"The political philosophy that Kant did not write": The Potential for Politics and Political Community in Kant's Third *Critique*

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Abstract

In his *Critique of Judgement*, Immanuel Kant claims that judgement provides (1) a transition from the theoretical to the practical and unifies philosophy and (2) the principles for an alternative politics and founds the ideal political community. Vital to understanding Kant's second claim is the idea of *sensus communis*, which arises from his contention that the judgement of taste appears as universal because taste not only presupposes common sense but is also community sense. This article shows that in his discussion, which moves from reflective judgement, to the judging subject, and to the sensus communis, Kant argues for a potential for politics and a sense of political community wherein the two claims on judgment imply each other.

¹ This formulation is Hannah Arendt's, in *Lectures on Kant's Political Philosophy*, edited with an interpretative essay by Ronald Beiner (Chicago: The University of Chicago Press, 1992). Arendt does not mean that Kant did not write a political philosophy but only that she has preference for that political philosophy that is only apparent (or perhaps implicit) in the third *Critique*, and thus in need of a reconstruction.

Key terms Kant, judgement, sensus communis, political philosophy, beautiful and sublime

In the latter part of the Introduction to the *Critique of Judgement*, after (re)stating that philosophy is customarily divided into the theoretical (as philosophy of nature) and the practical (as moral philosophy), Kant asserts that:

Through the possibility of its a priori laws for nature, the understanding gives a proof that nature is cognized by us only as appearance, and hence at the same time an indication of its supersensible substratum; but it leaves this entirely undetermined. The power of judgement, through its a priori principle for judging a nature in accordance with possible particular laws for it, provides for its supersensible substratum (in us as well as outside us) determinability through the intellectual faculty. But reason provides determination for the same substratum through its practical law a priori; and thus the power of judgement makes possible the transition from the domain of the concept of nature to that of the concept of freedom.³

This quote is a more substantive articulation of a similar assertion that appears in part III of the same Introduction⁴ grandly (sub)titled, "On the critique of the power of judgement, as a means for

² Immanuel Kant, *Critique of the Power of Judgement*, ed. Paul Guyer, trans. Paul Guyer and Eric Matthews (Cambridge and New York: Cambridge University Press, 2000), Introduction, I.

³ Kant, Judgement, Introduction, IX.

⁴ This Introduction is taken as differentiated from the First Introduction.

combining the two parts of philosophy into one whole." In this earlier section Kant says of judgement that "it will likewise effect a transition from the pure faculty of cognition, i.e., from the domain of the concepts of nature, to the domain of the concept of freedom, just as in its logical use it makes possible the transition from understanding to reason."5

This grand claim about judgement's power to unify a split philosophy, confident and hopeful, frames my reading of the *Critique of Judgement*, together with another—this time vey subtly asserted claim, in the Appendix to the Analytic of Aesthetic Judgement—about the possibility of an enduring but free community:

[H]umanity means on the one hand the universal feeling of participation and on the other hand the capacity for being able to communicate one's inmost self universally, which properties taken together constitute the sociability that is appropriate to humankind, by means of which it distinguishes itself from the limitation of animals. The age as well as the peoples in which the vigorous drive towards the lawful sociability by means of which a people constitutes an enduring commonwealth wrestled with the great difficulties surrounding the difficult task of uniting freedom (and thus also equality) with coercion (more from respect and subjection to duty than from fear): such an age and such a people had first of all to discover the art of the reciprocal communication of the ideas of the most educated part with the cruder, the

⁵ Kant, *Judgement*, Introduction, III.

coordination of the breadth and refinement of the former with the natural simplicity and originality of the latter, and in this way to discover that mean between higher culture and contented nature which constitutes the correct standard, not to be given by any universal rule, for taste as a universal human sense.⁶

These two grand claims, (1) that judgement provides a transition from the theoretical to the practical and unifies philosophy into a whole, and (2) that it founds the ideal community through sensus communis, as well as, inversely, serves as the ideal community's criterion, guide my reading of Kant and provide the horizon for my anticipations and expectations—affording me great surprises and feelings of pleasure as I proceed. As I see it, these claims form the thread that connects the whole of the third Critique. This thread consists of multiple strands that, while absent in some sections, appear now and then, in different guises, to tie together the important ideas of the book: the object and subject of the predicate "beautiful," the characteristics of aesthetic reflecting judgement, the condition or ground of the aesthetic claim, the unity of philosophy, and the possibilities of community.

These ideas organize how this article disentangles (and reveals) Kant's assertion that the faculty or power of judgement is reflective, which appears only in specific portions of the third *Critique*, mainly in the Introduction and once or twice in sections of the Sublime and in the "General remark on the exposition of aesthetic reflective judgments." But this location is due to judgement as reflective

⁶ Kant, Judgement, §60.

becoming the object of inquiry in the whole of the Analytic of Aesthetic Judgement, wherein at question is the consciousness of the judging subject in the singular act of judging the beautiful (and the sublime). As the judging subject becomes central, the four moments of aesthetic judgement, then, are decentered to make way for a still decentered common sense. Later, the common sense becomes central as "community sense" or sensus communis, which is vital to the sections that follow the four moments and the Analytic of the Sublime. The assertion that the idea of the sensus communis is vital also applies to the political philosophy that he did not write7 arises from Kant's claim that the subjective necessity of the judgement of taste appears as universal because of the presupposition of common sense⁸ and also from a latter claim that taste itself is a kind of sensus communis.9 The transitions from reflective judgement to the judging subject and to sensus communis, can be interpreted as laying the ground for an argument for what I am presenting as the potential for politics and political community in Kant. This potential is what I refer to, following Hannah Arendt, as the political philosophy that Kant did not write. What I (and Arendt as well) am suggesting is that there is in Kant's third Critique a vision of politics and political community different from that of the political philosophy that he did write.

The two ideas framing my reading of the potential politics and political community in Kant's third *Critique* are not singled out arbitrarily. They imply each other and are possible because of each other. The potential for politics and political community depends

⁷ Arendt tries to reconstruct this in her Lectures.

⁸ Kant, Judgement, §22.

⁹ Kant, Judgement, §40.

upon a conception of a split philosophy spanned by judgement. And the transition of understanding to reason only makes sense as we grapple with the political implications of aesthetic judgement.

