

Is there a Kantian faculty for politics? Judgment and Publicity in Political and Moral Philosophy in 20th Century

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Why didn't Kant write a critique of a political faculty? And could one of the three faculties be considered as the political one? These were the questions of Hannah Arendt, when she tried to write the final part of *Life of Mind*, concerning judgment. As heritage of her work we refer to her lectures about political thought, which are dedicated to Kant's *Critique of Judgment* and its political meaning which seems to be very popular with many Kantian scholars, as I will soon show. For Arendt there are many reasons why judgment is the faculty of the politics as the communication, the particulars and so on. But the most important reason is for Arendt that "Judgment is not practical reason; practical reason "reasons" and tells me what to do and what not to do; it lays down the law and is identical with the will, and the will utters commands; it speaks in imperatives. Judgment, on the contrary, arises from 'a merely contemplative pleasure or inactive delight'" (Arendt, 1992, p. 15). This faculty, for Arendt, is the way humans deal with history, with the singularity.¹

However, there are many authors who supposed that Kant's practical reason is a political faculty because of the categorical imperative (I think here at Rawls or Habermas) or, as Adorno, because of the idea of freedom as autonomy. Of course, the idea of autonomy in Kant was influenced by Rousseau, who conceptualized it in a political work, *the Social Contract*.

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¹ "These particulars are again of two kinds; the first part of the *Critique of Judgment* deals with objects of judgment properly speaking, such as an object that we call 'beautiful' without being able to subsume it under a general category of Beauty as such; we have no rule that could be applied" (Arendt, 1992, p. 13). See also: Benhabib, 1996, especially pp. 185-211 and Trawny, 2006.

Political can be defined the idea of the kingdom of ends, where everybody is at the same time legislator and subjected to his/her own laws. However, if we think of Aristoteles's division of philosophy, politics and morals, they belong to the same area: the practical one. But there are some difficulties that Kant thematized too, that are implied if we adopt the practical reasons as the only and exclusive faculty for politics. In politics we have many heteronomies which depend on our inclination to be egoistic and, on the other hand, on the influences that the other could exercise upon us, and this dialectic between interests of subjects, that seems to involve the politics, make it too impure to let it incarnate the *a priori* principle of pure practical reason. This could be confirmed, for example, by the *Kingdom of ends*, which could not be identified with any existent community (GMS, AA 04: 436 note, and Flikschuh, 2009).

But also, under Kant's scholars it's not so easy to find an unvocal standpoint about the topic: political interpretations of Kant's practical reason have been underlined by many scholars. For example, Höffe, who published a monography about Kant's practical reason in 2012 about practical reason as a philosophy of freedom, emphasizes the political meaning of practical reason as a function of freedom as autonomy. But we have also many authors who acknowledge the faculty of judgment as the political faculty par excellence for the concept of *Zweckmäßigkeit* or *Weltbeste* (Huseyinzadegan, 2015; Ferrara, 2018), for communication and because it is the faculty of the *Übergänge* from noumenal to phenomenal (Düsing, 1990; Pries, 1995, or in the 80s, in postmodernity it was interpreted in this direction from Lyotard, 1988 as well). But can we have a Kantian political theory and at the same time renounce one of the both faculties to interpret Kant's Critical Philosophy?

I have two aims in this paper: on one hand, I want to analyze what Kant thinks about the relation between morals and politics; on the other hand, I want to compare the different interpretations from philosopher of the 20th century with different backgrounds (such as Adorno, Arendt, Habermas and Lyotard) to understand the way they choose the identification of the political faculty in Kant's philosophy. My attention will focus especially to Adorno's and Arendt's interpretations of Kant because, although in different ways, their

examinations have the same proposal: to interpret Kant as the philosopher of the criticism against every authority.²

For this reason I am going to first analyze Adorno's and Habermas' thesis about Kant's practical reason as a political faculty and the difficulties which are linked with; then with a quick reference to Arendt's and Lyotard's interpretation of the judgment, I will try to understand which differences there are between the common sense of the *Critique of the Judgment* and the principle of *Publizität*, that Kant introduces in the *Towards Perpetual Peace* as the only principle which makes it possible to represent "the union of the ends of all possible" (ZeF, AA 08: 386). The confrontation of these two *a priori* should help to answer which faculty fits better for regarding politics.

