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# Reviews

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Larry Krasnoff, Nuria Sánchez Madrid, Paula Satne (eds), *Kant's Doctrine of Right in the Twenty-first Century*, (Cardiff: University of Wales Press, 2018).

Incorporation of Kantian ideas into contemporary Anglophone political philosophy over the past fifty years has taken a peculiar path. Hanna Arendt's innovative re-reading of the third *Critique* aside, it was "pure moral philosophy" of the *Groundwork* that attracted the most attention, followed by "a philosophical sketch" of *Towards Perpetual Peace* historically important for the scholars of international relations. John Rawls made use of the *Groundwork* when developing his arguments for the priority of the just over the good and modeling the subject in the original position. In the ensuing discussions Kant's *Doctrine of Right* tended to play a secondary role. One of the side effects of this – undesirable from the Kantian perspective – was the moralization of politics and naturalization of morals. Yet it was the *Doctrine of Right* that contained Kant's most systematic and detailed account of what he took to be political philosophy proper, preoccupied with establishing and maintaining juridical condition aiming to provide an equal share of liberty to each member. The volume under review capitalizes on some earlier efforts to bring Kant's *Doctrine of Right* to the wider philosophical attention it deserves.

One of the things that make the book stand out is that it is a truly cosmopolitan affair, bringing together voices from different parts of the globe. The result is by no means homogenous, as standpoints and opinions vary and sometimes conflict, making for engaging reading and allowing to appreciate the plurality of contemporary Kantianism(s). Yet the subject matter is one, and the architectonics of the volume are well designed in following Kant's own structure of the *Doctrine*.

Several themes run through the book. One is social contract. Macarena Marey opens the volume with 'The Originality of Kant's Social Contract Theory' providing a general theoretical account of Kant's social contract theory. This account brings together "pure" and prudential or instrumental arguments Kant has for exiting the juridical state of nature and examines them against several contemporary theories of social contract. The examination reveals important differences between Kant's views and both contemporary contractualism and contractarianism. The most fundamental difference is Kant's maintaining, "that a solid theory of the state could only be based upon a purely juridical or political starting point", and not on any prudential considerations (p. 11). The chapter provides a classification of contemporary theories, attempting to ground "naturalness" of social contract in certain human features, and closely examines one by David Gauthier. The author's conclusion is that Kant's social contract theory offers a fruitful alternative to con-

temporary theories: "Kant's social contract argument is tailored to give the political autonomy of the united will a strong theoretical basis without assuming a robust pre-political starting point" (p. 24).

The topic of social contract remains prominent in 'Private Property and the Possibility of Consent: Kant and Social Contract Theory' by Alice Pinheiro Walla. Arguing from Kant's *Doctrine of Right*, the author examines a specific yet important aspect of social contract theory relevant to property right. Central to the discussion is the relationship between Kant's authorization of ownership of external objects as the means to avoid "a contradiction of freedom with itself" and his subsequent and seemingly redundant notion of "common possession of the earth" as the source for "legal title" (p. 29). The latter, a rather peculiar idea, has not been sufficiently attended to current Kantian discussions, moreover, it has sometimes been dismissed – a shortcoming the author is aiming to address. Pinheiro Walla proceeds by explaining the peculiarity awarded by Kant to property rights among other private rights established by mere consent of the parties, and by explicating the role of the notions of 'united will of all' and common possession in Kant's contractualism in relation to property.

Continuing the examination of the foundations of Kant's political theory, Eric Boot in 'Judging Rights by Their Duties: A Kantian Perspective on Human Rights' questions the ordinary treatment of Kant as just another liberal theorist of rights. The aim is to show the intangible connection Kantian rights have to duties to help prevent the explosion of rights claims happening in some contemporary discussions. The clarity is sought in Kant's distinction between duties of right and duties of virtue. The author claims that, unlike many current theories, including some claiming Kantian pedigree, in Kant's framework duties have to be established prior to establishing rights, so Kant's theory can properly be called 'duty-centered'. This is evident in the fact that connecting a right to a duty is a proper way to authenticate it (p. 47). The scope of rights is further and severely narrowed by the fact that only duties of right and not duties of virtue can produce corresponding rights. The result of careful (re-)reading of Kant's *Doctrine of Rights* can be sobering of many overblown claims of rights and, on the other hand, prevention of what the author indicates as the problem of 'rights inflation' (p. 63).

