
In "Universal History" Kant does not yet draw a clear distinction between the highest political good (the perfect state and international peace) and the highest moral good (the moral society or community of co-legislators). Accordingly, it remains unclear what precisely the scope is of the cunning of nature. Can the mechanisms of self-interest alone force human beings into the condition of political peace, or is moral action, i.e., the good will, in principle also required to accomplish this end? Both answers are given in "Universal History," although the first predominates.

*Judgment* offers a clarification of the issue, for it draws a distinction between the ultimate end (*der letzte Zweck*) of nature and the final end (*der Endzweck*) of creation. Kant maintains that culture—including the legal order and international peace—is the ultimate end of nature and has the purpose of setting the stage for the moral society as the final end of creation. I will interpret this to mean that Kant holds that we may hope that through cultural development the motive of self-interest alone will suffice for bringing about the highest political good as a preparatory step toward the highest moral good, which is the exclusive domain of the good will and moral praxis.
An additional difference between "Universal History" and the third Critique is that, in the former, lust for power and need for recognition as aspects of unsocial sociability are emphasized as forces of historical change, whereas, in the latter, "material" factors such as survival, division of labor, and exploitation are stressed as instrumental in pushing humanity toward the institutionalization of higher forms of the political state. The two analyses, however, do not conflict with each other, but may be seen as complementary.

To illuminate these differences, in the first section below I will briefly discuss paragraphs 82–86 of Judgment. In the second section I will argue that Kant's regulative thesis: that the cunning of nature suffices to bring about the highest political good, is mistaken, deriving my argument from John Rawls's A Theory of Justice. I will end the chapter with a systematic analysis of the relation between the highest political good and the highest moral good, addressing, among other issues, the question of the institutionalization of the moral society itself (section 3).

1. Critique of Judgment:
The Ultimate End of Nature and
the Final End of Creation

Kant opens paragraph 82 of Judgment by stating that, by external purposiveness, as distinguished from the internal purposiveness of organisms, he means "that by which one thing of nature serves another as means to a purpose." Inquiry into external purposiveness, then, raises, the question, What is this natural thing good for? Posing this question in reference to the "kingdom of plants," Kant argues that the external purpose of plants is to serve as food for the herbivorous animals. The latter in turn have as their function the sustenance of carnivorous animals. Kant continues: "Finally we have the question: What are these last, as well as the first-mentioned natural kingdoms, good for? For man, in reference to the manifold use which his understanding teaches him to make of all these creatures" (p. 276; V: 506).

That the human kingdom is to be placed at the top of the hierarchy of natural kingdoms is a familiar doctrine, as is the argument Kant provides to support the claim that the human agent is the master of nature: "he is the only being upon [earth] who can form a concept of purposes and who can, by his reason, make out of an aggregate of purposively formed things a system of pur-
poses" (ibid.). Kant, however, gives an interesting twist to this doctrine by pointing out that, following Linnaeus, we can also turn around the above order of questioning. Thus we may see the herbivorous animals as having the purpose of preventing the exuberant growth of some plants from leading to the extinction of other plants. The carnivora serve as a means of controlling the voracity of the herbivora, and, Kant adds, “[f]inally man by his pursuit of these and his diminution of their numbers, preserves a certain equilibrium between the producing and the destructive powers of nature.” This implies that “man, although in a certain reference he might be esteemed a purpose, yet in another has only the rank of a means” (p. 277; 506). That humanity has too often failed in the latter function hardly needs to be argued: mastery of nature is not a given but a task.

The question is still open what the over-all purpose of his connection with nature is for the human individual himself. (This purpose is, of course, the ultimate purpose of nature, because the human kingdom is the highest of all natural kingdoms). Kant turns to this question in paragraph 83: “[T]his purpose must either be of a kind that can be satisfied by nature in its beneficence, or it is the aptitude and skill for all kinds of purposes for which nature (external and internal) can be used by him. The first purpose of nature would be man’s happiness, the second his culture (p. 279; 509). Kant offers two arguments to show that happiness is not the ultimate purpose of nature. The first is that our idea of happiness changes so frequently that nature, whether it is our natural order or some hypothetical one, as a system of universal and fixed laws can never by itself harmonize with this idea. Although we may doubt that our idea of happiness is indeed so “vacillating” as Kant claims it to be, it is to be granted that nature as such cannot guarantee human happiness, because it lacks the freedom, creativity, and spontaneity embedded in our notion of happiness. Mere natural mechanisms can provide pleasure, but not happiness, because the latter presupposes self-activity. The second argument is that our natural order offers us in fact little in terms of happiness. As Kant puts it, “[n]ature has not taken [the human individual] for her special darling and favored him with benefit above all animals” (p. 280; 510). Like all other animals, we are subject to the destructive operations of nature, such as diseases, hunger, harsh climates, natural disasters, and assaults by living organisms. It is therefore implausible to hold that the over-all purpose of our connection with nature is limited to the happiness that nature in itself can supply “in its beneficence.” The same can be said of internal
nature. Our natural dispositions are disharmonious; left to themselves, i.e., in the absence of rational and moral control, they lead to "self-devised torments," "oppression," and the "barbarism of war" (ibid.).

It follows that culture must be the ultimate purpose of nature. This conclusion basically accords with Kant's view in "Universal History"; for we have seen that he argues there that the significance of our lack of instinctual determination in conjunction with our hostile natural environment is that we must affirm humanity as self-creation. Kant defines culture as the human aptitude for setting and pursuing purposes in general, but he also uses the term to refer to the products of this aptitude. The moral purpose of culture is stated at the outset: culture is "what nature can supply to prepare [the human agent] for what he must do himself in order to be a final purpose" (p. 281; 511). From this angle then: that culture has the external purpose of setting the stage for the moral society, we must understand Kant's discussion of the evolution of human culture in the remainder of paragraph 83.

In this discussion Kant draws a distinction between the culture of skill and the culture of discipline, referring to two different ways in which the aptitude to set and realize all kinds of ends has gradually evolved within human history. The culture of skill is "positive" in character, for it involves the increasing capacity of human beings to use the natural and social environment for their own purposes—skill, then, encompasses the technical and pragmatic dispositions—whereas the culture of discipline is "negative" in character, consisting of "the freeing of the will from the despotism of [natural] desires," which, left to themselves, would render human agents "incapable even of choosing" (p. 282; 512).

Kant begins his analysis of the culture of skill by noting that progress in skill has been achieved through social inequality. The great majority of human beings have always worked in a rather mechanical fashion, requiring no special skills, in order to provide "the necessities of life . . . for the convenience and leisure of others who work at the less necessary elements of culture, science and art" (ibid.). This division of labor signifies class conflict, for the cultured keep the masses in "an oppressed condition," in which "they have hard work and little enjoyment." With the progress of culture this situation gradually changes, as much of the culture of the upper classes (which includes, we may presume, technology and the skill of social control) is gradually extended to the lower classes. But, Kant argues, "calamities increase equally in two directions": the lower classes are increasingly subject to violence from
the upper classes ("violence from without"), for they no longer accept their oppressed condition (and, we may add, they have gradually acquired the cultural means to change it), whereas the upper classes suffer from "internal discontent" arising from luxury and decadence. Kant claims that this culture of inequality is a "splendid misery," even though it contributes to the development of human capacities. The solution to the increasingly intense class conflict is a "civil community" where there will be equality in freedom for all citizens, and, Kant maintains, only in this state "can the greatest development of natural capacities take place" (ibid.). Thus the hope for the future which Kant projects is that the growing discord within the state will call forth its opposite: the perfect state as one aspect of the highest political good.