1. Practical reason between resistance, communication and disagreement

Adorno and Habermas analyzed the political implications of practical reason from two different standpoints: for Adorno, Kant's autonomy is very important because of the resistance - the task of the ethics in contemporary world; it was indeed Habermas, who knew Arendt's work very well (Habermas, 1976, and Benhabib, 1996) focuses on the center of moral communication. In *Diskursethik* he individualized it not in *sensus communis* but in the universal formulation of the categorical imperative. This also proves that if we take in consideration the same faculty for politics, the interpretations of the implications change as well.

Adorno gave lectures on Kant's practical reason in the summer of 1963 and the transcriptions of these lectures are included in the Abteilung 4, Band 10 of his *Gesamtausgabe* edited in Germany from Suhrkamp under the name *Probleme der Moralphilosophie* (*Problems of Moral Philosophy*), which in English are edited from Schröder and translated by Livingstone. Adorno defines the problem of philosophy "the relation between freedom and law" (Adorno, 2001, p. 16) and he believes that this is the principal problem of Kant's moral philosophy. For Adorno, Kant was the only one who combines freedom and (moral) law in contrast to the law of nature. To further define it, Adorno goes on with Max Scheler's difference between ethics as "a substantial, existing body of rules and maxims which are not made the object of reflection" (Adorno, 2001, p. 17) and ethics as a substantive collection of rules – which "is the constant companion of every ethos" (ibidem). Here Scheler defines the

² About Adorno I will not refer to *Dialectic of the Enlightenment* but much more focus on lectures (as *Problem of Moral Philosophy*), although especially in one talk Adorno explains why education cannot avoid Kant's autonomy and how it essential for the future to avoid a new Auschwitz is (Adorno, 2017, p. 93. See also Cook, 2020 and Iago, 2020).

second ethics as the one which is destroying the substantial ethics, which is original and rarer. It's easy to see that Adorno related the first type of ethics to the Nazis's Brauchtum. Later Adorno says that: "the horrors perpetrated by fascism are in great measure nothing more than the extension of popular customs that have taken on these irrational and violent features precisely because they have become divorced from reason" (Adorno, 2001, p. 18).

Then Adorno will insist that the real problem of moral philosophy is "the relationship of the particular, the particular interest, the behavior of the individual, particular human being and the universal that stands opposed to it" (ibidem). And for Adorno this is Kant's problem too, because "in Kant, moral problems always circle round the question of the relations between the natural, empirical individual human being and the intelligible human being, who is determined simply and solely by his own reason of which freedom is an essential characteristic" (ibidem, p. 19). As we can see, Adorno interprets Kant's idea of autonomy of the Will in contrast with the heteronomy of society as a fundamental element for morality and for a pluralistic idea of the good. This idea will be stronger in the concept of duties towards oneself, that for Adorno are necessary for the constitution of the idea of humanity, because in the dialectical confrontation between individual and society the duties of self-preservation elevates the interests of the subject to moral interests. This is the topic of the 14th lecture about the *Problem of Moral Philosophy*, where Adorno explains that:

If you wish, you can also discern this motif in the formulation of the categorical imperative, when Kant states that in my actions I must also be able to will that my maxim, that is, the summation of my subjective prudence, should be capable of becoming a universal law. In other words, it should be capable of being expanded so that it ceases to pertain merely to my particular purposes and interests, and the particular purposes and interests of all individuals, but should instead comprehend in equal measure the interests of all mankind. Furthermore, this inclusion of the particular interests of all and the objectivity of the moral law itself should amount to the mediation between subjective and objective reason (ibidem, p. 141)