Finally, I wish to note that I refer to "the political philosophy that Kant did not write" not as a project of reconstruction, as Arendt did in her *Lectures on Kant's Political Philosophy*, but as an ideal that I approach but do not quite reach. My efforts to grapple with Kant's text—and not Arendt's, as I deploy Arendt only to illuminate Kant—are signs that point the way, always saying "there, possibly" but never arriving "here" with finality.

The Political Philosophy that Kant Wrote

Before everything else, it is necessary to recognize that Kant did write an elaborate and coherent political philosophy. His "Idea for a Universal History with a Cosmopolitan Purpose," 10 for example, recognizes the increasing interactions of individuals and peoples of his time that appeared to further intensify into the future as these interactions, especially those of trade and commerce, occur without the direct involvement of states. Here Kant argues for the right of citizens of the world to participate in relations of commerce and to communicate and travel in pursuit of such right. This idea of cosmopolitan right is typically interpreted to be an important component of Kant's vision of perpetual peace¹¹ that hinges on an international league of republican states as sketched in "Perpetual

¹⁰Immanuel Kant, "Idea for a Universal History with a Cosmopolitan Purpose," in *Kant's Political Writings*, ed. Hans Reiss, trans. H. B. Nisbett (Cambridge: Cambridge University Press, 1970)

¹¹ See for example Otfried Hoffe, *Kant's Cosmopolitan Theory of Law and Peace*, trans. Alexandra Newton (Cambridge and New York: Cambridge University Press, 2006).

Peace." ¹² Meanwhile, in the article "On the common saying: That may be correct in theory, but it is of no use in practice," Kant is of the opinion that states are warranted by the freedom of individuals living in it, their formal equality as subjects of authority, and their being able to will the laws that rule over them as citizens. ¹³ Although he writes contra Thomas Hobbes, he agrees that reason requires individuals to will the social contract that, in turn, makes possible rights in general and the protection of properties. One may find oneself at odds with Kant's concept of property, discussed in his "Doctrine of Rights," as an individual may be forced into activity or determined through "contract right" that applies to workers for example and the "right to a person akin to a right to a thing" that applies to wives, children, and servants. ¹⁴ However, the whole of his concern with rights transcends this particular prejudice as he examines the ground for political community. ¹⁵

These essays are but a small portion of what is typically identified as Kant's practical philosophy, which includes his political writings.¹⁶

¹² Immanuel Kant, "Toward perpetual peace," in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996). Kant's argument here is still very much current in the discipline of International Relations where it is asserted that trade makes war less likely and that "democracies do not go to war with each other." Further, some of the preliminary principles he outlines like the ban on invasions, the non-interference of states in the internal affairs of other states, and the limits on the conduct of war can be seen to animate the United Nations. Also, see Pauline Kleingeld, "Approaching Perpetual Peace: Kant's Defense of a League of States and his Ideal of a World Federation," *European Journal of Philosophy* 12.3 (2004): 304–25.

¹³ Immanuel Kant, "On the common saying: That may be correct in theory, but it is of no use in practice," in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996). Kant does not consider citizenship and its apparent implication of self-legislation as universal. Women and those without the means of wealth are excluded.

¹⁴ Immanuel Kant, "The metaphysics of morals," in *Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996).

¹⁵ See Marcus Willaschek, "Which Imperatives for Right? On the Non-Prescriptive Character of Juridical Laws in Kant's Metaphysics of Morals," in *Kant's Metaphysics of Morals: Interpretative Essays*, ed. Mark Timmons (Oxford: Oxford University Press, 2002).

¹⁶ See Immanuel Kant, Kant's Political Writings, ed. Hans Reiss, trans. H. B. Nisbett (Cambridge: Cambridge University Press, 1970) and Immanuel Kant, Practical Philosophy, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996) for some of his collected writings.

Although necessarily insufficient, what I have outlined shows the scope of Kant's political concerns. However, I find that these concerns are anticipated in the Critique of Judgement where Kant outlines two possibilities for his political philosophy. In the second part of the book, where he discusses teleological judgement, Kant asserts that the objective purposiveness that is apparent in Nature is only formal.¹⁷ Things in nature appear as externally purposive for other things in nature (like the lay of the land for the winding paths of streams and rivers) and they also sometimes appear to be purposive internally (roots and leaves that collect and process nutrients for a plant—illustrating what Kant calls natural purpose).¹⁸ These two kinds of purposiveness make nature as a system of purposes 19 that has humans (as natural purpose) for an ultimate end.²⁰ In Section 83 Kant then suggests that Nature is of some purpose to humans in terms of their happiness and their culture. Happiness is quickly rejected as the purpose of Nature since human "nature is not of the sort to call a halt anywhere in possession and enjoyment and to be satisfied."21 Further, as Nature does not just provide things of usefulness but also disasters, and as humans seem bent on the destruction of their race, happiness is not possible "in a system of nature upon the earth." Rejecting happiness leaves us culture, which is of two kinds: the culture of skill and the culture of training. Skill is the primary "condition of aptitude for the promotion of ends" but it cannot be "developed in the human race except by means of inequality among people; for the majority

¹⁷ Kant, Judgement, §61 and 62.

¹⁸ Ibid., §63 and 64.

¹⁹ Ibid., §82.

²⁰ A natural purpose is "both cause and effect of itself." Ibid., §64, emphasis is Kant's.

