Ch. 32. Universality and Accommodating Differences

-- Religious, Racial, Sexual, Gendered --

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1. The Puzzle[1]

An enduring source of skepticism towards Kant's practical philosophy is his deep conviction that morality must be understood in terms of universality. Whether we look to Kant's fundamental moral principle (the Categorical Imperative) or to his fundamental principle of right (the Universal Principle of Right), universality lies at the core of the analyses. We see this in his reliance on universalizable maxims and acting from duty when it comes to virtue and on interaction subject only to universal laws in his account of right. A central worry of his critics is that by making universality the bedrock of morality in these ways, Kant fails to appreciate the importance of difference in individual lives, societies, and legal-political institutions when these are realized well. More specifically, Kant's approach seems unable to critique central aspects of normativity, namely the natures and roles of different social identities, including those tied to nations, cultures, sexuality and gender; those tied to different types of relationships, including differences between intimate and affectionate personal friendships, impersonal relationships involving strangers only, and purely professional relationships; and finally, those tied to different historically situated legal-political systems. Insofar as contemporary Kantian theories maintain this deep commitment to universality, the critics continue, they will inherit the consequences of this serious philosophical mistake.

One of the oldest, most persistent lines of criticism of this kind goes like this: Kant considers the human self a purely rational subject that relates to everything as distinct from itself and that (morally) ought to relate to everything always in a thoroughly moralized, reflective way. Hence, a subject strives to lead a life that is as good and moral as possible (as it should), endeavoring to act only on universalizable maxims (subjective principles of action) from the motivation of duty (a self-reflective mode) with regard to everything and everyone at all times. And since the universalization test for maxims involves checking whether one's actions are consistent with respecting all persons as free and equal, it looks like all good or valuable actions and relations become moralized in a virtuous person's life (since they always involve acting self-reflectively and as motivated by reason, or from duty). In addition, living an emotionally healthy and moral life appears to involve treating everyone – strangers and loved ones alike – as if they have an equal normative say and moral importance in our lives. Critics worry that an approach of this kind is unable to capture rich and meaningful human lives with profound, complex, and wonderful loves as well as brutal, devastating, and destabilizing losses. Moreover, it seems to be a morally and emotionally perverted kind of ideal: surely the aim is not to live all aspects of our lives in such thoroughly reflective, moralized ways where everyone is regarded as equally important. Relatedly, such an approach appears incapable of capturing the importance of non-moralized, unreflective emotions and particular persons in emotionally healthy interactions and evaluations. For example, it seems to ignore the central, constructive roles of affectionate love, grief, and forgiveness, as well as the importance of particular histories, cultures, families, and other loved ones in lives lived well.

Variations of this worry regarding the importance of non-moralized, unreflective emotions and particularity in the lives of emotionally healthy human beings have been raised against Kant's philosophy from the start—by philosophers ranging from Fichte, Hegel and

Nietzsche to Beauvoir and Sartre to, more recently, the many related discussions motivating and surrounding the important work in both the "analytic" and "continental" philosophical traditions. For example, over the last few decades, feminists have fruitfully engaged these issues through concepts such as the "relational self" and "care."[2] Other particularly interesting treatments of these topics are found in contemporary work inspired by P. F. Strawson's analysis of reactive attitudes;[3] by Bernard Williams' "one-thought-too-many" objection to universal theories;[4] and, more recently, by Stephen Darwall's concept of the "second personal address." (2006) In addition, some discussions focus on the social nature of gender and sexuality, including its fundamental other-directedness. Perhaps the most influential discussion here is the one initiated by Beauvoir in *The Second Sex* (2011) – one that Judith Butler has continued and enhanced.[5] In addition, there are many accounts of (the importance of) the imperfect and destructive aspects of human nature, such as various issues concerning bad behavior and violence, twisted characters, systemic injustices, etc. Although we find much extremely interesting work on systemic injustice in all the traditions of analytic philosophy,[6] it seems fair to say that the most interesting discussions to date treating bodily and violent aspects of race, sexuality, and gender have occurred within the postmodern and phenomenological philosophical traditions as well as in the analytic feminist tradition.[7] A particularly influential strand of contemporary thinking concerned with sexuality and gender is found in the related French philosophical tradition[8] and in the works of those inspired by it.[9] Now, importantly and somewhat ironically, scholars working on sexuality, race, and gender often argue that a major problem with Kant's philosophy is not, in a certain sense, its universalism, but its lack thereof. When it comes to issues such as women, non-white people, and non-straight sexual identities and orientations, it appears as if Kant doesn't put that high a price on equality after all. The few times these differences come up in Kant, they are paid attention to in the wrong ways. Instead of standing up to the oppression of social groups,

