

## **Critique of the Public Sphere: A Kantian Measure of the Enlightenment of Societies**

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### **Abstract**

I propose a method of assessing the degree of enlightenment of a society based on (specific characteristics of) its discourses. My hypothesis is that the more objectivity prevails in a society's spheres of discourse, the more enlightened it is; the more subjectivity dominates, the more unenlightened. This relationship can be made evident through the reconstruction of Kant's Theory of Prejudice by taking into account the handwritten notes and fragments and the lectures on logic. First, I will discuss some key aspects of Kant's concept of prejudice. Secondly, I will address the epistemological function of the public sphere in order to show what conditions it must satisfy to fulfil its function. Thirdly, I will argue that not only *Selbstdenken* but also participatory reason (*teilnehmende Vernunft*), and therefore the public sphere itself, are both fundamental elements of enlightenment in that they function as counter-maxims against prejudice.

### **Keywords**

Prejudices, enlightenment, discourse analysis, communication, the public sphere, maxims of the common human understanding, the mechanical use of reason

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Contemporary public discourses can be characterized by a dominance of opinions. Social media promote a culture of discussion which is focused around the idea of expressing one's private feelings and thoughts. Talk shows thrive on spectacle, on clashing opposed, often deadlocked, arguments – a battlefield of subjective convictions. All too often, reports are aimed at emotion, indignation and entertainment, at the price of simplifying the complexity of truth. In a nutshell it might be said that the public spheres of discourse have a tendency towards the subjectivity of both senders and receivers.

Conversely, public discourses are rarely constructive discussions with the aim of a collaborative ascertainment of truth wherein arguments are exchanged with respect to their object. In the majority of cases, I suspect, discourses are public manifestations of subjective views, opinions and emotions which often clash in an unmediated way. A common disinterest in the truth and the subsequent dominance of a (mutually uninterested) pluralism of opinions might reinforce this tendency. By contrast, academic discourses interested in the truth function by excluding subjectivity<sup>1</sup>, thus letting objectivity prevail. This is demonstrated by the history of scholarship, in which “acting subjects relate to each other in the context of a transgenerational, diachronic division of labour” (Städtler 2019, p. 16; translation M.H.).

In the following, I propose a method of assessing the degree of enlightenment of a society based on (specific characteristics of) its discourses. This is based on epistemological reflections on Kant's theory of prejudice.<sup>2</sup> At the same time, following Kant, this allows for demands on cultural policy to be made concerning the structural conditions of the public spheres of discourse. As my brief contemporary diagnosis might suggest, these are of great relevance today and serve to promote emancipation of mankind.

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<sup>1</sup> “Truth must be valid anonymously.” (*Refl* 2564, AA 16: 418; Kant 2005, p. 46) This insight can still be found in 1790: “For what is philosophically correct neither can nor should be learned from Leibniz; rather the touchstone, which lies equally to hand for one man as for another, is common human reason, and there are no classical authors in philosophy.” (*ÜE*, AA 08: 218; Kant 2002, p. 309)

<sup>2</sup> I mainly refer to Kant's handwritten notes and the transcripts of his lectures on logic, which are still regarded as less reliable sources. In the case of Kant's theory of prejudice, however, no other sources are available, with the exception of brief annotations ranging from his first publication (cf. *GSK*, AA 01: 7; Kant 2012, p. 14) throughout his entire oeuvre. I make up for the uncertainty of the used sources by mainly referring only to statements which are similar across several transcripts or notes. Moreover, I restrict references to these sources to Kant's critical period.

Kant himself placed emphasis on the treatment of prejudice during his more than 40 years long activity of lecturing on logic. This becomes clear simply by comparing the amount Meier dedicated to prejudices in the *Excerpt from the Doctrine of Reason* (1752) to the much broader treatment of prejudices in Kant's lectures on logic (cf. Hinske 1993, p. 63). This emphasis is all the more remarkable given that Kant did not actually systematically consider prejudices to be part of logic, but rather of empirical psychology (cf. *V-Lo/Wiener*, AA 24: 879; Kant 1992, p. 327). This paper, too will argue rather on the level of empirical psychology in Kant's sense, the exception being where I refer to the critique of the mechanical use of reason, since this lies at the threshold of empirical psychology and transcendental philosophy.

*The Hammer-Kant-Measure:* My hypothesis is that the more objectivity prevails in a society's spheres of discourse, the more enlightened it is; the more subjectivity dominates, the more unenlightened.<sup>3</sup>

This connection between the degrees of subjectivity in public discourse and the enlightenment of a society as a whole has not yet been taken into account from the perspective of Kant's theory of prejudice, although his much-discussed concept of Enlightenment is indirectly based on it.

A society can be assessed as enlightened if it realizes in its spheres of discourse the claim to be guided by reason and objectivity. A pointed Kantian definition of enlightenment is the "liberation from prejudices in general" (*KU*, AA 5: 294; Kant 2000, p. 174). This objective can only be reached if the public spheres of discourse comply with certain conditions (see section 2). Since modern democratic societies generally understand themselves as enlightened, they tend not to pay sufficient attention to the question of whether they really fulfil said conditions. In short, the claim to enlightenment is often blindly assumed to be fulfilled without further inquiry.

In the context of this paper, several elements of the concept of enlightenment will be of particular significance: autonomy, *Selbstdenken* and freedom (in the narrower sense of freedom of speech, assembly, publicity and science), as well as education with the objective of one's autonomy. A fundamental notion of Kant's with respect to the concept of Enlightenment, *allgemeine Menschenvernunft* will also play an important role. This concept does not arise from the basic problems of the *Critique* in a strict sense, but "it is rather Kant's inner affiliation with the German Enlightenment that gains validity in the idea of the *allgemeine Menschenvernunft*". (Hinske 1993, p. 65) Kant's understanding of the public sphere as an external criterion of truth as well as the second maxim of the common human understanding are based on this concept.

In this paper, I take a very broad concept of the public sphere into account. All kinds of media, but also interpersonal communication in the public, such as a discussion between scholars, a talk show or a congress with subsequent discussions and even a public speech belong to the public in this broad sense (cf. Gerhardt 2019, p. 4). Kantian requirements of a medium of public reasoning are that one's reasoning "can be

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<sup>3</sup> Without closer investigation, *Facebook*, *Twitter* and *Instagram* could be viewed as an example of the domination of subjectivity, in that the structure of these platforms actively encourages exchanges of subjectivity, i.e., of opinions or even mere expressions.

By contrast, *Wikipedia* – or more precisely, the discussion board for individual articles – would be a good example of the prevalence of objectivity. Here, objectivity is produced through critical debate and subjectivity tends to be eliminated in the process. Other examples of predominant objectivity within new media are *Github* or *Our World in Data*, although the aspect of intersubjective production of objectivity is structurally less relevant here. While the former spheres of discourse tend to promote the unenlightenment of societies, the latter promote their enlightenment.

From these examples it can be seen that the dominance of either subjectivity or objectivity in public spheres of discourse depends rather on their structural framework than their actual content.

universalized and appropriately disseminated” (Pasquarè 2020, p. 108).<sup>4</sup> A further key requirement is reciprocity: that others have the possibility to object and to have their objection listened to. For without this possibility of mutual (critical) reference, the public sphere cannot serve as an external criterion of truth.

