Theory of Form. An Essay on the "Critique of Pure Reason"*. New Haven and London: Yale University Press, 1982.
- REICH, Klaus. *Kant und die Ethik der Griechen*. Tübingen: J. C. B. Mohr [Paul Siebeck], 1935.
- SANTOZKI, Ulrike. *Die Bedeutung antiker Theorien für die Genese und Systematik von Kants Philosophie. Eine Analyse der drei Kritiken*. Berlin and New York: de Gruyter, 2006.
- ZÖLLER, Günter. *Theoretische Gegenstandsbeziehung bei Kant. Zur systematischen Bedeutung der Termini "objektive Realität" und "objektive Gültigkeit" in der "Kritik der reinen Vernunft"*. Berlin/New York: de Gruyter, 1984.
- _____. "German Realism. The Self-Limitation of Idealist Thinking in Fichte, Schelling and Schopenhauer," in *The Cambridge Companion to German Idealism*, ed. K. Ameriks. Cambridge: Cambridge University Press, 2000, 200-218.
- _____. "In der Begrenzung zeigt sich der Meister. Der metaphysische Minimalismus der *Kritik der reinen Vernunft*," in *Metaphysik und Kritik. Interpretationen zur "Transzendentalen Dialektik" der Kritik der reinen Vernunft*, ed. J. Chotas, J. Karásek and J. Stolzenberg. Würzburg: Königshausen & Neumann, 2008, 19-33.
- _____. "Der negative und der positive Nutzen der Ideen. Kant über die Grenzbestimmung der reinen Vernunft," in *Über den Nutzen von Illusionen. Die regulativen Ideen in Kants theoretischer Philosophie*, ed. Bernd Dörflinger and Günter Kruck. Hildesheim/New York: Olms, 2011, 13-27.
- _____. "Schopenhauer's Fairy Tale About Fichte. The Origin of *The World As Will and Representation* in German Idealism," in *A Companion to Schopenhauer*, ed. Bart Vandenabeele. Oxford: Wiley-Blackwell, 2012, 385-402.
- _____. "Hoffen-Dürfen. Kants kritische Begründung des moralischen Glaubens," in *Glaube und Vernunft in der Philosophie der Neuzeit/Foi et raison dans la philosophie moderne*, ed. Dietmar H. Heidemann and Raoul Weicker. Hildesheim/New York: Olms, 2013, 245-257.

_____. *Res Publica. Plato's "Republic" in Classical German Philosophy*. Hong Kong: The Chinese University Press, 2015.

_____. "Allgemeine Freiheit'. Kants *Naturrecht Feyerabend* über Wille, Recht und Gesetz," forthcoming in *Zum Verhältnis von Recht und Ethik in Kants praktischer Philosophie*, ed. Bernd Dörflinger, Dieter Hüning and Günter Kruck. Hildesheim: Olms.

_____. "L'intelligible en nous. Liberté transcendante et chose en elle-même dans l'Élucidation critique de l'analytique de la raison pratique pure de Kant," in Kant. *La raison pratique. Concepts et héritages*, ed. Sophie Grapotte, Margit Ruffing and Ricardo Terra. Paris: Vrin, 2015, 53-70.

_____. "The supersensible . . . in us, above us and after us.' The Critical Conception of the Highest Good in Kant's Practico-Dogmatic Metaphysics," forthcoming in *The Highest Good in Kant's Philosophy*, ed. Thomas Höwing, Florian Marwede and Marcus Willaschek. Berlin and Boston: De Gruyter.

_____. "Without Hope and Fear.' Kant's *Naturrecht Feyerabend* on Bindingness and Obligation," forthcoming in *Reading Kant's Lectures*, ed. Robert Clewis. Berlin and Boston: De Gruyter.

_____. "True Republic.' Kant's Legalist Republicanism in Its Historical and Philosophical Context." Forthcoming in *Kant's Doctrine of Right*, ed. Jean-Christophe Merle. Cardiff: University of Wales Press.

ABSTRACT: The essay focuses Kant's engagement with Plato at the beginning of the Transcendental Dialectic of the *Critique of Pure Reason*, which presents a crucial but often overlooked feature of Kant's *magnum opus*. In particular, the essay examines Kant's positive pronouncements on the "Platonic republic" (*Platonische Republik*) in Book One of the Transcendental Dialectic by placing them in the twofold context of the first *Critique's* affirmative retake on Plato's Forms (*Ideen*) and its original views on juridico-political matters. More specifically, the essay aims to show that Kant's prime position in legal and political philosophy, as contained in the first edition of the *Critique of Pure Reason* (1781), involves a normative conception of civic life that places the societal exercise of individual freedom under universal laws. Section 1 explores the extent of affinity between Plato and Kant as arch-representatives of ancient and modern idealism. Section 2 traces the transition from Platonic dogmatism to Kantian criticism in the theory of ideas. Section 3 presents Kant's appropriation of the idea of the "Platonic republic" for purposes of a specifically modern republican account of the rule of law under conditions of freedom.

KEYWORDS: Kant, Plato, republic, idea, freedom, equality.