Kant tries to justify it and thereby partakes in the project of rationalizing historically inherited prejudices and injustices in the name of universal moral theory.[10]

Kant's universalism is also often viewed as problematic from the perspective of legal-political philosophy. For example, much legal positivism regards Kant's universalism as impossible to defend since it cannot capture the importance of historical context and diversity of legal-political systems. There are many different legal-political systems, this line of criticism goes, which fail to satisfy Kant's Universal Principle of Right and his theory's liberal system of rights. Nonetheless, they secure a legitimate rule of law for the peoples governed by them. The rule of law does not commit one to principles of freedom, but to recognized laws, rules, or norms only.[11] Common to all these non-Kantian philosophical accounts of legal-political philosophy, ethics, moral psychology, and philosophical anthropology is a shared belief that Kant's universalism is deemed a major theory to refute and overcome.

Below I argue that Kant's philosophy neither advocates moralized hyper-reflective, alienating ways of being nor seeks to justify Kant's own and others' prejudices in the name of morality's universality. To see this, we need to understand both Kant's account of human nature – of the predisposition to good and the propensity to evil – and how Kant's theory of freedom sets the moral framework within which important non-moralizable concerns of human nature are accommodated. We can then appreciate the ways in which Kant sees both unreflective and reflective normative elements as working together as an integrated whole in emotionally healthy, morally good human beings, historical cultures, and legal-political institutional systems. Contrary to what the skeptics believe, all these concerns lie at the heart of Kant's practical philosophy, and they constitute one main reason why the continuous engagement with and development of Kant's philosophy should not be perceived as

perpetuating a serious philosophical mistake, but as utilizing and continuing to develop some of the best, most exciting ideas our philosophical tradition has given us.

2. Kant on Human Nature

In this section, I argue that in his writings on human nature, anthropology, history, and religion, Kant explores the importance of embodiment, of non-moralizable (aspects of) emotions, and of particular others. Nevertheless, he also rightly maintains that these normative and partly unreflective (albeit conscious) aspects of ourselves include features that we transform, develop, and integrate by acting on maxims and that we can and sometimes should restrain or correct by reflective means. I furthermore suggest that insofar as we are morally and emotionally healthy mature persons or have succeeded in developing healthy cultures supportive of good legal-political institutional systems, we characteristically move easily between unreflective and reflective ways of being. That is, we move between simply acting in reflexively (unmoralized) self-conscious ways and acting in reflectively (moralized) self-conscious ways. Such ease of transition reveals one way in which importantly non-moralizable and moralizable ways of being – happiness and morality – can come into "close union… under the limiting conditions of practical reason." (*MS* 6:426) Once we have clarified these ideas, we can turn, in the third and final section, to Kant's proposal concerning how we make space for the non-moralizable aspects of our human nature within our moral theories of freedom.

A good place to start when exploring Kant's understanding of emotionally healthy, moral being is his account of the predisposition to good in human nature, described in the *Religion*. Here Kant proposes that we see human nature as constituted by a predisposition that is both "original" and "good." It is "original" in that it belongs "with necessity to the possibility of this being," and it is good in that it does "not resist the moral law," but rather

"demand[s] compliance with it." (*RGV* 6:28) The predisposition to good, in other words, enables and is constitutive of emotionally healthy and morally good human being, and it is at the heart of Kant's philosophical account of what a good human life consists in. Kant furthermore argues that this overall predisposition to good can be seen as made up of three distinct predispositions, each distinguished by the complexity of the self-consciousness and reasoning capacities necessarily involved in realizing it.[12] In good human lives and societies (cultures and institutions), these three predispositions are realized in a unified whole. Some more details about each will help to explain.[13]

At the lowest level – in that it both involves the least complex form of self-consciousness and thinking capacities, and is the most basic and emotionally strongest in its capacity to motivate us to action – we find what Kant calls the predisposition to "*animality* [...] as a *living being*." (*RGV* 6:26) It is made up of three conscious drives, namely the drives to self-preservation, to the propagation of the species "through the sexual drive and for the preservation of the offspring thereby begotten through breeding," and, finally, to "community with other human beings through the social drive." (*RGV* 6:26-7)[14] The predisposition to animality, then, is constitutive of us simply as *living* (conscious) beings, and realizing it (surviving, having sex, and affectionately loving or orienting to others by means of a shared "us") does not require reason as such. Consequently, also non-human animals with less complex forms of consciousness (reflexive self-consciousness in combination with reflection by means of associative thinking) are *alive* in this technical sense of the term; they, too, do the kinds of things this predisposition enables.