I aim to develop this measure in three steps: First, I will discuss some key aspects of Kant’s concept of prejudice. This discussion also already touches on the requirements of *Selbstdenken*, which section 3 will assess more thoroughly with respect to Kant’s first maxim of the common human understanding. Secondly, following Fonnese (2019), I will address the epistemological function of the public sphere in order to show what conditions it must satisfy to fulfil its function. Here it will be shown that the requirements of *Selbstdenken* must be understood as integrated into the public sphere. The autonomous use of reason has preconditions outside of one’s own reason: Objectivity must first be established in the public sphere and is not validated by thinking for oneself alone. Thirdly, I will argue that not only *Selbstdenken* but also participatory reason (*teilnehmende Vernunft*), and therefore the public sphere itself, are both fundamental elements of enlightenment in that they function as counter-maxims against prejudice.<sup>5</sup>

## 1 Critique of passive reason

Kant defines the Enlightenment as “the human being’s emergence from his self-incurred minority” and this minority (*Unmündigkeit*, immaturity) as the “inability to use his understanding without direction from another” (*WA*, AA 08: 35; Kant 1996a, p. 17). It is therefore unenlightened to use one’s own understanding by subordinating oneself to the

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<sup>4</sup> Pasquarè (2020) argues that a rehabilitation of orality as medium of public reasoning is possible in a Kantian sense. According to Pasquarè, Kant’s exclusion of the spoken word is contingent because it is dependent on technological and juridical conditions of the 18th century: “under technological conditions which satisfy the requirements of appropriate dissemination and juridical conditions which do not compromise the epistemic condition of universalizability, the orator can make public use of his or her reason as well as the writer and the spoken word can serve as medium of public reasoning as well as the written word.” (Pasquarè 2020, pp. 108-109)

<sup>5</sup> Kant addressed the criterion of publicity as the measure of justice and injustice within a state order (cf. Siehr 2016, p. 115). Kant’s concept of publicity is closely related to the measure proposed in this paper. It remains a task for further studies to establish a connection to this criterion, which I exclude in this paper. Instead, I propose a different, more general point of departure for the evaluation of public spheres of discourse which can be grounded in Kant’s philosophy. Just as publicity is a constitutive component of the democratic order, the communicative spheres are essential to a society’s self-understanding as democratic. Communication is the essential structural feature of the non-secret public sphere and this political public sphere is the constitutive element of every democratic order (cf. Siehr 2016, p. 116). Siehr explicitly justifies this view with respect to Habermas. The purpose of this paper is to point out a constitutive component of enlightened societies and to establish an evaluation criterion for the enlightenment of certain discursive spheres. In this sense, the question of the conditions of the public spheres, which I am addressing, do not have a legal but they do have a critical potential regarding cultural policy (cf. Siehr 2016, p. 125). Like Kant’s concept of publicity, I also exclude his concept of the *sensus communis*. That this is very closely related to the subject of the paper is evident from the fact that Kant introduces the maxims of common human understanding in § 40 of the *Critique of Judgment*, titled “On Taste as a kind of *sensus communis*”, in a kind of digression. I will discuss these maxims in section 3.

direction of another. By contrast, *Selbstdenken*, the first maxim of the common human understanding, is the first necessary condition for enlightenment. Kant defines enlightenment in a notably negative way as a rejection of its main opponent, namely prejudice. In the case of prejudices, one's thinking is directed by something other than one's own reason. Kant points this out when he refers to experts (scholars, doctors, pastors) who have established themselves in the course of the division of labour and who relieve individuals of specific thinking tasks (cf. *WA*, AA 08: 35; *SF*, AA 07: 31; *Refl* 1508, AA 15: 822). "Precepts and formulas"<sup>6</sup>, too are understood as "the ball and chain of an everlasting minority", "those mechanical instruments of a rational use, or rather misuse, of his natural endowments" (*WA*, AA 08: 36; Kant 1996a, p. 17). Thus, the direction of one's own understanding by others does not only take place through real superiors or as part of one's profession, but also through the prestige of experts, whose guidance people like to trust, and through certain formulas. Both constitute a kind of intellectual guidance of one's own thinking.

Kant developed his multi-layered theory of prejudice during his 40 years of lecturing on logic. Basically, prejudice is a maxim<sup>7</sup>, i.e., a subjective principle (*Grundsatz*) (cf. *WDO*, AA 08: 140). Thus, prejudices have the character of rules. However, to emphasise the subjective, psychological character of these maxims, Kant replaced the term 'principle' by 'tendency'/'propensity' (*Hang*) or '*habitus*'. By using this terminology, Kant refers to the dimension of practical philosophy, stressing arbitrariness and – in the context of negativity that we are dealing with when discussing prejudice – self-incurring.<sup>8</sup>

Three layers of Kant's concept of prejudice are relevant here:

1) *The Injudiciousness Layer*: First, prejudices are judgments without reflection (*Überlegung*), "i.e., that we seek out the connection of a cognition with our power of cognition from which it is supposed to arise" (*V-Lo/Wiener*, AA 24: 863; Kant 1992, p.

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<sup>6</sup> Ironically, the well-known *Wahlspruch* 'Sapere aude!' is a formula, aimed at accustoming one to following the rules of one's own reason.

<sup>7</sup> Kant's explicit notion of prejudices as maxims originates in Lambert's anonymous review of Meier's *Contributions to the Doctrine of the Prejudices of Mankind* (1766) published in the *Allgemeine deutsche Bibliothek* (cf. Lambert 1769, p. 188). The notion of prejudices as sources of errors is already mentioned in the year 1691 by Thomasius (1998, p. 305) and thus at the beginning of German Enlightenment. The encyclopaedias of Walch and Zedler also refer to Thomasius by quoting his metaphor: "prejudices are the source of all false opinions; the other errors are the little streams flowing from them." (Walch 1726, p. 2795, Zedler 1746, p. 1331, translation M.H.)

<sup>8</sup> "By *propensity* (*propensio*) I understand the subjective ground of the possibility of an inclination (*habitual desire, concupiscentia*), insofar as this possibility is contingent for humanity in general. It is distinguished from a predisposition in that a propensity can indeed be innate yet *may* be represented as not being such: it can rather be thought of (if it is good) as *acquired*, or (if evil) as *brought* by the human being *upon* himself." (*RGV*, AA 06: 28-29; Kant 1996b, pp. 76-77) Propensity and inclination are conceptually related. Propensity is primary, as it is a "*predisposition* to desire an enjoyment which, when the subject has experienced it, arouses *inclination* of it." (*RGV*, AA 06:28, Fn; Kant 1996b, p. 76, Fn).

314). In these cases, people do not give themselves an epistemic account of the origin of a judgment, whether it is subjective or objective<sup>9</sup>, based on intuition or cognition. In his critical period, Kant insists that the critical method be used in cognition: The critical method investigates the sources, “thereby to illuminate the truth” (*V-Lo/Wiener*, AA 24: 885; Kant 1992, p. 332). If we “accept some judgments without reflection and without attention to the power of cognition that has an influence on the judgment [... then] prejudices arise.” (*V-Lo/Wiener*, AA 24: 863; Kant 1992, p. 314).<sup>10</sup> The Injudiciousness Layer is closely related to the “Amphiboly of Concepts of Reflections” (see Heßbrüggen-Walter 2004). But Kant also connects it with the other layers of prejudice: Due to the lack of reflection on the sources, sensibility can interfere with a judgment unnoticed (cf. *Refl* 2533, *Refl* 2541, *Refl* 2548). This leads to confusion (see the Confusion Layer). The absence of reflection leads to a false assessment of the validity of one’s own judgments (*des Fürwahrhaltens*), since I have not given any reflection at all to the subjective origins of my judgment. This is why Kant associates illusion, which arises from the tendency to one’s own persuasion, with prejudice (cf. *Refl* 2541, AA 16:410). On the other hand, the reflection is relevant to one’s own conviction, and as a reflection of one’s power of judgment it refers to *Selbstdenken*: I am convinced only if I have “thought this through myself” (*V-Lo/Wiener*, AA 24: 867; Kant 1992, p. 317)<sup>11</sup>, whereas otherwise I am only persuaded. Only reflection gives rise to conviction. As Kant points out, although not investigation, reflection is nonetheless a necessary condition of every judgment; for without reflection, no claim to objectivity can be made (cf. *V-Lo/Wiener*, AA 24: 862-863; Kant 1992, pp 313-314, and *V-Lo/Dohna*, AA 24: 737). Avoiding the lack of reflection

<sup>9</sup> “If it is valid for everyone merely as long as he has reason, then its ground is objectively sufficient” (*KrV*, A 820/B 848; Kant 1998, p. 685) This meaning of ‘objective’ is decisive for the entire paper: The requirement of validity for everyone is directly linked to the function of the public sphere as an external criterion of truth.