It should not surprise that Adorno analyses later in the very same lectures the role of antagonism in *IaG*. Adorno affirms that here Kant "explicitly makes mediation between subjective and objective reason his goal" (ibidem, p. 142). The predispositions (*Hang*) of antagonism of the subject against society is a central point in *IaG*. For Kant antagonism is "*unsociable sociability* of human beings" (*IaG*, AA 08: 20). On one side, every human being has the predisposition to enter in society, while on the other hand "is combined with a thoroughgoing resistance that constantly threatens to break up this society" (*IaG*, AA 08: 20-21). The predisposition to individualize is not of course identical with the autonomy of good Will, because the first one (the predisposition) is an egoist willing "to direct everything so as to get his own way, and hence expects resistance everywhere because he knows of himself that

he is inclined on his side toward resistance against others” (IaG, AA 08: 21. See also Schneewind, 2009 and Wood, 2009). For Kant anyway, this resistance of the individual is really important for progress, and in my opinion anticipates some elements of the critic in *ZeF*, because through a pathological predisposition we, in any case, finally have the possibility “to form a society finally into a moral whole” (IaG, AA 08: 21).

As for Adorno, he underlines the role of antagonism of Kant’s moral philosophy, because from this predisposition Kant defines a moral society as a task, that humans could enrich only through conflicts. Of course, these conflicts should be moderated from self-reflection, and for this reason Adorno cites often the definition of the freedom from the *Doctrine of the Right*, where Kant affirms, everyone’s freedom is limited to the freedom of the others (Adorno, 2001, p. 122; RL, AA 06: 232). In this sense, it is conflict, dialectic the only way to realized freedom, which has otherwise the limitation of the self-preservation of the other. The most important conclusion of this text is that for both Adorno and Kant, we have a distinction instead of “false identities”. This is the reason Kant’s morals is so important, because he understood that “moral action, right action here and now is not immediately identical with what is good for the species as a whole” (Adorno, 2001, p. 142).

However, Adorno criticizes Kant’s moral thought for the role of universalization of the moral maxims, because he considers it too abstract. For this reason, he takes Ibsen’s drama *the Wilde Duck* as an example to show negative aspects of Kant’s ethics. The family, who are the protagonists of the plot, is living in a lie-life (*Lebenslüge*) and after that the members experience the truth, the mediocre order of the family is going to be broken.

Let’s look at plot a little closer. Håkon Werle has arranged the match by providing Hjalmar, the son of an old friend of his, with a home and a profession as a photographer. He even finds him a wife, Gina, who was working in Werle’s family as governess. Gregers Werle, son of Håkon and whose mother died believing that Gina and Håkon had carried on an affair, becomes enraged at the thought that his old friend is living a life built on a lie. At the end of the drama Gregers decides to tell the truth to Hjalmar, and for this reason his daughter ends up committing suicide. Unexpected, the death of the child will bring back lost harmony of typical bourgeois family. Adorno uses this plot in his lectures not to simply criticizes Kant’s formalism. Adorno recognizes that the duty to be honest has a universal validity, but he affirms also that in a world where there is no more good life, something like telling the truth creates injustice (the death of the innocent child). From this tale Adorno deduces that

the campaign of moral purification, that is, the attempt of a man of integrity, of Gregers Werle, in short, to introduce some order or, as is so admirably said nowadays, to clear matters up. This attempt leads straight to disaster. As someone remarks in another of

Ibsen's play, in *Ghosts* in fact "Yes, conscience – that can be very hard on us sometimes". If you follow the tug of your conscience, you may end up doing something very unconscionable, in the present case, it means actually killing a human being full of gentleness and grace. (Adorno, 2001, p. 160).

Ibsen does not take a cynical stance, but for Adorno this drama demonstrates there is no possibility to overcome the conflict between "an ethics of conviction and an ethics of responsibility" (ibidem) and neither the ethics of responsibility nor Kant's formalism can show what is good in a world where the morality - as the act to say the truth - can become an act of injustice.