Because the predisposition to animality does not necessarily involve reflective self-consciousness (the awareness of myself as an "I") and reasoning powers (using abstract concepts), developing it (as human beings) involves realizing important unreflective or non-moralizable (aspects of) emotions in our basic orientations (to ourselves and others) in the

world. We see this in how we develop in terms of survival skills, sexuality and gender (identity and orientation), and affectionate love (being part of a family, among loved ones, in a country, etc.) with the corresponding healthy emotions such as hurt, falling in love, grief, fear of danger, comfort in one's own body and in the world, feeling pleasure after a good and healthy meal, or even a healthy love of country. For Kant, emotionally healthy ways of being are fundamentally tuned in to the kinds of embodied, social beings we are, meaning that when we get these things basically right – when we take pleasure in what is genuinely good for us, as who we are – we realize these aspects of ourselves in ways consistent with our "animalistic" natures, namely as living, embodied, social beings. Exactly because this animalistic predisposition is at its core an unreflective, yet conscious, normative structure of our basic moral psychology, and because it is original and good, realizing ourselves well in these ways is deeply pleasant. Moreover, we will affirm this unreflective way of being as good from the higher self-reflective, moral point of view.

The second predisposition to good in human nature is called the predisposition to "*humanity*," namely "as a living and at the same time *rational* being." (*RGV* 6:26) This predisposition enables rational end-setting; it is "physical […] and yet *involves comparison* for which reason is required," though it does not require being able to act as motivated by pure practical reason. And, finally, "out of this self-love originates the inclination to *gain worth in the opinion of others*, originally, of course, merely *equal worth*." (*RGV* 6:27) When the predisposition to humanity is developed well, it centrally involves experiencing a kind of love that is enabled by perceiving and being perceived by another as equally valuable (having "equal worth") as well as taking joy in setting ends of one's own rationally (acting on universalizable maxims). In contrast to other animals – animals that don't have a self-recognitional kind of sociality (e.g., pass the mirror test) and cannot set ends of their own rationally (as they cannot use abstract concepts self-reflectively) – humans learn to exercise

freedom by having an awareness of themselves as seen by others (and vice versa) and by becoming able to act on maxims. Indeed, Kant argues in the *Anthropology* that the inability to act when born is the reason why (only) human babies scream when they are born. The scream reveals a frustration at not being able to act, and, so, it reveals the capacity for a representation that other animals don't have – the one that distinguishes them as a *rational* in additional to a *living* being (*Anth* 7:268)

The above, I believe, are central aspects of what Kant means when he says that these two predispositions – to animality and humanity – are "original" and "good" in that they *prepare the way* for morally responsible human being. Developing our animality and humanity together is to, first, attend to what is deeply pleasing for us and to realize ourselves as beings capable of setting ends of our own in a way that is grounded in a trust of ourselves and each other as at home in a shared world. Second, because we can use abstract concepts and engage in reflection, as we mature, we develop, transform, and integrate our animality and humanity in self-reflective ways: we learn to feel, describe, and develop our emotional experiences as well as to rationally choose ends of our own in conjunction with those experiences. Thus, our emotional lives are much more complex than those of other animals (*living beings*), and the world presents itself as distinctly open-ended because we are capable of setting ends of our own (*rationality*) in morally responsible (*personality*) ways. As we morally mature, not only do we choose and set (new) ends of our own – act on maxims – but we can make sure that the ends we set are respectful of all other beings who are also capable of rational end setting. (More on this below.)

Kant argues that though the second predisposition (to humanity) necessarily involves comparative uses of reason and rational end setting, it does not necessarily involve acting as motivated by practical reason. Correspondingly, Kant argues that such susceptibility or to recognize the moral ought – what ultimately enables me to do something *just because* doing

so is the right thing to do (to act from duty) – must be seen as a third predisposition to good in human nature, a predisposition to "*personality*," since it enables each of us not only to be a rational (end-setting) being but "at the same time [a] *responsible* being." (*RGV* 6:26) The predisposition to personality is revealed in our capacity for "moral feeling," which is a basic susceptibility to act as our practical reason demands (RGV 6:27).