<sup>10</sup> From an epistemological point of view, it can be added that subjectivity in judgment can be marked as an “Anzeige” of the respective proportion of our powers of cognition (cf. Schlösser 2015, p. 214; this is related to Kant’s theory of prejudice, in particular to the Injudiciousness Layer and to the Confusion Layer). As Schlösser emphasizes, this interpretation is grounded in the role of the object, because what is represented always remains the same regardless of who is doing the representing. Therefore, objects can be transported “in der Beziehung als Abbildungsverhältnis” despite the difference in the medium (Schlösser 2015, p. 214; translation M.H.; for the role of the object in this context see footnote 21).

<sup>11</sup> According to Kant, “we can only understand and communicate to others what we ourselves can *produce*” (*Br*, AA 11: 515; Kant 1999, p. 482). This condition of communicability is related to *Selbstdenken*. This is to be understood logically in terms of Kant’s compositional interpretation of judgment. However, it is epistemologically grounded in the notion of the activity of understanding, which operates synthetically on the underlying level of *Anschaung* and refers to an object, “to something that is valid for everyone, something distinct from the subject, that is, related to an object” (*Br*, AA 11: 515; Kant 1999, p. 482). The communication does not occur with respect to an object in general (*Objekt überhaupt*), but with respect to a concrete composition. Consequently, “synthesis and its result are conditions of the communicability of notions” (Schlösser 2015, p. 227, translation M.H.). Schlösser argues against the established reading, according to which communicability is almost regarded as a synonym for subjective universal validity (cf. Guyer 1997, p. 252 and p. 389, Fn 113 and Allison 2001, p. 110). If this assertion of synonymity were true, it would mean that in the context of Kant’s theory of prejudice, communicability only succeeds through prejudices shared by all people (ideology in the sense of Adorno/Horkheimer) and, moreover, the public sphere could not even achieve its epistemological function at all. However, according to Schlösser, subjective universal validity is only given in a special case, namely in cases in which the accompanying state of *taking something to be true* can be generally communicated (cf. Schlösser 2015, p. 229 and p. 229, Fn 58 and pp. 230-231). Thus, Kant’s notion of communicability is a much broader one.

calls for *Selbstdenken* and therefore refers to the first maxim of common human understanding (see section 3).

2) *The Confusion Layer*. Secondly, Kant also explicates the concept of prejudice in such a way that it corresponds “at the most general level” to a basic definition of the ‘Transcendental Dialectic’ (“the phenomenon Kant calls ‘transcendental illusion’, which at the most general level consists in [sic] mistaking subjective principles and ideas for objective ones (*KrV*, A 296-7/B353-4).” Willaschek 2020, p. 306):

A prejudice is a *principium* for judging based on subjective causes that are regarded as objective. Subjective causes all lie in sensibility. Objective grounds lie in the understanding (*V-Lo/Wiener*, AA 24: 863.30-32; Kant 1992, pp. 314-315; cf. *V-Lo/Wiener*, AA 24: 865.01-03; Kant 1992, pp. 315-316).

As already mentioned, Kant basically understands prejudices as maxims, i.e., subjective principles for judging, a propensity/tendency (*Hang*) that has become our own through frequent practice (cf. *V-Lo/Wiener*, AA 24: 864; Kant 1992, p. 315). As maxims, prejudices are not single false judgments, but rather sources of erroneous judgments. Kant calls prejudice in *sensu subjectivo* the propensity to persuasion. Persuasion is the taking to be true (*Fürwahrhalten*) due to subjective causes. In *sensu objectivo*, prejudice is the semblance (*Schein*) that is turned into the principle of the truth of one’s own judgments (cf. *V-Lo/Pöhlitz*, AA 24: 547.34-548.03). The special feature of the Confusion Layer is the problem of perversion, which plays a prominent role in the ‘Transcendental Dialectic’. The self-deception produced by prejudice follows from taking subjective causes as valid for everyone. From such misjudgement follows a misjudgement of the validity of one’s own judgment (des *Fürwahrhaltens*). Prejudice as a maxim to judge objectively on subjective grounds (cf. *Refl* 2550, AA 16: 412) makes it nearly impossible for the claim somebody has on his own judgment to stand the test of the agreement in the public sphere. The notion that prejudices are a “principium (tendency) for judging based on subjective causes which are mistakenly regarded as objective grounds principles” (*Refl* 2530, later addition after 1780, AA 16: 407,05-08; translation M.H.)<sup>12</sup> can be found in many Kantian notes (cf. *Refl* 2524, *Refl* 2528, *Refl* 2530, *Refl* 2545, *Refl* 2547, *Refl* 2550 and all lectures on logic). But what exactly does Kant mean by subjective here? In the context of logic Kant calls subjective causes ‘sensibility’ (*Sinnlichkeit*); this is quite a broad concept:

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<sup>12</sup> “principium (*Hang*) zu urtheilen aus subjectiven Ursachen, welche fälschlich vor objective Gründe Principien gehalten werden” (*Refl* 2530, AA 16: 407.05-08).

Logic, since it abstracts from all content, cannot say more of the influence of sensibility than that it presents the subjective ground of our judgment. The understanding is the objective ground of our judgment. But when something subjective, which in fact belongs to sensibility, flows into our judgment, then sensibility has mixed itself in, and this is the source of errors. (*V-Lo/Wiener*, AA 24: 825; Kant 1992, p. 282)

In a negative sense, subjectivity means everything that has its ground neither in the object of cognition nor in the functions of the human understanding. Expressed positively, this means that something is subjective when the grounds of the judgment are to be found not in the general (the conditions of thought or the object) but in the subject, e.g. in feelings, attitudes or preferences. Inverting subjective causes into their straight opposite – objective grounds – indicates a perversion.<sup>13</sup> We might understand this as an inversion of the epistemological hierarchy which is necessary for true reasoning: Neither the epistemological priority of the object nor the epistemological priority of the general rules of reasoning remain respected. This inversion (perversion) is to be understood as based on a free act (see the Mechanism Layer).

By subjective causes Kant essentially refers to the three sources of prejudice: imitation, custom and inclination (cf. *V-Lo/Wiener*, AA 24: 865; Kant 1992, p. 316; *V-Lo/Pölit*, AA 24: 548; *V-Lo/Dohna*, AA 24: 738 and 741). Subjectivity in this sense always has something of arbitrariness. An example of inclination may illustrate how subjectivity flows into judgments: “E.g., someone who adheres to an opinion holds the opinion to be something probable. Probability is an objective ground. But subjective adherence brings the effect that is taken to be objective.” (*V-Lo/Wiener*, AA 24: 825; Kant 1992, p. 282) By “subjective causes” Kant means that “a certain condition operates in man”, a mere psychological propensity, e.g.: “One judges the maxims of others critically, and holds his own to be good. Here is the prejudice [...] whose subjective cause is self-love.” (*V-Lo/Wiener*, AA 24: 864; Kant 1992, p. 315)

Subjective causes turn out to be quite varied and psychological. It is not necessary for the subject to have a clear awareness of its own taking to be true (*Fürwahrhalten*). Furthermore, to gain an awareness of this confusion of one’s own is, if not impossible, at least highly improbable. The best way to become aware that we are deceiving ourselves and that our judging is based on semblance, i.e., that we are mistaking subjective causes for objective grounds, is to test our judgments in the public sphere. This is the immanent connection of the Confusion Layer with both the epistemic function of the public sphere and the second maxim of common human understanding (see section 2 and 3). Prejudice

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<sup>13</sup> The perversion of the radical evil is structurally similar to this (cf. Zupančič 2001, p. 124). It could be interesting to explore the parallel between the epistemological perversion involved in Kant’s theory of prejudice and the moral perversion discussed in Kant’s philosophy of religion. In this paper, for reasons of space, I can only outline this link without pursuing it further.



disguises one's own judgment as objectively valid and implies that the latter is actually persuasion. What all subjective causes have in common, despite their great diversity, is that one's own understanding is guided by arbitrary grounds alien to reason. The comprehensibility of one's own judgment by others, which is founded in the general conditions of human understanding, is no longer given in such cases of confusion due to the arbitrariness and individuality of subjective reasons. This infiltration of subjective causes, which are alien to the general conditions of human understanding, leads to the Mechanism Layer.