The important topic of rights to material well-being or welfare becomes the second cross-cutting theme of the volume. In 'The Proper Task of Kantian Politics: The Relationship between Politics and Happiness' Masataka Oki approaches the two seemingly distant topics to show the positive connection that is attributable to Kant: "we may regard ourselves happy as long as we live in a political system where every juridical claim of individuals for

what is their own would be justly settled through a rationally constructed system of laws” (p. 68). The author argues that Kant’s well-known claim that promoting happiness by political means creates the risk of paternalism is compatible with his seeing happiness as the end of politics. An important by-topic of the chapter is perpetual peace, which is understood as the state of completion of the system of laws and so is the final step towards the possibility of happiness. Oki refers to Gerhardt’s idea of ‘vernünftiges Selbst’ and its happiness in active freedom (p. 69), and Rawls’s ‘moral psychology’ of happiness in following one’s rational life plan seems another possible ally to this view. However, some ambiguity remains about whether we are to take a ‘well-ordered’ juridical condition as the sufficient condition of happiness, or, more plausibly, as a merely necessary one.

Welfare becomes the central topic in Nuria Sanchez Madrid’s ‘Kant on Poverty and Welfare: Social Demands and Juridical Goals in the *Doctrine of Right*’. The aim here is to warn against taking overly direct and unsystematic imports of Kant’s concepts to support contemporary claims for redistribution of wealth. With attention to historical context and to text other than *Rechtslehre*, Sanchez Madrid reconstructs Kant’s account of the problem of poverty and of the threats that it poses to society and shows the change these notions have undergone since eighteenth century to enter present discussions. The change has been profound: “there is no correspondence between our current notion of social welfare as a basic right and Kant’s response to poverty, which he understands as a sort of institutional charity...” (p. 85). Sanchez Madrid examines Kant’s reasons for poverty relief: maintenance of society and, perhaps more importantly, of its resistance to foreign threats. Here again the emphasis is placed not on the rights, as Kant doesn’t provide for rights to be relieved from poverty, but on the duty of the state or its ruler to prevent the exclusion of the least well-off (p. 89).

The discussion of welfare continues in Larry Krasnoff’s ‘On the (Supposed) Distinction Between Classical and Welfare Liberalism: Lessons from the *Doctrine of Right*’. This chapter contributes to the important discussion of whether welfare liberalism *is* liberalism. The fundamental difference between the two liberalisms is framed as that “between views that regard freedom and individual rights as prior to political order, and views that regard freedom and individual rights as only possible through a political order” (p. 106). One of the achievements of the *Doctrine of Right* is that it shows the superficiality of this contradiction by offering another approach. The approach consists in differentiating between freedom as inner moral autonomy that belongs to all beings endowed with reason and as outer liberty to act or pursue ends. In Locke this latter liberty is granted by nature in form of rights, whereas in Kant it can be rightful only by convention. A set of recent arguments is used to illustrate, how Kantian approach produces plausible explanations to cases that were not around at Kant’s time, like maintenance and regulation of public roads and mandatory health insurance schemes, avoiding the need to invoke the supposed difference between classical and welfare liberalism. It remains to be examined if the author’s solution based on differentiating between inner and outer freedom

requires a thoroughgoing shift in metaphysical paradigms from naturalist monism implied by contemporary Lockean liberal theories to a sort of Kantian transcendentalism – a shift that not all parties would accept.