Kant's analysis here is clearly influenced by Rousseau, but we may assume that the French Revolution made an impact as well, with the old regime representing the luxury and decadence of the upper classes. Accordingly, we may interpret Kant here as "predicting" that future revolutions will occur as the result of the increasing oppression of the lower classes in the absolutist state, and will lead to more just political arrangements. His analysis here accords with that offered in "An Old Question." One essential difference, though, is to be noted: no claim is now made that the democratic aspirations of the lower classes signify that a moral motive is operative within humanity. Yet, the discussion in Judgment has the merit of complementing the analysis in "Universal History" of the causes of conflict and change within the state: the struggle for political domination and control is seen as arising not only from ambition and lust for power but also from economic ("material") factors such as exploitation and division of labor.

War is another impetus behind progress in skill. In agreement with "Universal History" but contrary to his view in Peace, Kant argues in Judgment that a requisite for the civil community is a "cosmopolitan whole, i.e., a system of all states." Kant asserts that this system would arise "if men were clever enough to find it out and wise enough to submit themselves voluntarily to its constraint. . . . [But] failing this, and with the obstacles that ambition, lust of dominion, and avarice, especially in those who have the authority in their hands, present to even the possibility of such a scheme, there is, inevitably, war" (pp. 282–83; 512–13; translation altered). In spite of the "dreadful afflictions" that war, and in particular the preparation for war, impose upon humanity, we should, however, not despair and view human history as aimless and not subject to improvement. To be sure, from the perspective
of the human species, war is an undesigned enterprise, stirred up by "unbridled passions," but, Kant argues, from the perspective of "supreme wisdom"—that is, from the angle of a praxis- and future-oriented philosophy of history—we may perhaps see war as "designed" in that it prepares human beings for "conformity to law amid the freedom of states" and motivates them to develop "all talents serviceable for culture to the highest possible pitch" (p. 283; 513). We have here, then, another instance of Kant's regulative thesis that it is rational to hope that (growing) discord will lead eventually to concord—now in the form of international peace, as the other aspect of the highest political good.

Kant does not tell us here how the realization of the highest political good can facilitate or be conducive to the realization of the moral society, but we have already encountered his answer to this question: the external freedom guaranteed by peace within and between the states creates room for autonomous action and lessens the number of occasions that provoke us to immoral behavior. Another consideration is that free institutions enhance moral dialogues which are needed to determine right action and social policy. We may note, moreover, that progress in skill facilitates the realization of the moral society in that increased capacity to control the natural and social environment holds promise of diminishing the impact of two sources of human conflict, namely, enconomic scarcity and the inability to steer social mechanisms rationally.

Kant is more explicit about the moral significance of the culture of discipline or training. This culture involves the refinement of crude passions and inner control of instinctual drives, creating the possibility of freedom of choice and the pursuit of long-range projects. Culture is a necessary preparatory step toward the good will and must therefore be seen as an aspect of moral education, both of the individual and of the species. Following Rousseau, however, Kant also points out in Judgment that culture may lead to decadence, ever-increasing artificial needs, and a false pride in refined taste as such, as if such taste without morality were anything but a "splendid misery." And elsewhere Kant lists envy, ingratitude, and spitefulness as "vices of culture and civilization" (Religion, pp. 22 and 29; VI: 166 and 173). More generally, it may be observed that the inner discipline acquired through cultural development can be used to promote both moral and immoral ends. But, contrary to Rousseau, Kant unambiguously argues that cultural progress is nonetheless desirable because we may expect that the pitfalls of culture will be gradually overcome by moving
forward—through more culture—to political peace and the moral society. Further, although this point is not stressed here, Kant holds that culture has not only a negative disciplinary function with regard to the life of moral autonomy, but also a more directly supportive function. That is, esthetic contemplation and scientific activity (the "beautiful arts and the sciences") create disinterested pleasure, a conception of universality, and a sense of freedom in accordance with law (positive freedom), and these experiences are conducive to and a semblance of moral praxis and feeling. Thus it can be truly said that culture "prepare[s] men for a lordship in which [moral] reason alone shall have authority" (Judgment, p. 284; V: 513).

Paragraphs 84-86 address the final end of creation, and much of what they cover is either by now familiar ground (e.g., the antinomy of practical reason) or not directly relevant to our present concern (e.g., the Argument from Design). We can limit our discussion to two problems. The first is that Kant seems to waver here between saying that the good will is the final purpose of creation and claiming that the moral society, or highest good, is that purpose. There is, however, no real inconsistency here; rather, the issue is imprecise terminology. Kant defines a "final purpose [as a] purpose which needs no other as condition of its possibility" (p. 284; § 84; 514). What distinguishes a final purpose from an external purpose, then, is that its teleological significance is not derived from its serving as a means to other ends. This implies that, with respect to a final purpose, we can no longer legitimately raise the question, What is it good for?, because its purposive meaning is not determined by other ends. Kant asserts: "Now of man (and so of every rational creature in the world) as a moral being it can no longer be asked why (quern in finem) he exists." The reason for this is that the worth of the good will, i.e., "man . . . as a moral being," is determined by its intention or motive, not by the ends it might promote. Yet it is misleading to continue to state, as Kant does, that the existence of the virtuous person "involves the highest purpose." The individual as a moral being is certainly a final end, but the final end of creation is the moral society. What Kant should have said is that the individual, as a final or unconditioned end, projects the final purpose of creation and seeks to mirror this purpose in his conduct. Kant is imprecise in the opposite way when he states in a later paragraph that "[t]he moral law . . . determines for us . . . a final purpose toward which it obliges us to strive, and this purpose is the highest good in the world possible through freedom" (p. 301; § 87; 531). The highest
good is not a final purpose but the final purpose of creation and human history.

The second, more weighty, problem concerns Kant’s view that the moral society, as the highest purpose within the hierarchy of ends in the universe, conditions the worth of all lower ends: the purpose of the domination of nature is culture, and the purpose of culture, in turn, is to bring about the highest political good as a preparatory step toward the moral society. Thus it may seem that on Kant’s account, human activities such as the pursuit of knowledge or the creation and experience of beautiful objects lack intrinsic value; they are mere means toward the realization of the good will as the only intrinsic good. Kant himself suggests this interpretation by stating, for example, in paragraph 86, that without moral agents “the whole creation would be a mere waste” and that it is only in reference to the good will “that the being of everything else in the world gets its worth” (p. 293; 523). A closer look at the text, however, makes clear that Kant adheres instead to four other theses. First, the good will is not the only intrinsic good as such; rather, it is the only intrinsic good that is morally good in all circumstances. In the famous words of the Foundations (p. 9; IV: 249), “[n]othing in the world—indeed nothing even beyond the world—can possibly be conceived which could be called good without qualification except a good will.” Second, Kant’s claim that certain human activities or ends have a contributory value in terms of the realization of the good will does not imply that this is their only value. Happiness, the pursuit of knowledge, culture, and so on, may be conducive to the development or continuation of the moral disposition, but they are also sought for their own sake. Were this not Kant’s view he would not have maintained that such activities or ends are an intrinsic part of the good life (the individual highest good) or the good society (the social highest good or moral society). Third, it is only in virtue of autonomous legislation, or the final purpose of creation, that we can ascribe moral significance to such individual or historical processes as progress in skill and inner discipline. In this light Kant’s contention is to be understood that it is only in reference to the good will “that the being of everything else in the world gets its worth.” Fourth, Kant holds that any given totality or whole that comprises some intrinsic good but lacks the good will is, finally, not worth being pursued. Thus he states in paragraph 86: “What does it avail . . . that this man has so much talent, that he is so active therewith, and that he exerts thereby a useful influence over the community, . . . if he does not possess a good will? He is a contemptible
object considered in respect of his inner self” (p. 294; 524). It is also
on this ground that Kant states that without moral beings “the
whole creation would be a mere waste.” Moreover, we have noted
that he maintains for a similar reason in “Universal History” that a
possible annihilation of our civilization is ultimately to be regret­
ted only from the perspective of the moral society. But this view
that the good will is a \textit{sine qua non} for the good life or the good
society is not be equated with the claim that virtue as such suffices
for either one of them. These ideal ends encompass also a variety
of other intrinsic goods.

