



ADDING INJURY TO INSULT: KANT ON DEFAMING THE DEAD

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In a brief and largely overlooked section of the *Doctrine of Right*, Kant considers the right a person has to retain a good reputation after their death, the acquisition of which he calls “a phenomenon as strange as it is undeniable” (*MM* 6:295). Kant here is not claiming that one should never speak ill of the dead, at least if one is speaking truthfully (although Kant does count it “a duty of virtue not to take malicious pleasure in exposing the faults of others” (*MM* 6:466)).¹ Rather, Kant’s concern is with posthumous defamation: the telling of lies that in some way “stains” the name of the deceased. Kant explains that when such a right is violated, those still alive acquire an obligation to restore the reputation of the dead. This obligation apparently falls on everyone regardless of their relation to the deceased: “[A]n apologist need not prove his authorization to play the role of apologist for the dead, for

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A: Anthropology from a Pragmatic Point of View, in *ANTHROPOLOGY, HISTORY, AND EDUCATION* 227–430 (Mary J. Gregor trans., Cambridge University Press 2007) (1798).

CPrR: Critique of Practical Reason, in *PRACTICAL PHILOSOPHY* 137–271 (Mary J. Gregor ed., trans., Cambridge University Press 1996) (1788).

G: The Groundwork of the Metaphysics of Morals, in *PRACTICAL PHILOSOPHY* 37–108 (Mary J. Gregor ed., trans., Cambridge University Press 1996) (1785).

MM: The Metaphysics of Morals, in *PRACTICAL PHILOSOPHY* 353–603 (Mary J. Gregor ed., trans., Cambridge University Press 1996) (1797).

¹ Kant also claims that “The intentional spreading (*propalatio*) of something that detracts from another’s honor . . . even if what is said is true—diminishes respect for humanity as such, so as to cast a shadow of worthlessness over our race itself” (*MM* 6:466). However, since Kant’s claims here are offered as considerations of virtue, they must be kept separate from matters of (enforceable) right.

everyone inevitably arrogates this to himself as belonging . . . to the right of humanity as such” (*MM* 6:296).

Although Kant has no doubt that there really is such a right against posthumous defamation, he is very puzzled by it, admitting that “It is therefore indisputable that there is a basis for such an ideal acquisition for someone’s right after his death against those who survive him, *even though no deduction of its possibility can be given*” (*MM* 6:296) (emphasis added). Kant’s perplexity is understandable. He considers the right to a good reputation to be part of “private right,” concerning “what is externally mine or yours” such as property, contractually obligated performances, and the peculiar category of “domestic right” that heads of households supposedly have with respect to their spouses, their children, and their domestic servants (*MM* 6:245). The violation of private right involves the wrongful infliction of harm or loss in a way that would normally call for at least some sort of compensation from the party responsible. So understood, this right immediately raises the question of whether, and in what ways, the dead can be harmed or deprived of something, and more broadly how the dead can still have interests that merit legal protection.

Whether the dead can still be harmed or helped is a long-standing philosophical question going back at least to Aristotle (who answers both in the affirmative). If the only things intrinsically good or bad for a person are their experiences (or aspects of experience, like pleasure), then death clearly puts a person beyond all injury (assuming, as Kant does, that death is complete annihilation).² If we understand a person’s good to involve not just experience but the objects of what they desire or otherwise care about, there remains what to make of those desires once the subject of those desires is no more. If I no longer exist after I die, just *who* could it be that could be benefited by the satisfaction of the desires that I developed when I was alive?

Kant’s “transcendental idealism” gives him some room to maneuver here, because this approach allows for a sense in which a person still exists even after they have died. According to Kant’s metaphysics, every person is a member of both the

² This assumption is in some tension with Kant’s claim that, for moral reasons, we must have “rational faith” in the immortality of the soul. The problem would be very sharp if such faith were understood as an ordinary kind of belief, the acceptance of a proposition as true. However, Kant is clear that whatever faith is, it is not any ordinary sort of belief, conjecture, supposition, hope, opinion, hunch, or guess. Just what there is left for faith to be, however, is notoriously obscure.