²¹ Ibid., §83.

provides the necessities of life as it were mechanically . . . for the comfort and ease of others."²² The progress of this arrangement toward luxury leads, on the one hand, to violence imposed upon the laboring majority and, on the other hand, dissatisfaction spreading among the higher class. Here Kant preempts the political philosophy that he did write by asserting that these calamities can be mitigated through "that constitution in the relations of human beings with one another in which the abuse of reciprocally conflicting freedom is opposed by lawful power in a whole, which is called civil society."²³ But this also requires something like a world government, "if humans were clever enough to discover it and wise enough to subject themselves willingly to its coercion, a cosmopolitan whole, i.e., a system of all states that are at risk of detrimentally affecting each other."²⁴

But the culture of skill alone is "not sufficient for promoting the will in the determination and choice of its ends, which however is essential for an aptitude for ends." ²⁵ Here, Kant prescribes the culture of training as "the liberation of the will from the despotism of desires" wherein "nature still displays... a purposive effort at an education to make us receptive to higher ends than nature itself can afford." ²⁶ Specifically: "Beautiful arts and sciences, which by means of a *universally communicable pleasure and an elegance and refinement* make human beings, if not morally better, at least better mannered for society . . . and prepare humans for a sovereignty in which reason alone shall have power; while the evil that is visited upon us partly by nature, partly by the intolerant selfishness of human beings, at

²² Ibid., §83.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

the same time calls forth, strengthens, and steels the powers of the soul not to be subjected to those, and thus allows us to feel an aptitude for higher ends, which lies hidden in us." ²⁷ In these assertions about the second culture lies the beginning for Kant's unwritten political philosophy that leads us back to the first part of the third *Critique*.

Reflecting Judgement and Judgement in General

Kant defines judgement in general as thinking the particular under a universal. ²⁸ In cognition this is quite straightforward: particular things in nature as intuited by the imagination are subsumed under concepts provided a priori by the understanding. The subsumption can be as simple as applying the concept "dog" to identify a specific unified experience of slobbery, tail wagging, barking-panting shaggy ball of excitement. Or it can be as complex as confirming after innumerable super collider experiments and subsequent analyses that the elusive subatomic elementary zero spin particle momentarily observed is an instance of the Higgs boson that gives mass to other particles. This process of subordination has implications in the everyday cognitive interaction that we experience with nature, with each other, and with the world we construct in lieu of nature. This process also has implications beyond the particular things cognized, as science, for example, is built from such cognitions. Judgement, thus, enables knowledge of nature as a

²⁷ Ibid., emphasis mine.

²⁸ Such is the case when we encounter something new and do not have a ready and appropriate concept to identify it. Judgement may, in such instances, consult the archive of our experiences and explain the new with something similar and familiar. We then notice that we become creative in trying to describe and identify the new. This, perhaps, is the effect of what Kant refers to as the "free play" of our understanding and imagination. Kant, *Judgement*, Introduction, IV.

system and not merely an aggregation of things. But judgement deployed this way, when a concept, law, or a universal is given beforehand, is a specific kind of judgement. Kant calls it determining judgement. The particular experienced as such is determined by concepts given in understanding.

Conversely, there are instances when only the particular is given and the universal cannot be found, when the judgement has to proceed without a concept; that is, when determination is not possible.²⁹ The connection with cognition in these instances of experience of the particular is still there: the imagination presents the understanding with an intuition, a representation. But then cognition fails as the understanding fumbles in providing the concept under which the representation can be subsumed. Here, the faculty of judgement becomes distinguishable from the faculty of cognition. It becomes more than just the connection or mediation between imagination and understanding and becomes something else entirely. It becomes reflecting judgement: it still involves the interaction of imagination and understanding, but freed from the rigid process of determination and, instead, is in play. The failure of the understanding to provide a concept to the imagination's representation is not catastrophic but liberating. This effect is important because the association of freedom and play with judgement indicates a faculty of the mind that functions for itself. It alludes to an impartial and autonomous mind. It points to a mind open to the feeling of pleasure (and displeasure). Taken in the context of Kant's grand claims in the third Critique, this outcome is precisely where a fruitful analysis of judgement in general can commence, where an a priori principle for the faculty of judgement

²⁹ Ibid.

might be found, and where a preview of the great role of judgement for philosophy can be glimpsed.

In asserting that there must be a principle that grounds reflecting judgement, Kant claims that such principle must be a priori.³⁰ But unlike the a priori principles of cognition that the mind legislates for nature, the a priori principle of reflective judgement still to be found, or that is undetermined, legislates as it were only for judgement itself. This self-legislation distinguishes reflecting judgement from the faculties of cognition and of reason. Reflecting judgement is disinterested. The particular thing in nature given to judgement by the imagination as representation occasions its reflection but this reflection is directed inward. Further, the form of purposiveness without purpose that appears or that is presented to judgement is only supposed or ascribed to things in nature to make nature suitable for the power of judgement, for the benefit of the power of judgement. And thus, the putative object of reflecting judgement is no object at all but a subject. Through reflecting judgement, the mind directs itself to itself. To Kant, aesthetic judgement in particular is exemplary for all reflecting judgements in this sense. Reflecting judgement as aesthetic judgement ostensibly says something about the object judged to be beautiful but the analysis of any such judgement actually directs us inwards, toward the working of the mind of the judging subject.

The Judging Subject

The quality of aesthetic judgement as disinterested satisfaction in the First Moment of the Analytic of Aesthetic Judgement is anticipated in the preceding section. This anticipation of the quality

³⁰ Kant, *Judgement*, First Introduction, V, also Introduction, IV.

of disinterested satisfaction gives emphasis to its differentiating and defining role for reflecting judgement as compared to the other capacities of the mind. But there is more to the quality of disinterestedness, so much so that its emphasis can resolve difficult questions that arise when pleasure is coupled with the reflections of judgement. The pleasure (or displeasure) felt in aesthetic judgement is precisely the subjective aspect in a representation that cannot become an element of cognition. 31 And thus, strictly speaking, aesthetic judgement is noncognitive. But the question "Why not?" is valid here. Beatrice Loungenesse raises a variation of this question in the last chapter of Kant on the Human Standpoint, 32 in which she discusses the leading thread in the third Critique's analysis of the beautiful. Indeed, why can't pleasure be involved in the cognition of things in nature when the same faculties of imagination and understanding are deployed and when the claims of cognition are universal and necessary as well? The answer is that while agreeableness can be experienced in cognition, pleasure is what is felt in aesthetic judgement. On the one hand, the pleasure that follows an aesthetic judgement is qualitatively different from mere agreeableness that can be experienced in cognition precisely because the former emerges from disinterestedness. As disinterested pleasure, it is properly an aspect of aesthetic judgement. Kant defines interest as a stake in the thing that satisfies. It is to determine or to desire, and thus involves a dependence on and a commitment to the existence of the agreeable or of the good.³³ The experience of the beautiful, on the other hand, is the pleasure of pure

³¹ Kant, Judgement, Introduction, VII.