For Adorno this happened for two reasons: on one hand, in Ibsen's dramas, to be honest means to be egoistic. This is one of the most important topics against Kant. As Adorno says: "for Kant had sharp eye for the fact that the motives that we think of as pure, and hence in conformity with the categorial imperative, are in truth only motives whose source lies in the empirical world. They are ultimately linked to our faculty of desire and therefore with the gratification of what I would term our moral narcissism" (ibidem, p. 163). Anyway, we cannot renounce completely the *Gesinnungsethik* because the responsibility ethics that can be defined as an objective one cannot be plainly identified with the moral principle, and for this reason there can be no life in the wrong because of the conflict between objective and subjective words. Adorno's answer to overcome this dilemma is to think of morality as resistance, because "good life in today's world consists in resistance to the forms of the bad life that have been seen through and critically dissected by the most progressive minds" (ibidem, p. 168). He defines *das negative Denken* (negative thoughts), similarly to Nietzsche's nihilism and at the same time more formally than Kant's categorial imperative, because "this resistance to what the world has made of us does not at all imply merely an opposition to the external world on the grounds that we would be fully entitled to resist it (...). In addition, we ought also to mobilize our own powers of resistance in order to resist those parts of us that are tempted to join in" (ibidem).

But can Kant's morals and politics justify resistance? In *On the common saying: this may be true in theory but it does not apply in practice* Kant means that resistance in a violent way cannot be moral, because in this case we would come back to the natural state and a violent reaction of the king could not be condemned (TP, AA 08: 292). Anyway, Kant does not renounce to indicate how and when a sovereign become a despot. This happens first, when he "wants to make the people happy in accordance with his concepts". In this case, "the people are not willing to give up their universal human claim to their own happiness and become rebels" (TP, AA 08:302). Then the sovereign becomes a despot when he forbids the freedom of speech, especially when he limits the public use of the reason and forbids the disapproval of himself. But it's difficult for Kant to formulate a right of resistance

although he acknowledges a *freedom of the pen* “the sole palladium of the people's rights” (TP, AA 08: 304), that is the freedom to criticize.

But could politics and/or morals be considered exclusive to a battle among egoistic interests - as Adorno seems to do? I think that for this reason, instead of examining the autonomy, Habermas concentrates his research on the first formula of categorical imperative in communications and in the process of production of the norms. In *Moral consciousness and communicative actions* Habermas tries to ground discourse ethics “in the form of a logic of moral” (Habermas, 1983, p. 57). For this reason, we need “a special type of validity claim connected with commands and norms and can identify it on the level on which moral dilemmas initially emerge” (ibidem, p. 58). The point is that the norms are different, for example, from the assertive sentences because the first type of sentences are valid before they are said. On the contrary a preposition like “iron is a metal” needs to be experienced. Here Habermas says: “On the face of it, assertoric statements used in constative speech appear to be related to facts as normative statements used in regulative speech acts are related to legitimately ordered interpersonal relations” (ibidem, p. 59). Here the truth of proposition is connected to its existence, while an ethical sentence is valid before the existence of a determinate fact, alike in terms of universal “ought” sentences or commandments. As example Habermas analyses two sentences:

(a) One ought not to kill anybody.

(a') It is commanded not to kill anybody” (ibidem, p. 60)

From this example it's easy to see what is the principle of all ethical sentences. Habermas formulates on the basis of categorical imperative the principle U, that he defines in this way: “All affected can accept the consequences and the side effects its general observance can be anticipated to have for the satisfaction of everyone's interests (and these consequences are preferred to those of known alternative possibilities for regulation)” (ibidem, p. 65).

From (U) he derives another principle of communication (D). (D) is only a procedure of communication that makes it possible to have a valid norm. From this point Habermas deduces that the only norm, which “can claim to be valid” are the norms “that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse” (ibidem, p. 66). (D) is a principle of discourse ethics, that “(...) already presupposes that we can justify our choice of a norm” (ibidem).

The universal principle is at the base of intersubjectivity of the ethical norms and in order to create norms we need cooperative effort. And this means

Conflicts in the domain of norm-guided interactions can be traced directly to some disruption of a normative consensus. Repairing a disrupted consensus can mean one of two things: restoring intersubjective recognition of a validity claim after it has become controversial or assuring intersubjective recognition for a new validity claim that is a

substitute for the old one. Agreement of this kind expresses a common will. (ibidem, p. 67)

As we can see, it is not difficult to recognize that this model evolves in the model of political confrontation. My question right now is, if we need agreement in any case and if the model proposed by Habermas can be adapted for a democratic confrontation, especially in political debate, agreement can oft be just the opinion of the majority and we cannot be sure that this agreement is founded in rationality.