Wendy Brockie’s ‘Resistance and Reform in Kant’s *Doctrine of Right*’ also contrasts Locke to Kant, this time regarding Kant’s notorious prohibition of sedition and rebellion. This prohibition has caused numerous attempts to reinterpret or correct Kant based on other seemingly more fundamental provisions of his moral and (sometimes also) political philosophy. The author assesses these attempts and tests their applicability to some recent events like the ‘Arab Spring’. Analyzing Kant’s position, Brockie emphasizes the deeply skeptical foundations regarding the “impure” side of human nature, like dissemblance and “the corrosive effects of humans living together in communities” (p. 131), that underlie Kant’s prohibition of active resistance together with more familiar arguments concerning the perfect duty to obey any law. The conclusion is that Kant, having discussed the complexity of factors relevant to the problem of active resistance, seems to live us without a justification for confronting unjust rule. At the same time his provisions for freedom of speech that he sees necessary for evolutionary development are vulnerable and can be ignored by unjust authority. This careful but limited conclusion warrants the continuation of the discussion.

The discussion continues in the next chapter by Alyssa R. Bernstein, titled ‘Civil Disobedience: Towards a New Kantian Conception’. Here the reading that attributes to Kant an unconditional prohibition of disobedience is contrasted with what the author defends as a more plausible (and broadly Rawlsian) view that does provide for active resistance to tyrannical power. A brief but thorough restatement of Kant’s arguments aims to show that they are relevant provided the government is legitimate and does not destroy law (p. 141). Subsequent survey of a host of recent interpretations leads to the conclusion that none of them is sufficient to justify the obedience to a tyrannical authority. Therefore, it is “permissible for individuals in a condition of barbarianism or a state of nature to use force” (p. 142), and “individuals are authorized to judge for themselves whether they are living under the rule of law or instead in a condition of barbarianism” (p. 141). The participation by Dr. Martin Luther King Jr. in demonstrations in 1963 is then taken as an example to illustrate how Kantian arguments provide for civil disobedience. The thesis of this chapter might benefit from a discussion of whether we, when judging ourselves to be in a state of nature, are to take into account the opinions of those people who happen to be under the same authority and might find it sufficiently legitimate.

Chapter nine has the title ‘Kantian Insights on the Moral Personality of the State’ and is contributed by Milla Emilia Vaha. The author summarizes and criticizes what she calls “liberal exclusionism”, which purports to use Kant’s idea of a moral personality of a state to deny a statehood to certain political sovereign formations that fail to meet certain moral criteria. Notable examples of liberal exclusionism are provided by Michael Doyle’s “liberal peace theory”, by Fernando Tesón’s claim that human rights protection is the criterion of state legitimacy, and by John Rawls’ idea that only liberal and “de-

cent” peoples can be ascribed international agency and personhood. “All three authors seem to claim, relying on Kant, that the liberal states are *morally superior* and should thus enjoy rights that non-liberal states do not enjoy.” (p. 167) While the “liberal exclusionary” position might have other theoretical pillars, it seems problematic from a Kantian perspective. To show this, the author undertakes the analysis of interpretations of Kant’s moral personality of the state and finds support for a more generous understanding of moral states that expands the status to all but failed states, thus including the “despotic” states. The basis for this wider reading is chiefly provided by Kant’s explicit principle of non-intervention and his idea of the importance of development towards republican constitution as a sign of a state’s moral personality.

Sorin Baiasu continues the discussion of Kantian international relations with ‘Kant’s Guarantee for Perpetual Peace: A Reinterpretation and Defence’. Kant uses the notion of “guarantee” in *RL* and *ZeF* to denote the nature’s will to override human reluctance to pursue the highest political good of perpetual peace. Baiasu points out four requirements that this guarantee has to meet in order to be coherent: it cannot transcend the cognitive limits set in the first *Critique*, it cannot be equated to a postulate of practical reason, it cannot depend on individual’s decisions, and “it should have an epistemic status that provides some motivating force in addition to the normative force of the associated moral duty.” (p. 193) Baiasu analyzes some of the recent attempts to explain Kant’s guarantee and their not meeting all of the four requirements. The requirements are met, he believes, if we treat the problem of guarantee along the lines of Kant’s argument in ‘On Having Opinions, Knowing and Believing’ of the first *Critique* (A820/B848-A831/B859). This allows the guarantee to act as an object of doctrinal belief. This solution rests on a strong notion of purposive nature that has an independent “will” in addition to “force” – a notion that introduces yet another set of theoretical complications.

