

Abstract: In this paper I argue that Kantian practical philosophy contains solid elements from which we can justify a theory of intergenerational justice. Even though Kant never developed this issue systematically, I present a line of reasoning that sheds light on robust intergenerational moral claims in Kant's moral philosophy that might potentially lead to an intergenerational formulation of the categorical imperative. This paper also stresses the institutional path demanded by intergenerational justice and points to the broader horizon opened up by the idea of a universal history. Thus, Kantian philosophy of history provides us with a *normative context* for an intergenerational justice grounded in a concept of law that bears in itself a diachronic requirement.

Keywords: Intergenerational Justice; Law; Property; Cosmopolitanism; History.

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A Kantian Idea of Intergenerational Justice

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“How it is with the inhabitants of other planets and their nature, we do not know; if, however, we discharge well this commission of nature, then we can well flatter ourselves that among our neighbors in the cosmic edifice we may assert no mean rank. Perhaps among them every individual might fully attain his vacation in his lifetime. With us it is otherwise; only the species can hope for this.” (Kant, *IaG*, AA 08: 23)

Introduction

Kant never dealt directly and systematically with the issue of intergenerational justice in the sense that it is usually understood nowadays, namely, as a duty-bound obligation of the present generation vis-à-vis future ones. However, this does not mean that Kantian practical philosophy lacks solid elements from which we can justify and advance the legitimacy of such an idea of justice. In this paper I intend to organize and develop some aspects of Kant's practical philosophy and advance some aspects of a Kantian theory of intergenerational justice. I will further offer some indications about how such a notion might deal with current political, social and environmental issues.

Kant's practical philosophy allows us to see the idea of intergenerational justice from two different yet complementary perspectives. The first is based on a concept of law that is not derived from historical, anthropological and cultural elements, nor is it based on contingent elements which, by their very nature, would be incapable of justifying a right of generations and individuals who do not even exist. This metaphysical perspective of law may be criticized, but it has significant advantages, especially when we are dealing with a holder of rights (future generations) whose physical, biological and cultural characteristics are totally

unknown to us, as are what their preferences and concepts of happiness will be. The second perspective can be drawn from the *Kantian philosophy of history* and it allows us to justify a perspective with a single and coherent practical and historical meaning which encompasses the whole human species in a cosmopolitan perspective. So, Kantian philosophy of history provides us with a *normative context* for an intergenerational justice grounded on the concept of law. These two perspectives will be introduced below just briefly, as each is worthy of its own full and independent study and is based on premises which could be subject to considerable hermeneutical debate.

1. The normative juridical grounds for a Kantian idea of intergenerational justice

Kant's philosophy of law provides at least three grounds for building a theory of intergenerational justice. The first refers to the very idea underlying the concept of law, namely, the *idea of humanity*. The second is an internal principle of the system of law, namely the requirement of a *permanent institutional reform*, and the third concerns the *concept of property* and the conditions and limitations of its use. Each of them will be presented below.

The first justification for the juridical normative aspect of Kantian intergenerational justice is the *idea of humanity* which underpins the innate right to freedom and, therefore, the entire system of law². "Humanity" is not defined from an empirical, biological, cultural, historical or religious perspective. It is an idea of practical reason which may be ascribed to other nonhuman beings as long as they are capable of acting morally³. Humanity need not be attributed to an actual moral agent, since it is intrinsic to all those who have the faculty of acting morally⁴. The mere possession of the faculty of moral action is enough to guarantee rights and duties to everyone, both so that all persons might be held responsible for their actions and so that said agents might be considered as ends in themselves. Such agents are considered to have dignity, which means that they are beyond price⁵. The grounding of the concept of freedom in the concept of humanity has important consequences for the concept of law. One is that the agent lacks the right to sell themselves as a slave, nor are they allowed to subject themselves to any condition that might threaten the dignity of their humanity⁶. So, even in the event that an agent freely enters into a contract or even if some contract mutually benefits both parts, even so, a contract must be considered invalid if it contradicts the idea of humanity of one of the parties. Here we can see the great difference between the Kantian concept of law and a concept of law based on empirical interests or on empirical contracts⁷. The 'free' agreement to a contract or the satisfaction of the interest of the involved parties opens space for types of agreements and contracts which should be considered illegitimate according to a Kantian concept of law.

But to what extent is this idea of humanity linked to an intergenerational perspective? The whole system of rights and duties grounded on the idea of humanity aims to ensure the preservation of humanity in the mankind. In this sense, the whole system of law must assume the responsibility of working toward the infinite perpetuation of humanity⁸. In other words, law does not arise strictly in order to protect the biological life of human beings, since life, as an empirical-biological component, does not *per se* have a particular moral value. The biological life of human beings should be protected now and, in the future, only insofar as it preserves humanity. According to Kant, "[i]f justice goes, there is no longer any value in human beings living on the earth"⁹. In this sense, all positive systems of law must incorporate

the moral requirement of the *a priori* concept of law which demands that States and societies should be organized in order to prevent any kinds of future dystopias of paternalistic states that intend to maximize efficiency or even the happiness of its people in detriment of their freedom (as Huxley's *Brave New World* or Orwell's *1984*).

The categorical imperative of law takes the following form: "act externally [so] that the free use of your choice can coexist with the freedom of everyone in accordance with a universal law"¹⁰. The equal sphere of action of the agent's faculty of choice is related to the respect required by humanity. And from the respect for humanity follows the right of one to freely determine their own ends according to a sphere of agency that is consistent with a system of equal freedom for everyone under a universal law. Since this is a question of preserving humanity's sphere of freedom, and not merely human life, or even the freedom of individuals who are alive at a given moment, it follows that we could rewrite the categorical imperative of law in order to make explicit its immanent intergenerational aspect. Therefore, we would have the following imperative: "act externally so that the free use of your choice in the present generation can coexist with the freedom of every other generation that follows in accordance with a universal law". This formulation of the imperative of law has important consequences for the limitation of individual sphere of action, both as holders of duties and of rights. One of the most obvious constraints is the use of non-renewable natural resources and even the preservation of biodiversity. We could argue that the use of those by some generation must be legally regulated so as to ensure not only the same field of action relative to these things that the next generation or two might enjoy but to actually guarantee their use in perpetuity (at least in what is in our field of action, as the amounts of CO2 emissions). Thus, the concept of a rightful law requires the sustainable treatment of the objects on which human agency can be exercised. In the case that some non-renewable recourse must be used for just one or two generations, then the next generations must be compensated with something equally valuable to their sphere of action. Only in these circumstances would the following generations have their sphere of action maintained relative to that of previous ones.