As we see, to individuate the political faculty of Kant's exclusive Critical philosophy in the practical reason is not so simple. Kant explains the reasons of this (mis)relation between morals and politics in the Appendix of *Perpetual Peace*. In regards to this topic, Kant is inspired by Christian Garve (ZeF, AA 08: 385), who already treats the complicated relation between morals and politics. Garve argues that it is not so easy to apply moral principals in politics, because when, for example, a state makes an alliance, the sovereign does not know if he can help his ally in moment of needing, as for example in war. If a kingdom lost many subjects after an epidemic and at the same time its allied needs help in a war, in spite of the alliance, a sovereign should not keep his word because of the circumstance³. Kant criticize Garve in *ZeF*, because his standpoint would justify everyone who misuses the laws only for his own intent (ZeF, AA 08: 385).

But Garve's essay gives Kant the possibility to analyze the relationship between politics and morals. Here Kant is trying to understand which are the grounds of the conflict between these two areas of practical philosophy. Kant starts asking if there is a theoretical conflict between morals and politics, but even at beginning this conflict things seem to depend on the subject. Here Kant claims that "reason is not sufficiently enlightened to survey the series of predetermining causes that would allow it to predict confidently the happy or unhappy results of human actions in accordance with the mechanism of nature (though it is sufficiently enlightened to hope they will be in conformity with its wish)" (ZeF, AA 08: 370).

Does it mean that for Kant the political is just something *pragmatisch*? Just for some cases. Kant thinks it is important to conciliate the principle of politics with the morals: if we do not try it, "then politics (as the art of making use of this mechanism for governing human beings) would be the whole of practical wisdom, and the concept of right would be an empty thought" (ZeF, AA 08: 372). In order to understand what Kant means, we need to analyze the difference between the moral politician and the political moralist.

³ Wenn unter solchen Umständen Tractaten gebrochen werden: so hat der Regent nicht sowohl dadurch eine Schuld auf sich geladen, daß er sein Wort jetzt zurückzieht, als dadurch daß er es zuvor gegeben hatte. Er sollte keine 750 Sache versprechen, wozu seine Nation ihre Schätze und ihr Blut hergeben muß, wenn dieselbe bloß ihm, und nicht der Nation nützlich ist (Garve, 2021, p. 21).

The moral politician “is, one who takes the principles of political prudence in such a way that they can coexist with morals” (ZeF, AA 08: 372); the second is someone who “fashions a system of morality for himself so as to make it subordinate and subservient to the interest of the statesman” (ZeF, AA 08: 372). The first one tries to change the State in a legal way and corrects eventual defects of the system. The political moralist does not accept changes and uses the right (as a part of the morals) for his own needs.

Kant underlines that moral politician lets the principle of morals coexist with the principal of prudence. This implies morals and politics do not have the same principles, but there can be a way to let the both coexist. On the contrary the political moralist – who uses the principle of morals to motivate his decisions and his interests. Kant also affirms that the political moralist:

Instead of the practice of which these politically prudent men boast, they deal in *machinations* inasmuch as their only concern is to go along with the power now ruling (so as not to neglect their private advantage), and thereby to hand over the people and where possible the whole world, in the way of true lawyers (of the craft, not of *legislation*) when they go into politics. For since it is not their business to reason subtly about legislation itself but to carry out the present commands of the law of the land, to them whatever lawful constitution now exists must always be the best and, when this is altered from on high, the one following it, since everything is then in its proper mechanical order (ZeF, AA 08: 373-374).

In other words, the political moralist is an egoist who uses the law solely for his own interests, he is dishonest (see about this point Cubo, 2018). From this, Kant derives principles for political moralist, like *Fac et excusa*, *Si fecisti, nega* and *divide et impera*. But these precepts obviously are not moral. They are determined only by a mechanical process that has its origin in the egoisms of this kind of political man. These principles cannot be universalized and here there is no categorical imperative. Emblematic is the concept the two kinds of politicians have about the peace: the moral-politician will consider it as a moral task, while the political-moralist considers peace only for technical reasons (ZeF, AA 08: 377).