³²Beatrice Loungenesse, *Kant on the Human Standpoint* (Cambridge: Cambridge University Press, 2005).

³³ Kant, *Judgement*, §1, §2 and §3, §39.

contemplation when the object only occasions the feeling and its existence is immaterial to the feeling and, as such, the mind is the cause and effect of itself. Also, the mind here, while in a subjective condition, actually stakes the conviction that its condition can be shared; that is, that it is universally communicable, and as such points to a community of other judging minds.

In the Second Moment, Kant asserts that the subjective experience of aesthetic judgement universally satisfies without concepts.³⁴ There are three aspects of aesthetic judgement's quantity that are relevant here: That the aesthetic directs the mind to its own self suggests the contours of judgement's subjectivity and is an overlap with the first moment. The absence of a concept, as was said, frees the faculties of imagination and understanding from the rigid processes of determination and puts them into play. This free play is a harmony of the faculties that enhances each faculty for the (undetermined) purpose of the free play. 35 As the condition of aesthetic contemplation, free play is pleasurable and, furthermore, pleasurable in a way that can be universally shared. Aesthetic judgement's quantity is its universality. It is a subjective experience that extends to the whole sphere of those who judge.³⁶The ground for its universal claim is the universal capacity for the communication of the state of mind, of contemplation, of its free play. Thus, aesthetic pleasure is twofold: it is pleasure from the free play of the faculties of cognition and it is pleasure from its claim to universality; that is, that other judging subjects potentially feel the same way.37

³⁴ Ibid., §6.

³⁵ Ibid., §9, also §35.

³⁶ Ibid., §8.

³⁷ Ibid., §38; also asserted in Loungenesse, Human Standpoint, 278.

The Third Moment argues that aesthetic judgment is grounded in the principle of purposiveness without purpose. Kant says that a purpose is an end toward which an object is oriented—the determining concept, for instance. Purposiveness is this very orientation toward such an end.38 The representation of the object that occasions an aesthetic judgement is deemed purposive by judgement. But this purposiveness is only supposed and as such its end is undetermined. It is but a form given a priori in the judging subject's mind and deployed by it in the process of judging.³⁹ The mind in free play is also purposive but only for itself. In both instances there is no end or purpose to the purposiveness that grounds their relation. 40 Kant's claim that purposiveness without purpose is subjective indicates also its universality as a ground for aesthetic judgement so that "... the archetype of taste, is a mere idea, which everyone must produce in himself, and in accordance with which he must judge everything that is an object of taste, or that is an example of judging through taste, even the taste of everyone."41 Simply put: all other judging subjects are presumed in the singular and subjective experience of the beautiful.⁴²

In the Fourth Moment, the modality of aesthetic judgement is asserted to be the necessity of subjective universality.⁴³ The necessity

³⁸ Ibid., §10.

³⁹ Ibid., §11, §12, also §31.

⁴⁰ We encounter "purposiveness without purpose" in any case of aesthetic judgement in two ways: First, the representation of the work of art is seen by judgement as purposive; that is, oriented towards an end. But judgement (as understanding and imagination) cannot identify an end to which the work of art is oriented towards. Purposiveness here is only supposed or attributed as understanding needs to represent the work of art as a whole (a form) for the imagination. Second, as imagination fails in its search for an end (a concept) for the work of art, it settles into a condition of "free play" with the understanding. Here, judgement itself becomes purposive (an end/concept for the work of art must be found) but oriented as such to no particular end (since no end or concept is to be found).

⁴¹ Kant, Judgement., §17.

⁴² Ibid., §37.

⁴³ Ibid., §18, §19, also §31.

of a judgement's subjectivity has already been established in the first moment. The necessity of a judgement's universality has also been already established in the second moment. Subjective necessity is conditioned by universality—the ascription of aesthetic judgement to everyone, and the wish that everyone approve of the judgement made. Subjective necessity is further conditioned by presupposition of common sense: ". . . only under the presupposition of such a common sense . . . can the judgement of taste be made." 44 Common sense is not an external sense but actually the reasonable assumption that the powers of judgement (the play of our faculties of imagination and understanding) is something that is present in all. The feeling evoked by the beautiful is universally communicable and this feeling also presupposes a common sense.⁴⁵ Again, this supposition is reasonable based on its being a necessary condition for the universal communicability of the relation between imagination and understanding (not only through judgement but also through cognition). But there is something extraordinary in the communicability of the subjectively beautiful: the capacity is the same for everyone, it expects (and, as such, is oriented toward) agreement, and satisfies everyone. Thus common sense implies sensus communis, the community of judging subjects having in themselves the same faculties and expecting (even requiring) agreement from everyone else in the resulting taste from the use of these faculties.

It is, as well, from the ground of sensus communis that Kant's discussion of genius and art makes sense. For all the necessary subjectivity of genius and the aesthetic insight that can only come from nature and by which nature gives the rule to art; the genius's

⁴⁴ Ibid., §20.

⁴⁵ Ibid., §21.

creativeness and originality are still seen as exemplary; that is to say, these are meaningless as exemplars if there were no community of judging subjects for whom these could be examples.⁴⁶ And just like the judging subjects unified in community, genius finds a purposiveness only in the community that judges his/her art.

From the above examination of the four moments that are actually reflections on the judging subjects *qua* sensus communis, we can already claim a vital point about sensus communis; the act of reflecting inwardly on the judging subject necessarily connects us to other judging subjects—actually, a community of judging subjects.

But at this juncture, I want to stray a bit into the Analytic of the Sublime in order to highlight something else about reflecting judgement: that aesthetic judgement is not merely about the spontaneous play of the imagination. There is a connection between reflecting judgment and (practical) reason and cognition.⁴⁷ What I want to emphasize is that sensus communis must also be understood in relation to the role of aesthetic judgement in unifying a philosophy split into the theoretical and the practical.

The sublime is like the beautiful in that the experience of both is disinterested and universal. ⁴⁸ But there are some fundamental differences: First, the judgement of the sublime is a confrontation with nature as a limitless whole deemed purposive. But this purposiveness is no longer simply pleasing as nature's magnitude reveals a (mathematical) limitation of the understanding and can only be comprehended in total (or entirely given) as one intuition, which further emphasizes a dissonance in the cognitive powers. ⁴⁹

⁴⁶ Ibid., §46.

