

46). Not only are these commonalities deserving of further analysis, but they lead to further questions. For example, if Kant's and Fichte's accounts of self-consciousness are indeed similar, then why does Schulting reject the latter in favour of the former and why does Fichte nonetheless choose to turn from Kant by calling self-consciousness 'intellectual intuition', a kind of intuition that Kant claims humans cannot have? Answers to such questions are also relevant to the main claim of Schulting's book.

Finally, recall that part of Schulting's main claim is that we must grasp the centrality of Kant's principle of transcendental apperception in order to properly understand the philosophical systems of Reinhold, Fichte and Hegel. He seems to then use this claim, as we saw, as grounds to argue that these thinkers go astray when their systems of philosophy diverge from Kant's. However, before such an argument can be made, we must ask: what are the accounts of self-consciousness put forth by these thinkers, as I have already mentioned, and how do their respective systems follow from these accounts? For example, Hegel's version of self-consciousness, namely, the concept, is not only consciousness of the I that conceptualizes and judges, as we see with Kant's self-consciousness, but it is also consciousness of the I that syllogizes (Hegel 2010: 528). This conception of self-consciousness has important repercussions for Hegel's philosophical system, repercussions that are directly relevant to understanding what Schulting calls Hegel's 'strong conceptualism'. Furthermore, since Hegel's version of self-consciousness includes the activity proper to reason, I wonder how it builds on his criticism of Kant's view that the ideas of reason are merely regulative (Hegel 2010: 520–1), especially since, for Kant, we must nonetheless presuppose that the way ideas shape our experience of the world is objectively valid (A651/B679). That said, the fact that Schulting's book generates further questions and paths of investigation underscores its value for the scholarly debate.

Elise Frketich

Humboldt-Universität, Berlin

Email: elise.frketich@hu-berlin.de

References

- Fichte, J. G. (1982) *The Science of Knowledge*. Trans. P. Heath and J. Lachs. Cambridge: Cambridge University Press.
- Hegel, G. W. F. (2010) *The Science of Logic*. Trans. G. Di Giovanni. Cambridge: Cambridge University Press.
- Reinhold, K. L. (2003) *Beiträge zur Berichtigung bisheriger Mißverständnisse der Philosophen*, vol. 1. Hamburg: Felix Meiner.

Alice Pinheiro Walla and Mehmet Ruhi Demiray (eds), *Reason, Normativity and Law. New Essays in Kantian Philosophy* Cardiff: University of Wales Press, 2020 Pp. 304 ISBN 9781786835123 (hbk) £75.00

There is a well-established tradition within Kantian scholarship, of which Onora O'Neill and Christine Korsgaard are the most salient exponents, of combining a rigorous reading of the Kantian practical, ethical, legal and political corpus with

an active participation in contemporary debates. This kind of work is fruitful both for Kantian and non-Kantian scholars alike, as evidenced by the impact of the works of these scholars, and the present volume belongs to this tradition. It contributes to the growing refinement of the study of the many, once-neglected aspects of Kant's practical, ethical, legal and political thought, and (perhaps more importantly) the texts in this volume show the viability of progressive, critical and radical Kantian philosophies that follow Kantian inspirations but transcend Kant's own limitations, biases and historical and geographical situatedness while doing so.

As the title of the volume suggests, the eleven papers take up the different ways in which practical rationality and ethical, legal and political normativity can be associated to approaches to pressing philosophical problems and practical issues that arise in scholarly debates as well as in concrete contemporary practical contexts. The volume is divided into three parts, which focus on metaethics ('Reason and Normativity', with papers by Michael Lyons, Sorin Baiasu and Sofie Christine Møller), juridical legality (Sarah Holtman, Marie E. Newhouse, Christoph Hanisch, Matthé Scholten and Mehmet Ruhi Demiray) and contemporary political issues (Sylvie Loriaux, Alice Pinheiro Walla and Domenica Dreyer-Plum), respectively. The authors follow Kant's own way of dealing with the complexity of our practical life; as the editors explain in the Introduction, they, like Kant, surrender 'neither to the temptation of a completely unified system at the cost of the complexity and situatedness of human experiences that it is actually supposed to account for, nor to a fragmentation of human life into a set of disconnected domains' (pp. 4–5). The attention paid to the nuances of the relationship between our moral experiences (understood in the wide sense employed in the *Metaphysics of Morals* to include the different aspects of practical life) and universality brings to light those refinements in Kant's thought usually eclipsed by that old, single-dimensional and unsound, yet widespread reading of Kant as a totalizing universalist who supposedly ignored all differences and particularities in our embodied subjectivities and communal life. There is a shared aim in this polyphonic volume that gives a coherence to the whole and that can be summarized through the words of the editors: 'a specific sphere of normativity can be regarded both as an independent domain of experience and as linked to other spheres of normativity. It therefore makes good sense to present metaethical, moral, legal and political issues together in order to understand the nuances of Kant's theory of normativity as applied to different practical spheres' (p. 5).