“sensible world” and the “intelligible world.” Although these two aspects of our being cannot be coherently combined into one story, they are nevertheless equally true, equally real. (I cannot directly see both sides of a coin simultaneously, but that doesn’t mean that either heads or tails is really the true face of the coin and the other a mere illusion.) As members of the sensible world, we have bodies governed by the laws of nature, bodies that exist in a particular place at a particular time, governed by various natural impulses and requirements. So understood, the human being is a particularly complicated form of animal, with needs and vulnerabilities not all that different from other animals. We can injure one another in this respect through ordinary causal force, by interfering with (or depriving) someone of what they need to live a healthy, satisfying life.

As sensible beings, the human good consists in healthy biological functioning, along with some appropriate forms of experience (pleasure, satisfaction, and more generally a kind of immediate self-awareness of just such healthy functioning). Like the Epicureans, Kant puts the emphasis not on positive feelings of pleasure, but on the absence of any pain or sense that something is going wrong. In *Anthropology from a Pragmatic Point of View*, Kant goes so far as to claim that “the greatest sensual enjoyment, that involves no element at all of aversion, is *resting after work*, when we are in good health” (A 8:276). In this respect, a person cannot be helped or harmed after death simply because there is no longer any kind of biological functioning to be advanced or impeded, no more possibility of experience, self-awareness, happiness, or misery.

Kant does hold that in addition to our sensible existence, we possess a quite different but equally real intelligible aspect. As intelligible beings, we exist outside of the “conditions of time,” and so in some sense beyond the deterministic order of nature. As intelligences we are fundamentally free and rational agents, related to one another not in terms of causal forces, but through ethical relations of obligation, rights, and mutual accountability. As such, we have interests quite different from the sort of physical and psychological well-being grounded in our sensible nature. Our intelligible interest lies in our virtue (healthy moral functioning), which is fully realized when it is completed with clear self-awareness of our moral merit (that is, moral “self-satisfaction”). As with sensible happiness, moral self-contentment is less a positive experience of glowing pride or self-esteem, but rather the felt absence of guilt or shame (that is, a clear conscience). Just as Kant’s picture of our sensible good is fundamentally Epicurean, his conception of our intelligible good is

essentially Stoic. Kant insists that these two aspects of the human good are fundamentally distinct; they can be unified only in the sense that our physical good is subordinated to and conditioned by the moral good (in Kant's philosophy of religion, the "highest good" is to be found in perfect virtue that is met with the complete happiness the agent thereby deserves just because it is so deserved).

Insofar as I have an intelligible existence, I can still stand in moral relations to other people even after I die. Promises made to me may be binding after my death; it still makes sense to resent or feel gratitude to people after they are gone, or to forgive them for the wrongs they committed in life. We can show disrespect to the dead by mistreatment of their remains or the desecration of their graves; we may well have moral obligations to provide the dead appropriate forms of commemoration or funerary rites. Moreover, the dead can still act in ways that might fulfill or violate their moral obligations, as through advanced directives or wills. Such instruments are only available to beings who stand in moral and legal relations to one another; unlike a person, there is no sense in which an animal can still do things after it has died. Kant can thus recognize a person, insofar as she is an intelligible being, as a possible subject of harm without having to image any sort of ghostly afterlife:

But one is not to draw from this any visionary conclusions about presentiments of a future life or about unseen relations to disembodied souls. For what is under discussion here does not go beyond the purely moral and rightful relations to be found among human beings during life as well. These are relations in which human beings stand as intelligible beings, insofar as one logically puts aside, that is, abstracts from, everything physical (i.e., everything belonging to their existence in space and time) . . . Someone who, a hundred years from now, falsely repeats something evil about me injures me right now, for in a relation purely of rights . . . abstraction is made from any physical conditions (of time) . . . (*MM* 6:296n.)

Kant's transcendental idealism thus allows for subjects whose rights might be violated even after their death, subjects who can be meaningfully benefited, or deprived of some good, even after their bodies are no more. However, if the upholding of my reputation is to be one of these rights, there must be some sense of injury I can suffer as an intelligible being that is prior to that very right and so can serve as its basis. Here the metaphysics of transcendental idealism seems to have boxed Kant in, leaving him no room for damage to our reputation to count as such posthumous harm. As both sensible and intelligible beings, we are open to two very

different kinds of injury or benefit, but such reputational damage after death seems to fall between both.