⁴⁷ Ibid., §41.

⁴⁸ Ibid., §23.

⁴⁹ Ibid., §26, §27.

The principle of purposiveness in nature as a dynamic power may be seen also as something fearful. Thus the satisfaction from the sublime is more complex as the mind confronts dire implications of the supposed purposiveness: in the face of the sublime, the mind experiences limitation, inadequacy, distress.⁵⁰ Second, as the experience of the sublime exposes the mind to limitation and distress, it suggests at the same time a power of the mind that exceeds all senses: ". . . even to be able to think the given infinite without contradiction requires a faculty in the human mind that is itself supersensible."51 This power of the mind to capture or take in the supersensible is manifested by the conflict between the imagination and reason that produces "a feeling that we have pure self-sufficient reason, or a faculty for estimating magnitude, whose preeminence cannot be made intuitable through anything except the inadequacy of that faculty..."52 The feeling that the sublime evokes starts from a displeasure that eventually satisfies. The mind is presented with a greatness, glimpsed from its inadequacy, and made possible by its overcoming. Third, the judgement of the sublime connects the imagination with reason in their fundamental conflict: the intuition of the absolutely great through the mind's inadequacy. But there is more to this connection. The appreciation of the sublime—when nature is fearful but not feared, when it is a power that "calls forth our own powers," 53 when we overcome—is dependent on a disposition of the mind. The conflict between sensibility and reason, precisely hones reason to fit its domain—the

⁵⁰ Ibid., §28.

⁵¹ Ibid., §26.

⁵² Ibid., §27.

⁵³ Ibid., §28.

practical—"and to allow it to look out upon the infinite, which for sensibility is an abyss." ⁵⁴ For Kant, reason provides something essential to the judgement of the sublime: ". . . without the development of moral ideas that which we, prepared by culture, call sublime will appear merely repellent [as it is to an] unrefined person."⁵⁵

In the pleasure experienced in the sublime there is a qualitative difference—it is pleasure dependent on the overcoming of an initial displeasure (of inadequacy and distress). There is a caveat to the sublime's claim to universality—the prior assumption of a moral training⁵⁶ that makes possible the overcoming of displeasure and the experience of the judgement of sublime as power. Here we find a hint of how the faculty of judgement assumes its grand role—how it connects the faculty of understanding with the faculty of reason. Here, we are given a foretaste of how the sensus communis, the community of judging subjects, is grounded, as judgement without concept, not only in the faculties of cognition but also in practical reason.

The transition to sensus communis from the judging subject is easy enough: the judging subject always judges in a community, no judgement is possible unless so. In Arendt's formulation, community is the condition *sine qua non* of subjective judgement. In Kant's terms, taste is a kind of sensus communis.

⁵⁴ Ibid., §29.

⁵⁵ Ibid

⁵⁶ This moral training, it will turn out, is not the usual moral training. It emerges from culture, yes; but from that aspect of culture intertwined with the contemplation of the beautiful (in nature)—the culture of training which he specifies when Kant discusses teleology in §83.

Sensus communis and Kant's Unwritten Political Philosophy

Kant emphasizes not only that judgement can occur merely in a community but also that it promotes community:

The beautiful interests empirically only in society; and if the drive to society is admitted to be natural to human beings, while the suitability and the tendency toward it, i.e., sociability, are admitted to be necessary for human beings as creatures destined for society, and thus as a property belonging to humanity, then it cannot fail that taste should also be regarded as a faculty for judging everything by means of which one can communicate even his feeling to everyone else, and hence as a means for promoting what is demanded by an inclination natural to everyone... only in society does it occur to [man] to be not merely a human being but also, in his own way, a refined human being (the beginning of civilization): for this is how we judge someone who is inclined to communicate his pleasure to others and is skilled at it, and who is not content with an object if he cannot feel his satisfaction in it in community with others.57

There are elements in what Kant says, above, that overlap with some of Arendt's concerns in her *Lectures* and her theory of political judgement in general. She asserts that the most crucial of what Kant did write as his political philosophy must be understood through

⁵⁷ Kant, Judgement, §41.

Kant's third *Critique*.⁵⁸ To Arendt, the third *Critique* already contains the beginnings of a political philosophy that is more profound and interesting than what liberalism has claimed in Kant as part of its tradition. For Arendt, the *Critique of Judgement*

...is the only [one of Kant's] great writings where his point of departure is the World and the senses and capabilities which made men (in the plural) fit to be inhabitants of it. This is perhaps not yet political philosophy, but it is certainly its condition *sine qua non*. If it could be found that in the capacities and regulative traffic and intercourse between men who are bound to each other by the common possession of a world (the earth) there exists an *apriori* principle, then it would be proved that man is essentially a political being.⁵⁹

In Arendt's discussion of Kant in her *Lectures*, she is drawn to what gives aesthetic judgement its political appeal. There are indeed characteristics of reflective judgement already discussed in the four moments of aesthetic judgement that are relevant to political philosophy. Taste is disinterested, reflective, particular but universal, communicable, purposive without purpose, free. It is easy to see how these characteristics of taste might have political relevance. Arendt's term for disinterestedness is impartiality. It is the ability to suspend interest in order to purge prejudice from one's thinking and as such judge freely (we will see later that Kant makes this a maxim of understanding with greater implication). It also leads to actions

⁵⁸ Arendt points to Kant's *Perpetual Peace*. See for example, the Seventh and Twelfth Sessions of Arendt's *Lectures* (or else seen as ironical, the First Session).