In summary, according to Kant, the law is not strictly concerned with the issue of grounding rights focused on biological life or the preferences of individuals from different generations of human beings that are actually alive¹¹. We could also say that *biological life is a necessary but insufficient aim* of a rightful law. It is analytic to the system of law to secure the same sphere of freedom for future generations, since later generations will carry forward not only the existence of the human species, but above all, the perpetuation of humanity. Humanity cannot be an object of exchange or bargaining, and it is much more fundamental than the concept of biological life (and they do not always share the same preconditions). The law must constantly focus on guaranteeing the conditions according to the idea of the dignity attributed to humanity, therefore, to the value of its perpetuation. In other words, it is inherent to the very idea of a rightful law that that we must guarantee the continuity not just of human life, but the continuity of the conditions for realizing humanity. So, the entire system of law implies a diachronic aspect regarding the attainment and perpetuation of the dignity of humanity.

The *second ground* for a Kantian idea of intergenerational justice is the *moral requirement for the constant reform of political and juridical institutions*. The requirement for transforming political-juridical institutions into a system suited to the principles of freedom, equality and independence of the citizens is central to a Kantian intergenerational idea of

justice. Existing institutions, which are always subject to moral distortions based on historical contingencies, mistakes, violence, ignorance and various kinds of moral corruption, constantly require reform and improvement according to metaphysical principles of law, which are grounded, as seen above, on the idea of humanity. So, institutions must have specific spaces and procedures enabling those reforms, since the concept of law requires that errors and prejudices should not crystalize but should be corrected over time. The perspective of institutional reform is so important because only through institutions can one expected to actualize freedom; therefore, only better institutions can be expected to lead to better people¹². In order to avoid the vicious circle of crimes against freedom and the destruction of cultural and environmental heritage, we must focus on improving our political and juridical institutions. Thus, it is not only knowledge, wealth, land, or natural resources that are the objects of intergenerational justice, but especially political and juridical institutions must be seen as objects of an intergenerational heritage that should not only be preserved but also improved for next generations¹³.

Kant is a strong supporter of reformism and a critic of the revolutionary model. One of the main reasons is that revolutions adopt an irrational procedure for resolving conflicts, since force becomes the criterion of decision. This does not mean that Kant is a conservative. He thinks that law and the civil state arise in a problematic fashion (the state itself arises through force and violence¹⁴) and develops by tortuous paths, which means that it should be corrected and improved over time. So, the defense of the reform model not only seeks to preserve an established *legality*, but it tries to avoid abrupt changes that may put achievements at risk. The reform model has the particularity of having an established procedure for bringing about change and a clear definition of who is responsible for carrying it out. So, the question is not how much is changed, since reforms may profoundly change a society¹⁵, but how changes are implemented. For Kant, there is a duty to carry out institutional reforms and this duty falls particularly to the ruler and the political representatives who hold the responsibility of decision-making.¹⁶ It is a top-down reform model. This does not mean, however, that citizens lack any role in this process. Their participation is, however, indirect. On the one hand, through the freedom of public use of their reason, citizens must let political representatives know what they think in order to bring institutions closer to the idea of justice¹⁷. On the other hand, citizens themselves have a duty to support reforms and choose representatives who are willing to carry them out¹⁸. Among the institutions that need to be continuously reformed in order to fulfill their moral ends are, inter alia, the civil constitution and the rule of law, democracy¹⁹, the creation of an international law and a Federation of nations that promotes perpetual peace through juridification of conflicts between states²⁰ and, finally, the development of an adequate public sphere where citizens can adequately exercise the freedom of public use of reason²¹. In short, from a Kantian perspective, the reform of political and juridical institutions is a moral requirement of the concept of right that falls directly to those officials and representatives in charge and, indirectly, to all citizens. Out of respect for humanity, this reform must be continuously performed, not merely for the sake of present generations but also as a perpetual legacy for future ones.

Finally, the *third ground* underlying the idea of intergenerational justice is *Kant's concept of property*. This is a very broad and controversial topic in the literature, which is beyond the scope of this paper. Thus, we will only briefly revisit *two central premises* of Kant's justification of property from which we may extract at least *three consequences* for the notion of intergenerational justice. The first premise refers to Kant's rebuttal of Locke's theory

of property based on labor. Kant states that Locke's model operates with misguided metaphysics, since it assumes that labor might suppose some dogmatic metaphysical property regarding the object. In other words, according to Kant, property can only be established in a relation between the faculties of choice (*Willkür*) over an object, but never as a direct relation of one individual's agency to an object²². This is why Kant states that if there were only one individual on earth, it would be impossible to establish property²³. Therefore, property depends on a rational justification that assumes an intersubjective perspective whereby a rational relationship between the wills of free agents is built.

The second premise is more complex and involves further elements. In the first place, the thesis of an original common possession of land²⁴ turns the unilateral appropriation a problematic foundation for the concept of property. This is due, on the one hand, to the fact that all individuals should have the right to have property according to a *systematic perspective (omnilateral will)*²⁵ in which the sphere of freedom of each one must be equal to the sphere of freedom of all others. On the other hand, it is also impossible to carry out this system from its starting point²⁶. This is why Kant bases his whole theory of law on the concept of a *permissive law of practical reason*²⁷, which incorporates the implicit requirement that empirical systems of law should always be improved through reforms according to the idea of system of right and the dignity of humanity²⁸.

Now, at least three consequences for an idea of intergenerational justice can be drawn from these two premises. The *first* refers to the *intrinsic teleological perspective* that the legitimacy of property requires. It is precisely because property has arisen historically without respecting the criterion of systematicity of equal freedom (according to the idea of an *omnilateral will*), that the state has the right to charge fees to take care of citizens who cannot do this on their own²⁹. What is more (and here I go beyond the letter of Kant's text but in accordance with its principles), the state is allowed to create a set of laws regarding property taxation and property transfer that gradually correct the distortions undermining a system of property distribution that respects the idea of equal freedom.³⁰ Here, it is important to point out that the idea of an *original common possession of land* does not merely refer to that alleged generation of individuals who are the first owners and set up the agreements regarding the establishment of property. If this were so, it would not be possible to distinguish the concept of *communio primaeva* (supported by Grotius and criticized by Kant³¹) from that of *original common possession of land*. The latter is an *idea of practical reason* which is therefore *not restricted* to individuals of the first nor any other specific generation³². In fact, this idea is related to an intergenerational perspective. Paraphrasing Kant: just as it would be impossible to justify property if there were only a single individual on earth, it would also be impossible to *fully* legitimate property if there were only a single generation, or if there were not a generation to follow and so on, *ad indefinitum*. This is due to the problematic nature of the distribution of property. So, the perspective and the requirement of continual improvement in the distribution of property for the next generation (which also presupposes the potential to leave it for following generations, so we cannot merely destroy it) is what legitimizes the current status of property distribution for the current generation. Without an underlying teleological and temporal perspective, the permissive law which granted property to the first owner would be invalidated and would always carry hints of a crystallized usurpation.