As sensible beings, our good is to be found in the satisfaction of our natural needs, and perhaps more generally those further desires and attachments that grow out of those needs in various ways. To these basic natural interests we may add the higher-order good of a kind of self-awareness (immediate or reflective) of just this fortunate condition (an awareness that takes the form of feelings of pleasure, satisfaction, contentment, fulfillment, etc.). The availability of such sensible goods and harms must come to an end in death, when nothing can advance or impede our life functions anymore, where we are beyond all pain and suffering. Defamation certainly can hurt us in these respects while we are alive, as damage to our reputation can get in the way of obtaining what we need and want (such disgrace can make it quite difficult to get a job or make friends). More immediately, such calumnies can leave a person unable to really feel good about herself. However, none of these vulnerabilities can survive death. So long as we are no longer open to such happiness or misery, posthumous defamation cannot hurt us or deprive us of anything.

Kant does allow that as intelligible beings, we can be harmed or benefitted in ways that do not depend on the character of our biological and psychological functioning.³ However, the only harms that can befall me as an intelligible being are those I freely inflict upon myself. Kant insists that the only thing that can have a bearing on my moral being, in terms of what I am responsible for, is what I freely do. The calumnies I suffer after I die may indeed affect whether others think of me as a good or wicked person, whether they take me to have anything to atone or apologize for, but these lies cannot change the facts about my moral attributes.⁴

The idea of post-mortem reputation harms thus seems to betray a confusion of two different, incompatible kinds of harm. Like sensible harms, these reputational

³ In the *Doctrine of Virtue*, Kant does briefly discuss “moral death” that would involve the loss of a receptive to “moral feeling” altogether. In such moral death, “humanity would dissolve (by chemical laws as it were), into mere animality” (*MM* 6:400). Unfortunately, Kant says little more about this way of dying, claiming that it isn’t a real possibility for human beings for some reason.

⁴ Perhaps refusing to forgive someone after their death could count as a moral harm, or at least the withholding of a moral benefit. But then, it’s hard to see how forgiveness, as normally understood, can fit with Kant’s insistence that a person’s moral being is affected only by what she freely does.

injuries can be inflicted upon me by others without anything like my own free action, without my having to be in any way complicit with such slanders. But like intelligible harms, post-mortem reputational injuries supposedly still affect me purely as a moral being, in a non-causal way that is distinct from any features of my embodied nature. Kant can allow that not just sticks and stones but also names can hurt me, but only the names I call myself (only the names to which I am freely willing to answer).

The right to a good reputation is also strange in that it seems to hover somewhere between what Kant calls “public” and “private” right. The violation of a public right is a crime, the violation of a private right usually a tort. Kant argues that justice (and ultimately, the Moral Law) demands that crimes be punished, but that any individual enforcement of such rights would itself be a wrong, even if such enforcement involved no misjudgment about any matters of right or of fact. Public rights must be enforced, but the only morally legitimate form of enforcement must be something we all do together, through the public authority of a state that supposedly represents and expresses the general will of the polity. In contrast, private right is quite properly upheld through the initiative of particular individuals, such as through lawsuits. Of course, such actions presuppose the publicly constituted and maintained institutions of civil law; there aren’t any lawsuits in a state of nature. Even so, such civil actions are quite properly at the initiative and discretion of particular people: and not just anyone, but only those people who have adequate standing, however that is understood in any particular case.

The right of reputation resembles public right in that it is a right that we are obligated (and not merely entitled) to enforce. This obligation falls on all of us equally, regardless of any particular relationship or attachment to the deceased:

An apologist need not prove his authorization to play the role of apologist for the dead, for everyone inevitably arrogates this to himself as belonging not merely to the duty of virtue (duty regarded ethically) but to the right of humanity as such; and the strain on the dead person need not have been prejudicial to any particular person, such as friends and relatives, to justify such censure. (*MM* 6:296.)