2. The Cunning of Nature and the
Society of Intelligent Devils

Kant contends in \textit{Judgment} that culture is “what nature can supply
to prepare [the human agent] for what he must do himself in order
to be a final purpose” and that this final purpose “is not a purpose
which nature would be competent to bring about . . . , because it
is unconditioned” (pp. 281 and 285; §§ 83 and 84; V: 511 and 515).
This indicates that it is Kant's view that the cunning of nature
suffices, in principle, for bringing about the highest political good
as an aspect of culture, whereas the moral society is the exclusive
domain of the good will and moral action. This is not to deny, as
Patrick Riley puts it in his \textit{Kant's Political Philosophy} (p. 80), that
“Kant's culture—including legality, peace, art and science—is a
mid-way (as it were) between nature and [positive] freedom.” Cer­
tainly, culture as encompassing an inner and outer control of our
natural impulses is a step forward to the moral society in that such
control facilitates the moral task. The crux of the matter is,
however, that Kant's culture, viewed as the ultimate purpose of
nature, is a bridge between \textit{mere} nature and morality. That is, this
culture, as the overcoming of nature, remains within the sphere of
nature—it is nature mediated by nature—although it creates in
cunning fashion the step beyond nature toward morality. More
specifically, what Kant suggests in \textit{Judgment} is that, although ex­
ploration, avarice, ambition, lust for power, war, and the like, are
the dominant forces behind the evolution of human culture, we
are justified in hoping that sooner or later humanity will turn the
skills and discipline acquired in this process toward higher ends,
because it is to be expected that the culture of discord will at some
point exact so high a price from us that calculated self-interest
\textit{will}—and thanks to the acquired skills \textit{can}—bring about political
peace so as to avoid such a disastrous result. Thus the realization of the highest political good can be accomplished within the realm of the natural will; i.e., it does not necessarily presuppose the moral will, and this is a cunning process in that the motive of self-interest, through bringing about this good, unwittingly realizes a morally demanded condition which is conducive to the overcoming of this very same motive in the form of the moral motive.

A more detailed look at the Kantian practical corpus corroborates my interpretation that, on Kant's account, the highest political good falls within the scope of nature alone. We have seen in the previous chapter that Kant outlines three roads toward international peace. A brief recapitulation will make clear that each of these is a road of self-interest. The first road is that, on the supposition that we may expect an increasing number of republican states to emerge in the future, we may also expect that the cause of peace will be promoted; for we may anticipate that these states will associate together, gradually enlarging the federation of states. A crucial premise of this hope is that the republican constitution requires the consent of the citizens for the declaration of war, and, Kant says, "nothing is more natural than that they would be very cautious in commencing such a poor game, decreeing for themselves all the calamities of war" (Peace, pp. 94--95; VI: 436). The second road is that we may expect that war will become at some point so devastating that it will force humanity into the condition of peace. Here again it is self-interest that motivates change, even self-interest in its most basic form—survival. The third road is that increasing trade between the nations will promote peace, because war interrupts commercial transactions and is, accordingly, incompatible with the "spirit of commerce," which is a spirit of limited self-interest. In each case, however, the qualification must be added that, strictly speaking, self-interest alone is not enough, for the realization of lasting peace presupposes also the capacity on the part of humanity to find institutional forms that guarantee peace. It is from this angle that we must interpret Kant's statement in Judgment, cited earlier, that a "system of states" would arise "if men were clever enough to find it out and wise enough to submit themselves voluntarily to its constraint." And, in light of the foregoing, we may assume that this wisdom is prudential, not moral. The realization of international peace, then, requires a natural history (self-interest and pragmatic knowledge), not necessarily a moral or rational history (the good will).

In Peace Kant makes comparable, but more explicit, remarks with respect to the perfect state, the republican state:
As harsh as it may sound, the problem of organizing a state can be solved even for a race of devils, if only they are intelligent. The problem is: "Given a multitude of rational beings requiring universal laws for their preservation, but each of whom is secretly inclined to exempt himself from them, to establish a constitution in such a way that, although their private intentions conflict, they check each other, with the result that their public conduct is the same as if they had no such evil intentions" (p. 112; VI: 452–53; translation altered).

Thus the realization of the perfect state presupposes two things that are within the reach of the history of humanity as a natural history: the motive of self-interest ("preservation") and political technology, i.e., pragmatic knowledge. Kant emphasizes this claim that the good will is not a *sine qua non* for the realization of the ideal state by arguing that this end "does not require that we know how to attain the moral improvement of men but only that we should know the mechanism of nature in order to use it on men," adding the parenthetical remark that "[a] good constitution is not be expected from morality, but, conversely, a good moral condition of a people is to be expected only under a good constitution" (pp. 112–13; 453). This permits Kant to conclude here that "[n]ature inexorably wills that the right should finally triumph. What we neglect to do comes about by itself, though with great inconveniences to us" (p. 113; 453).

It is to be emphasized that Kant's contention that nature alone can bring about the highest political good is not a dogmatic assertion about what will actually happen in the future. A claim to this effect would conflict with the primacy of praxis in his work, since it would invite us to watch the inevitable progressive course of history from the ivory tower of contemplation. After outlining the third road to peace between the nations, Kant states:

In this manner nature guarantees perpetual peace by the mechanism of human passions. Certainly she does not do so with sufficient certainty for us to predict the future in any theoretical sense, but adequately from a practical point of view, making it our duty to work toward this end, which is not just a chimerical one (*Peace*, p. 114; VI: 454–55).

Similar remarks apply to the perfect state. So Kant is not claiming that the highest political good will be realized as a historical project in the absence of the good will. Rather, his claim is that morally committed persons in their efforts to change society may take as their guideline that the cunning of nature suffices to bring about the highest political good, and their actions then will hasten the
realization of this good. Accordingly, when confronted with the selfish actions of humanity, these individuals do not despair, because they consider themselves justified in hoping that the negative effects of these actions will force humanity to seek social arrangements in which these selfish actions are controlled for the benefit of all. Thus the regulative idea of the cunning of nature stimulates moral action. Further, in accordance with the primacy of praxis, it is to be noted that the more effective this regulative idea is, the more superfluous it becomes; for the greater the number of human agents who accept this idea and on this ground do not grow discouraged from engaging in social action, the smaller the number of human agents upon whom nature has to play its cunning tricks.

Yet, is it plausible to hold that the cunning of nature, in principle, suffices to bring about the highest political good? Kant's thesis that a race of intelligent devils would seek the perfect state implies an affirmative answer to this question. For, although nature cannot make us moral, it can make us intelligent in a pragmatic sense: we may expect that the lessons of history will eventually force selfish agents to recognize, or discover, that the perfect state is to their mutual benefit (assuming, for the moment, that Kant is correct about this latter point). Moreover, we can see each state as an intelligent devil and infer that, just as intelligent devils would seek a coercive peace within the state, the individual states would accept a federation of states understood as a balance of powers. So the upshot is that we should subject to philosophical scrutiny the idea that self-interested intelligent beings opt for a state that guarantees equality in freedom for all its citizens.