3) The Mechanism Layer. The paradoxical concept of the "mechanization of reason in principles" (*V-Lo/Wiener*, AA 24: 863; Kant 1992, p. 314), a mechanism also called "*habitus* of a passive use" of reason (*V-Lo/Wiener*, AA 24: 866; Kant 1992, 316; cf. *Refl* 2532, *Refl* 2548, *Refl* 2550) provides the third layer of Kant's concept of prejudice. This "tendency [*Hang*] towards mechanism in the use of reason" (*V-Lo/Dohna*, AA 24: 738; Kant 1992, p. 474) is promoted in particular by imitation, to which belong all kinds of formulas which are able to direct thought<sup>14</sup> – and, following this direction, people encourage themselves to adopt a passive attitude of reason (cf. *V-Lo/Dohna*, AA 24: 738, *V-Lo/Wiener*, AA 24: 866-867). As in his *answer to the question: What is enlightenment?*, Kant states: "Such mechanization prevails in formulas" (*V-Lo/Wiener*, AA 24: 867; Kant 1992, p. 317; cf. *Refl* 2526, *Refl* 2527).

In this sense prejudice is a performative contradiction to the nature of human reason itself: The orientation of one's own thinking towards models and patterns, which Kant counts among the prejudices of prestige, promotes a "passive use of reason", a "*contradictio in adjecto*", because "reason, as to its nature, is a self-active *principium* of thought" (*V-Lo/Wiener*, AA 24: 866; Kant 1992, p. 316; cf. *V-Lo/Pölitz*, AA 24: 548.34-549.03). Reason, while (still) free, can adopt a passive attitude by choosing not to be free, by following alien rules – this is related to the paradox of the *self-incursion* of one's minority, whereby Kant implies a responsibility that has its epistemological root in the Mechanism Layer of prejudice. A conversion takes place, insofar as the passive sensibility is given an active role, while on the other hand reason loses its genuine activity and turns passive. Put differently, reason subordinated itself to subjective laws that it considers to be its own (*subreption*). This is a perversion of reason. From now on, it follows an alien mechanism: "Tendency towards a mechanism of reason instead of spontaneity of the same,

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<sup>14</sup> The meaning of 'mechanical' can be demonstrated by the proverb 'like father like son'. If one follows this proverb, one refrains from thinking for oneself, and in doing so neither uses the powers of understanding in an appropriate way nor seriously engages with the object. Thus, one turns something – the proverb – into the principle of one's judgment, which is external to both the person being judged and the appropriate use of one's understanding. In this way one acts in judging just like an algorithm. All the predicates that are attributed or denied to the father are also attributed or denied to the son, regardless of the son's inherent qualities. In this way, thinking is reduced to a mere mechanism.

subject to laws. let themselves be guided.” (*Refl* 2527, addition after 1780, AA 16: 406; translation M.H.)<sup>15</sup>

Kant’s notion of a mechanical use of reason is deeply interwoven with the entire project of the critique of reason. A sufficient analysis of the mechanical use of reason remains a task for further research. Nevertheless, I would like to at least clarify some interesting implications.

The term *mechanical* is first to be understood as opposed to *free*, just as the *passive* use of reason is opposed to the *active* use in a certain way. The designation of reason as *free* is just as much an unnecessary duplication as is the designation of reason as *active* or of a stallion as male. Freedom, spontaneity and activity are analytically inherent in the concept of reason; they are simply essential characteristics of it. Consequently, the particular determination ‘mechanical’ or ‘passive’ indicates a perversion that corrupts the concept of reason without destroying it. This is logically related to Kant’s theory of infinite judgments.

While *freedom* refers to the intelligible sphere of the human being, *mechanism* refers to the external sphere, in which not spontaneity but the mechanism of nature, i.e., causality, prevails. Following Kant’s practical philosophy, we can speak here of a choice of the subject to subject its use of reason to heteronomous conditions. With the concept of a mechanical use of reason, attention – within the framework of Kant’s philosophy – is thus explicitly drawn to the fact that (through a transcendental choice) the double position of Man, heteronomy (his characteristic of being situated between autonomy and heteronomy), has been renounced. For this reason, too, Kant declares the passive use of reason to be a “tendency [...] toward heteronomy of reason” (*KU*, AA 05: 294; Kant 2000, p. 174).

The parallelisation with the radical evil in Kant’s practical philosophy makes it possible to grasp more precisely the explanation of the self-infliction of minority, which is rooted in the mechanical use of reason.

According to Allison’s incorporation theory, motivating forces cannot motivate anything on their own. They only possess this capacity for motivation when they are incorporated into one’s maxims. Only under this condition they become motivating forces in a strict sense (cf. Allison 1990, p. 208). The term *propensity* indicates that “one is dealing with the subject”, where the mechanical use of reason is concerned. “From the moment” this happens, “it is true of every relation of cause and effect that it presupposes and involves an act (a decision, even if it is not ‘conscious’) by which a motivating force is established as a (sufficient) cause, i.e., it is incorporated into the maxim.” (Zupančič 2001, p. 40, translation M.H.) According to Kant, the decisive reason for adopting maxims is an (unconscious) decision at the level of the *Gesinnung*. His most important thesis in this

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<sup>15</sup> “Hang zum Mechanismus der Vernunft statt Spontaneität derselben unter Gesetzen. lassen sich leiten.” (*Refl* 2527, AA 16: 406)

context is: “The *Gesinnung*, the orientation of the subject, must itself have been freely chosen.” (Zupančič 2001, p. 42, translation M.H.; cf. *RGV*, AA 06: 21) Therefore, even in the case of minority, there is responsibility and attributability (cf. Zupančič 2001, p. 43). The *Gesinnung*, as the principle of the adoption of this or that maxim, is self-chosen by an act of spontaneity (cf. Zupančič 2001, p. 123 and pp. 42-43). This act of spontaneity is to be distinguished from the *Gesinnung* itself. The passive use of reason is not only the formal principle of every wrong way of thinking, but is itself based on such an act, “an actus of freedom” (*RGV*, AA 06: 21). Just like the propensity to radical evil, the propensity to the mechanical use of reason is self-chosen and therefore attributable as “a free choice of non-freedom” (Zupančič 2001, p. 125, translation M.H.).

The mechanical use of reason does not refer to a particular epistemic error, but to the root of all epistemic errors (alien-determined thinking). According to Kant, the passive use of reason is not wrong in content but in form – irrespective of the fact that there may be a modicum of truth in prejudices or proverbs (Kant agrees with Meier on this), or that these may be quite adequate to the object. The voluntary renunciation of the activity of thinking is a perversion. It is not the consequences of such thinking – the actual prejudices or errors – that are to be criticised, but the act as such. By freely choosing to be un-free, one voluntarily renounces the power to govern one’s cognition according to the rules of understanding and thus one renounces the spontaneity of reasoning itself, thus reducing oneself to the status of a phenomenon and placing oneself absolutely in the realm of heteronomy.

In his lectures on logic from the 1770s, Kant does not yet treat the mechanical use of reason but he already emphasises that “in respect of the object” a “cognition gained by prejudice can very often be very true”, “but not in respect of the form” (*V-Lo/Blomberg*, AA 24: 169, translation M.H.). In the critical period it still remains valid for Kant that an assumption made on the basis of a prejudice can be true in terms of its content: “In this connection it is to be observed, however, that what I accept out of prejudice can also, accidentally, be true.” (*V-Lo/Wiener*, AA 24: 872, Kant 1992, p. 322) Kant now also emphasises his insight that the real error is one of the form with the transcendental principle of a mechanical use of reason. The reprehensible aspect of such knowledge is the illegal way in which it is gained: “The propositions are not always false because they come from prejudice, often they are correct but only the *modus acquirendi* (as the jurists say) is illegal, I have thereby opened a wide path for false cognition, and the manner is often more important than the cognition itself” (*V-Lo/Pöhlitz*, AA 24: 554, translation M.H.). Again, an analogy to radical evil arises: “The maxim of the action may agree with the law, but when this case is present, it is always for reasons other than those which derive solely from the law.” (Zupančič 2001, p. 124, translation M.H.) The same is true of a prejudice – should it be ‘accidentally true’ in content, it is always for reasons other than those of understanding itself.