The *second consequence* concerns the type and limitation of use that is allowed by the concept of property. In the first place, as with the physical possession of one's own body, the concept of property, to some extent, allows owner to do or not to do what pleases them, *but always within the limits established by the concept of humanity*. So, in the same way that one does not have the right to sell oneself as a slave, that is, to alienate the freedom of one's own body, the property of things is also restricted within the spectrum of ends which are consistent with the concept of humanity. For example, even if one owns a water source or a forest, they cannot make use of this property in such a way that makes it impossible for future generations to use it according to the dignity of humanity. Thus, just because a water source in a forest belongs to someone, they do not have the right to poison it or use it up.

This already points to a second fundamentally intergenerational aspect of Kant's concept of property, namely, the idea that an original common possession of land may be extended to the whole system of property, including intellectual property. Everything produced, including knowledge or tools left by past generations, carries within it something of social value, because *originally*, they were indirectly grounded on the common possession of land. So, for example, owning paintings of Van Gogh does not entitle their owner to be cremated with them³³. Similarly, even if someone owns a patent for a medicine, this does not give them the right to produce the medicine and sell it at any price (in Kant's legal terms: according the way it pleases them but against the limits set by the idea of humanity). This is not a question of denying property, rather it is about denying its *absolute* value or *absolute* possession. After all, this perspective of an absolute value can only be understood according to a model of a unilateral relation between an agent and an object, which is the Lockean model that was rejected by Kant. First and foremost, Kant sees property as a multilateral relation between the individual and all that surrounds them (in a synchronic perspective), and at a second level, with all those who have come before and who will follow them (according to a diachronic perspective). Thus, the legitimacy of property and its use must find an equilibrium that enables, on the one hand, respect for the owner's freedom of choice while, on the other hand, an equivalent respect for the dignity of the present and future generations. Returning to the example above, if someone finds a cure for cancer and patents the drug, it is up to them to demand compensation for the discovery, but not in a way that makes it impossible for current and future generations to widely enjoy its benefits. After all, the discovery or the production was only made possible due to material, cultural and scientific heritage that has been, in effect, loaned to them and it, therefore, requires *compensation* and *correction*. Said compensation does not refer to any market rule, in the sense of a balance between supply and demand, but rather to a compensation that is intrinsically rooted in the very moral concept of property, since its establishment is grounded on the original common possession of land and the *problematic permissivity assigned to the first property*. In short, the Kantian concept of property has both moral limitations according to the idea of humanity and a teleological limitation regarding the establishment of its social use.

The *third consequence* of intergenerational justice is that property has an intrinsically cosmopolitan perspective and a cosmopolitan demand for legitimacy³⁴. What holds for the state, which must support citizens who cannot support themselves, also holds for the federation of nations (which should also be the moral end of international politics and law). Thus, the federation should care for states and peoples that cannot support themselves, due to the simple fact that everyone must occupy a place in space and cannot choose where and when they are born³⁵; nevertheless, they possess a dignity that must be respected, even more

considering that having property of this land implies their exclusion of the same title. The very legitimacy of the concept of property already brings in itself a moral demand for cosmopolitan institutions that must create a universal system of law according to the principles of freedom, equality, and the independence. The importance of this cosmopolitan and institutional perspective is increasingly reinforced by recent experience and by scientific research that shows that the greatest problems humans face cannot be solved within the borders of a national state. This applies not *only* to economic issues but also to delicate and systematic interactions of the various biomes and ecosystems on Earth. So, the destruction of the Amazon rainforest is not only an issue for the Brazilian people or for the Brazilian state but is a global concern, as are the excessive emissions of carbon dioxide by the U.S.A. or China. These issues concern simultaneously the intra and intergenerational justice, as well the domain of the juridical cosmopolitanism.

1.1 Issues with the notion of intergenerational justice

Beckerman argues that it is generally impossible to defend a theory of intergenerational justice for at least *three* reasons. *Firstly*, since unborn people do not exist, they cannot have rights. According to him “however widely society wishes to draw the boundary around the rights that future generations will have, they cannot have any rights now. Nor, when they come into existence, can the rights that they will have include rights to something that will no longer exist, such as an extinct species.”³⁶ His example deals with the right not to be killed. This right only holds as long one is alive. “But this does not mean that it makes sense to say that you have a right to life a week later, when you no longer exist – and hence, by definition, nor does your life.”³⁷ *Secondly*, there is no correspondence between rights and duties. Thus, we may have some obligations to the next generations, but the unborn generations do not have a right to any specific asset. However, since there are no rights, we cannot talk about intergenerational justice. He uses an imaginary example of someone who sets a bomb for two hundred years in the future time or buries radioactive nuclear waste in an unsafe location. This, he says “would harm a lot of people who do not yet exist. But it would be wrong to say that their rights not to be harmed had been violated. Since they did not exist when the delayed-action bomb was planted they could not be said to have any rights.”³⁸ Another, “more dramatic extreme [example], if I am walking along the beach and see somebody in danger of drowning in the sea I have a moral obligation to go to his assistance if I can, even though the person in danger may not have any ‘right’ to expect such assistance.”³⁹ *Thirdly*, as set out by Rawls⁴⁰, future generations can do nothing to us, therefore, those notions of reciprocal harm (or benefit) that the question of justice deals with do not arise.

A counterargument in defense of the Kantian idea of intergenerational justice, might go like this. Concerning the *first objection*, the notion of rights and duties is not linked to any empirical human characteristic, but to the humanity in our person. Since humanity is an idea rather than a thing or empirical feature that exists (in the strict sense of empirical time), then the notion of rights and duties also lacks any intrinsic attachment to the actual existence of an individuum, even though this might be pertinent to some specific case. In other words, it is not our empirical personality that has rights, but our noumenal personality, which is defined by our humanity. Since the human species performs humanity, then the notion of rights and duties is linked to the human species as a whole, both past and future generations. This

argument was formulated *mutatis mutandis* by Kant against Herder, when he said that “‘the human’ species signifies the whole of a series of generations going (indeterminably) into the infinite”⁴¹. Naturally, this is not a definition for theoretical philosophy, that might be used in the life sciences, but it is an appropriate one for practical philosophy⁴². In theoretical philosophy the definition of human species would be “the mark that in which all individuals must agree with one another”. But the theoretical philosophy criteria lack validity when dealing with a practical issue. One example that shows that Kant was in fact using this notion that is not strictly attached to existing entities, is his example of a right of having a good name even after one has died.⁴³ It would be impossible to defend such a right if we assume an overly narrow point of view regarding empirical existence. According to Kant, reason gives an *a priori* law that “extends its commands and prohibitions even beyond the limits of life.”⁴⁴ Therefore: “Someone who, a hundred years from now, falsely repeats something evil about me injures me right now; for in a relation purely of rights, which is entirely intellectual, abstraction is made from any physical conditions (of time), and whoever robs me of my honor (a slanderer) is just as punishable as if he had done it during my lifetime.”⁴⁵ For this reason anyone could sue for plagiarism someone who has stolen an idea from an author three hundred years dead.