Yet although every person has both the right and the duty to refute the calumniator, Kant apparently thinks that doing so need not and cannot involve any common, public authority. In contrast, ordinary common duties (based in the “rights of humanity as such”), can and can only be upheld by everyone acting together through an institution that can be understood as the organ of their joint will. With the right to a good reputation, we have a seemingly hybrid right that we are all

equally obliged to defend, but which we can defend only through uncoordinated individual choice, unconstrained by any public institutions and mechanisms. Kant observes:

[W]hoever robs me of my honor (a slanderer) is just as punishable as if he had done it during my lifetime—punishable, however, not by a criminal court but only by public opinion, which in accordance with the right of retribution, inflicts on him the same loss of the honor he diminished in another. (*MM* 6:296n.)

Kant's language here is that of criminal law, focused on punishment rather than compensation, invoking notions of retribution rather than restitution. Yet such punishment neither requires nor even admits of a public authority but is to be inflicted simply by the general public, in what we might have expected Kant to condemn as a kind of "mob justice."

As Kant's discussion progresses, it becomes clear that Kant is understanding the "innate external belonging" that is a good reputation in terms of a broader economy of honor. For Kant, the proper defense of this right does not call for criminal punishment, but it also does not involve any material compensation. Rather, the right of honor calls for vindication, that is, the public disproof of the defamatory claim and the humiliation of the defamer:

If anyone spreads it abroad that someone who has died committed a crime which in his lifetime would have made him dishonorable or only contemptible, whoever can produce proof that this charge is an intentional untruth and a lie can then publicly declare the one who spread the evil gossip a calumniator and so take away his honor. He could not do this unless he could rightly assume that the dead man was wronged by it, even though he is dead, and that this defense brings him satisfactions even though he longer exists. (*MM* 6:295–96.)

All of this may seem to be coming from a different, very non-Kantian moral universe. The right to a good reputation seems to be formed not against a background of moral autonomy and the unconditional dignity of persons, but instead in terms of socially dependent kinds of honor and disgrace. Here agents do not seem to be autonomously judging their own worth, but instead heteronomously "living through the eyes of others." It is also puzzling that Kant claims that we may refute a calumniator only if the defamed person has a right to a good reputation after death. One might think that a person is always at liberty to contradict lies, especially serious ones about people who are no longer around to defend themselves, even if the dead don't have any particular right to such a defense.

Here Kant may be thinking that to reveal someone to be liar in these ways is to publicly disgrace them, and we normally have an obligation not to embarrass (let alone humiliate) people without strong reason, even when doing so is simply a matter of exposing the truth. Such an obligation seems to make sense when a person lies as a way of protecting their privacy, to people who have no particular right or interest in the truth. However, it is harder to see how this obligation could continue to hold with respect to lies someone tells about someone else, lies that (presumably) do not involve anything the liar is entitled to keep private. Perhaps the disgrace of being called out in this way is such that we should only do so with regard to sufficiently significant matters and let trivial lies slide. But again, none of this would seem to require any right on the part of the person lied about. I would be entitled to publicly contradict a lie told about, say, the shape of the Earth, without having to presuppose that the Earth had a right to a truthful understanding of its geometry.

The problem is compounded by the fact that Kant does not seem to recognize the possibility of trivial lies (even when what is asserted is trivial). Kant is often read as categorically condemning all lying, regardless of context or motive. This picture is mostly derived from Kant's brief essay "On the Supposed Right to Lie from Altruistic Motives," where he notoriously argues that it would be wrong to lie to a would-be murderer in order to conceal his intended victim. This conclusion is indeed absurd, and many commentators have observed that it really isn't necessitated by Kant's broader views. Upon closer examination, even the "Supposed Right to Lie" doesn't go so far as to claim that such a lie would morally wrong the would-be murderer himself. Instead, the wrongdoing is supposedly political in nature. Kant contends that although such a defensive, life-saving lie would not constitute any wrong to the *murderer*, such a lie would still wrong the political community as a whole. Supposedly, even such a well-intended lie would damage the background trust needed for contracts to hold, and so undermine the possibility of anything like a binding social contract or "rightful external relations" between members of that polity.

The whole discussion is very strange, but fortunately no trace of this view is to be found in *Doctrine of Virtue*. Instead, Kant tells us "[i]n the doctrine of right an intentional untruth is called a lie only if it violates another's right" (*MM* 6:429), which is clearly not the case with the would-be murderer (who Kant imagines as coercing an answer from the person hiding the victim). But even if Kant can allow for justifiable lies, he still insists that all lies remain bad in a unique, deeper way.