⁵⁹ Arendt as quoted in Ronald Beiner's interpretive essay "Hannah Arendt on Judging" in the *Lectures*. Also quoted in Maurizzio Passerin d'Entreves, *The Political Philosophy of Hannah Arendt* (London and New York: Routledge 1994).

with clarity of purpose: begin, invent, create something new! Elsewhere in Arendt's overall work,60 we find her analyses of the American and French Revolutions wherein, among other things, she praises precisely the beginnings of new political communities that follow. The "treasures" of the revolution can be found in the founding, when the councils and societies in the commune and town hall meetings taught the people the way of free politics and decided the political course. These founding events were eventually superseded by the need to make the new stable and permanent. Thus eventually, state structures and institutions provided the general rules under which all politics is subsumed or determined. These analyses agree with the current late modern and postmodern theoretical suspicion of totalizing political philosophies that underpin totalizing (and individualizing) state projects.⁶¹ Kant's (and Arendt's) insistence on the disinterestedness of judgement reminds us of a politics that searches, that deliberates, that collectively agrees as a community, that legislates for itself rules from a condition of no rules; instead of a politics that is primarily determining and regulating—reducing our actions into behavior. All the other characteristics of aesthetic judgement already discussed make for a superior political judgement. They orient politics toward reflection, community and discourse, the reconciliation of the particular with the whole, purposiveness without end, freedom. Indeed, from these we can also begin to imagine the contours of the ideal political

⁶⁰ Hannah Arendt, On Revolution (New York: The Viking Press, 1963).

⁶¹ See, for example, Michel Foucault, "Governmentality" in *The Foucault Effect: Studies in Governmentality*, eds. Graham Burchell, Colin Gordon, and Peter Miller (Chicago: University of Chicago Press, 1991) and "Omnes et Singulatim: Towards a Criticism of Political Reason," *The Tanner Lectures on Human Values II*, ed. Sterling McMurrin (Salt Lake City: University of Utah Press, 1981). See also James Scott, *Seeing Like a State* (New Haven and London: Yale University Press, 1998); and Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1995).

community: reflective—ordered not by rules but by free play that enhances the political judgements of all those who make it; discursive and participative—after all are not judgements conditioned by community even if done alone?; democratic—isn't this what Kant had irreversibly accomplished with his three *Critiques*, make cognition, taste (especially), and moral reasoning which were previously the domain of the few become the (potential) capacities of all?;⁶² progressive (not at all related to the economic or to, what Arendt identifies as the bane of modern politics, the "social")—the privileging of progress, of change, means that history has no end, no purpose, no goal; and free—the practice of political judgement (that is based on Kant's taste) is freedom *par excellence*.

It is tempting to linger here and allow the imagination to run wild with a representation of politics and political community for the benefit of our aesthetic/political judgement. But follows other signs that will show and say "there, possibly." Thus from here I would like to wander toward the concept of sensus communis and explore what it implies for political judgement and the ideal political community. In particular, I would like to look at communicability, enlarged mentality and the interests (empirical and intellectual) that can be combined with the beautiful within community.

In Section 39 of the third *Critique*, Kant questions the communicability of sensations since it cannot be presupposed that "everyone has a sense that is the same as our own." There are variations in how we perceive due to factors that may range from afflictions to enhancements in our sensory perception. Further, "we must represent people as differing with regard to the agreeableness or disagreeableness of the sensation of one and the same object of

⁶² Arendt, Lectures, Fifth and Sixth Sessions.

the sensations; and it is absolutely not to be demanded that pleasure in the same objects be conceded to everyone." Also, within the same section, Kant asserts that the pleasure felt from the moral quality of actions are determined by lawful purposiveness and can only be understood through reason. Moral satisfaction has necessary validity so that its communication is irrelevant. The sublime may, meanwhile, claim "universal participation" but it involves, at the same time, subtle reasoning that however obscure is grounded on concepts of reason. Communicability as such is not presupposed.

Only the pleasures of aesthetic judgement are universally communicable:

This pleasure must necessarily rest on the same conditions in everyone, since they are subjective conditions of the possibility of a cognition in general, and the proportion of these cognitive faculties that is required for taste is also requisite for the common and healthy understanding that one may presuppose in everyone. For this very reason, one who judges with

⁶³ "If sensation, as the real in perception, is related to cognition, it is called sensory sensation; and its specific quality can be represented as completely communicable in the same way only if one assumes that every- one has a sense that is the same as our own – but this absolutely cannot be presupposed in the case of a sensory sensation... Still more, however, we must represent people as differing with regard to the agreeableness or disagreeableness of the sensation of one and the same object of the sensations; and it is absolutely not to be demanded that pleasure in the same objects be conceded to everyone. Pleasure of this kind, since it comes into the mind through the senses and we are therefore passive with regard to it, can be called the pleasure of enjoyment." Kant, Judgement, §39.

⁶⁴ "The satisfaction in an action on account of its moral quality is by contrast not a pleasure of enjoyment, but of self-activity and of its appropriateness to the idea of its vocation. This feeling, however, which is called moral, requires concepts; and does not exhibit a free, but rather a lawful purposiveness, and therefore also cannot be universally communicated other than by means of reason, and, if the pleasure is to be of the same kind in everyone, by means of very determinate practical concepts of reason." Kant, Judgement, §39.

⁶⁵ Arendt, Lectures, Twelfth Session.

taste (as long as he does not err in this consciousness, and does not take the matter for the form, the charm for beauty) may also require the subjective purposiveness, i.e., his satisfaction in the object, of everyone else, and may assume his feeling to be universally communicable, even without the mediation of concepts.⁶⁶

The pleasures of taste result from a sense that is common to all. This is what Kant calls common sense. But common sense is more than just the passive presence of the sense of judgement in all; it also "requires" assent, it solicits agreement.⁶⁷ This is why "common" is also translated as "communal" or "public."⁶⁸ Here it becomes *sensus communis* in the sense of community sense.⁶⁹ As such, it implies a different politics that is neither derived from its traditional notion as rule or dominion nor about interest or instrumentality. "We deal with a form of being together [shared judgement, community of taste] where no one rules and no one obeys. Where people persuade each other."⁷⁰Arendt acknowledges that interests and rules are also important concepts in politics, but these are secondary and are derived from a different source. Indeed Kant himself says that

⁶⁶ Kant, Judgement, §39.

^{67 &}quot;The judgement of taste ascribes assent to everyone, and whoever declares something to be beautiful wishes that everyone should approve of the object in question and similarly declare it to be beautiful. The 'should' in aesthetic judgements of taste is thus pronounced only conditionally even given all the data that are required for the judging. One solicits assent from everyone else because one has a ground for it that is common to all; one could even count on this assent if only one were always sure that the case were correctly subsumed under that ground as the rule of approval." Kant, Judgement, §19.