Regarding the *second* criticism, for Kantian moral philosophy, it is never merely a question of moral demand, but also always an issue of right. So, the people who will incur damage by a bomb or nuclear waste two hundred years in the future have their rights infringed. The same happens to someone *drowning* on the beach. He has the right to be rescued or, at least, the right to expect that if someone sees him and has the means to help, they should do so⁴⁶. Beckerman is right to emphasize that there is no right to a specific asset. But Kant’s doctrine of right does not deal immediately with specific objects and things, or specific assets, but with the establishment and guarantee of a system that ensures the *same spheres of freedom*. Hence, a generation may have the right to consume some specific asset but must also leave at least some equivalent compensation for future generations to guarantee for them the same sphere of freedom.

In order to respond to the *third criticism*, we have to stress that the correspondence between rights and duties does not need to be understood in an overly narrow fashion as a bidirectional relation between the same subjects. So, parents have the duty to care for the growth and education of their children, while these do not have any particular duty to the former as any sort of compensation. However, the parents had the same right concerning their parents. This means having a duty concerning some people does not turn you into a bearer of a right concerning the very same people. The correspondence between rights and duties must be seen as a *system of rights* rather than at the level of subjects.

Two further specific criticisms are frequently raised against Kant’s moral theory. *One* argues that it establishes an overly rigid canon of norms that may prevent it from “adapt[ing] to social changes”,⁴⁷ something which may lead to a kind of fetishism of norms,⁴⁸ as allegedly happens when one potentially lies in order to save someone’s life. One potential response to this criticism might be that having a deontological moral theory that deals with cases is distinct from having a theory so concerned with the particular that, in the end, starts to decide casuistically. Kant’s practical theory belongs to the first kind and not to the second. Moreover, the application of the moral law always implies a high level of reflexivity, which is more than a mere mechanical application of norms as it is normally portrayed⁴⁹. *A second*

criticism is that Kant's moral theory requires rather more metaphysics than is generally accepted nowadays⁵⁰. Kant's response is that we have a twofold choice: either we abandon all claims to moral rights or we have to take a metaphysical standpoint. Therefore, when we speak of moral rights, as common sense actually does, then the issue is not whether we have metaphysical assumptions but whether the assumptions are clearly presented and subject to critical evaluation.⁵¹

2. The normative context framed by the universal history with a cosmopolitan aim

A theory of justice with intergenerational aspirations must be introduced in a wider normative context, which allows us to understand the holders of rights, but also the holders of duties in such a way that complex diachronic interrelations can be established. Even the concept of time must have a practical unified sense that enables a historical narrative. Otherwise, we would only be able to talk about an intergenerational duty of the German, or French or Britain people, etc., to their own future generations. Kant, however, finds this nation state concept of intergenerational justice to be shortsighted in the long run and he argues that it will never deal appropriately with the problems that mankind faces now and will come to face. The spherical shape of the Earth means that people cannot avoid contact with each other and cannot, above all, avoid undergoing the political, social and environmental impacts of other peoples around the globe. So, despite our cultural and religious differences, Kant argues that we have to see ourselves not only as members of a single species, but as a moral community that is on one single historical journey seeking physical and moral development.⁵² In a broader sense, therefore, the intergenerational justice perspective, when pushed to its ultimate consequences, is intrinsically related to a cosmopolitan historical viewpoint, since it must overcome not only the limits of one generation, but also the limits of communities and states. Without a historical-cosmopolitan perspective, most issues of intergenerational justice involving global environmental, social and economic issues that have a global scale can neither be adequately framed nor addressed. When we cross the historical-cosmopolitan perspective with the idea of intergenerational justice presented in the first section, at least five important perspectives for a theory of intergenerational justice become noteworthy.

a) A universal history *must be built around the manifestation of the concept of an a priori law throughout history, that promotes a unitary historical understanding while, at the same time, recognizing the legitimacy and inevitability of cultural diversity arising from different languages and religions.*⁵³ The unitary historical perspective allows us to build a history of the progress of law. In this case, the advances of the idea of law, even when carried out by other peoples, reveal the possibility and progress that is shared by all mankind. This explains Kant's thesis about the enthusiasm for the French Revolution⁵⁴, namely that it shows that, even when dealing with another culture and another juridical system, we are still bound at a moral level by the juridical progress made by others⁵⁵. The fact that moral agents share feelings of enthusiasm for the legal progress made elsewhere *indicates the art of belonging to a global political-legal community*. The reverse is also valid: cosmopolitan connections have already spread so widely that any violation of the right of humanity in one corner of the world is already felt everywhere⁵⁶. This "sense of violation" does not necessarily affect

predominantly the same generation, however. Thus, injustice also has an intergenerational aspect.

b) *A universal history allows for the construction of an expanded moral consciousness.* Just as individuals possess a moral conscience, allowing them to assess and evaluate their maxims and behavior, so may the human species build an expanded moral consciousness. In this case, the very writing of a universal history, not only on the important progress, but also on the important setbacks by humankind regarding the realization of their rights and duties, may function for peoples as a compendium of learning. It is precisely because peoples can commune with this collective moral conscience that they can share experiences and learn from each other's mistakes. If there were no common substrate between peoples' moral historical consciousness, there would be an incommensurable gap between their histories and experiences. In this sense, the writing of a universal history has, in itself, a cosmopolitan purpose, because it presents a system of positive and negative experiences from which all peoples may learn. In an analogous fashion, the development of a free, global public sphere is the political counterpart to the reflection process engaged in by agents when they must decide about their maxims⁵⁷.