But is there an objective reason for this conflict? Do morals and politics different principles? It doesn't seem so. Kant later repeats that the conflict between morals and politics does not depend on theory, and it means, that there is no objective conflict between them. The reason behind this disagreement is subjective, and this is the why:

such conflict will remain; and it may always remain because it serves as the whetstone of virtue, whose true courage (according to the principle *tu ne cede malis, sed contra audientior ito*) in the present case consists, not so much in resolutely standing up to the troubles and sacrifices one must thereby take upon oneself, but in looking straight in the face what is far more dangerous, the deceitful and treacherous but yet subtly reasoning principle in ourselves which pretends that the weakness of human nature justifies any transgression, and in overcoming its craftiness. (ZeF, AA 08: 379)

As we can see the public right and the principle of *Publizität* should help to avoid a human inclination that Kant also showed in GMS II, when he explains that humans are inclined to have a too good opinion of themselves (GMS, AA 04: 407). But Kant emphasizes that only if politics is subordinate to morals as public right, we can have progress. The confrontation of sovereign with the public opinion should mitigate the role of egoism in the first one. But what kind of relationship is there between the *Publizität* and common sense? And could the publicity help us to answer at the beginning of the questions, if there is a political faculty?

2. Common sense and the principle of *Publizität*

The set of problems connected to the first formula of the categorical imperative as a procedure of practical reasons were the same motives Arendt considers the common sense instead of the practical law as the *a priori* of politics. Arendt, and later Lyotard, underline that through our judgment we have but something particular instead of universal (Arendt, 1992, p. 13 and Lyotard, 1988, pp. 167-168), and for this reason an *a priori* as the common sense would fit better for democratic challenges. And of course, autonomy and universality have an essential role for aesthetic judgment (see KU, AA 06: 281). Central to her lecture, Arendt connected common sense with the impartiality of the communication that she prefers to the principle of *Publizität*⁴. Arendt analyzes Kant's principle of *Publizität* in the 7th lesson of her lecture about Kant's political thought. She acknowledges that this principle implies impartiality too, but she prefers the common sense because here we do not have a rule, but just the peculiarity of someone which tries to communicate from a more impartial point of view. This is the standpoint of the spectator. According to her, the spectator is the one who thinks critically, and "Critical thinking is possible only where the standpoints of all others are open to inspection. Hence, critical thinking, while still a solitary" (Arendt, 1992, p. 41). Common sense should not be confused with empathy, but we do need general standpoints in politics. Spectators should be free from prejudice but he/she, at the same time, not properly passive (ibidem).

About the characteristics of the spectator Arendt adds that: "in either case: absorbed by the spectacle, I am outside it, I have given up the standpoint that determines my factual existence, with all its circumstantial, contingent conditions. Kant would have said: I have reached a general standpoint, the

⁴ *Publizität* is the word which Kant used to indicate what in contemporary German means *Öffentlichkeit*. In English this word is translated with publicity, however I prefer to use Kant's word to underline the peculiarity his concept.

impartiality of the Judge is supposed to exercise when he lays down his verdict.” (ibidem, p. 52) The spectator is more free than the actor and for this reason his/her judgment can be impartial. This reflects what Kant says about the right of the intellectual to judge the sovereign in *ZeF*. However, it seems that for Kant the achievement of this general standpoint could not be realized as we see in *Perpetual Peace*, because every human is a natural rational *Wesen*, and it is meant that impartiality is a task, because thought is still too egocentric. This is a peculiar characteristic of humans, which could be egoistic also in his judgment of aesthetics, as we can see in *Anthropology* (See Anth, AA 07: 130).

In a similar way to Arendt, Lyotard interprets the *Urteilkraft* as an archipelago that links the different faculties, and for this reason he thinks that the judgment would work better than practical reason in politics. Lyotard shares Arendt’s opinion about judgment, but he concentrates his analysis on the element of the participation, which he underlines more the potentiality of the impartiality of the *Teilnehmung*.