The predisposition to personality, Kant further clarifies, is not "physical." Rather, it is a susceptibility to morality that manifests as *moral* feeling, a moral responsiveness to a particular situation. As Kant says in the *Metaphysics of Morals*, moral feeling is a "subjective condition […] of receptiveness to the concept of duty […]"; it is the "natural predisposition of the mind […] for being affected by the concepts of duty, antecedent predispositions on the side of *feeling*"; it is something without which we would be "morally dead." (*MS* 6:399-400) In being moved to do something merely because it is the right thing to do~~. In so doing~~, we use "the free power of choice" to incorporate "moral feeling into [our] maxim" by making duty the incentive upon which we act (*RGV* 6:28; cf. 6:26n). Moreover, to act in this way (on universalizable maxims from the motive of duty) is to have realized personality, meaning our capacity to act in morally responsible and, so, in truly free ways.

Because we are able to set ends of our own and because we have a sensible and self-recognitional nature, we will also, unsurprisingly, act in destructive ways in relation to each other and ourselves. Kant's critique of our ineradicable liability to do bad things is outlined in his account of the propensity to evil in the *Religion* (6:29–32). Why everyone will not only do bad things, but we will also develop various pathologies is explained by a combination of factors, including the following: how the predispositions to animality and humanity involve non-moralizable (and so corruptible) aspects of ourselves; how these predispositions in their raw forms are stronger than our capacity to act out of duty; and how, finally, in our early lives we are subject to other people's often bad behaviors and choices and at the same time we are

not able to assume responsibility for our actions. This is not the place for a detailed analysis.[15] Instead, let me simply note that trailing the predispositions to animality and humanity are temptations to develop pathological inclinations. For example, instead of taking joy in others' accomplishments and feeling sadness about their failures, we sometimes experience envy or we take pleasure in others' misfortunes (*Schadenfreude*). Both kinds of temptations concern how the predisposition to humanity involves comparative uses of reason, of comparing ourselves to others. Not having been instilled with an adequate sense of worth in virtue of having been affirmed by others (perhaps a parent), one is inherently tempted to want to be better than others (to be unequal) (*RGV* 6:27). Likewise, it is tempting, when others are unsuccessful or fail, to feel empowered due to feeling comparatively superior (by not having failed. The degree to which these self- and other-damaging behaviors have a subjective hold on us differs, but we are all liable to these feelings to some extent, and it is a lifelong project to learn to assume responsibility for transforming our pathologies such that we develop healthy emotional orientations to ourselves and others. Kant's account of evil is therefore both a happy and a sad one: Although the predispositions to animality and humanity can be used "inappropriately" (*RGV* 6:28) or be "corrupted" (*RGV* 6:30) in that we develop pathologies, they cannot be destroyed or "eradicate[d]." (*RGV* 6:30) Moreover, and fortunately, although motivationally weak, the third predisposition (to personality) cannot be corrupted. Hence, attitudes and behaviors stemming from pathologies due to the corruption of our first two predispositions to good can be (but not necessarily always are) managed in morally responsible ways by the third and because they cannot be destroyed, they can be relied on as we seek to heal wounds and deal with pathological behavior in constructive ways.

Notice that, for Kant, leading good lives involves many non-moralized ways of being: We eat, drink, affectionately love, compete, and challenge ourselves joyously (and not from

the motivation of duty). Here, we do as we do because we are pursuing a happy, good life. Our highest good, as we saw above, is to bring "happiness" and "morality" into union, not to eliminate happiness. Moreover, because we don't act as motivated by our practical reason here, we don't add "moral worth" to our actions, as Kant says in the *Groundwork* (*GMS* 4:401). And there is nothing wrong with that, not even upon reflection. Rather, Kant's claim is that we should always be ready to adopt the reflective stance in regard to these ways of being, and we should do so as necessary – when something seems problematic, puzzling, or difficult to handle. Perhaps we often feel ourselves wanting to act out of envy or *Schadenfreude*. Maturing involves not only realizing the first two predispositions well – developing as emotionally healthy, embodied social and rational beings – but also the third one, the one that makes it possible for us, ultimately, to respond to moral feeling and to assume moral responsibility for what we're doing, including our pathologies.[16] Hence, Kant argues in the Doctrine of Virtue, "conscience is not something that can be acquired […] rather, every human being, as a moral being, *has* a conscience within him originally"; growing up or morally maturing is not about acquiring a conscience, but rather learning to pay "heed to" it, and so also to the verdict of our practical reason (*MS* 6:400).