NOTES

1 The article was written during my tenure as Visiting Professor at Venice International University and Università Ca' Foscari Venezia during the spring of 2015.

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3 *Critique of Pure Reason*, A 312-320/B 368-377.

4 On the original difference and systematic affinity between the juridical and the ethical in Kant's mature moral philosophy, see Günter Zöllner, "Allgemeine Freiheit'. Kants *Naturrecht Feyerabend* über Wille, Recht und Gesetz," forthcoming in *Zum Verhältnis von Recht und Ethik in Kants praktischer Philosophie*, ed. Bernd Dörflinger, Dieter Hüning and Günter Kruck. Hildesheim: Olms.

- 5 On Schopenhauer's clandestine relation to Fichte and Schelling, see Günter Zöller, "German Realism. The Self-Limitation of Idealist Thinking in Fichte, Schelling and Schopenhauer," in *The Cambridge Companion to German Idealism*, ed. K. Ameriks. Cambridge: Cambridge University Press, 2000, 200-218 and id., "Schopenhauer's Fairy Tale About Fichte. The Origin of *The World As Will and Representation* in German Idealism," in *A Companion to Schopenhauer*, ed. Bart Vandenabeele. Oxford: Wiley-Blackwell, 2012, 385-402.
- 6 Paul Natorp, *Platos Ideenlehre. Eine Einführung in den Idealismus*. Leipzig: F. Meiner, 1903. Hamburg: F. Meiner, 2004.
- 7 On Kant's relation and reference to ancient philosophy in general and ancient ethical thought in particular, see Ulrike Santozki, *Die Bedeutung antiker Theorien für die Genese und Systematik von Kants Philosophie. Eine Analyse der drei Kritiken*. Berlin and New York: de Gruyter, 2006 and Klaus Reich, *Kant und die Ethik der Griechen*. Tübingen: J. C. B. Mohr [Paul Siebeck], 1935.
- 8 *Critique of Pure Reason*, B XII.
- 9 See *Critique of Pure Reason*, A 10-13 and B 24-28.
- 10 *Critique of Pure Reason*, B XXVIII.
- 11 *Critique of Pure Reason*, A 491 note/B 519 note and AA 04: 337 (*Prolegomena*). See also Robert B. Pippin, *Kant's Theory of Form. An Essay on the "Critique of Pure Reason."* New Haven and London: Yale University Press, 1982.
- 12 On the systematic status of transcendental idealism in the *Critique of Pure Reason*, see Günter Zöller, *Theoretische Gegenstandsbeziehung bei Kant. Zur systematischen Bedeutung der Termini "objektive Realität" und "objektive Gültigkeit" in der "Kritik der reinen Vernunft."* Berlin/New York: de Gruyter, 1984.
- 13 *Critique of Pure Reason*, A 491/B 519.
- 14 See *Critique of Pure Reason*, A 28/B 44 and A 35f./B 52.
- 15 See Refl, AA 18: 646 (*Reflexion* 6324).
- 16 See *Critique of Pure Reason*, A 5/B 9.
- 17 Herbert James Paton, *Kant's Metaphysics of Experience. A Commentary on the First Half of the "Kritik der reinen Vernunft."* London: George Allen & Unwin, 1936.
- 18 On the nature and function of (theoretical) reason in Kant, see Günter Zöller, "Der negative und der positive Nutzen der Ideen. Kant über die Grenzbestimmung der reinen Vernunft," in *Über den Nutzen von Illusionen. Die regulativen Ideen in Kants theoretischer Philosophie*, ed. Bernd Dörflinger and Günter Kruck. Hildesheim/New York: Olms, 2011, p. 13-27.
- 19 *Critique of Pure Reason*, A 299/B 356.
- 20 See *Critique of Pure Reason*, A 321-332/B 377-389.
- 21 See *Critique of Pure Reason*, A 81/B 107.
- 22 See *Critique of Pure Reason*, A 311/B 367.
- 23 See *Critique of Pure Reason*, A 313/B 370
- 24 See *Critique of Pure Reason*, A 137-147/B 176-187.
- 25 See *Critique of Pure Reason*, A 308f./B 365f.
- 26 See *Critique of Pure Reason*, A 497f./B 526 and A 508/B 536.
- 27 *Critique of Pure Reason*, A 321/B 378.
- 28 See *Critique of Pure Reason*, A 305-309/B 362-366.
- 29 See *Critique of Pure Reason*, A 280/B 336.
- 30 See, e.g., *Critique of Pure Reason*, B XXVII f.
- 31 On the architectonic unity of theoretical and practical reason in Kant's critical philosophy, see AA 5:89-106, esp. 106 (*Critique of Practical Reason*). On the core concern of the second *Critique* with the non-reductive unity of theoretical and practical reason, see Günter Zöller, "L'intelligible en nous. Liberté transcendantale et chose en elle-même dans l'Élucidation critique de l'analytique de la raison pratique pure de Kant," in Kant. *La raison pratique. Concepts et héritages*, ed. Sophie Grapotte, Margit Ruffing and Ricardo Terra . Paris: Vrin, 2015, 53-70.
- 32 *Critique of Pure Reason*, A 646/B 674.