c) The universal history provides the framework for the concept of a *shared historical responsibility*. Responsibility is not to be understood in the same sense as individual responsibility, which implies that someone or some group may be individually punished for a committed action. Historical responsibility is a peculiar one that involves the following recognitions: *first*, that the errors, crimes and social injustices that have taken place throughout history are neither the result of nature, nor of an original sin, nor even the fault of a supranatural entity. Thus, the social injustice and miseries humankind suffers from arise from reciprocal actions, and are, therefore, human responsibility.⁵⁸ *Secondly*, the framework also dictates that no people or individual can consider themselves in the privileged position of saying that they would not commit certain crimes or mistakes. In other words, the crimes of previous generations could also easily be our own, for if we had been in their place, it is fully likely that we would have made the same mistakes and committed the same crimes.⁵⁹ This is not a matter of historical determinism, but one of recognizing that the ignorance of history, the moral deficiencies, the institutional flaws, and the easiness of being partial and affected by passions are shared human features that could easily afflict ourselves and that we could have committed those crimes (if we had been in a similar position) or, even worse, that we are always in the position to repeat them.⁶⁰ *Thirdly*, universal history gives meaning to our moral obligation to gradually repair the errors of our ancestors and to act upon institutions and the present conditions in order to improve upon them.⁶¹ In this sense, a generation is worthy of respect for the advances it has made as well as it can be criticized regarding what it could have achieved but failed to do so.⁶²

d) *Universal history should help improve moral pedagogy, as the art of educating men regarding their freedom.* Kant points out that the art of pedagogy is central to progress in history, but it is also the most difficult and latest art humankind will master. Pedagogy consists of the ability to educate people not according to the concepts of the present but according to what the species should be according to the idea of humanity. This means that education should not be restricted to reproducing the *status quo*, it should, rather, focus on the perspective of improving institutions and avoiding mistakes. It can be argued that the

pedagogical perspective of universal history with a cosmopolitan aim focuses on leaving better institutions and better people for latter generations.

e) *The writing and dissemination of “a universal history with a cosmopolitan aim” can be seen as stimulus to its own realization.*⁶³ This influx of theory into practice has at least three different aspects. *Firstly*, the narrative of a universal history may even channel the selfish desires of honor and recognition so that they might also serve as a stimulus for people, especially politicians, since, provided their goal is to achieve recognition and a positive place in history, then they should contribute to increasing and developing the law and the realization of freedom,⁶⁴ instead of merely seeking wealth or power. *The second aspect* relates to the scope of pedagogy. A history that systematizes the advances and problems faced throughout the history of pedagogy and politics could serve as the guideline for future works about this issue. So that humans do not always learn lessons in the hard way⁶⁵, the universal history must also become a sort of a cosmopolitan pedagogy. One of the lessons stemming from history is that the state should not subtract energies from its people but should, instead, support the search for emancipation through public education. Thus, the resources expended in going to war would be better invested in education⁶⁶. We are speaking here, not merely of an instrumental, technical education, but also a moral education for enlightenment, which would cover the dimensions of aesthetics, politics and morals. *The third aspect* is that cosmopolitan universal history itself can operate as a stimulus for the moral agent continuously work toward progress. In other words, *although the theory does not prove* the reality of progress, it does, nevertheless, still present a soundly grounded narrative for maintaining alive the *hope* related to a duty. This is to say that the duty to promote progress receives new impetus from the very hope that its realization is possible. However, it also makes sense to think that the process of progress is already under way⁶⁷. Engaging oneself in such a task is a way of being part of something greater than oneself, a way of seeking a rational transcendence to the phenomenal world.

These elements of a universal history set out a *broader context* in which it is possible to present the normative and juridical elements for a Kantian idea of intergenerational justice. Without such a context, the rights and duties discussed in the first section could not be correctly understood in their historical-diachronic perspective and some important aspects of their content would be lost.

It is important to mention a potential criticism that might be raised against this intergenerational interpretation of Kant’s philosophy of history, which has, in fact, been directed against Kant’s philosophy of history itself, namely that this perspective would assume a morally illegitimate position that treat previous generations as mere means to later ones⁶⁸. This criticism is misplaced because considering future generations as ends in themselves does not automatically mean that we are transforming past generations and current ones into simple means. If we return to the formulation of the categorical imperative, then it is clearly not a problem to consider other human beings as means to my ends, in fact, life in society makes this unavoidable. What the categorical imperative precludes, instead, is that other individuals or generations may be treated *simply as means*. In other words, the manipulation and objectification of human beings and generations must be avoided. From the Kantian moral perspective, however, all generations are simultaneously ends in themselves but also means for the moral development of humankind.

3. Final remarks and some initial proposals

A detailed analysis of Kant's practical philosophy illustrates that it is not intrinsically alien to the concept of intergenerational justice. On the contrary, I have shown that Kant's theory of law already carries within it the idea of intergenerational justice, which finds support on a broader normative context provided by the philosophy of history. Therefore, one can state that the entire Kantian practical philosophy sustains a theory of intergenerational justice with a cosmopolitan perspective.

This intergenerational feature can be made more explicit by transforming it into a formulation of the categorical imperative that might provide moral and political guidance regarding intergenerational issues. Thus, I advance the following formulation: '*Act regarding political and juridical institutions, as well as regarding all things that can be owned, in a way that respects the dignity of the future generations.*' I will go on to briefly point out some implications of this new formulation of the categorical imperative:

1. This formulation deals with the reform and adequacy of institutions, since they constitute both an intergenerational heritage and, at the same time, the best means through which humankind can deal most effectively with large-scale issues including the environmental, political, economic, social or moral ones (like endemic corruption).
2. The concern with the private ownership of things is another issue of intergenerational justice and it is not limited to the ownership of land and the material and living things upon it, but also encompasses the objects of intellectual property.
3. The concept of respect is a requirement that surpasses any utilitarian or market rationality. Respect requires a particular form of consideration about something that is above any price. It places demands that surpass the passive attitude of avoiding harm. Respect requires the search for correctness and continual improvement. In other words, it refers not only to preserving something but requires that one should do everything within one's capacities and means to leave the same or better conditions for future generations. This should be done not because they have earned this respect, since this formulation has nothing to do with meritocracy, after all future generations have done nothing that would confer merit to them. The respect we owe them is due the dignity of humanity, which is instantiated in their possible future existence.
4. The dignity of humanity requires that past, current and future generations be accorded equal moral value. We are not speaking of institutionalizing concepts of happiness (which might lead to several potential types of despotism) or specific assets (which might lead to a strange logic concerning the right to owning things that does not exist or have ceased to exist, as pointed out by Beckerman), but of *securing equal spheres of freedom* and, if possible, systematically expanding these spheres of freedom for future generations.
5. From the Kantian perspective (at least in a more close interpretation of Kant's philosophy), it is not a question of preserving biodiversity by itself (since neither things, nor animals or even the Earth can be considered by themselves entities with rights and duties), rather it is a question of a duty to preserving them for the sake of both to our own humanity (the intentional destruction of biodiversity and loss of life simply for increasing our comfort and pleasure can be seen as a lack of respect for our

own dignity, in the same way as torturing animals⁶⁹), as well as to the humanity of future generations (since we might argue that the extinction of species and the destruction of ecosystems would deprive future generations of knowledge and aesthetic and environmental experiences that may be important or even irreplaceable for moral and human development).

6. This moral law concerns the domains of both ethics and law, to the extent that said law can be seen as a criterion for inner and external regulation of freedom. It should guide all humans when establishing the maxims for action, but particularly political representatives and company managers, since they hold the responsibility to evaluate and decide upon the objectives and means of institutions. For society in general, the moral requirement works more indirectly, not only because they have to support the reforms and adapt their way of life, but also because they must democratically engage in the political and social demands for intergenerational justice.