Relatedly, in the second *Critique*, Kant clarifies that rational self-love "merely *infringes upon* [animalistic] self-love, inasmuch as it only restricts it, as natural and active in us even prior to the moral law." *(KpV* 5:73) The interpretation above can make sense of this: the predisposition to animality in human beings enables basic emotional orientations in the world that involve inherently unreflective, non-moralizable elements and so can and does operate in important ways before a human being has developed the ability to act rationally *and* morally responsibly on her own. But because humans have a capacity for reflective self-consciousness (the "I") and abstract conceptual reasoning powers, our project from the start is to reflectively develop, transform, and integrate in good ways, those unreflective non-

moralizable elements. For example, our animalistic sex drive is not simply driven by instinct and then developed associatively, as it is for other animals, because it is something we transform into an aspect of our lives that has important creative, aesthetic, social, and morally responsible aspects to it.[17] Now, Kant only talks about the relationship between "rational" and "animalistic" self-love in this passage, since he is after how rational self-love (as enabled by the capacity for humanity) can restrict animalistic self-love. But we can expand on his point by arguing similarly that the aim of *moral* self-love (acting out of duty) is not to replace animalistic and rational self-love by striving to act only as motivated by moral duty; indeed, trying to do so is impossible and damaging rather than healing. Rather, moral self-love enables us to restrict these other two kinds of self-love when we are not realizing them in ways that are truly good for us. Someone who has developed an emotionally healthy, morally good (virtuous) character moves easily between unreflective and reflective (non-moralizable and moralizable) normative ways of being.

Kant's position, then, is not, as the critics worry, one according to which the human self is simply a rational, immaterial self that relates to everything (material) as distinct from itself and that always aims to relate to everything in a self-reflective, moralized way. Whether we develop Kant's view of the role of non-moralizable aspects of ourselves using the contemporary philosophical language of relational selves, reactive attitudes, second-personal address, or affectionate love, Kant does think that an emotionally healthy human being will realize and live much of her life within the sphere of what I've called non-moralizable, yet normative emotions that reveal the importance of the particular individuals who enable us to flourish as who we are. The aim is never to replace these affectionate, particular ways of being with hyper-reflective, moralized ways of being only. Instead, the highest aim is always to make sure that our ways of realizing these non-moralizable forms of self-love (as enabled by the predispositions to animality and humanity and based in our individual conceptions of

happiness) are in "close union" ("moral" self-love as ultimately enabled by the predisposition to personality). Practical reason helps us develop (by assuming responsibility for developing) the capacities for animality and humanity in ways that are truly good for us as the particular embodied and social, yet free beings we are.

3. Kant's Universal Theories of Freedom and Difference

In the introduction to the *Metaphysics of Morals*, Kant emphasizes that a complete practical philosophy contains a counterpart to a metaphysics of morals, namely a moral – or what we often today call a philosophical – anthropology. He continues by emphasizing that such a moral anthropology should only deal

> with the subjective conditions in human nature that hinder people or help them in *fulfilling* the laws of a metaphysics of morals […]. It cannot be dispensed with, but it must not precede a metaphysics of morals or be mixed with it; for one would then run the risk of bringing forth false or at least indulgent moral laws, which would misrepresent as unattainable what has only not been attained just because the law has not been seen and presented in its purity […] or because spurious or impure incentives were used for what is itself in conformity with duty and good. This would leave no certain moral principles, either to guide judgment or to discipline the mind in observance of duty, the precepts of which must be given a priori by pure reason alone. (*MS* 6:217)