Apart from any wrong to others, lies are a profound violation of a most basic duty to ourselves “as moral beings.” In the *Doctrine of Virtue*, Kant continues:

[B]ut in ethics, where no authorization is derived from harmlessness, it is clear of itself that no intentional untruth in the expression of one’s thoughts can refuse this harsh name [lie]. For the dishonor (being an object of moral contempt) that accompanies a lie also accompanies a liar like his shadow By a lie a human being throws away and, as it were, annihilates his dignity as a human being. A human being who does not himself believe what he tells another . . . has even less worth than if he were a mere thing . . . [and is] a mere deceptive appearance of a human being, not a human being himself. (*MM* 6:429.)

Kant probably does not mean these claims literally. Officially, human dignity is “unconditional”; there is no way such dignity could ever be “renounced” or “thrown away.” Every rational agent is always entitled to respect, even wrongdoers. Of course, wrongdoing can change what proper respect involves. Kant believes that moral wrongs immediately demand punishment (if not by the state, then by God), regardless of any further benefits that such punishment may or may not bring about. But for Kant even such punishment is supposedly an expression of respect for the offender. A mere thing cannot deserve to suffer; one may inflict pain on an animal as a way of affecting its behavior, but there can be no reason to do so independent of our other aims and interests. (Kant officially considers animals mere things.) Kant’s talk of contempt here is also in tension with his broader views. We may properly blame and resent wrongdoers, but contempt, as the dismissal of something as simply insignificant, would seem to have no place in Kant’s moral vision:

To be contemptuous of others, that is, to deny them the respect owed to human beings in general, is in every case contrary to duty; for they are human beings . . . [the censure of vice] must never break out into complete contempt and denial of any moral worth to a vicious human being (*MM* 6:453–54.)

In the right to reputation discussion, Kant seems to be mixing up two different ethical stories, only one of which is consistent with his broader philosophy. The proper Kantian story is the one told in terms of autonomy and unconditional dignity. On that story the calumniator’s lies are wrong as such, and we are entitled to refute them simply as lies, without having to suppose any right to vindication held by the defamed deceased. Morally speaking, there are no trivial lies, and the fact that the calumniator might lose (undeserved) standing in the eyes of others is no reason not to expose their slanders. On this story, there is no sense in which these lies can actually injure the deceased or deprive them of anything as either a sensible

or intelligible being. The rest of us are at liberty to refute these lies, but that entitlement does not presuppose anything like a reputational property right retained by the dead.

The competing un-Kantian story is told in the language of a social competition for honor and status. Here, a person is understood not just as having an intelligible nature (with its moral good) and a sensible nature (with its physical good). In addition, we have a social identity, defined in terms of the recognition and esteem of a particular community, which is neither fully rational (universal) nor fully physical (of a particular body). Instead, we also have interests in a kind of social regard that is not purely moral but cannot be understood merely in terms of the satisfaction of natural needs and desires (in part because these interests depend on our allegiance to the evaluative practices of a particular community in ways that presuppose but are not full expressions of rational autonomy). These are goods that neither the Stoics nor the Epicureans could countenance. On this view, any calumny damages a kind of social identity I have by being believed (or just entertained) by the right sorts of people, even if those lies do not impede my actions or the satisfaction of my desires in any way (when I'm dead).

Like moral harm, I can suffer such reputational injuries even after my death. Like physical harm, such reputation damage can be inflicted on me by others. When the calumniator is publicly refuted, real injury is done to his standing, even though he is affected in neither his moral nor physical being. There may indeed be a strong moral presumption against inflicting such harm, perhaps the sort of presumption that could only be defeated by a counter-obligation to vindicate a similarly compelling interest of the deceased. Here the situation is like killing as punishment or self-defense; the moral presumption against killing is so great that it can only be permissible in situations so grave as to make it obligatory. Similarly, the public humiliation of the calumniator might be such a great social harm that it can only be permissible if it is necessitated as a way of defending a similar right in the person defamed.