The passive use of reason is a *logical paradox* (cf. Schneiders 1983, p. 301), since in this way reason destroys itself. It is a kind of self-alienation, which increasingly distances one from one's talents and abilities as a human being (cf. *Refl* 2543, AA 16: 410). This third layer is the keystone in Kant's systematization of prejudice, for he ultimately traces back the concept of prejudices to a pre-empirical ground in reason itself (cf. Schneiders 1983, p. 298). A passive reason is a *contradictio in adjecto* and *in actu*.

The possibility of the first two types of prejudice is based on the mechanical use of reason. Only the Mechanism Layer makes these epistemological failures compatible with the freedom of the subject, through which process it becomes evident, that minority is indeed self-inflicted. Thinking can fail. Not everyone follows the transcendental conditions Kant outlined in the 'Logic of Truth', the 'Transcendental Analytic'. This is why Kant writes the Amphiboly-Chapter as an appendix, which at the same time establishes the transition to the 'Transcendental Dialectic'.

The absence of reflection (the Injudiciousness Layer) is rather a description of the epistemic process, an explanation of how it is possible for one to include subjective reasons in one's judgment without noticing it. The contradiction here is that one judges without reflection, although reflection is a necessary condition of any judgment. The propensity to claim subjective causes as objective reasons (the Confusion Layer) can be understood as a consequence of this lack of reflection.

The Confusion Layer emphasises the psychological dimension more strongly by conceiving of it as a propensity, i.e., it is an acquired bad epistemic habit. This way of explaining prejudice, however, also allows us to grasp the epistemic problem more clearly: The respective individual, arbitrary (subjective causes) is asserted as the universal (objective grounds). The term 'objective grounds' has two significations in this context which are both disturbed by the subjectivity that has been mixed in: the reference to an object, and the objective rules of human understanding. However, the condition of the possibility of both disturbances of the epistemically correct use of reason is not even comprised by these explanations themselves. For this, it must be explained how this inclination can be compatible with human freedom.

Not by accident Horkheimer's *Eclipse of Reason* revives this Kantian critique of *the mechanization of reason in principles*. Horkheimer fought against ideology and prejudices throughout his research, not only by writing the *Dialectic of Enlightenment*, but in a broad sense. For Horkheimer, autonomous thinking that is not bound to a specific purpose, fantasy and the joy of intellectual activity are the conditions that, to put it this way, deprive the soil of prejudice – and antisemitism in particular – of its fertility. As the last sentence of Horkheimer's speech *Über das Vorurteil* (cf. Horkheimer 1963, p. 11) illustrates, he identifies the greatest problem for a lack of enlightenment in the factors that obstruct *Selbstdenken*. In doing so, he refers indirectly to Kant's first maxim of the common human understanding (see section 3). Neither the public nor its framework conditions appear in

this investigation on prejudice. However, this misses the significance of the second maxim and, with this, of the public sphere for the liberation from prejudice (see section 2). The resulting gap has been the subject of much of Habermas' work.

## 2 Functions of the public

In his lectures on logic Kant ascribes to the public a fundamental importance as an external criterion of truth<sup>16</sup>:

[C]onsequently it is an external criterium<sub>L</sub> of truth, i.e., the agreement of the universal human understanding is a ground for the supposition that I will have judged correctly. It is a kind of testing of judgment on more than one understanding. (*V-Lo/Wiener*, AA 24: 871; Kant 1992, p. 321)

The approval of others is an *external* criterion of truth, an external *indication* that one's own judgment is objectively valid. As an *external* criterion it is not a sufficient criterion at all. According to Kant, there can be no *general* criterion of truth in terms of content, because "the nominal definition of truth, namely that it is the agreement of cognition with its object" (*KrV*, A 58/B 83; Kant 1998, p. 197) refers to the *content* and therefore a general criterion is self-contradictory. On the other side, the principle of contradiction is a general but only a *formal* (logical) criterion of all truth which, at least for synthetic judgments, allows only a negative use: It "annihilates and cancels" (*KrV*, A 151/B 190; Kant 1998, p. 280) judgments that are recognised as contradictory. In the light of Kant's critical attitude towards his own and others' claims to truth, it is all the more important that there can be a criterion of truth, albeit not an absolutely reliable one: the test of one's own judgment in the public sphere. The possibility of this test is based on the *allgemeine Menschenvernunft*. To put a judgment up for public scrutiny is always a risk that requires courage<sup>17</sup> because of the finite nature and fallibility of human cognition (cf. Hinske 1980, pp. 36-38).<sup>18</sup>

The public serves both as a touchstone (cf. *KrV*, A 820/B 848; see Fonnesu 2019) and as a corrective to my judgments:

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<sup>16</sup> Although truth is independent of common agreement for Kant, the agreement of others with one's judgments is an indication of their objectivity.

<sup>17</sup> In addition, Renz (2016) points to confidence in one's own powers of understanding as a particular epistemic criterion for this kind of courage.

<sup>18</sup> "The Philosophy of Enlightenment [...] according to its original impulse is a philosophy of finite reason". (Hinske 1980, p. 36; translation M.H.)

For although it is not a sole criterium<sub>L</sub>, it is a joint criterium<sub>L</sub>. For in discursive cognitions of reason, where we present everything through concepts, one can never hold the agreement of others to be dispensable, the cause being that mistakes [...] are so easy here. The mistake that I committed arose out of an illusion, which arose from the condition of how I cognized the cognition[;] hence I cannot hold the judgment of others to be dispensable. For they can correct my judgment [...]. (*V-Lo/Wiener*, AA 24: 874; Kant 1992, p. 323)

In *taking something to be true*, the subject ascribes a certain validity to the judgment. There are two forms of taking something to be true (as I pointed out in section 1): persuasion and conviction. According to Kant, in a merely reflexive self-examination, persuasion cannot be subjectively distinguished from conviction at all (cf. *KrV*, A 821/B 849; Kant 1998, p. 686). On my own, therefore, I have no way of checking whether my assertion is a conviction or a mere persuasion. Only the test in public of whether the judgments I assume as valid also meet with approval in the thinking of others can assure me of my judgment as a conviction. What is even more important is to fail, i.e., to be criticised by others: I can only become aware of subjective causes which I mistakenly believed to be objective grounds or which I unknowingly mixed into my judgment by the fact that others cannot be convinced by the reasons that seemed sufficient to me. Through the failure of my own judgments, I am empowered via self-critical reflection to recognise that such blending in has happened, and thus I am enabled to correct myself.

Semblance (*Schein*) is possible at every stage of the process of taking something to be true (*Fürwahrhalten*), i.e. subjective reasons can be considered objective. This corresponds to the Confusion-Layer of Kant's account on prejudice. In the *Critique*, Kant calls this kind of confusion persuasion (*Überredung*): "Persuasion is a mere semblance, since the ground of the judgment, which lies solely in the subject, is held to be objective." (*KrV*, A 820/B 848; Kant 1998, p. 685)

Persuasion is particularly relevant to the *case* of (merely putative) 'knowing' (*Wissen*) because I can be aware that something is objectively certain because I am convinced of the reasons for my belief both subjectively and objectively, but I have only persuaded myself because I have held subjective causes to be objective grounds.

Contrary to the first impression, this confusion is also relevant in the *cases* of having an 'opinion' and of 'believing'. Although in these cases, while I do not have sufficient objective grounds, I still have insufficient ones, and therefore I can take subjective causes for objective – although insufficient – grounds. There is a certain 'knowing' in every 'having an opinion' or 'believing' and this is their nexus with truth:

I must never undertake to have an opinion without at least knowing something by means of which the in itself merely problematic judgment acquires a connection with truth which, although it is not complete, is nevertheless more than an arbitrary invention. (*KrV*, A 822/B 850; Kant 1998, p. 686)

In this respect, if I only think or believe something, I cannot “pronounce it to be a judgment necessarily valid for everyone” (*KrV*, A 821/B 849; Kant 1998, p. 685)<sup>19</sup>, but I can pronounce the ‘knowing’ it contains, i.e. the objective reasons for my opinion.