Before starting this enterprise, a few words need to be said about the issue at stake. What makes Kant's claim concerning the choice of intelligent devils attractive is that it seems a minimal assumption for supporting the hope for progress. If his claim is correct, we undoubtedly have good reason for looking to the future with morally adequate confidence. However, we have to pay a serious price, which Kant overlooked: assuming that intelligent devils can bring about the perfect state, we can no longer defend the view that political progress within history signifies moral progress. That is to say, we are no longer justified in holding that events such as the French Revolution, in conjunction with the enthusiasm it engendered among its spectators, indicate that humanity is already moving toward a stage in which it self-consciously shapes its own destiny on the basis of moral ideals. For, taking Kant's claim concerning the intelligent devils seriously, we
must conclude that the spectators through their "wishful participation" in the Revolution sided with intelligent devils. We must, moreover, conclude that the spectators are such devils when they, in their turn, engage in revolutionary action. Or, at least, on the basis of Kant's claim we cannot refute these conclusions. His thesis of moral progress, then, collapses in the face of his thesis concerning the race of devils. The attractive minimal assumption for progress weakens the hope for a rational history of humanity. Kant cannot have it both ways. I think we can leave open the question of which is the better way of supporting the hope for progress; for I will now argue that Kant's view is implausible that intelligent devils can bring about a perfect state, basing myself on Rawls's A Theory of Justice. 

I assume that the main ideas of Rawls's work are known. My concern here is with his first principle of justice, which says that "[e]ach person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all" (p. 302). Rawls contends that a good constitution must adopt this liberty principle, and this accords with Kant's view. Kant defines the perfect state as having "[a] constitution allowing the greatest possible human freedom in accordance with laws by which the freedom of each is made to be consistent with that of all others. (Pure Reason, p. 312; III: 258). Rawls goes on to maintain that the constitution of the good state must secure the following basic liberties: "political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law" (p. 61). Again, this fits Kant's view, not in detail but in general orientation. Finally, both Kant and Rawls hold that their liberty principle is compatible with the existence of significant social and economic inequalities. 

A central thesis of Rawls's work is that the people in the original position behind the veil of ignorance will opt for the liberty principle. Now if it can be shown that (a) Kant's intelligent devils are the same type of persons as the Rawlsian people in the original position and that (b) Rawls is correct in holding that several constraints, such as the veil of ignorance, are to be placed upon his people if they are to opt for the liberty principle, then it follows that Kant is mistaken in claiming that his devils will choose the perfect state. For, as we have already seen, the perfect state instantiates the liberty principle, and the Kantian devils are not sub-
ject to such constraints as Rawls imposes upon his people. So our discussion should focus on (a) and (b).

Rawls assumes that the people in the original position seek to maximize their own interests. This assumption is made for "strategic" reasons; i.e., it is a minimal assumption. And Rawls, accordingly, rightly claims that there is no inconsistency in supposing that, once the parties have left the original position (the veil of ignorance has been lifted), they "find that they have ties of sentiment and affection, and want to advance the interest of others and to see their ends attained" (p. 129). Furthermore, self-interest must not be confused with egoism. Rawls makes the additional assumption that "each person in the original position [will] care about the well-being of some of those in the next generation" (p. 128). This care is conceived of in terms of family ties, but the qualification is added that this interpretation is not essential to the main argument for the principle(s) of social justice. The assumption warrants the claim that each person in the original position will opt for a conception of justice that is not only in his own interest but also in the interest of some members of the next generation. Indeed in this regard it does not seem to be essential whether these persons are family members or not. The over-all result is that the assumption prevents the choice of a society in which the present generation, in pursuit of its own happiness, severely curtails the material and existential possibilities of future generations.

Thus far the Rawlsian people in the original position resemble the Kantian devils. Both types of person are selfish, not in that they are purely egoistic but in that they fail to take an interest in the well-being of humanity. The truth of the matter seems to be that both Kant and Rawls take the individual as he is molded by our society; the "self" of self-interest is the phenomenal self, not the noumenal self. More precisely, they both take as their point of departure the phenomenal self, but abstract from the fact that human agents at times attempt to live up to their ideal self. Rawls's motive for this strategy is to make a strong case for his conception of social justice, starting his deliberations with a minimal assumption, whereas Kant's motive is to affirm the hope for social progress. An additional similarity is that Rawls also supposes that the people in the original position are intelligent (like the Kantian devils): they have learned the lessons of history, as is manifest in Rawls's claim that they are familiar with the "general facts about human society," "political affairs," the "principles of economic theory," the "basis of social organization," and the "laws of human psychology" (p. 137).
Granted that the Kantian and Rawlsian individuals are the same type of person, it becomes interesting to look at some other assumptions that Rawls makes in establishing that his people will opt for the liberty principle. I will first briefly turn to the "mutual disinterest" assumption and then deal more extensively with the veil of ignorance, pointing out in each case the ramifications for Kant's contention that devils, if intelligent, will opt for the perfect state.

Rawls assumes that the parties in the original position are mutually disinterested, not only in the sense that they do not seek to promote one another's ends but also in the sense that they do not attempt "to impose injuries on one another." Rawls continues: "they are not moved by affection or rancor. Nor do they try to gain relative to each other; they are not envious or vain" (p. 144). The same cannot be said of the Kantian devils, because we may suppose that they display unsocial sociability and, hence, are engaged in a competitive struggle, trying to outdo one another.

This difference between Kant and Rawls supports my contention that the Kantian devils will not, or are not able to, organize a society that secures equal liberty for all. For, although unsocial sociability may force human beings into society, it is at the same time an impediment to the realization of a just society. After all, lust for power can be satisfied only in a society of economic, social, and political inequality, and a competitive spirit seeks the same type of society. Now it might be argued that these unsocial propensities are pragmatically irrational, not fitting for intelligent beings. An argument to this effect, however, is unlikely to succeed; for the attempt to outdo others violates not the canons of pragmatic reason, but those of moral reason. Also it must not be forgotten that the Kantian devils are indeed devils who will use any opportunity and means to promote their interests. In short, Rawls seems right in holding that the assumption of mutual disinterest in its non-envy and noncompetitiveness aspects is required if the liberty principle is to be chosen.

A much stronger case against Kant, however, can be built on the rationale for the veil-of-ignorance procedure. Rawls believes that this veil must be lowered so that his people will opt for equal liberty for all. The effect of this procedure is that the people in the original position momentarily do not know their places in society, their class position or social status, their fortunes in the natural lottery of assets and abilities, their special psychological features (such as their aversion to risk), their intelligence, strength, and other natural characteristics. Rawls adds that the veil of ignorance
also brings it about that the people in the original position do not know their specific conception of the good, the particulars of their plans of life, the generation to which they belong, and the particular circumstances of their society (see p. 137).

Perhaps the veil of ignorance is an internally inconsistent procedural device. It asks us to forget about particulars, while we must retain generalized knowledge, as if such knowledge about society and human beings were not historically dated and variant with class position. (Apparently, Rawls thinks that ideological distortion of social knowledge does not pose a problem.) Be this as it may, what is crucial to notice is that the over-all effect of the veil of ignorance is to guarantee impartiality. For, once this procedure has been followed, one does not know whether one is person A or B, etc., and hence, any motive is taken away for choosing a principle of justice that suits the particular interests of A or B, etc. Or, presumably more in accordance with Rawls's view, the effect of the veil of ignorance is that in some sense we still know who we are, but do not know how we are going to fare, for we lack specific knowledge about ourselves and the society we shall enter. In both cases, however, the result is that we are forced by the veil of ignorance to consider the interests of others, because we may turn out to be these others, as it were. That is to say, their interests may well turn out to be our own interests, and, hence, in considering our own interests and the maximization thereof, we are considering the interests of others.