Unfortunately, this way of thinking of honor and disgrace deeply conflicts with Kant's fundamental conception of the unconditional dignity of persons, simply as such. Such dignity constitutes the true worth of a person as a person, in contrast to the "worth of their condition" (i.e., happiness). This understanding of my honor or reputation would seem to be an incoherent blend of these two different kinds of value in our lives: a matter of the worth of ourselves as persons, but in a non-moral

way, tied up not just with the universal demands of reason but the expectations of a particular, rationally optional form of social life.

We should expect Kant to dismiss any intuition that we have a duty to refute the calumniator based in the rights of the deceased as a confusion, where we are failing to distinguish the truly universal and authoritative demands of reason as such from the merely general expectations of a particular community. The confusion of such objectively rational demands with broad social expectations might be understandable, but it would seem that Kant cannot take these intuitions at face value, as revealing a coherent ground of real moral and legal rights and obligations.

All this worry about reputation would seem to be an expression of what Kant condemns as “self-conceit,” the distorted form of self-love that Kant takes to be the greatest temptation to moral corruption. We engage in self-conceit when we value ourselves (and not just our condition) in a non-moral way, when we take pride in ourselves for non-moral qualities (birth, beauty, wealth, talent, etc.) in a way that makes claims on others for special esteem or deference. Kant claims that such self-conceit does not need to be merely restricted or conditioned by moral concerns (as ordinary “rational” self-love does). Instead, all forms of self-conceit, even the most seemingly innocuous, involve a fundamentally anti-moral “illusion” that there is a coherent way of valuing oneself as a person that is independent of morality. In the *Critique of Practical Reason*, Kant claims that while recognition of the Moral Law merely limits “rational self-love,” that recognition “strikes down self-conceit, that is, humiliates it . . . ; the representation of the moral law deprives self-love of its influence and self-conceit of its illusion” (*CPrR* 5:75). Self-conceit is not just a motivational force that needs sometimes to be curbed by morality. Rather, all forms of such conceit involve a kind of fundamental illusion about what we really are, an illusion that cannot be dispelled piecemeal, but only all-at-once (like a gestalt shift).

Yet in his discussion of the right to a good reputation, Kant seems to be taking such forms of self-conceit at face value, as a ground of full rights and duties, rather than as forgivable confusions that we should be working to overcome. This discussion is not unique, however. A little later in the *Doctrine of Right*, Kant shows a similar indulgence for concerns of honor in his discussion of capital punishment (*MM* 6:336–37). There, Kant argues that unlike other crimes, there can be only one appropriate punishment for murder: death. The one exception to this demand is found in the case of murders that are motivated by considerations of honor. The examples Kant gives are of a junior officer who in a duel kills another soldier who

has impugned his courage, and an unwed mother who murders her newborn to conceal the fact that they were conceived out of wedlock. Kant claims that although these killings are still “crimes deserving of death,” the fact that they are motivated by honor qualifies the state’s authority to punish them. Kant explains that this mitigating concern follows from the fact that:

Legislation cannot remove the disgrace of an illegitimate birth any more than it can wipe away the stain of suspicion of cowardice So it seems that in these two cases people find themselves in the state of nature Here penal justice finds itself very much in a quandary, either it must declare by law that the concept of honor (*which is here no illusion*) counts for nothing . . . or else it must remove from the crime the capital punishment appropriate to it. (*MM* 6:336 (emphasis added).)

We might have expected Kant instead to conclude that the concept of honor here, like self-conceit generally, is indeed an illusion, even if the soldier and the mother cannot be blamed for failing to see through it. Yet here Kant seems to think that even these non-moral conceptions of honor make some sort of real claims on these unfortunate people, grounding a right to defend their reputation at their own initiative because the state is necessarily unable to do so for them. Apparently, even in civil society we remain in a “state of nature” with respect to our honor, because there can be no proper authority that can defend the real rights we have with respect to a certain kind of social standing. Although justice does indeed demand that these murderers be put to death, their right to personally vindicate their honor has to be taken seriously as well. Kant concludes:

The knot can be undone in the following way; the categorical imperative of penal justice remains [murderers must be executed]; but the legislation itself . . . as long as it remains barbarous and undeveloped, is responsible for the discrepancy between the incentive of honor in the people (subjectively) and the measures that are (objectively) suitable for its purpose. So the justice arising from the state becomes an injustice arising from the people. (*MM* 6:337.)