These considerations are not meant to be exhaustive. Instead, they suggest the general outlines for a theory of intergenerational justice starting from the principles of Kantian practical philosophy. On the one hand, this notion of intergenerational justice may be considered overly broad and vague for dealing with real human problems. A potential reply might be that the role of philosophy is not to provide detailed recipes for resolving all human problems but to offer conceptual tools for framing said problems and justifying general principles to orient subsequent efforts to achieve solutions. As the problems become more specific, we have to add more theory⁷⁰, especially of the empirical type from human and natural sciences. Empirical knowledge cannot provide us with a broad framework, but it is essential when the question is about carrying out our duty. Others, however, might deem this proposal overly audacious or demanding, since it does not start from empirical considerations of actual human behavior. A Kantian might answer that this empiricist point of view may limit us to merely stating and justifying that which exists. What is more, in the event that some empirical moral theory were to surpass the limits of the current observations and generic maxims of prudence, it would be because it had implicitly and then illegitimately assumed metaphysical premises. It is only because the Kantian theory of justice is grounded in a critical metaphysics that it can meet our present moral challenges which are both global and intergenerational. It does so without relying on any religious or metaphysical dogmatical assumptions. A Kantian intergenerational justice focuses on justifying moral principles to provide the framework for a system of juridical and ethical rights and duties. The rules and strategies for their full enforcement and advancement, however, are the responsibility of politics, which must prudently mobilize knowledge from a vast range of expertise so as to improve institutions and create new ones⁷¹.

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03). I am also grateful to Prof. Dr. Günter Zöller by hosting me at Ludwig Maximilians Universität München, where significant part of this work was developed.

² Cf. “Freedom (independence from being constrained by another’s choice), insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every man by virtue of his humanity.” (*MS*, 06: 237). All quotations of Kant’s works follow the standard of the *Akademie Ausgabe* and are made from the *Cambridge edition of the works of Immanuel Kant*.

³ Cf. *KrV*, B 596; *GMS*, 04: 439. Because Kant is a strong believer in the existence of life and also intelligent life on other planets, his entire practical philosophy incorporates this assumption. We could go so far as to say that his concept of law aspires to lay the groundwork for possible future lawful relations between different rational species. This also applies to his concept of morality, which deals with rational beings in general (*GMS*, 04: 389). See for example: “If it were possible to settle by any sort of experience whether there are inhabitants of at least some of the planets that we see, I might well bet that I have on it. Hence, I say that it is not merely an opinion but a strong belief (on the correctness of which I would wager many advantages in life) that there are also inhabitants of other worlds” (*KrV*, B 853; in a sense, this is also supposed in *Anth.* 07: 321). Robert Louden has dealt in more detail with this issue (see Louden (2018)).

⁴*GMS*, 04: 435.

⁵*GMS*, 04: 4340. For a detailed analysis of the concept of humanity and the notion of dignity, see Sensen (2011) and Hill (1992). There is also a very interesting discussion of the foundation for human rights in Kant’s idea of humanity in Caranti (2017).

⁶ See: “So someone can be his own master (*sui iuris*) but cannot be the owner of himself (*sui dominus*) (cannot dispose of himself as he pleases) - still less can he dispose of others as he pleases — since he is accountable to the humanity in his own person.” (*MS*, 06: 270) I interpret this passage as establishing that any use of human beings that goes against their humanity is considered morally prohibit.

⁷ So, for example, the cases of consented cannibalism, dwarf tossing, or some forms of libertarian contract in the marked field, are situations that Kant’s concept of law would not allow, since they damage the dignity of the humanity of the persons involved. For an analogous reason, Kant rejects the concept of a paternalistic state, which disregards human freedom in order to impose some concept of happiness (cf. *TP*, 08: 291).

⁸This principle is set out in analogy with the moral requirement that the state must be considered a moral person that cannot be treated as a thing, therefore it shall not “be acquired by another state through inheritance, exchange, purchase or donation. For a state is not (like the land on which it resides) a belonging (*patrimonium*). It is a society of human beings that no one other than itself can command or dispose of. Like a trunk, it has its own roots; and to annex it to another state as a graft is to do away with its existence as a moral person and to make a moral person into a thing, and so to contradict the idea of the original contract, apart from which no right over a people can be thought.” (*ZeF*, 08: 344)

⁹*MS*, 06: 332.

¹⁰*MS*, 06: 231. For an apt analysis of the categorical imperative of right, see Ripstein (2009).

¹¹ Since we can think of three or four generations sharing the same space/time with different concepts of happiness and different interests, is not hard to perceive how a political struggle or war might occur between generations. Think, for example, of the debate between political measures that deal with the rights of retirement and those regarding the early stages of people’s careers. Although this paper does not explicitly deal with this topic, the central idea and principles can be applied to tackling similar issues. Here, I want to extend my thanks to Pauline Kleingeld for drawing my attention to this issue that also concerns a topic of intergenerational justice.

¹² Cf. “[F]or it is not the case that a good state constitution is to be expected from inner morality; on the contrary, the good moral education of a people is to be expected from a good state constitution” (*ZeF* 08: 366). I analyze the reform of the political order that concerns democracy and the freedom of the press from a Kantian point of view in the following papers Klein (2014, 2015, 2019).

¹³ In the *IaG*, for example, Kant talks about the moral end of seeking the perfection of a civil constitution, which would mean: “a society in which *freedom under external laws* can be encountered combined in the greatest possible degree with irresistible power, i.e., a perfectly just civil constitution, must be the supreme problem of nature for the human species, because only by means of its solution and execution can nature achieve its remaining aims for our species” (cf. *IaG*, 08: 22). Condorcet was a contemporary philosopher who pointed out the importance of institutional legacy. As a mathematician, he had realized the importance not only of institutions but also of their institutional design. Just as the replacement of Roman numerals with Arabic numbers led to an entirely new approach to arithmetic, so might changes in the design of political and juridical institutions facilitate a greatly improved resolution of the complex problems of intergenerational justice.

¹⁴ Cf. *MS*, 06: 312; *IaG*, 08: 22.

¹⁵Kant defines revolution as “a leap, that is, by violent overthrow of an already existing defective constitution (for there would then be an intervening moment in which any rightful condition would be annihilated).” (*MS*, 06: 355) by a leap, that is, by violent overthrow of an already existing defective constitution (for there would then be an intervening moment in which any rightful condition would be annihilated).

16 Cf. “A moral politician will make it his principle that, once defects that could not have been prevented are found within the constitution of a state or in the relations of states, it is a duty, especially for heads of state, to be concerned about how they can be improved as soon as possible and brought into conformity with natural right, which stands before us as a model in the idea of reason, even at the cost of sacrifices to their self-seeking [inclinations].” (*ZeF*, 08: 372).