Due to the diversity of individuals and their subjectivity (and thus their prejudices as maxims by which one holds certain subjective causes to be objective grounds), in the end, the controversy of arguments in public tends to neutralize subjectivity. Objectivity is first and foremost established by means of a public discourse in which the claim to universal validity of judgments is proven through practice.<sup>20</sup> If supposedly objective

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<sup>19</sup> This account of the pronounced validity for everyone is significantly connected to Kant’s concepts of *sensus communis* and *aesthetic judgments*, both developed later. I cannot pursue this connection in this paper, but I would at least like to point this out.

<sup>20</sup> The Critique, starting from the existence of genuine sciences in an extremely strict sense, attempts to establish metaphysics as an equally strict science. The sciences that fulfil Kant’s strict requirements are, in addition to mathematics, physics and (since its emergence as a science) chemistry. It is already the case for knowledge of the strict sciences that, in order to assert their claim to truth, they must be submitted to the public, i.e., published. In fields of knowledge where no strict science has (yet) been established, truth tends to be ephemeral (this approach is first mentioned by Walter Benjamin in the ‘Epistemo-Critical Prologue’ to his *Origin of German Tragic Drama*, cf. Benjamin 1998, pp. 31-32). An interesting interpretive approach to understand this kind of truth more precisely is to conceive of it as a regulative idea. Thus, according to the Kantian concept of the public sphere, truth could be understood as a process. In this case, *truth* would be that knowledge which is first established and validated in the public spheres of discourse. Such truth is thus inherently subject to change.

“[...] a truth – that is, its effect of resurgence (*Wiederkehr*) – transforms the codes of communication, changes the regime of opinion. Not that opinions would now become ‘true’ (or false). They cannot do that at all, and in its manifold eternal being, a truth remains untouched by opinions. But opinions change into different ones. That is to say, judgments that are otherwise evident to one opinion can no longer be maintained, others are needed, the mode of communication changes, etc.” (Badiou 1993, p. 71; translation M.H.)

This interesting interpretive approach could be made more plausible by drawing parallels to Kant’s ethics. In this paper, for reasons of space, I can only outline this link. Within the framework of Kant’s ethics, the subject is not to be understood as an agent, but rather as the vehicle of the general. The subject itself is “the moment of universalisation, the constitution of the law and the determination of the general” (Zupančič 2001, p. 59; translation M.H.). What if this structure were to apply to epistemology as well, in the sense of the concept of truth (outlined above)? Overall, Kant’s philosophical revolution consists in locating the general on the level of the subject, both in the theoretical (cf. Hammer 2021) and in the practical sense (cf. Zupančič 2001, p. 68 and p. 59). Supposing the following is true of Kant’s practical philosophy: “The moral good (*sittlich Gute*) is nothing other than this capacity to create or change the ‘Gemeingut’” (Zupančič 2001, p. 69; translation M.H.) Further, should it also be legitimate to set up an epistemological understanding parallel to this fundamental ethical insight, than an interesting interpretive approach would emerge: Just like ‘Sittlichkeit’, truth as the objectivity of common human understanding does not exist before the process of its enactment (through publication in the public sphere). If this can be accepted, it is still worth considering whether the reverse is not also true: The knowing subject is only constituted by means of this critical process of the public sphere in the first place. For this hypothesis, too, a parallel insight from Kant’s ethics could be found; “the moral subject emerges from this ‘gain’ in the first place.” (Zupančič 2001, p. 71; translation M.H.)

reasons do not stand the test in the public sphere, one has evidence (or at least a presumption) to have fallen prey to prejudices and is called upon to rethink and reflect.

The possibility of establishing objectivity through public communication is based on the common ground, the object (cf. *KrV*, A 821/B 849).<sup>21</sup> In the end, objectivity is established not in spite of, but because of the many different participants in the discourse and their individual prejudices, because the only common ground is the object in question.

Truth, however, rests upon agreement with the object, with regard to which, consequently, the judgments of every understanding must agree (*consentientia uni tertio, consentunt inter se*). The touchstone of whether taking something to be true is conviction or mere persuasion is therefore, externally, the possibility of communicating it and finding it to be valid for the reason of every human being to take it to be true; for in that case there is at least a presumption that the ground of the agreement of all judgments, regardless of the difference among the subjects, rests on the common ground, namely the object, with which they therefore all agree and through which the truth of the judgment is proved. (*KrV*, A 820-821/B 848-849; Kant 1998, p. 685)

Public discourse therefore has a specific epistemological function. As an external criterion of truth, it serves to establish consistent concepts of intersubjectively shared objectivity. This is mediated by the common human reason, which establishes its generality only with respect to the common object of its argument and by means of

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<sup>21</sup> For Kant, the condition of communicability is the general reference point of the different judgments, which would otherwise be merely private – and thus would not be judgments at all (cf. *KU*, AA 05: 217.11-15; Kant 2000, p. 102). Still in 1794 in a letter to Beck, Kant takes the object as the reference point of the relation, which in turn enables communicability at the level of understanding (cf. *Br*, AA 11: 515.04-29 and Schlösser 2015, p. 225). The object is the common thing to which all people relate, although from different perspectives. And the contrary is also true: “Insofar as something is a common object, individual states become points of view on it, and thus on to something of which I can expect that someone else in my position would also have to perform it, because he could in a comprehensible way take my position as a perspective on the object. The latter is the basis of communicability.” (Schlösser 2015, p. 216; translation M.H.; here we can see the second maxim of common human understanding at work.) Following Kant, Schlösser argues that the object and the reference to it are constitutive for communicability (cf. Schlösser 2015, p. 220) and that objective synthesis, insofar as it correlates with the reference to the object, provides the basis for the communicability of further notions. Only the reference to the object makes a notion communicable and only with reference to the object that is common to all those who judge can subjective moments of the judgment be identified and distinguished from the objective features of the object (cf. Schlösser 2015, p. 223). In the “inverse order of communicability”, we assume features of the object “which we postulate to allow the communicability of our conceptual contents and, by means of them, of the ‘Einstellungen’ [des Fürwahrhaltens; M.H.] that accompany them.” (Schlösser 2015, p. 223, translation M.H.) This is where the function of the public comes into play, since in it the postulate can either prove to be objective, i.e., accepted by everyone, or wrong, if the judgment does not stand the test. The latter is the case when subjective causes have influenced the judgment (unnoticed). This is then a deception about the content of the judgment, which concerns the status of the objective grounds, as well as a (self-)deception about the attitude of *taking something to be true*.



controversial judgments. Humans are in constant danger to mix subjectivity, inclinations, customs, personal ends, etc. in judgments without noticing it. According to Kant (cf. *KrV*, A 820/B 848), subjective causes as such are not even communicable (see Fonnesu 2019, who argues that communicability does play the role of the touchstone or criterion for the distinction between the private and the public).<sup>22</sup> Following Fonnesu “mere expression is always possible for every kind of mental state, including a private one such as persuasion” but “simple expression does not imply proper communication” (Fonnesu 2019, p. 16; see also O’Neill 1986, pp. 30-31 and Arendt 2012, p. 110, twelfth lecture). Furthermore: Epistemologically, a subject, on its own, cannot distinguish at all whether it is convinced, i.e. whether it has sufficient objective grounds, or whether it only persuades itself to think it has. In this case one’s judgment actually “has only private validity” (*KrV*, A 820/B 848; Kant 1998, p. 685), so ultimately it is not a *judgment* at all. By its very concept, a judgment always claims to be objective. If subjective causes interfere with one’s own judgment, this claim cannot be fulfilled. This is the case when a judgment only has private validity, i.e., when one’s *taking to be true* is based on persuasion and not on conviction. Judgments, in principle, make a claim to objectivity (cf. Baum 2021).