In Kant’s writings the topic of punishment is far more prominent than that of forgiveness. Paula Satne’s ‘Forgiveness and Punishment in Kant’s Moral System’ aims at examining the Kantian balance between the two concepts. Contrary to the view that Kant’s system of morals provides no place for forgiveness, Satne offers a more charitable reading that finds forgiveness to be a “wide duty of virtue which is conditional on repentance.” (p. 202) It is possible to speak of a *maxim of forgiveness* as a duty to have a forgiving character, although not of a perfect duty to forgive specific offenders. Satne’s account relies on Kant’s theory of rational agency from the *Groundwork*, his theory of evil from the *Religion*, and his moral metaphysics, thus providing several arguments to support the claim. The author offers to expand Kant’s account of the states that have to be overcome by forgiveness to include not only hatred and vindictiveness, but also more general emotions like anger and resentment. This enhancement, while seemingly not contradicting anything Kant wrote, offers a more detailed treatment of forgiveness.

Kant is usually not the first authority when it comes to issues of marriage. In ‘A Universal Estate: On Kant and Marriage Equality’ Jordan Pascoe assesses Kant position

in historic debates related to marriage and its treatment in Prussian Civil Code of 1794. Kant’s opinion found expression in his lectures on moral philosophy and then found its way into the *Doctrine of Right*. Kant is seen as occupying middle ground in the debate between those who, like Fichte, awarded marriage a natural status and those who, like Hippel, treated it as a primarily juridical institution. Central to Kant’s discussion is the idea of possession of another individual as a natural object for purposes of happiness and finding a proper juridical form to cultivate this relation. Pascoe relates the 18-century debates to current discussions of same-sex marriage to show that Kant’s position predates arguments by those seeking to extend the right to marry. Correspondingly, those current contenders who stand for reforming the very notion of marriage would find little support in Kant’s thought.

*Kant’s Doctrine of Right in the Twenty-first Century* seems most inviting to two kinds of audiences. To those immersed in current social and political issues it offers a path to one of the most technical systems of thought, in which support for – or criticism of – one’s position can reach metaphysical depths beyond ordinary arguments. And to those devoting most of their attention to the history of philosophy, and particularly to Kant’s works, it might serve as a link or a clue to hot problems of the day. The book is successful in joining the two intellectual enterprises and setting them in motion towards each other.

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Donato Verardi, *La scienza e i segreti della natura a Napoli nel Rinascimento. La magia naturale di Giovan Battista Della Porta*, (Firenze: Firenze University Press, 2018).

A partire dagli anni ottanta del secolo scorso, grazie agli innovativi contributi di autori come Charles B. Schmidt e Charles Lohr<sup>1</sup>, lo studio dell’aristotelismo rinascimentale ha goduto di grande fortuna e rinnovate attenzioni. Nel loro complesso, le nuove ricerche hanno reso il pensiero aristotelico del XVI secolo un campo di studio indispensabile e fecondo, sia al fine di approfondire il contesto in cui i tradizionali domini della conoscenza stavano mutando i loro confini, sia per valutare con il dovuto rigore i legami con saperi occulti come la magia naturale e l’astrologia, ben saldi nel periodo nei quali maturò la “rivoluzione scientifica”. Il presente volume, dedicato alla proposta del celebre mago naturale Giovan Battista Della Porta (1535-1615), si iscrive, per taluni aspetti, in questo filone di indagine, costituendo un apporto significativo alla comprensione della complessa fisionomia dell’aristotelismo all’alba dell’età moderna. Il volume si divide in tre parti. Nella prima, l’A. discute la più accreditata storiografia relativa al contributo di Della Porta ai dibattiti scientifici del XVI secolo, nella seconda prende in esame il dibattito scientifico sui “segreti della natura” così come sviluppatosi a Napoli nel Rinascimento, mentre, nella terza, analizza la magia naturale di Della Porta con particolare riguardo al problema dell’ “occulto” e del “segreto”. Gli ultimi capitoli sono dedicati allo spinoso problema del