⁶⁸ Beiner, "Hannah Arendt on Judging," 121-22.

⁶⁹ Kant, Judgement, §40.

⁷⁰ Beiner, "Hannah Arendt on Judging," 141. Beiner quotes an earlier version of Arendt's Lectures.

interests may be attached to the beautiful but that this is always "indirect" or secondary.⁷¹

In Section 40 of the third *Critique*, Kant clarifies the operation of sensus communis as holding "its judgement up to human reason as a whole." This means "holding [one's] judgement up not so much to the actual as to the merely possible judgements of others, and putting [oneself] into the position of everyone else, merely by abstracting from the limitations that contingently attach to our own judging."72 Kant then offers maxims "of the common human understanding"73 that, even though not supposedly belonging properly to the *Critique of Judgement*, nevertheless serve to elucidate its fundamental principles: "1. To think for oneself; 2. To think in the position of everyone else; 3. Always to think in accord with oneself."74 The first maxim is deployed against bias or prejudice, which is the vice of passive thinking. Arendt calls it the maxim of enlightenment (as Kant means for it to combat the authorities of superstition). The second maxim of enlarged mentality is especially important to judgement as it clarifies its operationalization. "[I]t reveals a man of a broad-minded way of thinking if he sets himself apart from the subjective private conditions of the judgement,

⁷¹ Kant, *Judgement*, §41. The pleasure in the reflection of an object, for example, connects to a further pleasure in its existence.

^{72 &}quot;By 'sensus communis,' however, must be understood the idea of a communal sense, i.e., a faculty for judging that in its reflection takes account (a priori) of everyone else's way of representing in thought, in order as it were to hold its judgement up to human reason as a whole and thereby avoid the illusion which, from subjective private conditions that could easily be held to be objective, would have a detrimental influence on the judgement. Now this happens by one holding his judgement up not so much to the actual as to the merely possible judgements of others, and putting himself into the position of everyone else, merely by abstracting from the limitations that contingently attach to our own judging which is in turn accomplished by leaving out as far as is possible everything in one's representational state that is matter, i.e., sensation, and attending solely to the formal peculiarities of his representation or his representational state." Kant, Judgement, §40.

⁷³ Ibid

⁷⁴ Ibid.

within which so many others are as if bracketed, and reflects on his own judgement from a universal standpoint (which he can only determine by putting himself into the standpoint of others)."⁷⁵ Arendt marks this as important and uses it as the exemplar of political judgement. One can see it as the expression of the public sphere in the individual. One can also turn it around and assert that the public sphere is the expression of the maxim of enlarged mentality *writ large*. The third maxim of consistency or consistent thinking depends on the cultivation and habituation of the first two maxims. Kant says that these maxims are for the understanding, judgement, and reason respectively. But Arendt backtracks from Kant's exposition and emphasizes instead his assertion that the maxims elucidate the principles of judgement. For Arendt, the truth compels cognition and reason, so that "one doesn't need any 'maxims" for them.⁷⁷

Herein, to Arendt, lies the final distinction between common sense and sensus communis or community sense. "Taste is this community sense." But taste implies more than a rudimentary community, it also shows its possibilities:

Taste is thus the faculty for judging a priori the communicability of the feelings that are combined with a given representation (without the mediation of a concept)...

⁷⁵ Ibid., The emphasis is mine.

⁷⁶ This may provide a preliminary solution to the problem of contradiction that Beiner identifies in Arendt's theory of judgement, which he resolves by asserting that Arendt finally rejected her earlier version that privileges the judgement of actors over that of the spectator. See, for example, Hannah Arendt, *The Human Condition* (Chicago and London: The University of Chicago Press, 1998).

⁷⁷ "Maxims apply and are needed only for matters of opinion and judgements." Arendt, *Lectures*, Twelfth Session.

⁷⁸ Arendt, Lectures, Twelfth Session. Kant, Judgement, §40: "[T]aste can be called sensus communis."

If one could assume that the mere universal communicability of [one's] feeling must in itself already involve an interest for us (which, however, one is not justified in inferring from the constitution of a merely reflective power of judgement), then one would be able to explain how it is that the feeling in the judgement of taste is expected of everyone as if it were a duty.⁷⁹

This leads us to the third implication of sensus communis that I want to explore—interests may be combined with taste indirectly in order to enlarge the potential of the implied political community.

In Section 41, Kant asserts that the beautiful interests only in society. The wish to better oneself in taste, to be refined or cultured, takes place in society. For Arendt, the communication of taste enhances the experience of the beautiful and this has the effect of enhancing the persistence and resilience of the community of judging subjects.80 For Kant, "even though the pleasure that each has in such an object [of mere enjoyment] is merely inconsiderable and has in itself no noticeable interest, nevertheless the idea of its universal communicability almost infinitely increases its value."81 This parallels the mutually enhancing harmony between imagination and understanding in their free play during an aesthetic judgement. The cultivation of taste enriches society and an improved society deepens our sense of taste. To Kant, this makes a profound connection—however tenuous—"a transition from enjoyment to moral feeling."82

⁷⁹ Kant, Judgement, §40; emphasis mine.

⁸⁰ Arendt, Lectures, Thirteenth Session.

⁸¹ Kant, Judgement, §41.

^{82 &}quot;For even if in this latter form an interest combined with it should be revealed, then taste would reveal in our faculty for judging a transition from sensory enjoyment to moral feeling; and not only would one thereby be better guided in the purposive employment of taste, but also a

In Section 42, Kant expounds on the superiority of nature over art particularly in producing an immediate interest in its presence. He relates this immediate interest that follows our appreciation of nature with the moral good: "I do assert that to take an immediate interest in the beauty of nature (not merely to have taste in order to judge it) is always a mark of a good soul, and that if this interest is habitual, it at least indicates a disposition of the mind that is favorable to the moral feeling . . . "83 This affinity between taste and moral judgement also links the two faculties. We make the judgement of taste "into a rule for everyone without this judgement being grounded on an interest or producing one."84 Alternatively, "we also have a faculty of intellectual judgement, for determining a priori for mere forms of practical maxims (insofar as they qualify in themselves for universal legislation) a satisfaction which we make into a law for everyone without our judgement being grounded on any interest, although it produces one."85

This explains the peculiarity of some of Kant's formulation: "the feeling in the judgement of taste is expected of everyone as if it were a duty" (if we think of it as combined with some interest for us); or "each expects and requires of everyone else a regard to universal communication, as if from an original contract dictated by

mediating link in the chain of human faculties a priori, on which all legislation must depend, would thereby be exhibited as such." Kant, *Judgement*, §41.