Moral or philosophical anthropology deals with social phenomena such as religious, gendered and cultural differences. Kant's proposal is that in order to critique gender or cultures, we need an account of human nature that can then be fleshed out with regard to a particular moral anthropological phenomenon. We also need an account of human nature to spell out

aspects of what we commonly call moral psychology, including affective love, grief, and forgiveness. Sometimes we also want to critique an issue that concerns both moral (philosophical) anthropology and moral psychology, such as sexuality. Moreover, although Kant restricts his reflections in the above quote to moral anthropology, his more general point seems to be that although a complete practical philosophy requires such normative accounts (of moral anthropology and moral psychology) to complete the full practical account of the human being, these accounts must nevertheless not take the place of freedom. The main problem with letting accounts of the non-moralized aspects of moral psychology and moral anthropology take the place of human freedom in philosophical accounts of our practical being is that they do not capture something that can be seen as unconditionally, universally, or objectively true, something all human beings merely by virtue of being capable of moral responsibility (positive freedom, or autonomy) can recognize and accept as true (morally justified).[18] From the point of view of freedom, accounts of these normative, yet partially unreflective aspects of our human nature deal with subjective conditions that make it either easier or harder for us to be moral (to do the right thing). That is, they concern inherently contingent (not universal), subjective (not objective), and conditional (not unconditional) aspects of our practical lives. We must, in other words, not present these normative, yet non-moralizable aspects of ourselves as what they are not. Indeed, it is because they concern what is inherently subjective and contingent that we cannot have universal objective moral knowledge (as enabled by the critique of practical reason) or universal objective scientific knowledge (as enabled by the critique of pure reason) about them, and why Kant thinks that critiquing them requires us to use the philosophical tools of the third *Critique*. Moreover, if this is not our approach, we also run the danger of mistaking what is possible for what we only contingently experience, what is often simply a result of our own prejudices.[19] And, of course, the history of extreme violence and oppression of various social groups, including

Kant's own failure to see these phenomena well – his own liability to think and say racist, sexist, and homophobic things – could not be a better illustration of this danger. The claim above is rather that the recognition of this danger and of mistakes made (even if not some of his own) were reasons why Kant ensured that his theory of freedom set the framework within which concerns of unmoralizable aspects of human nature were given space.[20]

In the *Anthropology*, Kant makes a related point, this time regarding the danger and mistake of letting culture – even good aspects of our inherited or historical culture – set the framework of justification for our moral reflections rather than letting moral reflections on freedom set the framework within which inherited culture is given its proper justification:

> In a civil constitution, which is the highest degree of artificial improvement of the human species' good predisposition to the final end of its destiny, animality still manifests itself earlier and, at bottom, more powerfully than pure humanity […]. The human being's self is always ready to break out in aversion toward his neighbor, and he always presses his claim to unconditional freedom; freedom not merely to be independent of others, but even to be master over other beings who by nature are equal to him […]. This is because nature within the human being strives to lead him from culture to morality, and not (as reason prescribes) beginning with morality and its law, to lead him to a culture designed to be appropriate to morality. This inevitably establishes a perverted, inappropriate tendency: for example, when religious instruction, which necessarily should be a moral culture, begins with historical culture, which is merely the culture of memory, and tries in vain to deduce morality from it. (*Anth* 7:327-8)

Kant emphasizes here that our animality and self-recognitional sociality are both realized developmentally earlier and are emotionally stronger (more powerful) than our humanity in

its pure form. Moreover, by "pure humanity" I presume Kant here, as in the *Religion*, means the idea of humanity considered "wholly intellectually" (*RGV* 6:28), and so includes the predisposition to humanity's idea of rational (universalizable) end setting as well as the predisposition to personality (acting as motivated by practical reason). The possible emotional tension created by the nature of the predisposition to animality and our social sense of self is made inherently tenuous by the fact that we are also, at heart, "unsocial," meaning we want to live our *own* lives and set our *own* ends. Hence, it is subjectively very hard for us – and this is one reason why we will all sometimes fail – to make sure that we actually live in a way that is oriented towards others as having equal worth, a way that is also justifiable upon moral reflection. These are also reasons why it is so psychologically tempting for us to start with culture and then strive for morality (starting with shared cultural notions and then try to get each other to respect one another's difference) rather than letting morality (reciprocal, respectful freedom) set the framework within which culture is developed and, so, morally justified. Kant's example here is religious instruction, or the way in which many religious people, leaders, and institutions are so easily drawn towards thinking that the justification of their religious beliefs-as-inherited-in-memory (tradition or "culture of memory") is the source of morality, rather than considering religion something that has an existential grounding function in one's emotional life. They do not consider that this (or any) historical culture is unfit for the purpose of deducing morality, or for determining the normative framework that is objectively true and recognizable as such for all human beings, regardless of historical and cultural, including religious, background.