Kant seems to think that because the state is supposedly at least partially responsible for the morally defective sense of honor that the soldier and the mother accept, the state is not entitled to fully punish these murderers to the extent that they really deserve.

Here again, Kant seems to be combining two different, incompatible stories. On the one hand, he claims that the (non-moral) demands of honor that the soldier and the mother recognize are not illusory but involve some real right to protect their reputations, a right that the state cannot uphold in their stead. Yet in the last

part of the passage, Kant asserts that this sense of honor is the product of “barbarous and undeveloped” legislation, something that, although deeply cared about (subjectively), nevertheless does not really make an objective claim on them. This latter position is just what we would have expected from Kant but would entail that here the concept of honor is indeed illusory, and so that there is no real dilemma between the demands of justice and rights of honor, no “knot” to be undone. Instead, Kant could have simply concluded that the motives of honor serve as mitigating considerations because they are a form of intractable moral confusion that the state is partially at fault for fostering (or at least allowing).

Here again Kant allows for a kind of right that seems to straddle the divide between the private and the public. The soldier and the unwed mother have some kind of real right to protect their reputations (not from falsehood, but simply from exposure of the truth, at least in the case of the unwed mother), but this right is by its nature one that they can defend only as individuals, not through any common political authority. But unlike other private rights, these killers do not merely have some entitlement to protect their honor, but something like an obligation to, as something akin to a duty of self-respect.

It’s tempting to dismiss Kant’s peculiar concern for reputation and honor as merely a vestige of a pre-modern, illiberal form of ethical life from which Kant and Kant’s Prussia had yet to fully emerge. Kant’s philosophy certainly contains many other examples of such unfortunate survivals, as in his discussions of sex, women, children, non-Europeans, and Jews. However, there may be a way for Kant to have his intelligible cake and sensibly eat it too, precisely by returning to the distinction between the intelligible and sensible worlds. This approach might not seem particularly promising. After all, the issues we are considering are all essentially ethical, dealing with how we understand ourselves as rational agents acting “under the idea of freedom.” (G 4:448). The sensible world, in contrast, is the world as it can be experienced through sensible intuition and known by the sciences as a determinate order of spatio-temporal objects and events. Kant insists that the world so understood must be taken to be under the idea of causal determinism; that is, this way of making sense of the world must presuppose that every event is causally necessitated by some prior event (and that event caused by another, *ad infinitum*). Understood phenomenally, there is simply no sense that can be given to a free act, beyond that of brute, inexplicable randomness (that is, merely the absence of causal necessitation). Insofar as questions of psychology and anthropology consider human beings

as part of nature this way, these disciplines cannot really address any moral considerations at all. Such social sciences may investigate the origin, history, and psychology of our moral *beliefs*, but they can never touch on the content of those beliefs (any more than a study of the psychology of mathematicians can furnish any mathematical proofs). Insofar as we try to make sense of the ethical significance of one's reputation, empirical accounts can be no more than ways of changing the subject.

However, Kant recognizes that there is a role for a kind of moral or "pragmatic" psychology from *within* the intelligible point of view: that is, a way of understanding our sensible nature not as part of the causal order of nature, but as the manifestation of our basic powers as free and responsible beings in time. Such an interpretation does not deny that we have a causally determined nature that might be a proper object of scientific investigation. However, here that nature is only understood as supplying the material that is to be given a rational "form"; that is, to be reinterpreted in terms of fundamentally ethical notions of autonomy, responsibility, and moral justification. This sort of psychological understanding is not scientific: It employs categories and forms of explanation that are not available if we suspend or abstract away from any moral commitments. Instead, such an ethical reinterpretation of our psychology is directed toward issues of moral education and development, and related questions of just what sorts of conditions might serve as excusing or mitigating conditions when it comes to matters of moral blame and culpability.

So understood, we can recognize a distinction not just between the free world of moral agency and the determined world of physical causation. We can also recognize a distinction *within* the world of freedom between the basic forms that define intelligible agency as such (as our essence), and how those forms might be expressed or manifested in the psychological and biological life of a finite being, a being that can only know itself as acting in time through a physical body. Locating a version of the intelligible/sensible distinction within the intelligible world itself allows Kant to say both that our love for honor is a necessary part of moral virtue yet also a dangerous illusion that we should always be striving to dispel.