He deeply analyses the idea of enthusiasm, because of the representation of progressing toward the better of humanity which is linked to it. Lyotard defines enthusiasm as a purely aesthetic feeling which requires common sense and consensus. For him in this case *sensus communis* is “nothing more than a census which is undetermined, but de jure; it is a sentimental anticipation of the republic” (Lyotard 1988, p. 168). Lyotard underlines as the *sensus communis* is for the aesthetics, what “the whole of practical reasonable beings is in ethics” (ibidem, p. 168). He defines it as

an appeal to community carried out a priori and judged without a rule of direct presentation. However, in the case of moral obligation, the community is required by the mediation of a concept of reason, the Idea of freedom, while in the phrase of the beautiful, the community of addressors and addressees is called forth immediately, without the mediation of any concept, by feeling alone, inasmuch as this feeling can be shared a priori. The community is already there as taste, but it is not yet there as rational consensus (ibidem, p. 169).

Is Participation a sufficient element to compare to the principle of *Publizität* with common sense? And is its judgment more impartial as the *Publizität* as Arendt claims? I am not so sure. Of course, for these two kinds of *a priori*, we deal with different faculties, because it is clear that the *sensus communis* as *a priori* indicates the possibility of communicability of aesthetic judgment, which does not automatically imply pluralism - which implies something apodeictical that it seems to be lacking in common sense, where Kant expressly excludes that the necessity of *sensus communis* could possibly be apodeictical (KU, AA 05: 237)

But let me show better what Kant means by *Publizität*. Kant defines it as “the possibility of which is implied in every expression of right” (ZeF, AA 08: 380). This is the criterium to recognize immediately if in a law “a falsity and wrongness of a pretended right, since without it there would be no justice” (ibidem). Kant defines the *Publizität* for the first as an experiment of pure reason (ibidem) to proof the illegitimacy of the claim in question. After abstracting all the empirical contents in the right of the nation, the reason formulates a transcendental principle, which is: ‘all actions relating to the rights of other men are wrong, if their maxim is not compatible with publicity’ (ZeF, AA 08: 380). Kant goes on with his explanation and underlines that

This principle is not to be regarded as *ethical* only (belonging to the doctrine of virtue) but also as *juridical* (bearing upon the right of human beings). For a maxim that I cannot *divulge* without thereby defeating my own purpose, one that absolutely must *be kept secret* if it is to succeed and that I cannot *publicly acknowledge* without unavoidably arousing everyone's opposition to my project, can derive this necessary and universal, hence a priori foreseeable, resistance of everyone to me only from the injustice with which it threatens everyone (ZeF, AA 08: 381-382).

Of course, there are cases where the principle of *Publizität* does not fit in with the right, as in case of international rights. But if a right cannot be public, then that is a secret or a private right. The *Publizität* is not casuistic or probabilistic, but it is the principle “for the union of the ends of all is only possible in the harmony established by right” (ZeF, AA 08: 386). It is the principle that the philosopher should use to judge politics, because only the maxims that are public can conciliate morals with politics. Moreover, the *Publizität* helps to understand which is the possible *a prioristic* way to happiness of all people and how it could be increased because of implied pluralism. Anyway, this happiness is only about the state and the right. As Völker Gerhardt underlines, the *Publizität* is connected really strongly with the *Selbst-darstellung* (self-representation) and for this reason this principle could not be infallible (Gerhardt, 2012). However, the principle of *Publizität* seems to have not just descriptive content, but also a normative one (See Cubo, 2018, p. 279), although the normativity of this principle is negative (ZeF, AA 08: 382) and it means, I can only use it to know what is not right. But it also different from the *sensus communis*, because it gives a clear rule. But this rule is only about the form and does not imply the content. As Volker Gerhardt and Cubo underline the principle of *Publizität* shows something *inneres* and it is not just an instrument to find a rule, but also to criticize political authority (Gerhardt, 2012 and Cubo, 2018, p. 292).