"Forced" impartiality is a crucial premise of Rawls's argument for the liberty principle. He argues in some detail for equal liberty of conscience, maintaining that "[t]he reasoning in this case can be generalized to apply to other freedoms, although not always with the same force" (p. 206). I will not sketch all the aspects of Rawls's reasoning for equality in freedom of conscience, since a rough outline suffices for my purposes. I will add, however, some additional considerations.

Freedom of conscience is important for the fulfillment of certain religious and moral obligations, and the parties in the original position are aware that such obligations play a significant role in their lives. (These obligations are here best understood as personal obligations; they are, of course, not obligations laid down by the principles of social justice.) More generally, freedom of conscience is important in that it safeguards the possibility of exploring and examining one's own personal convictions.

Rawls presents the people in the original position with three principles of justice that regulate the distribution of the liberty of
conscience, namely, majority rule, the utility principle, and the liberty principle. Limiting the discussion to religious obligations, we can make the following observations. Provided that one belongs to the majority religion of a certain society, majority rule is a better option than the liberty principle, which requires equality in freedom of conscience. Consider, for example, education. Religious education is an important parental obligation, and it is, therefore, in the interest of the majority of parents to have a school system that makes the majority religion part of its curriculum. This would violate the liberty principle, assuming that our concern is with the public school system. Other examples to the same effect can easily be given, and so we may conclude that majority rule is the preferred option, at least for the majority. The veil of ignorance, however, excludes the knowledge that one will enter a society with a majority religion. More importantly, this veil prevents one from knowing whether one belongs to the majority. Hence, one is forced to look at the situation from the perspective of being a member of the minority. The outcome is that the liberty principle becomes the preferred option. For, as Rawls states with respect to the various treasured aspects of the liberty of conscience, "[e]ven granting (what may be questioned) that it is more probable than not that one will turn out to belong to [some] majority . . . , to gamble in this way [i.e., to choose for majority rule] would show that one did not take one's religious or moral convictions seriously, or highly value the liberty to examine one's beliefs" (p. 207). I may add, since Rawls fails to do so here, that the veil of ignorance also forces one to become a conservative risk taker: daring gamblers seem to be a minority, and, since the veil blocks out one's knowledge concerning one's own aversion to risk, it is rational to consider oneself to be a conservative gambler. Certainly, conservative gamblers who treasure liberty of conscience will not opt for majority rule.

The analysis of the utility principle can proceed along similar lines. Consider again the above example concerning religious education. It might well be the case that the satisfaction the majority derives from having their religion taught in the public school system outweighs the dissatisfaction of the minority. If so, the utility principle is in the interest of the majority, but conflicts with the interest of the minority. Now, in the original position behind the veil of ignorance, one must take into account the uncertainties embedded in the utilitarian calculus (ibid., pp. 160–61). Perhaps the utility principle leads to the same results as the liberty principle, but it might also be the case that the utility principle favors the
majority. In the absence of the veil of ignorance, this would make the utility principle the better of the two options (for the majority), but, once the veil has been lowered, the liberty principle becomes the preferable option, because one does not wish to gamble with one's moral and religious obligations.

The mutual-disinterest assumption (as including non-envy and noncompetitiveness) and the veil-of-ignorance procedure place moral constraints upon the self-interested agents in the original position. The Kantian devils lack these constraints, and the consequence is that they will not opt for the perfect state. The unsocial nature of the Kantian devils points to this conclusion; the rationale for the veil-of-ignorance procedure strongly affirms it. For, as we have seen in the above example of liberty of conscience, this procedure is crucial for making the liberty principle the preferred choice. It is only when a dominant religion is absent in their society that it is rational for Kantian devils to choose equality in freedom of conscience, although even in this case it might be better to form a coalition of minority groups, constituting together a majority and repressing the resulting minority. Moreover, societies with a dominant religion are common, and the same can be said of moral doctrines, styles of living, personal convictions, and the like. So the prevailing choice of the Kantian devils will be not the liberty principle as regulating freedom of conscience but rather the majority principle (or perhaps the utility principle). Similar observations can be made with respect to other basic liberties. We might, for example, expect that the Kantian devils will opt for limiting political liberties to an ethnic majority and that they will wish to curtail the freedom of speech and assembly of the minority, preventing their challenge to the rule of the majority.¹¹

Until now I have deliberately neglected the fact that the minority is not prepared to accept majority rule (or, alternatively, the utility principle). Rawls requires that any principle of justice that is chosen in the original position is to be adopted in a unanimous manner. On these terms, the Kantian devils will not be able to come to a principle of justice governing the distribution of basic liberties within society. There are two possible solutions: the Kantian devils can stop being devils, take into account moral principles which lead them to recognize the interests of all (as Rawls is doing in an indirect fashion for the people in the original position), and in this way come to a unanimous acceptance of a certain conception of social justice, or these devils can supplement their deliberations with force. From the angle of maximizing individual
interests, the use of force is rational, if successful. Faced with the force employed by the majority, the minority devils may come to the conclusion that acceptance of majority rule is after all in their best interest. So either solution shows that Kant’s contention is mistaken that intelligent devils can organize a perfect state.

Nonetheless, Kant’s view has a rational core. It would be naive to deny that self-interest (the cunning of nature) plays an important role in progressive political change. It might be in the interest of the rulers gradually to extend basic liberties to their subjects, because the power of force is not unlimited and might be too high a price to pay. Or, alternatively, as Kant suggests, the rulers may take such measures for the sake of increasing economic activity, strengthening the position of their state vis-à-vis other nations. Likewise, we may suppose that those who struggle for the extension or effective implementation of basic liberties are at times guided by prudential rather than moral concerns. What the above observations and arguments concerning social justice, however, do show is that the cunning of nature is ultimately an insurmountable impediment to the realization of the perfect state. In order that the fateful circle of the oppressed who become oppressors be broken, morality in its directive function (i.e., the recognition of universal rights) is required. The same pattern holds for international relations. Moreover, it seems that morality in its corrective function is needed to bring about the highest political good. Intelligent devils will fail to place moral constraints upon social action, and this darkens the prospect of a universal legal order. In Part Two I will argue, further, that, even if we assume that both self-interest and morality call for the realization of some ideal institution (such as the perfect state), morality still has an indispensable motivational role to play in bringing about such an institution. This argument, if correct, underscores the claim that intelligent devils will not engage in social action toward ideal institutions. Morally committed persons, then, cannot base their hope for progress on the cunning of nature alone. What needs to be shown is that we are justified in hoping that humanity is making moral progress as well. Kant says that the French Revolution is a historical sign that supports this latter hope. Thus, on my account, such signs must—and consistently can—play a greater role in an adequate Kantian philosophy of history than Kant ascribed to them.

Finally, these considerations point to the conclusion that legal progress and moral progress are best understood as feedback processes with regard to each other—that is, legal progress facilitates moral progress, which, in turn, stimulates further legal progress.
Although this insight is not altogether lacking in Kant's work, it is certainly understressed. Kant tends to sketch the history of humanity as a mere natural history in which the evolution of moral reason disappears in the background. This, in conjunction with his thesis concerning intelligent devils, leads Kant to make the unmediated claim that "[a] good constitution is not to be expected from morality, but conversely, a good moral condition of a people is to be expected only under a good constitution."