The argument works similarly with regard to reforming our legal-political cultures and institutions: though there is a place for love of country and for making space for the need to adjust our legal-political institutions to our states' particular histories and circumstances, it would be equally wrong to infer from this – as some virtue, communitarian, and legal

positivist theories do – that the source of political obligations and legitimacy in these states is this affectionate love of country, cultural diversity, or the sheer fact that some legal rules are recognized by many or enforced. Our moral duty to obey and the legal right to coercively enforce the law must always be sought in universal principles of freedom, in what is universally true for all, which can be discovered philosophically only by critiquing our capacity for practical reason, namely our capacity for interacting respectfully with one another as free beings. The proper spheres for difference (religious, cultural, ethnic, sexual, gendered, and so on) and for morality are therefore distinct; they deal with different, though complementary, aspects of our lives. And, of course, just as our expression of our personal emotional selves should be consistent with the expression of our moral selves, so should a national or a religious culture in that they should be consistent with respect for each person as free and equal. No sound interpretation of one's religion, culture, history, sexuality, or nation can justifiably be inconsistent with the demands of morality.

Notes

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[2] These discussions are sometimes framed in so-called analytic terms and sometimes in more continental terms.

[3] For a Kantian example, see Allais (2008).

[4] See also Albrecht (2015) and Sussman (1996).

[5] Butler (1990, 1993, 1997, 2004, 2004, 2005).

[6] For Kantian examples, see, for example, the works of Marcia Baron, Carol Hay, Barbara Herman, Thomas E. Hill Jr., Onora O'Neill, Arthur Ripstein, and Helga Varden.

[7] In the analytical feminist tradition, I'm here thinking of philosophers such as Claudia Card, Ann Cudd, Carol Hay, Barbara Herman, Rae Langton, Martha Nussbaum, Jennifer Nedelsky, Onora O'Neill, Susanne Sreedhar, and Anita Superson.

[8] I'm especially thinking of French thinkers like Hélène Cixous, Michel Foucault, Luce Irigiray, and Julia Kristeva, who in turn were often influenced not only by other French thinkers like Jacques Derrida and Jacques Lacan, but also, of course, by Sigmund Freud and the psychoanalytic tradition.

[9] In the English speaking tradition, many thinkers writing on these themes are profoundly inspired by the French tradition, such as Susan Brison, Ann Cahill, Penelope Deutscher, Cressida Heyes, Jacob Hale, Laurie Shrage, and Chloê Taylor.

[10] For related discussions on Kant on race, see, for example Allais (2016), Hill and Boxill (2001), Kleingeld (2007), Mills (199, 2014).

[11] This is a frequently used line of argument among legal positivists. See Alasdair MacIntyre, Charles Taylor, and Michael Sandel. For more, see Varden (2016).

[12] See (*RGV* 6:28)

[13] For fuller development, see Varden (2014, 2105, 2016, 2020a).

[14] I'm grateful to Andrew Cutrofello for suggesting to me that given Kant's systematicity it is likely that there is an intimate connection between these three drives (self-preservation, sex drive and propagation, and basic sociality) and the three relational categories (substance, causality, and community).

[15] For more on all of this, see (Varden 2020a).

[16] See also (*RGV* 6:26n, 75n).

[17] See Varden (2020a) for more.

[18] I'm indebted to Katerina Deligiorgi (2012, 2017, 2020) for much of my thinking on this point.

[19] It is not hard to see that this account can be brought into fruitful dialogue with much of the existing literature found predominantly in the feminist and continental philosophical traditions on various kinds of (say, racial or sexual) violence against historically oppressed identities.

[20] In Varden (2020a) I argue that Kant from the start was uncomfortable and uncertain about his belief that women couldn't be scholars or partake in public reasoning; in "Kant's Racism," Allais agrees with Kleingeld that Kant became more consistent in relation to his moral philosophy by condemning slavery and colonialism,

and in Varden (2020a) I argue that Kant never managed to relate well to his own homophobia. The point here – like in Allais' "Kant's Racism" – is that Kant was aware of the dangers of dehumanizing others by means of sophisticated rationalization and self-deception. The contingency of claims about human nature makes them particularly apt for such dangerous and oppressive purposes. In addition, here and in Varden (2020), I argue that Kant constructed his practical philosophy with these dangers explicitly in mind, namely by making sure that principles of freedom set the framework within which unreflective aspects of human nature are given their due place.

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