On the level of essence, the logic of morality is indeed incompatible with the logic of honor. As rational beings we are fundamentally autonomous, and so implicitly committed to seeing ourselves as accountable as rational agents to all other rational agents, simply as such. As such persons, we have a fundamental and unconditional dignity—regardless of any of the ways in which we might differ, we all

have equal authority to demand and assess justifications from each other. Since this dignity is unconditional, equal, and independent of any particular social position or identity, our basic value is fundamentally distinct from and opposed to honor. So understood, the love of honor is, if not “heteronomous,” at least a profoundly defective expression of autonomy. It is in this sense that the driving concerns of the soldier and the unwed mother do indeed involve something “barbarous” and “undeveloped” that cannot support any real moral rights or obligations.

However, there is another sense in which the love of honor is not really something different from morality at all. Although moral reason allows us to make sense of ourselves as intelligible beings defined in terms of ethical relations, we nevertheless can only become such rational beings through the development of our body and psyche through time. Human beings do not, like angels, instantly receive their rational powers fully realized. Instead, we come into existence with those powers at best latent and must actualize this potential through an arduous process of education and self-development, where various defective forms of self-conceit gradually give way to self-conceptions that ever more closely approximate the ideal of true autonomy.

More specifically, human beings can only realize their potential for moral reason through involvement in the justificatory practices of some contingent forms of social life (what Kant calls “discipline” gradually developing into true “culture”). Plausibly, we must begin by seeing ourselves as accountable in specific ways to specific people (Mom and Dad, say). Only once we have done so can we go on to conceive of ourselves as accountable to certain imaginable type of people (possible members of my class, say), which in turn sets the stage for recognizing ourselves as persons accountable to other persons, simply as such. Although we are essentially autonomous beings, coming to realize that essence in our lives is a slow, never-quite-completed process in which we are always remaking our sense of honor and pride into something more like true dignity and integrity.

On this view, a concern with our reputation is something we must always be overcoming, but something we can never at any point in time have fully gotten over. On the one hand, the love of honor is indeed an illusion of self-conceit, a distortion of moral virtue that serves as morality’s principal antagonist. However, the love of honor is also the necessary enabling condition of morality, at least in embodied, temporal beings like ourselves. So understood, the love of honor is not

merely illusion that seduces us away from virtue. Rather, the love of honor also counts as morality itself, seen through a glass darkly.

Kant claims that the “love of honor is the constant companion of virtue” (A 7:257), which suggests that such love is both different from but inseparable from true moral commitment. Here we might understand such constant companionship in something like the way that my body is my constant companion. On the one hand, I am not simply my body, so the idea of companionship can find some purchase. On the other hand, neither am I something different from my body, like an immaterial soul or noncorporeal spirit. Although I am not simply my body, I must nevertheless always have a body. My body is always with me, even though I am not simply identical with (nor different from) it.

For Kant, the full consideration of our torturous emergence as moral beings out of various forms of self-love is found in his philosophy of religion, where we consider ourselves as a kind of totality as we might be seen, atemporally, by God. By reference to such a synoptic vision of God, we can make sense of ourselves as really becoming truly autonomous, emerging from endless variations of self-conceit into true self-respect. From this timeless perspective, the deep concern for how we do or would appear in the eyes of others really is just an illusion and a temptation.

However, questions of right involve a much more down-to-earth perspective of ourselves than religious thought. Rather than see human beings in terms of an unending course of development that must continue through the afterlife, the *Doctrine of Right* deals with political and legal communities as they might exist in specific times and places, involving some specific group of actual individuals. From this less lofty vantage point, the love of honor cannot be treated as something that opposes morality. Rather, at any given point in time a person’s sense of dignity can only express itself, however incompletely, as a kind of demand for the good opinion of some others. So long as we think in terms of finite stretches of time and action, the inner worth of my person cannot come fully apart from the way I am regarded in a particular community. As such, we can indeed acquire a right to a good reputation as intelligible beings, a right we retain even in death.