In 'Can Kantian Constructivism Avoid Realist Commitments?', Lyons contributes to ongoing debates on moral constructivism and very convincingly argues that 'constructivism is more plausible when interpreted as a form of moral realism (and as a result, in order to defend moral constructivism one must commit to at least some form of moral realism)' (p. 19). Baiasu's text, 'Staying Philosophically on the Surface: Constitutivist and Naturalist Quests for Normativity', analyses Connie Rosati's constitutivist proposal (in Rosati 2016) to highlight the shortcomings of the Rawlsian aim of avoiding dealing with metaphysics at all costs. He refreshingly recommends that, in order to 'clarify the mystery of normativity, the tendency to stay philosophically on the surface would need to be critically overcome, and here Kant's philosophical example is particularly helpful' (p. 54). Indeed, Kant is useful because instead of avoiding non-dogmatic metaphysics, he investigated its limits and its content (p. 41). In 'The

Politics of Reason', Sofie Møller explains how Kant's politics is a politics of reason. She studies Kant's description of the practical use of reason in the first *Critique's* section on the Discipline of Pure Reason to show that Kant's 'account of reason is first and foremost legal': 'politics can be rational because reason has a lawlike structure and only because of this legal structure can reason also be conceived in political terms' (p. 61). The politics of reason relies on an inherently legal conception of reason that 'establishes the lawful framework within which reason can become political' (p. 79). In its turn, reason's legal quality does not exhaust all its features, and so we need the integration into a community to complete the 'transcendental-legal relationship between a thinker and a thing' (p. 79).

In 'Justice, Citizenship and the Kingdom of Ends', Sarah Holtman makes use of Kant's formula of the kingdom of ends and his concept of justice to propose a reading of Kantian ethics and politics that centres normatively around the civic ideal of 'active participation in normative projects conceived as joint or communal' (p. 103). She uses Kazuo Ishiguro's Darlington and Steven characters from *The Remains of the Day* to illustrate her points, a strategy that works well to highlight the moral and political importance of actively participating in the creation of shared standards of justice. Marie Newhouse ('Juridical Law as a Categorical Imperative') engages with Marcus Willaschek's thesis that juridical laws cannot be categorical imperatives, with the aim of showing that 'juridical laws enacted by legislators are categorical imperatives, and that the external incentives that the state links to its legal commands play a critical role in making them so' (p. 105). In a quasi-Hobbesian line of reasoning, she holds that the threat of punishment is the answer to the puzzle: 'we are obligated to obey by means of a threatened coercive response to wrongdoing that is inconsistent with our external freedom (that is, a 'punishment')' (p. 120) and that works as incentive. Christoph Hanisch ('Provisional and Private Legality in Kant') presents an interpretation of Kant's legal thought that overrides the traditional opposing interpretations of it in terms of the paradigms of legal positivism versus natural law theory, respectively. Employing David Enoch's theory of conditional reasons, Hanisch elaborates an alternative interpretation of Kant's legal thought and also provides a clarifying elucidation of 'provisionality', a concept now at the centre of many debates in the Kantian scholarship.

In 'Why Human Dignity Cannot Be the Basis of Human Rights, at Least Not on Kantian Grounds', Matthé Scholten relies on Willaschek's rendering of the external character of juridical duties to show that, insofar as they entail coercion, then human rights cannot be derived from human dignity if we choose a Kantian legal framework. Mehmet Ruhi Demiray also takes up the issue of human rights. In 'Kant's Idea of Law and Human Rights' he argues against the idea that Kant cannot provide a foundation for human rights. In a nuanced analysis, Demiray interprets the innate right to freedom as a right to have rights, which can be legally guaranteed only by political-legal systems and their members as the duty bearers of the correspondent rights. In his view, 'the [innate] right to freedom does not function as a fundamental *norm* (*Grundnorm*) from which we can derive other norms. It functions similar to grammar, the conformity to which makes speech acts intelligible' (p. 182), and this amounts to a legal, not ethical, conception of the foundation for human rights.

Sylvie Loriaux's aim in 'Forcible Dispossession of Territory and State Legitimacy: A Kantian Account' is to explain how Kantian legal philosophy makes our intuition that forceful territorial dispossession is wrong compatible with the legitimacy of existing states, taking into account that almost all of them have a history of wrongful dispossession of land. She proposes that 'Kant conceptualises a state's territory not by analogy with an individual's body, but as an external object whose acquisition must satisfy certain conditions in order to be rightful' (p. 194). In this way, she explains the wrong involved in forcible dispossession of territory as not only 'an infringement of a state's internal mine' but also 'an infringement of its external mine that calls for rectification, ideally restitution' (p. 194). Consequently, as 'an acquisition of an object that is originally open to the use of all inhabitants of the earth and that may prove indispensable to the satisfaction of their fundamental interests, every territorial acquisition must meet certain criteria in order to be and to remain rightful' (p. 208), but once a state exists, its territorial rights must be respected. From a rigorous rendering of Kant's legal theory that takes the different *exeunda* (national and international) into account, Alice Pinheiro Walla ('Private Property and Territorial Rights: A Kantian Alternative to Contemporary Debates') spells out the contributions a truly Kantian view of territorial rights as analogous but not reducible to property rights can make to contemporary debates. Finally, in 'Kant's Cosmopolitan Right and Human Dignity in European Asylum Law', Domenica Dreyer-Plum analyses the deficiencies in the application of the asylum right (hospitality) by the European Union from a Kantian perspective, concentrating on the way non-EU citizens are treated at the borders of the EU. Dreyer-Plum concludes that in this respect European asylum law fails to comply with human rights insofar as 'access to European territory and having one's rights respected within the EU still depends on citizenship rather than on human dignity. Although the borders within the EU have been mostly abolished, the borders towards third-country nationals have become even more definitive' (p. 248). One cannot help but concur that looked at through a Kantian lens this situation is unjust.

Macarena Marey
 Universidad de Buenos Aires-CONICET
 Email: m.marey@conicet.gov.ar

Reference

Rosati, Connie (2016) 'Agents and "Shmagents": An Essay on Agency and Normativity'. In Russ Shafer-Landau (ed.), *Oxford Studies in Metaethics 11* (Oxford: Oxford University Press), 182–213.