Just as with Marx the commodity must first realise itself on the market in order to be a commodity, so with Kant the claim of agreement from every human being must first realise the judgment as such in the public sphere. Judgments are not transformed in the objective realm of the public sphere, but here they are realized through the validation of the conceptually presupposed claim to objectivity.

Whether something is objectively as I subjectively suppose it to be, or whether it only seems so to me

cannot be distinguished [...] subjectively, when the subject has taken something to be true merely as an appearance of his own mind; but the experiment that one makes on the understanding of others, to see if the grounds that are valid for us have the same effect on the reason of others, is a means, though only a subjective one, not for producing conviction, to be sure, but yet for revealing the merely private validity of the judgment, i.e., something in it that is mere persuasion. (*KrV*, A 821/B 849; Kant 1998, p. 685)

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<sup>22</sup> In order to communicate a feeling (or another subjective cause), a transformation into a judgment about that feeling is necessary (cf. Schlösser 2015, p. 230). A subjective state is only communicable if I can expect others to share it with me. The necessary condition for this expectation to be justified, according to Kant, is that “the state in question is related either directly or indirectly to acts of exercising the faculty of judgment. That a state of affairs is founded on sensibility alone does not satisfy Kant’s criterion.” (Schlösser 2015, pp. 231-232, translation M.H.) Therefore, perceptions are also not communicable. On the other hand, however, it is precisely because of the criterion of the necessary connection with acts of exercising the faculty of judgment that non-valid judgments can be communicated, i.e., judgments whose claim to be objective fails (cf. Schlösser 2015, p. 232).

Precisely because the subject has taken something to be true as an appearance of her/his own mind, she/he cannot distinguish whether she/he has only persuaded her-/himself (by means of prejudice) or whether she/he is convinced (by means of objective grounds). The only way of figuring it out is to take the risk of testing the judgment in public. The public sphere plays a certain role here as the only *touchstone or criterion for* recognizing subjective influences in judgments (cf. Fonnesu 2019, pp. 15-16). The test of one's judgments in the public sphere is the best way to the certain *Selbsterkenntnis*, whether my judgment is still only private or if it withstands.

If my judgment, which has been convincing to myself, is also convincing to the reason of others, I have good reasons to hold my judgment to be true and objectively justified. Kant's assertion is that we only judge, i.e., assert something to be true, if we are convinced. "I cannot assert anything, i.e., pronounce it to be a judgment necessarily valid for everyone, except that which produces conviction." (*KrV*, A 821-822/B 849-850; Kant 1998, p. 685) The effect of conviction affects both myself and others. I must be convinced and others too. But there is also the possibility of persuasion. "I can preserve persuasion for myself if I please to do so, but cannot and should not want to make it valid beyond myself." (*KrV*, A 822/B 850; Kant 1998, p. 685) The will to communicate in the public sphere subjective causes I hold to be objective grounds is *morally* illicit.<sup>23</sup> Thus Kant morally prevents manipulation, deliberate persuasion. But since the subjects of a discourse cannot know whether they are persuaded or convinced, this moral ban seems paradoxical.

As has been shown, even in the case of persuasion, I have to rely on objective reasons, supposed knowing, for my judgment; pretexts, objective grounds which are not sufficient to make the judgment likely. Kant is not saying that I cannot claim persuasion, but I cannot want persuasion to be claimed. This is based on a far-reaching moral reflection: I cannot want a society where all people follow the maxim to make public (*and valid*) not only their convictions but also their persuasions, because then the function of the public sphere as an external criterion of truth would be undermined and, consequently,

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<sup>23</sup> The normative status of communicability is the subject of the controversy of Guyer (1997, p. 129) and Rind (2000). This debate is summarised by Schlösser: "For Guyer, the communicability of a state contains the (non-empirically based) prediction that another will share my state in suitable circumstances, whereas according to Miles Rind it rather means the requirement that the other should share the state" (Schlösser 2015, p. 232, translation M.H.).

With regard to the Critique (cf. *KrV*, A 820f. / B 848f.), it can be stated that neither may communicability be identified with the claim that accompanies the *taking something to be true*, nor does the communicability of the claim imply that this claim of one's own *taking something to be true* is justified. Rather, communicability is a criterion for whether one's own claim of *taking something to be true* is justified (cf. Schlösser 2015, pp. 232-233). The crucial factor is whether one's own claim is objective, i.e., "found to be valid by everyone and thus shared with me" (Schlösser 2015, p. 233, translation M.H.), or not. The normative dimension to which Rind refers in this expectation that judgment makers have (for their judgment to pass the test in the public sphere) is justified insofar as I must be able to normatively demand "that the other be reasonable" (Schlösser 2015, p. 233, translation M.H.). With reference to the measure I propose, it can thus be argued that people have a fundamental right to certain conditions of the public sphere. The public spheres of discourse of an enlightened society ought to be reasonable, i.e., an interest in truth has to prevail in them, so that in these public spheres of discourse a serious examination of the subjective claim to one's own truthfulness is generally carried out.

persuasion would be indistinguishable from conviction. But the epistemic function of the public sphere is to be able to uncover my persuasion, the subjectivity in my judgment through the lack of conviction that it has on others.

The mere exchange of opinions is not enough for recovering objectivity in our own judgments. Rather, for this it is required that the respective sphere of communication fulfil certain standards. With respect to the self-conception of modern societies as enlightened, demands for cultural policy can be articulated on the basis of the epistemic function of the public sphere. A critical public sphere that serves enlightenment in the Kantian sense requires an interest in truth. A basic condition for such a communication sphere is that here, people do not simply express opinions, but exchange substantial judgments. The interest in truth implies a seriousness and truthfulness on the part of the participants in the discourse, that is not nowadays often found (see Menasse 2019). Public statements should aim at collaborative and discursive truth-finding and not be based on motives alien to reason, such as achieving a certain effect on the audience or pinning down opponents. This also implies that public statements critically relate to each other, instead of being placed merely next to each other as inconvertible and unconnected individual opinions. Furthermore, the guiding interest in truth would demand that a spirit of contradiction prevail in the public sphere, a spirit that is not concerned with defaming opponents but with the critical examination of truth claims – judgments and their justifications must be subjected to critical review (see also footnote 23).

### 3 Ways of thinking

In the *Critique of Judgment*, Kant resumes his concept of prejudice as *passive reason* or “tendency [...] toward heteronomy of reason” (*KU*, AA 05: 294; Kant 2000, p. 174) on occasion of explicating *common human understanding*. This is “the need to be led by others” (*KU*, AA 05: 295; Kant 2000, p. 175). Contrary to first glance, all “maxims of common human understanding” (*KU*, AA 05: 294; Kant 2000, p. 174) are based on averting prejudices and serve to “avoid the illusion which, from subjective private conditions that could easily be held to be objective, would have a detrimental influence on the judgment.” (*KU*, AA 05: 293-294; Kant 2000, pp. 173-174). Since Kant understands prejudices as maxims, the maxims of the way of thinking are counter-maxims of the correct use of the power of judgment. From this point of view, their order cannot be derived only from the Kantian systematics, according to which in a trichotomic division the first moment is assigned to understanding, the second to the power of judgment and the third to reason (cf. *KU*, AA 05: 295, Kant 2000, p. 174); but the order or systematic progression of these maxims can also be developed on the basis of the danger of certain prejudices. These maxims are “1. To think for oneself; 2. To think in the position of everyone else; 3. Always to think in accord with oneself.” (*KU*, AA 05: 294; Kant 2000, p. 174)