¹⁷ Cf. *TP*: 08: 304. The *duty* of the sovereign to allow the freedom of a public use of reason is related to the *right* that everyone has, as a rational being, to make use of their capacity (see also *WA* 08: 39f). The same duty must also permit the legal conflict of faculties inside the university (namely, the free public debate around different theories). (see *SF*, 07:29ff.)

¹⁸ This is my interpretation of the fundamental duty that appears in the introduction of *MS*, which establishes that individuals have a duty to have a metaphysics of morals (cf. *MS* 06: 216). I develop this aspect in (Klein 2016).

¹⁹ Scholars who argue that Kant’s concept of Republic can be interpreted in line with current understanding of a representative democracy include Maus (1994), Höffe (2006), and Kleingeld (2012).

²⁰ This topic is extensively dealt with in *Towards perpetual peace*. It is important to emphasize that peace itself is an intergenerational institutional legacy, because it already involves an economy and the preservation of natural and human resources (*IaG* 08: 26). So, instead of the social energy being channeled towards destructive ends, it can be channeled, in times of peace, towards the improvement of institutions, the advance of science, and an adequate investment in the moral education of the next generation, i.e., an education for freedom and enlightenment (regarding public moral education for enlightenment in Kant’s philosophy, see my paper (Autor 3). This would establish a virtuous circle, because the construction of peace itself is directly associated with the expansion of democracy. As Kant’s central principle in the first definitive article in *Toward perpetual peace* states: it is only when individuals who are directly affected by going to war can properly participate in the political decision-making process, that one can expect the end of offensive wars (cf. *ZeF*, 08: 351/ *MS*, 06: 346).

²¹ This supports the importance of a properly well-functioning, free, public sphere, which is one of the most important institutions to be guaranteed and enhanced. Without it, democracy may not advance and function properly, and subsequently the process of improving other institutions will also be compromised. This is one of the reasons that Kant, in direct opposition to Hobbes, asserts that a sovereign has a moral and juridical duty (in the sense that it is one of the preconditions of law) to ensure the freedom of the public use of reason (*TP*: 08: 303f.) and the fruitful legal conflict of faculties (cf. *SF*, 07: 32f.). So, for example, if we have a well-functioning, free public sphere (as per Kant’s conception), it would be practically impossible for important representatives to have space, courage, or even a believing audience to say that human action has nothing to do with current global warming and possible environmental disaster.

²² Cf. *MS*, 06: 260.

²³ Cf. *MS*, 06: 261.

²⁴ Cf. *MS*, 06: 251.

²⁵ Cf. *MS*, 06: 263.

²⁶ Cf. *MS*, 06: 264.

²⁷ Cf. *MS*, 06: 267.

²⁸ Is important to keep in mind that Kant is concerned with a just concept of property. Otherwise, we run the risk of falling into the “realist” position that evokes Plato’s thesis in the *Politeia* conveyed by the character Thrasymachus, namely, that law is just the will of the strongest. But then, we could never talk about a legitimate fair concept of property. The only issue would be who has the force. Therefore, as a Hobbesian perspective would allow, if a state has used up all its natural resources, it can always declare war on others and try to take what it wants. After all, according to an alternative reading, it is merely force that establishes law.

²⁹ *MS*, 06: 326.

³⁰ I am not alone in this interpretation. Other scholars with similar positions are: Westphal (2002), Madrid (2013), and Flikschuh (2000). There is, however, a long tradition that pictures Kant as a liberal thinker (for example, Kersting (2007) and Hruschka (2004)), or even as a libertarian (Nozick (2008), for example, claims to be following Kant’s principle). For a comparison between Nozick and Kant, see my paper (Klein 2017). A detailed discussion of this issue is beyond the scope of this paper. I can merely point out that I am not affiliated to any liberal or libertarian tradition of Kant’s interpretation. My reading follows more closely the *republican* reading of Kant’s political and juridical philosophy. Naturally that depends of the kind of liberalism that we are considering, for example, a reading that closes Kant with a liberalism more closed to that defended Rawls seems to me more appropriate, but again this issue goes beyond the scope of this paper.

³¹ Cf. *MS* 06: 251.

³² Cf. “The possession by all human beings on the earth which precedes any acts of theirs that would establish rights (as constituted by nature itself) is an *original possession in common*’ (*communio possessionis originaria*), the concept of which is not empirical and dependent upon temporal conditions, like that of a supposed *primitive possession in common* (*communio primaeva*), which can never be proved. Original

possession in common is, rather, a practical rational concept which contains a priori the principle in accordance with which alone people can use a place on the earth in accordance with principles of right.” (MS, 06: 262).

³³ I only allude to an alleged event which may or may not have happened. See: <https://www.independent.co.uk/news/lost-van-gogh-feared-cremated-with-owner-1108872.html>.

³⁴ Cf. “The indeterminacy, with respect to quantity as well as quality, of the external object that can be acquired makes this problem (of the sole, original external acquisition) the hardest of all to solve. Still, there must be some original acquisition or other of what is external, since not all acquisition can be derived. So, this problem cannot be abandoned as insoluble and intrinsically impossible. *But even if it is solved through the original contract, such acquisition will always remain only provisional unless this contract extends to the entire human race.*” (MS, 06: 266) We must differentiate here between a cosmopolitan right (which is a specific concept of right (See ZeF, 08: 357f./ MS 06:352ff.)) and a cosmopolitan perspective present in the concept of right, more precisely, in the case in question, of the concept of a property right. Regarding cosmopolitan right, Kant was dealing with a criticism of the colonial domination of the native people of America by the Europeans. His most important point was that the native people had ownership of their land, independently of whether they worked it or not and independently of whether they were organized into a state or not. So, according to Kant, what the Europeans did was simply to steal from them, and this robbery needed to be corrected through history. This topic will be summarized in the following section.

³⁵ Cf. According to Kant, “originally no one had more right than another to be on a place on the earth.” (ZeF, 08: 358) For this reason, I agree with Pinzani’s critique of Kant’s conception of the relation of property in intra-state and inter-state relations (see Pinzani, 2017).

³⁶ See Beckerman (2006, 55).

³⁷ See Beckerman (2006, 56).

³⁸ See Beckerman (2006, 57).

³⁹ See Beckerman (2006, 58).

⁴⁰ Rawls (1972, 291). Therefore, Rawls believe that the problem of intergenerational justice subjects the ethical theory to severe if not impossible testes (cf. Rawls (1972, 284))

⁴¹ *RezHerder*, 08:65.

⁴² For a more detailed defense of the role played by philosophy of history as a practical discipline see the following section.

⁴³ For an interesting and detailed analysis of this topic see Mertens (2019).