3. The Highest Political Good and the Highest Moral Good: Systematic Analysis and Critique

Kant's contention that devils can organize a perfect state and, we may assume, international peace, highlights the question of how he sees the relation between the highest political good and the moral society. Yirmiahu Yovel draws from Kant's claim the conclusion that "even to the best of states cannot be attributed a moral value per se, and it is not in any political organization that the end of history is to be placed." I think that Yovel somewhat overstates his case here, but I also will argue that Kant's view in this regard is far from satisfactory. I will begin by briefly expounding Kant's discussion in Religion of the relation between the ethical commonwealth and the political commonwealth.

This discussion clarifies Kant's view of the relation between the perfect state and the highest moral good, although the caveat is to be added that the political commonwealth is not to be equated with the perfect state; rather, Kant uses this term to refer to any political state. Moreover, it is to be noted at the outset that he uses the term 'ethical commonwealth' to refer both to the moral society and to any moral organization that harmonizes with this ideal. Kant puts the matter more precisely when he says that such an organization is only a "representation" or "schema" of the ethical commonwealth (Religion, p. 88; VI: 240).

There are some important similarities between the ethical commonwealth and the political commonwealth. Both are entered from a state of nature—that is, a hypothetical state in which there is no rule of law—and their citizens are united under (public) laws. But there also are important differences: the juridical state of nature is a condition in which there is no legal authority, whereas the ethical state of nature is a situation in which there is no shared set of moral rules that guide and inspire the behavior of human
beings; moreover, the laws of the political commonwealth are coercive laws imposed by the legal authority, whereas the laws of the ethical commonwealth are noncoercive, i.e., they are self-imposed, or autonomous laws.

The juridical state of nature is by definition an ethical state of nature, because it is a moral duty to obey and seek the rule of law. Kant maintains that there is an empirical relation between the two: the juridical commonwealth is a precondition for the emergence of the ethical commonwealth, because one can expect autonomy to arise only in a situation in which external freedom is guaranteed by the law. This development toward autonomy is to be hoped for, but it cannot be enforced. Kant states:

In an already existing political commonwealth all the political citizens, as such, are in an ethical state of nature and are entitled to remain therein; for it would be a contradiction (in adjecto) for the political commonwealth to compel its citizens to enter into an ethical commonwealth, since the very concept of the latter involves freedom from coercion (ibid., p. 87; 240).

Kant adds that every political commonwealth may indeed wish that its citizens be united under moral laws, i.e., have joined an ethical commonwealth, "for then, when its methods of compulsion do not avail (for the human judge cannot penetrate into the depths of other men) their dispositions to virtue would bring about what was required." But, again, it would violate the dictates of moral reason to force the citizens in this direction. Besides, it would conflict with political prudence in that it would threaten the stability of the state. Thus Kant comes to say: "woe to the legislator who wishes to establish through force a polity directed to ethical ends!" More specifically, Kant seems to argue here for two things: the legislator may not force us to actively promote the private ends of others, and he may not force us to join any religious organization (as an instance of a moral organization, anticipating the ethical commonwealth).

The primary need for leaving the ethical state of nature and joining an ethical commonwealth arises from the social nature of moral evil. In Kant's own words, "[e]nvoy, the lust for power, greed, and the malignant inclinations bound up with these, besiege [the individual's] nature ... as soon as he is among men." Accordingly, if no means could be discovered ... for the forming of a society which seeks to preserve morality and to work with united forces against evil, then, no matter how much the individual may have
done to free himself from evil, he will be constantly in danger of falling back under its dominion” (ibid., pp. 85–86; 238; translation altered). Cooperation from others, then, which goes beyond the legal guarantee of external freedom is required so as to overcome vice, for this enforcement of external freedom, although it lessens the number of immoral actions, still leaves room for immoral behavior, calling forward a similar response from oneself. The virtuous person will, therefore, seek to join with others in a society “in accordance with, and for the sake of, the laws of virtue, a society whose task and duty it is rationally to impress these laws in all their scope upon the entire human race.” Or, as Kant also puts it, “[i]n addition to prescribing laws to each individual, morally legislative reason also unfurls a banner of virtue as a rallying point for all who love the good, that they may gather beneath it and thus at the very start gain the upper hand over the evil which is attacking them without rest” (p. 86; 238).

The only example of a moral society or organization which Kant provides is the church. The existing church, however, falls far short of this ideal of an ethical commonwealth, which Kant also calls the “true church.” The true church is characterized by universality, purity, freedom, and unchangeableness. It is universal and unchangeable because it is a single (i.e., without sectarian divisions) church unified under moral laws that are seen as divine and holy. The true church is, moreover, pure because it is guided by no other motives than moral ones—that is, it is “purified of the stupidity of superstition and the madness of fanaticism.” Last, since the true church is entered voluntarily, it is free, both internally and in relation to the political commonwealth (see p. 93; 246–47). The difference between the existing church and the true church corresponds to the difference between (ecclesiastical) faith and pure (rational, moral) religion. Kant writes:

There is only one (true) religion; but there can be faiths of several kinds. We can say further that even in the various churches, severed from one another by reason of the diversity of their modes of belief, one and the same true religion can yet be found (p. 98; 253).

Thus we may also see the true church as the rational (moral) core of existing religious institutions. The implication is that these institutions must gradually cast off their historically rooted non-rational shell (which has been in the past a source of religious conflict), leaving behind one final true church embracing all of humanity—the moral society. It is presumably from this angle that
Kant argues that even a large number of human agents united in a virtuous order "can be called not the ethical commonwealth itself but only a particular society which strives towards harmony with all men . . . ; for each of these societies in turn, in its relation to others of the same kind, can be represented as in the ethical state of nature and subject to all the defects thereof" (p. 88; 240–41).

Kant stresses that an ethical commonwealth, although bounded by civil laws, is a politically independent organization. Those who form an ethical commonwealth and shape its constitution must be free from any political interference as long as "this constitution . . . contain[s] nothing which contradicts the duty of its members as citizens of the state." Kant adds: "[W]hen the ethical pledge is of the genuine sort the political limitation need cause no anxiety" (p. 88; 240). His reason for this claim is that the constitution of a true ethical commonwealth is based on the duties of virtue. These ethical duties are duties of inner legislation, i.e., self-imposed duties, as opposed to duties of justice, which can be imposed upon us by an appropriate legal authority (external legislation). Now it is a duty of virtue to fulfill one's juridical duties in the absence of outer coercion—Kant therefore calls these duties "indirectly ethical" (see Virtue, p. 19; VII: 21)—and so we may expect, Kant argues, that those who have committed themselves to an ethical commonwealth will obey the laws of the political commonwealth. It seems that the qualification should be added that these laws should not be blatantly unjust, but, as we will see in the next chapter, Kant is hardly prepared to accept this qualification.

A final issue which deserves further elaboration is that Kant holds that the rationalization or ethicization of religious institutions implies, in effect, their being overcome as religious institutions. The visible church must eventually become invisible:

[I]n the end religion will gradually be freed from all empirical determining grounds and from all statutes which rest on history and which through the agency of ecclesiastical faith provisionally unite men for the requirements of the good; and thus at last the pure religion of reason will rule over all. . . . The leading-string of holy tradition with its appendages of statutes and observances . . . becomes bit by bit dispensable, yea, finally, when man enters upon his adolescence, it becomes a fetter . . . The humiliating distinction between laity and clergy disappears, and equality arises from true freedom, yet without anarchy, because, though each obeys the (non-statutory) law which he prescribes to himself, he must at the same time regard this law as the will of a World-Ruler revealed to him through reason, a will which by invisible means unites all under one common government into one state—a state previously and inadequately
represented and prepared for by the visible church (Religion, p. 112; VI: 267-68).