“To think for oneself” is directed against what Kant called “servile prejudices” (*V-Lo/Wiener*, AA 24: 870; Kant 1992, p. 319), i.e. prejudices of prestige (*praejudicium auctoritatis*), which please human laziness by calling for a passive-mechanical use of reason. The broad-minded way of participatory understanding (*teilnehmende Vernunft*) (cf. *Refl* 2564, AA 16: 418-419) is directed against the opposite danger of *logical egoism*, called “egoistical prejudice” (*V-Lo/Wiener*, AA 24: 870; Kant 1992, p. 319).<sup>24</sup> These types of prejudice are binary opposites: “Opposed to the prejudices of prestige is logical egoism, i.e., the prejudice in accordance with which we hold the agreement of our understanding with the reason of others to be unnecessary as a *criterium*<sub>L</sub> of wisdom.” (*V-Lo/Wiener*, AA 24: 873; Kant 1992, p. 323) The first maxim, opposing the mechanical use of reason, is indeed the answer to *servile prejudices*. But by following this maxim, the danger of egoistical prejudice, i.e. logical egoism, arises.<sup>25</sup>

The *unprejudiced* way of thinking is followed by the *broad-minded* way,

if he sets himself apart from the subjective private conditions of the judgment, within which so many others are as if bracketed, and reflects on his own judgment from a universal standpoint (which he can only determine by putting himself into the standpoint of others). (*KU*, AA 05: 295; Kant 2000, p. 175)

The second maxim opposes logical egoism, to which *Selbstdenken* tends (cf. Fonnesu 2019, p. 22). The latter, moreover, is generally faced with a risk of confusing subjective causes and objective grounds. Kant hints at this risk using the phrase “subjective private conditions of the judgment”. In the second maxim one’s own point of view is merely one possible judgment among many others, and therefore it is indifferent. This relative impartiality is achieved by distancing oneself from one’s own judgment. And according to Arendt (2012, p. 113 and p. 115) and Fonnesu (2019, p. 22), it is precisely this broad-minded way of thinking that enables us to communicate. Taking into account the function of the public sphere, we can follow the second maxim in two ways: In a *logical* one, through *virtual* reflection, i.e. “by one holding his judgment up not so much to the actual as to the merely possible judgments of others, and putting himself into the position of everyone else” (*KU*, AA 05: 295; Kant 2000, p. 175); on the other hand, in a *real* way by taking into account the *real* judgments we actually encounter in the public sphere (cf. La Rocca 2004, p. 355).

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<sup>24</sup> Kant’s distinction of servile and egoistical prejudices corresponds with the *two main lines* of tradition of the concept of prejudice, the *praejudicia auctoritatis* and *praecipitantiae*. Kant’s account is still much closer to the tradition of Thomasius than to that of Wolff. See Beetz 1983, Reisinger/Scholz 2001, pp. 1255-1256.

<sup>25</sup> Kant’s notion of *logical egoism* is closely related to the *logical private sense*, which, according to Kant, is the “only universal characteristic of madness”. (*Anth*, AA 07: 219; Kant 2007, p. 324, cf. Arendt 2012 p. 100 and p. 110)

The third maxim is “the consistent way of thinking [...] [which] can only be achieved through the combination of the first two” (*KU*, AA 05: 295; Kant 2000, p. 175). But what danger threatens the second maxim and thus represents the transition to the third, necessitating it? If just the second maxim is applied, this poses the danger of scepticism because, if I reflect all possible or real judgments within the scope of a judgment without thinking for myself, I will lose myself either in the plurality of possible judgments or in following others. Guided by the second maxim alone, either I cannot judge because I am only comparing numerous judgments, so I am confused, undecided and thus suspending my judgment (cf. *V-Lo/ Dohna*, AA 24: 737, *V-Lo/Wiener*, AA 24: 884-886)<sup>26</sup>, or, if I still want to make a judgment, I decide to follow an authority, such as the majority opinion or respected scholars (cf. *Refl 2575*, *Refl 2577*, *V-Lo/Wiener*, AA 24: 872-873 and 869,26-37). Both dangers in themselves amount to relinquishment of *Selbstdenken*.

While the first maxim averts the prejudices of prestige – although if one applies this maxim alone, the danger of logical egoism arises –, the second maxim rejects the danger of logical egoism but at the same time provokes, once again, the danger of a passive use of reason, and therefore precisely what *Selbstdenken* was supposed to guard against – a vicious circle.

As shown, the maxims of the way of thinking can be reconstructed as a “mere movement of shedding one’s prejudices” (La Rocca 2004, p. 354; translation M.H.)<sup>27</sup>. Here we can expand on La Rocca’s (2004) account: As counters of prejudices, not only *Selbstdenken* but also *teilnehmende Vernunft*, and by consequence the public sphere of discourse, are inherent in the concept of enlightenment and are mutually dependent.

#### 4 Conclusion

How can we thus establish a Kantian measure of a society’s enlightenment on the basis of the subjectivity or objectivity of its discourses? Prejudices are subjective principles in the sense of counter-enlightenment: Subjects subject themselves to the guidance of something other than their own reason. For the public, the process of emerging from minority is a difficult task and involves active participation and a deliberative practice. Without such practice, a culture of *Selbstdenken* and *thinking in the position of everyone else* is difficult to imagine, since it must be learned by everyone. Such a practice requires courage: of the participants in a discourse as well as of those who provide the public sphere

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<sup>26</sup> Kant’s complex reflections on the suspension of the judgment in the context of the dogmatical, sceptical or critical *method* during his 40 years of lecturing on logic are the very roots of the *maxims* of the way of thinking. At first glance the critical method seems to be sceptical, but in fact it is the consequent way of thinking: “This method, then, where we do not merely doubt everything, but also investigate the cause of the conflict of the understanding with the understanding itself, in order thereby to illuminate the truth, is the critical method.” (*V-Lo/Wiener*, AA 24: 885; Kant 1992, p. 332)

<sup>27</sup> “bloße Bewegung der Befreiung von Vorurteilen” (La Rocca 2004, p. 354).

of discourse, i.e., ultimately the people in power. The detrimental thing about deep-rooted prejudices, which has always helped and still does help to ensure domination by the few over the many, is that the ruled lose their ability to think for themselves, which not only pleases their human need for comfort, but also allows for them to be easily ruled.

Kant's reflections on the public sphere are epistemological. The public sphere has a twofold function: Individual participants in the discourse should be enabled by the public to recognise subjective causes, which they mistakenly consider to be objective grounds, in order to apprehend their own structure of prejudice – to know themselves –, thereby to enable themselves to get rid of prejudices. Moreover, intersubjectively shared objectivity is first and foremost established through public discourse.

Both functions are difficult to imagine if the moral duty not to make persuasion valid beyond myself is frequently violated in the public spheres of discourse. For then the discourse sphere itself tends towards subjectivity and loses its general character, which lies in “the common ground, namely the object” (*KrV*, A 821/B 849; Kant 1998, p. 685). A fundamental condition which a public discourse must fulfil in order to fulfil the function of an external *touchstone of truth* is the general interest in (consistent, universal, intersubjective, objective) truth and a practice of truthfulness (prohibition on intentional untruthfulness). A discourse in which the participants have no profound interest in the truth but rather, for example, an interest in entertainment or self-staging, is not suitable to serve people in testing the validity of their own judgments for the reason of others as well. The least harmful freedom “to make *public use* of one's reason in all matters” (*WA*, AA 08: 36; Kant 1996a, p. 18) is based on the condition of a communicative practice where people are interested in truth. Only then human beings can become “*more than a machine*” (*WA*, AA 08: 42; Kant 1996a, p. 22), because the “very existence of reason depends upon this freedom” (*KrV*, A 738/B 766; Kant 1998, p. 643; cf. *WDO*, AA 08: 144).

Public discourse has a double effect: It educates the subjects exposed to it by confronting them with its content, and it acts as a platform, providing the framework of communication as an external touchstone of truth. Both have an impact on people's self-education, namely, whether they develop the habit of using their own reason in an active or in a passive way. This can contribute more or less to enlightening a society, but it also indicates how enlightened a society is. The measure can be helpful to systematically address problems of the public sphere. It allows to analyse and criticise societal conditions. It provides a fresh perspective on the media, which have changed dramatically over the last decade. With Kant, the degree of subjectivity within public discourse is a seismograph of minority; on the other hand, the objectivity of discourse, i.e., the exchange of objectively justified arguments, is a sign of enlightenment.

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