⁴⁴ MS, 06: 295.

⁴⁵ MS, 06: 296n.

⁴⁶ Kant stresses the correspondence between duties and rights in MS: 06: 239.

⁴⁷ See Lumer (2006, 44).

⁴⁸ See Lumer (2006, 45).

⁴⁹ Concerning an alternative interpretation about how Kant deals with the case of lying and how to deal in a more detail way with this kind of criticism, see Klein 2018.

⁵⁰ Dierksmeier points out the problems that come with Rawls denial of a Kantian metaphysical perspective: “Wherever there is need for unconditional commitments and duties, all that Rawls’s system can offer are merely conditional agreements of people who give only under the condition that they receive, who contribute only insofar as they benefit, who help only as long as it furthers their interests. In other words, Rawls cannot conceive of ethical obligations where no reciprocity is to be expected” (See Dierskmeier (2006, 80)) “If however a given societal context displays no proclivity towards the protection of rights of future generations (or the distant poor, or the severely disabled, for that matter) then Rawls’ theory does not offer an independent stance whereby to criticize that. By confining himself to the calculus of reciprocity, Rawls deprived his theory of the necessary conceptual tools to provide for a convincing ethics that meets the contemporary needs of humankind.” (See Dierskmeier (2006, 80))

⁵¹ See: “For all examples (which only illustrate but cannot prove anything) are treacherous, so that they certainly require a metaphysics. Even those who ridicule metaphysics admit its necessity, though carelessly, when they say for example, as they often do, ‘the best constitution is that in which power belongs not to human beings but to the laws.’” (MS, 06: 355) And also: “If the doctrine of morals were merely the doctrine of happiness it would be absurd to seek a priori principles for it. For however plausible it may sound to say that reason, even before experience, could see the means for achieving a lasting enjoyment of the true joys of life, yet everything that is taught *a priori* on this subject is either tautological or assumed without any basis.” (MS, 06: 215)

⁵² Kant talks about the development of our predispositions, which means the development of our technical, pragmatic and moral faculties (see *IaG*, 08: 18f).

⁵³ Cf. “Yet the craving of every state (or of its head) is to attain a lasting condition of peace in this way, by ruling the whole world where possible. But *nature wills* it otherwise. It makes use of two means to prevent peoples from intermingling and to separate them: differences of *language* and of *religion* which do bring with them the propensity to mutual hatred and pretexts for war but yet, with increasing culture and the gradual approach of human

beings to greater agreement in principles, leads to understanding in a peace that is produced and secured, not as in such a despotism (in the graveyard of freedom), by means of a weakening of all forces, but by means of their equilibrium in liveliest competition.” (ZeF, 08: 367). Kant’s idea of the end of history (which is just a regulative ideal) is not defined by an idyllic aspiration of kindness and good heart of all the people (for him this is only an empty and childish wish), but that we can hope for and work towards ways of resolving conflicts and living together in such a legal order that is adequate to the dignity of humanity.

⁵⁴ Cf. SF, 07: 84.

⁵⁵ When Kant writes that “the state constitutions in our part of the world (...) will probably someday give laws to all the others” (IaG, 08: 29), he does not intend to justify colonialism or eurocentrism, but states that as it happens with science, that has no intrinsic nationality, also right has an objective ground and kernel that allows it to be shared by all human species. So it is not a matter of where the concept of law evolved, but a matter of the moral objectivity of the concept of law.

⁵⁶ Cf. “Since the (narrower or wider) community of the nations of the earth has now gone so far that a violation of right on *one* place of the earth is felt in *all*, the idea of a cosmopolitan right is no fantastic and exaggerated way of representing right; it is, instead, a supplement to the unwritten code of the right of a state and the right of nations necessary for the sake of any public rights of human beings and so for perpetual peace; only under this condition can we flatter ourselves that we are constantly approaching perpetual peace.” (ZeF, 08: 360)

⁵⁷ I develop the relation between Kant’s universal history and the idea of an expanded moral consciousness in Klein (2019b)

⁵⁸ This position can be inferred from passages such as: MAM 08: 121ff; IaG, 08: 19f.; KU 05: 430.

⁵⁹ This consideration can be inferred from in analogy with the following passage: “Thus, such a presentation of his history is beneficial and serviceable to the human being for his instruction and improvement by showing him that he must not blame the providence for the ills that oppress him, that he also not justified in ascribing his own misdeeds to an original crime of his ancestral parents, through which a propensity to similar transgressions has supposedly become hereditary in their posterity (for voluntary action cannot bring with them anything hereditary); but rather that he must recognize with full right that they did as having been done by himself and attribute the responsibility for all ills arising from the misuse of his reason entirely to himself, *since he can very well become conscious of the fact that he would have behave in precisely the same way under the same circumstances* and would have begun the first use of reason that way (even against nature’s hint).” (MAM, 08, 123, italics added)

⁶⁰ I think that one of the most dangerous mistakes for a people and for mankind is to assume that certain mistakes will certainly not be repeated. It is precisely due to this false assumption that we take insufficient measures to prevent said errors, which gives and for this reason it seems that humankind is sometimes wandering in circles.

⁶¹ Cf. TP 08: 308.

⁶² Cf. IaG 08: 19f.

⁶³ Cf. IaG, 08: 29.

⁶⁴ Cf. IaG, 08: 31.

⁶⁵ Cf. “I would rely on the heroic remedy which Hume prescribes, and which would effect a quick cure. ‘If, at the present time,’ he says, ‘I see the nations on the point of war with one another, it is as if I were seeing two besotted fellows beating each other about with cudgels in a china shop. For not only do they have to recover slowly from the bruises they administered to each other, but afterwards they must pay for the damages that they have done.’” (SF, 07: 94)

⁶⁶ 28; TP, 08: 288; SF, 07: 92f.

⁶⁷ Cf. IaG, 08: 29f.; TP, 08: 308f.

⁶⁸ This critique is based on the following passage: “It remains that the older generations appear to carry on their toilsome concerns only for the sake of the later ones, namely so as to prepare the steps on which the latter may bring up higher the edifice which was nature’s aim, and that only the latest should have the good fortune to dwell in the building on which a long series of their ancestors (...) had labored, without being able to partake of the good fortune which they prepared.” (IaG, 08: 20) This criticism was formulated and discussed by Stern (1986: 534), Arendt (1982: 77), Galston (1975: 233), and Fackenheim (1956/57: 392; 397). There is another, even more radical, version of this critique by Medicus (1902: 173, 181), i.e., that human generations are not viewed as a means for future generations, but the human species itself is taken as a means for nature which is conceived of as a metaphysical entity.

⁶⁹ MS, 06:443.

⁷⁰ TP, 08: 275f.

⁷¹ I develop an account of the concept of prudence in Kant’s political and juridical philosophy in Klein (2021)