33 See *Critique of Pure Reason*, B XXXIV. On the Kantian conception of a limitatively revised metaphysics, see Günter Zöller, "In der Begrenzung zeigt sich der Meister. Der metaphysische Minimalismus der *Kritik der reinen Vernunft*," in *Metaphysik und Kritik. Interpretationen zur "Transzendentalen Dialektik" der Kritik der reinen Vernunft*, ed. J. Chotas, J. Karásek and J. Stolzenberg. Würzburg: Königshausen & Neumann, 2008, 19-33.

34 See AA 4:360 (*Prolegomena*).

35 See AA 4:363 (*Prolegomena*). See also *Critique of Pure Reason*, B XXXIV.

36 On the systematic function and the architectonic status of the highest good within the confines of the *Critique of Pure Reason*, see Günter Zöller. "Hoffen-Dürfen. Kants kritische Begründung des moralischen Glaubens," in *Glaube und Vernunft in der Philosophie der Neuzeit/Foi et raison dans la philosophie moderne*, ed. Dietmar H. Heidemann and Raoul Weicker. Hildesheim/ New York: Olms, 2013, 245-257.

37 See *Critique of Pure Reason*, A 642-704/B 670-732.

38 See *Critique of Pure Reason*, A 795-831/B 823-859. On the systematic status of the highest good in Kant, see Günter Zöller, "The supersensible . . . in us, above us and after us.' The Critical Conception of the Highest Good in Kant's Practico-Dogmatic Metaphysics," forthcoming in *The Highest Good in Kant's Philosophy*, ed. Thomas Höwing, Florian Marwede and Marcus Willaschek. Berlin and Boston: De Gruyter.

39 *Critique of Pure Reason*, A 313/B 370.

40 See A 314/B 370. For an account of Kant's relation to Plato in the context of classical German political philosophy and its republican dimension, see Günter Zöller, *Res Publica. Plato's "Republic" in Classical German Philosophy*. Hong Kong: The Chinese University Press, 2015.

41 *Critique of Pure Reason*, A 314/B 371.

42 *Critique of Pure Reason*, A 315/B 372.

43 *Critique of Pure Reason*, A 314f./B 371f.

44 *Critique of Pure Reason*, A 317/B 374.

45 See *Critique of Pure Reason*, A 314/B 371 note.

46 See *Critique of Pure Reason*, A 532-558/B 560-586.

47 *Critique of Pure Reason*, A 803/B 831.

48 *Critique of Pure Reason*, B XXII.

49 *Critique of Pure Reason*, A 807f./B 835f.

50 See *Critique of Pure Reason*, A 801f./B 829f.

51 See *Critique of Pure Reason*, A 803/B 831.

52 See AA 4:433 (*Foundations for the Metaphysics of Morals*) and 5:33 (*Critique of Practical Reason*)

53 *Critique of Pure Reason*, A 802/B 830.

54 *Critique of Pure Reason*, A 316/B 372.

55 *Critique of Pure Reason*, A 316/B 373.

56 See *Critique of Pure Reason*, A 316f./B 372-374 (*Gesetzgebung und Regierung*).

57 *Critique of Pure Reason*, A 316/B 373 (*Eine Verfassung von der größten menschlichen Freiheit nach Gesetzen, welche machen, daß jedes Freiheit mit der andern ihrer zusammen bestehen kann ...*) (emphasis in the original).

58 For a recent reconceptualization of republicanism as requiring freedom from structural domination rather than from factual interference, see Philip Pettit, *Republicanism*. Oxford: Oxford University Press, 1997.

59 See *Critique of Pure Reason*, A 316/B 373.

60 See *Critique of Pure Reason*, A 316/B 374 (... *wird schon von selbst folgen*).

61 *Critique of Pure Reason*, A 802/B 830.

62 See AA 8:22.

63 See AA 27/2.2:1328.

64 AA 8:22 and AA 27/2.2:1328.

65 See AA 27/2.2:1327f. On the twin conception of "bindingness" and "obligation" (*Verbindlichkeit, Verpflichtung*), see Günter Zöller, "'Without Hope and Fear.' Kant's *Naturrecht Feyerabend* on Bindingness and Obligation," forthcoming in *Reading Kant's Lectures*, ed. Robert Clewis. Berlin and Boston: De Gruyter.

66 See AA 27/2.2:1327f. For Kant's differential treatment of (juridical) law and morality in the first *Critique*, see the account of the moral world order (*moralische Welt*) in *Critique of Pure Reason*, A 808/B 836. On the extension of the distinction between morality and legality from its original function to demarcate law and ethics to differentiate between legalism and spiritualism within ethics, see AA 5:71 (*Critique of Practical Reason*).

67 See AA 6:218-221.

68 On Kant's specifically modern retake on ancient and early modern republicanism, see Günter Zöller, "'True Republic.' Kant's Legalist Republicanism in Its Historical and Philosophical Context." Forthcoming in *Kant's Doctrine of Right*, ed. Jean-Christophe Merle. Cardiff: University of Wales Press.

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