This future "state" is the moral society, and, as this passage makes clear, this society is an "inner" unification of good wills through the moral law. It is, moreover, a state of universal autonomy; for Kant's statement that we must regard the moral law as representing the will of God must not be interpreted as saying that this law is "valid" because it represents the will of God. We must first know our duty before we can describe it as "divine" or "holy." The nonrational shell of (ecclesiastical) faith is heteronomous, whereas its rational core—i.e., the religion of reason—is autonomous, a point which Kant underscores by stating that his moral religion "obviates the erroneous representation of religion as an aggregate of special duties having reference directly to God; thus it prevents our taking on ... courtly obligations over and above the ethico-civil duties of humanity (of man to man)" (ibid., p. 142n; 302n). Further, the above passage shows that Kant views as provisional the need to join an ethical commonwealth so as to combat evil collectively: this is a step that is necessitated only by moral "immaturity." Once humanity has reached "adolescence" —and we may assume that the Enlightenment corresponds to this stage of moral evolution—such collective efforts to overcome evil become dispensable and even a fetter upon moral progress. In further explicating his view along these lines, Kant presents us, I think, with both a gain and a loss. Considering the role of religious institutions in his own time, there is a gain: Kant was right in holding that the emancipation of humanity was bound up with emancipation from (ecclesiastical) faith. What is a loss, however, is that Kant in this way turns another correct insight into its opposite: social change requires collective and cooperative efforts, not actions undertaken by atomic (i.e., isolated or unorganized) moral individuals. The failure to recognize the possibility of ethical organizations other than the church points to the historical limits of Kant's practical philosophy.

The different strands of Kant's view concerning the relation between the highest political good and the highest moral good, as we have encountered them up to this point, can now be pulled together. I will list my conclusions in several points and end this section with some brief critical comments on Kant's view.

(a) The perfect state is a state with a constitution that guarantees equal external liberty for all its citizens, and all its laws accord with this ideal. Or, to put it otherwise, the laws of the perfect state seek to enforce what Kant in Justice calls the "universal principle of
justice"—that is, "act externally in such a way that the free use of your will is compatible with the freedom of everyone according to a universal law." This enforcement of juridical duties makes it possible for each citizen of the perfect state to pursue his personal ends in freedom. These ends may be obligatory ends, morally permissible ends, or ends that are immoral but not illegal.

(b) The cunning of nature suffices, in principle, to bring about the perfect state. This state as a cultural end is a purpose of nature, and, as Kant says so strikingly, intelligent devils can organize a perfect state. His basic reason for this claim is that intelligent self-interested agents will seek to avoid the negative effects of lawless freedom or unrestrained competition, creating a legally enforced equality in freedom so that each agent can pursue his personal ends. What makes coercion necessary, Kant notes, is that there are occasions in which it is in the interest of individual devils to violate law. Coercion is, moreover, from their perspective rational in that each devil wishes to avoid the curtailment of his freedom through violation of the law by others. A more fundamental consideration is that intelligent devils realize that coercion is a rational response to the fact that the dictates of self-interest push each of them to pursue a policy that would undermine the perfect state if it were followed by all, namely, to exempt oneself from the law if it is in one's interest to do so.

(c) Nonetheless, it is misleading to claim, as Yovel does, that for Kant the perfect state lacks moral value per se. To be sure, Kant holds that a good organization of the state forces the human agent "to be a good citizen even if not a morally good person" (Peace, p. 112; VI: 452), but a good legal system facilitates the development of the moral disposition and prevents, moreover, a wide variety of wrong actions. More emphatically, the ethical commonwealth can arise only within the legal state. Fear of the unlawful behavior of others is an obstacle to the fulfillment of one's duties of virtue, and the realization of civil liberties creates a climate in which practical reason can flourish—for example, moral dialogue presupposes freedom of thought.

(d) This emphasis on the moral-preparatory function of the state sets Kant's political philosophy apart from the dominant orientation within the liberal tradition. This is not to deny that Kant also maintains that the ideal state must uphold such classical liberal ends as the protection of private property and the individual pursuit of happiness. Yet, even these ends must be placed within a moral context: the final yardstick is whether these ends contribute
to, or can become an aspect of, the life of moral autonomy and the moral society.

(e) We may assume that it is particularly in view of this ethical significance of the ideal state that morally committed persons see it as their duty to pursue this state. This duty can be fulfilled in various ways, such as through direct political action, educational reform, and progressive intellectual labor. The perfect state sets, in other words, an end that is a wide duty. This duty is one aspect of the duty to promote the highest good. Furthermore, virtuous persons obey the laws of the perfect state because these laws are just, not because they may be enforced by a coercive (external) power. (Juridical duties are indirectly ethical.)

(f) This implies that in the moral society the perfect state will have lost its repressive character. Presumably, Kant's contention (discussed in Chapter I, section 1, above) that the more existing states approach the perfect state the rarer punishment will become must be interpreted from this angle, although not exclusively. Better laws give rise to fewer violations of the laws, irrespective of the citizens' motives for obeying these laws, but it seems that the perfect state will lead to the disappearance of all punishment only if it is based on a purely moral foundation, i.e., when it is part of the moral society. (We cannot exclude the possibility of unintentional rule violations in the moral society, but the appropriate legal response in such cases would be education and information rather than punishment proper.)

(g) A similar distinction between the political institutions of intelligent devils and those of virtuous agents can also be drawn with respect to peace between the nations, although less clearly and convincingly, because, on Kant's account, international law has no coercive agency, and, hence, obedience to this law must be voluntary. Yet the logic of his argument points to two kinds of peace: the first is based on "state-interests," such as commercial interests, and may be thought of as a balance of powers; the second rests on a purely moral foundation and involves the recognition by each state of the rights of others irrespective of prudential considerations. The first kind of peace is a prudential peace; it is a peace of intelligent devils who have come to the conclusion that war is too high a price to pay. The second kind of peace is a moral peace and presupposes the realization of the community of co-legislators. Further, it is to be noted that Kant sees the federation of states as a compromise: he argues that although a world government is a more secure basis for lasting peace, a league of nations is
nonetheless to be preferred in our present world of power politics because it does not carry with it the danger of universal despotism. In the moral society there is no reason for this worry, and so we may expect that within this society national boundaries will gradually lose their significance or be abandoned altogether.

(i) The federation of states is conducive to the emergence of the moral society and sets an end that is a wide duty. This duty is another aspect of the duty to promote the highest good.

(ii) The above observations point to the conclusion that the highest political good—minimally understood as a moral union of nonrepressive states—is a partial instantiation of the highest moral good. This conclusion also follows from Kant's notion of the realm of ends. Recall that this realm has two aspects: its members respect the conditions of autonomy, such as freedom for all, and actively seek to promote one another's ends. The highest political good comprises universal external freedom and thus is an institutional realization of the first aspect of the realm of ends.

(iii) Kant, however, does not draw this conclusion in an explicit manner. Rather, the conclusion follows because I have extrapolated from the logic of his argument some distinctions between the political institutions of intelligent devils and those of virtuous agents. Emphasizing that the cunning of nature suffices to bring about the republican state and lasting peace, Kant is pulled in a different direction, namely, toward the view that morality cannot really become visible in ideal political institutions. Thus he comes to speak of two commonwealths, the political and the moral. The virtuous person is a member of both commonwealths, but only his joining of the ethical commonwealth signifies his virtue.