⁸³ Ibid., §42.

⁸⁴ Ibid., §42.

^{85 &}quot;We have a faculty of merely aesthetic judgement, for judging of forms without concepts and for finding a satisfaction in the mere judging of them which we at the same time make into a rule for everyone without this judgement being grounded on an interest or producing one. – Alternatively, we also have a faculty of intellectual judgement, for determining a priori for mere forms of practical maxims (insofar as they qualify in themselves for universal legislation) a satisfaction which we make into a law for everyone without our judgement being grounded on any interest, although it produces one. The pleasure or displeasure in the first judgement is called that of taste, in the second that of moral feeling." Kant, Judgement, §42. The emphasis is Kant's.

⁸⁶ Ibid., §40; emphasis mine.

humanity itself."⁸⁷ Both Sections 41 and 42 also show how, when combined with empirical and intellectual interests, taste cultivates society not only through enhanced pleasure but also through its affinity to moral feeling. Here, the previous discussion on the sublime also becomes important: the appreciation of the sublime becomes available through cultivation of moral ideas. Thus the potential for politics and political community enlarges when we consider taste as combined with interests. But the starting point and model must always be aesthetic judgement. As Arendt points out, other-directedness is basic to judgement and taste.⁸⁸ And this makes for a better politics.

Judgement and All Philosophy

Ronald Beiner, in his interpretive essay, identifies a contradiction in Arendt's theory of judgement. The later Arendt, he says, who favors the disinterested judgement of the spectator⁸⁹ contradicts the earlier Arendt who praised the political judgement of the actor. This supposed contradiction is interesting because it sets in opposition taste and practical reason (judgement and will). Beiner resolves this by asserting that Arendt later rejected her earlier version that privileged the judgement of actors over that of the spectator.⁹⁰ But Maurizio Passerin d'Entreves insists that while there is indeed a tension between Arendt's *vita activa* and *vita contemplativa*, she found a way to resolve this tension in the end.⁹¹ To Arendt, the spectator is

⁸⁷ Ibid., §41; emphasis mine.

⁸⁸ Arendt, Lectures, Eleventh Session.

⁸⁹ To Arendt, Kant is the exemplar disinterested spectator in relation to his reflections on the French revolution. See Arendt, Lectures, Seventh Session.

⁹⁰ Beiner, "Hannah Arendt on Judging," 139-44.

⁹¹ d'Entreves, The Political Philosophy of Hannah Arendt, 130-32.

different from the philosopher in that s/he is part of an audience: while disinterested, the spectator, like the actor, is never far away from the community (or from humanity). Also, as pointed out earlier, one can think of the public sphere (in the form of town hall meetings, etc.) as the actor's enlarged mentality. Meanwhile, after quoting Kant thus: "each expects and requires of everyone else a regard to universal communication, as if from an original contract dictated by humanity itself," Arendt argues:

It is by virtue of this idea of mankind, present in every single man, that men are human, and they can be called civilized or humane to the extent that this idea becomes the principle not only of their judgements but of their actions. It is at this point that actor and spectator become united: the maxim of the actor and the maxim... according to which the spectator judges... become one. The, as it were, categorical imperative for action could read as follows: Always act on the maxim that this compact can be actualized into general law.⁹²

Arendt's initial contradiction between the actor and spectator is resolved, I think, through Kant. One can draw a similarity between the actor and the genius, the spectator and the judging subject. They complete each other in the sensus communis. The seeming opposition between will and judgement in Arendt is also resolved through Kant.⁹³ After all, did not Kant show that judgement connects to (practical) reason as it connects to cognition?

⁹² Arendt, Lectures, Thirteenth Session. Emphases mine.

⁹³Although Arendt does not concede the non-cognitive status of judgements. In a debate with Jurgen Habermas, she insists that truth has no role in political judgements, the scope of which is properly the space of opinions. See Beiner, "Hannah Arendt on Judging," 136–37.

The only thing I can add to this, finally, is a story that discloses the interest that motivates these reflections (or perhaps emerged from these reflections?):

I am a single parent to Eytan, my eight-year old son. Like any child, he has lots of questions about the world. As I am supposed to possess more knowledge of the world, I provide or help him look for answers. Our relation in such instances takes the form of instruction. Like any child, he likes to test the limits of his relations with others. As someone supposed to know right and wrong, I provide him directions, rules. In such instances my word is imperative. My son, most of the time, resents me when I instruct or when I command. But when we listen to *Eheads* or *Yano*, ⁹⁴ when we watch plays like PETA's ⁹⁵ Rak of Aegis or productions by Sipat Lawin ⁹⁶ at the Philippine High School for the Arts, when we go hiking in Makiling or the rice terraces in Batad, Ifugao—we are equals, we agree, we are happy. And when recently we endured the fury of typhoon Glenda, ⁹⁷ when we surveyed its destructive aftermath in UPLB, ⁹⁸ we persisted, we hoped.

I claim the same for human relations in general. The experiences of the beautiful (and the sublime) mitigate the authority of instruction and of rules in human relations to found a community of hope. And maybe hope is what judgement is for politics and what political community is all about in Kant. Hope for all philosophy:

⁹⁴ Local bands in the 1990s.

⁹⁵ Philippine Educational Theater Association.

⁹⁶ A theater group of former and current students of the school.

⁹⁷ A devastating typhoon (international code name Rammasun) that entered the Philippine area of responsibility on 14 July 2014. It felled hundreds of trees in the UPLB campus, which is at the foot of Mt. Makiling in Laguna. Electricity was restored finally to the upper part of the campus one month after the typhoon.

⁹⁸ University of the Philippines - Los Baños.

knowing, free, and meaningful. Hope for community: free and disinterested, universally satisfying, purposive but without end.

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