Should the *Publizität* exclude the *sensus communis*? I think that political judgment requires both, from a Kantian point of view. As we have seen, it is really difficult to decide which Kantian faculty can fit for politics the most, because in politics the conflict between the two parts of human being (the rational and the natural one) is strong, and the strength is the risk of self-deception. Through political

judgment we have the possibility to exercise critique, and in order to do it we must always keep in mind the fallibility of our judgment. Moreover, we should be suspicious about those who do not let people understand what their intention are. From this perspective, peace as the conciliation of everyone's goal cannot be thought as something that already exists, but just as a task (Kant says in German *eine Aufgabe*) which "gradually solved, comes steadily closer to its goal (since the times during which equal progress takes place will, we hope, become always shorter)" (ZeF, AA 08: 386).

Conclusion: Is a faculty enough for politics?

The aim of this paper is to try to define a political faculty between judgment or practical reason in Kant's work in regards to the reasons of disagreement between the principle of politics that of morals. The interpretations of Adorno, Habermas, Arendt and Lyotard demonstrated that there are reasonable arguments for both faculties to be elected as the political one; however, it is difficult to crystalize Kant's political faculty just in practical reason or judgment, because in doing so there would be the risk of losing an important piece of his political philosophy.

Adorno and Habermas found political faculty in practical reason: the first author based his estimation about Kant's philosophy in the expression of the freedom as autonomy and antagonism, while his younger scholar examines in his communicative actions in regards to the procedure of the universalization of the maxims by the categorical imperative, in depth. Both interpretations presented some problems: Adorno risks reducing Kant's autonomy to wild antagonism, but antagonism alone does not improve communication and intermediation about different interests. Although for Kant this is essential for the realization of moral goals (IaG, AA 08: 21); likewise, Habermas' reduction of the practical reason to the only aspect of the principle of universalization risks repressing the autonomy of the single, reducing the categorical imperative to a procedure; otherwise the politics for Kant don't seem to be limited exclusively to the aspect of communication of the *sensus communis* -as Arendt and Lyotard underline - because this is a subjective a priori, but the political communication needs - as Kant underlines in the ZEF - an objective a priori of the reason, like the *Publizität* (ZeF, AA 08: 381), this means a normativity. In my opinion, there are good arguments to indicate both judgment and practical reason as the faculty of politics, although Kant seems to renounce to do so. For Kant politics is an expression of the mankind in his attempt to realize moral goals despite natural needs and for this reason maybe he avoided indicating a faculty of politics. In her/his tentative to achieve it, humans should try to find a moral balance between personal interests and the global good – with the awareness that the

causes of disagreement between morals and politics are always subjective. This means they depend of the special status of humans as sensitive and rational beings, who do not have experience of the highest good and always mix (intentional or not) their interests with it. For this reason, mankind needs all its faculties for politics: on one hand the judgment for communication and to have an archipelago between different elements; on other hand it needs practical reason because the political principle of prudence needs to be guided by *Publizität* as a priori of the reason. In comparison to the universalization of categorical imperative, *Publizität* does not imply the possibility to universalize the maxims of our will, but through an a priori of the reason gives a normative relevance to pluralism in political debate, because only through that there is a possible connection between the principle of morals with the politics, as well as the possibility to improve peace through criticism.⁵

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Abstract: The aims of this paper are two: on one hand I try to define the possibility of indicating in Kant's works a political faculty; on the other hand, I try to define the relationship between politics and morals in his political theory. The first question of this paper seems to be a neglected aspect by Kantian researchers, who simply limit themselves to identify the political faculty either with practical reason (Hoffe) or with judgment (Düsing, Pries). For this reason I will compare some interpretations about the faculty of politics of authors from the 20th century such as Adorno, Arendt, Lyotard and Habermas, who discussed, from different perspectives, the reasons why the faculty of politics should be individualized in practical reason (Adorno and Habermas) -first section- or in judgment (Arendt and Lyotard) -second section. After a comparison of *sensus communis* with the principle of *Publizität* at the end of second section, I try to discuss why we need both Kantian faculties for politics. The answer to this question seems to be linked to the problematic of disagreement between the principle of politics with the that of morals, because the causes of the disagreement are not objective but subjective, meaning, they depend of the special status of mankind as sensitive and rational being.

Keywords: Practical Reason, Judgment, Antagonism, Universalization, *sensus communis*

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