(iv) The act of joining the ethical commonwealth may involve becoming a member of a religious organization. Considering the fact that Kant is highly critical of the dominant religious institutions of his day and argues that they are to be changed into a church invisible, the act of joining the ethical commonwealth is, however, best interpreted as a metaphor, expressing the inner resolve to commit oneself to the virtuous life, i.e., the adoption of the maxim of holiness as one's supreme maxim. The moral society, then, emerges when all human agents have made this resolve and abide by it.

(v) In conclusion, in the moral society humanity will be united through a federation of perfect states, but for Kant this unification does not express the essence of the moral society. Rather, it is a pragmatic framework needed to make this society possible. In essence, the moral society is an "inner" unification of humanity; all
human beings will be unified in this society through the moral disposition. They will all obey the moral law with a virtuous motive and promote one another's ends.

My analysis in (d)-(i), above, shows that, even within the circle of Kant's own thought, we can infer that the highest political good is to be seen not as a mere pragmatic framework for the realization of the highest moral good but rather as a partial instantiation of this good. The basic argument is that, since juridical duties are indirectly ethical, we can envision a moral union of nonrepressive states, or even a noncoercive world society, as an institutional expression of the moral society. However, this kind of link between the highest political good and the highest moral good and, more broadly, between the moral society and ideal institutions in general, can and should be strengthened on several grounds. I will develop my criticisms of Kant's view here in three progressive steps.

The first step I have already discussed in some detail. Kant's contention that intelligent devils can organize a perfect state is implausible, and the same holds with respect to the federation of states. My discussion of Rawls has shown that morality is needed for the realization of the perfect state, and we may apply this conclusion to international peace, for we may treat states that lack a moral foundation as devilish persons. Again, this is not to deny that the dictates of self-interest also play a role in bringing about political progress. Nor is it to deny that the threat of punishment contributes to general law-abidingness. Rather, the point is that the republican state and perpetual peace cannot be based on such nonmoral motives alone. Thus we can conclude that political progress and moral progress are interrelated processes, and this further strengthens the notion of the ideal political order as a moral order.

The second step concerns the fact that Kant insufficiently recognized that the realization of the highest political good also requires fundamental economic change. Kant's peace proposal suffers from this defect. We have seen that his response to colonialism (imperialism) is basically a political one: the autonomy of all nations must be upheld, as stipulated by the limits to the right of world citizenship. Certainly, this article for perpetual peace falls short of what is needed for our own time; for it is unlikely that international peace will ever be established, or be stable, as long as the wealth of some nations is accumulated at the cost of most others. Substantial international aid and economic cooperation are necessary, not only for the sake of international peace, but also for the sake of overcoming hunger and structural poverty in the less developed nations. This development is not to be expected as long
as the upper classes in the rich nations determine the manner in which our needs can be satisfied and set the model for the good life. Furthermore, the present exploitative international economic order is reinforced by the existence of small economic elites within most Third World countries, who profit from the development of capital- and import-intensive industries, worsening the condition of the rural and urban poor. Thus the realization of a just international economic order as a precondition for lasting peace requires that economic (and, hence, social) inequalities be lessened and that economic policies be subjected to popular control, both in the developed and less developed nations. Similar remarks apply to the possibility of the perfect state. The political history of the past two centuries has made clear that Kant was mistaken in claiming that significant social and economic inequalities are compatible with the ideal of the perfect state, provided that we assume that this ideal requires that all citizens enjoy a variety of basic liberties not merely in a formal way but substantially. We should, however, make this assumption; for it is only in this manner that the perfect state can fulfill what Kant sees as its ultimate purpose, namely, to contribute to the realization of the conditions of autonomy for all citizens, setting the stage for the moral society. Thus Kant's social ethics implies that social and economic inequalities must be reduced so that they become consistent with the demand for substantial basic liberties. The upshot of these observations is that it becomes even less plausible to maintain that intelligent devils can organize a perfect state and international peace. The moral connection between the highest political good and the moral society, then, is further strengthened, as compared with my first step of criticism, once it is realized, as Kant realized only insufficiently, that true political peace within and between the states is not to be expected as long as the war of all against all continues in the socioeconomic realm.

The third step is based on the fact that Kant fails to mention institutions that have as their primary task to promote the ends that individuals set for themselves in the moral society. Religious institutions have only a limited function in this regard, and, moreover, Kant argues that religious institutions as we know them will have changed into an invisible church. Further, although Kant accepted the emerging capitalist economy, he did not claim that such an economy seeks to fulfill the task of promoting universal happiness. Last, Kant excludes the state from directly contributing to the common good, arguing that the legislator cannot force us to promote ethical ends. Thus Kant arrives at the view that the mutual
promotion of personal ends is a question of individual morality. This view is unsatisfactory on at least two grounds. First, even if we grant Kant that the mutual promotion of individual ends must take place within the constraints set by the minimal state and a private economy, it does not follow that the moral ideal must remain an "inner" state of affairs. Altruistic agents, if rational, will opt not only for the individual expression of beneficence but also for its social expression—that is, they will establish institutions so as to coordinate and optimize their efforts. Kant's failure to explore this possibility seems to reflect a certain "institutional alienation" in his work, which resulted from extending the alienation we now often experience in our participation in institutions to institutional participation as such. His viewpoint seems to be that practices regulated by "outer" rules are somehow intrinsically morally inferior to those based on "inner" rules. The misguided suggestion is that the main issue at stake is the origin of rules rather than the question whether they are just (i.e., accord with the moral law, or unified will of colegislators) and thus can be autonomously affirmed. Besides, this distinction between "inner" and "outer" rules is a relative matter in that "inner" rules are also a social and historical product. As Kant himself notes, practical reason evolved in response to social conflict and the struggle with external nature, and it needs communication so as to flourish. At any rate, Kant holds that the human person is a social being. So why would the human agent in the moral society not wish to express his social nature in a wide variety of universal institutions (besides the state)? Why would he not wish that his conduct be guided by rules that are the product of rational collective deliberation and decision making? Second, it is not at all clear why virtuous agents who take seriously their duty to promote the ends of others would wish to opt for the institutional constraints outlined by Kant. More affirmatively, the moral ideal of the realm of ends seems to imply the demand that our present economic institutions be transformed so that they aim directly at promoting universal happiness. (We can hardly blame Kant for failing to foresee that the capitalist economic system would leave behind a trail of immense human suffering, but my point here is to develop the ramifications of his thought for our present condition.) And, since our ends are not only economic (material) in nature, a wide variety of cultural institutions must be changed as well. This requires political cooperation that goes beyond Kant's vision of the perfect state and international peace. In (tentative) conclusion, then—and this is my third step of criticism—the moral ideal of the community of colegislators requires
that all our institutions, whether political, economic, or cultural, be changed in light of this ideal, not only so as to set the stage for a unified humanity but also so as to instantiate the ideal and be a hallmark of a moral humanity.

In Part Two I will elaborate some of the arguments in my last two steps of criticism. It will then become clear that these two steps are so many roads from Kant's social ethics to a Kantian socialist ethics. In short, I will argue that since socialism overcomes significant social and economic inequalities which arise from private ownership of the means of production, it makes possible substantial basic liberties and effective political democracy in general. By the same token, socialism is conducive to the cause of peace, but I will pay less attention to this argument. Moreover, I will argue that socialist economic institutions instantiate the moral ideal, because they are to be defined as democratic institutions which aim at the satisfaction of the needs of all human beings. Finally, as we will see in Part Two, these arguments essentially accord with Hermann Cohen's view. Cohen eliminates the distinction between the highest political good and the highest moral good and puts in their place one highest good, a peaceful international order of democratic socialist societies.