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Sofie Møller, "Kant's Tribunal of Reason: Legal Metaphor and Normativity in the Critique of Pure Reason"

Nicholas Anderson

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Sofie Møller. *Kant's Tribunal of Reason: Legal Metaphor and Normativity in the Critique of Pure Reason*. 2020. 198 pp. $108.00 USD (Hardcover 9781108498494); $29.99 USD (Paperback 9781108724050)

Sofie Møller's excellent study, *Kant's Tribunal of Reason: Legal Metaphor and Normativity in the Critique of Pure Reason*, presents a systematic study of the philosophical significance of Kant's legal and juridical metaphors. As Møller writes in her introduction, Kant's First *Critique* is 'populated with laws, judges, lawyers, tribunals, legislators, witnesses and many other references to legal theory and practice' (1). She notes that these images have been frequently discussed in the literature but only insofar as they clarify thorny arguments in the work. Møller sets out to analyze the legal metaphors and to show how they illuminate the structure of reason and its task of self-critique.

Møller draws on Kant's account in the Third *Critique* of the cognitive function of symbols and analogies, which 'provide a practical understanding of an abstract concept,' in order to 'take Kant at his word when he repeatedly writes that reason is similar to different legal institutions' (5, 7). Kant's legal metaphors, a term Møller uses to indicate symbols, similes, analogies, synecdoches, and metonyms, play a central role in his account of reason's structure. Due to the discursive nature of human rationality, all human cognition is comparative and dependent on the reflection of the similarities between a particular object and other objects. Human cognition, as finite rationality, thus 'presupposes an analogical approach to experience' (8). There is real philosophical significance behind the choice of legal metaphors insofar as the legal framework gives us direct access to understanding the abstract, transcendental character of reason. These metaphors make reason's structure concrete and provide a normative standard toward which 'we ought to strive in our philosophical endeavors' (169).

Møller argues that we must understand the legal language as Kant and his readers would have understood it to grasp the philosophical significance of his legal metaphors and to remind ourselves of the original vitality of a philosophical language that we now take for granted. The author carefully engages in historical analysis and terminological reconstruction to present the legal context of Kant's 18th-century Prussia. In doing so, she helps bring life to the legal metaphors, that is itself an argument for treating them with such philosophical care. Moreover, even if the book had failed as an exercise in interpretive philosophy, it would be significant for its reconstruction of the legal language of Kant's time. It is an invaluable resource for all Kant scholars and anyone who wishes to grasp the aims and methods of the First *Critique*.

Møller's argument, divided into nine chapters, proceeds as follows. The first two chapters 'build an account of normative lawfulness' (13). Chapter One examines the parallels between Kant's critique of pure reason and the establishment of a civil condition in natural right theory. The task of the critique is to establish a 'tribunal of reason' in which factual claims to knowledge are distinguished from 'groundless pretensions' (18). The tribunal of reason puts an end to a metaphysical state of nature by establishing a 'post-critical civil condition' in which metaphysical disputes are settled according to the procedures of a 'state of law' (27-8). In Chapter Two, Møller

develops the themes of the first chapter by exploring the historical development of the use of the word 'law' in the natural sciences as a metaphor for 'natural regularities.' Kant's conception of law draws upon both the natural right tradition and the modern notion of law in the natural sciences.

Chapters Three and Four consider the legal language of the Transcendental Deduction by conversing with Dieter Henrich's well-known interpretation, which argues that we should understand the deduction as a claim to the rightful use of a concept. The Transcendental Deduction, Henrich argues, answers the question of *quid juris*, but not that of *quid facti*, by providing an account of the origins of the pure concepts of understanding. Chapter Three examines the historical background of legal deductions in Prussia, which leads Møller to reject Henrich's account of the Transcendental Deduction. Drawing upon her historical findings, Møller argues that the transcendental deduction should be understood considering Kant's understanding of 'judicial imputation' (70). Judicial imputation settles both the question of fact and the question of law. She presents a 'two-step interpretation' of the Transcendental Deduction in which the first step 'proves that nature is a case falling under the categories because it is synthesized by pure apperception' while the second step argues that the understanding 'allows the legitimate application of the categories a priori to nature in general' (75, 78). These chapters offer a novel, well-grounded interpretation of one of the most challenging sections of Kant's corpus. It is a remarkable achievement that suggests the possibility of re-examining Kant's other deductions with fresh eyes.

Chapters Five and Six examine what Møller calls 'Herder's dilemma,' namely, the problem of how reason can serve as legislator, tribunal, judge, and defendant in the same case. The threat of this circularity looms over Kant's project. Møller argues in Chapter Five that the tribunal of reason sets up an internal process by which it can legitimately adjudicate reason's inherent tendency to conflict with itself. The chapter focuses on the Transcendental Dialectic, which Møller reads as a failed deduction. The Dialectic resolves the problems arising from reason's inherent tendencies toward self-contradiction by providing a 'due process' by which reason's various claims can be examined. Chapter Six compares the tribunal of reason to Kant's account of moral conscience as an inner tribunal. Møller argues that the image of the moral conscience, involving an 'internal splitting of the moral agent' to reach an 'objectively valid outcome,' helps clarify how the 'reflexive investigation' of the First *Critique* reaches valid and true verdicts. The splitting of the moral conscience, in which each of the higher faculties takes on a different role in prosecuting the moral agent, maps onto the legal imagery of the First *Critique*, where each faculty has its defined role in the court of reason (111-112).

Chapters Seven through Nine take up the theme of reason's epistemic authority. Chapter Seven examines the image of 'reason as judge' and its capacity to distinguish between 'rightful claims' and 'groundless pretensions' (a technical term in 18th-century Prussian law). Møller shows that reason, not the power of judgment is assigned the role of judge in Kant's legal metaphors because legal verdicts are inferences and, therefore, the work of reason (128). Chapter Eight explores what Møller calls the "political aspect" of Kant's legal metaphors. Møller argues that 'the lawful structure of reason's authority' is a 'normative presupposition' for the individual use of reason and rational debate within a community (129). Reason's legislation makes possible a 'community of cognizers'

who engage in 'peaceful rational debates' (145). Theoretical philosophy provides the 'conditions of the possibility of politics,' and 'the political community presupposes a lawful condition' (145). Chapter Nine concludes the work with a discussion of Kant's metaphors for the systematic structure of reason. She considers several of these metaphors (for example, reason as an organism and reason as a building). However, she concludes that the legal imagery is the most suitable insofar as it captures how 'a system of philosophy is a legislation and the true philosopher is a legislator' (153).

Despite the insight and originality of her interpretations, it is unclear how Møller's examination of the legal metaphor adequately addresses the problem of the grounds of reason's authority. This problem is the crux of Herder's dilemma and is not answered by a demonstration of internal coherence. Herder's dilemma addresses not only the lack of the separation of powers in Kant's tribunal but also calls into question how reason gains the right to institute a tribunal in the first place. Møller evades this part of the dilemma by claiming that 'it is meaningless for reason to claim authority before it has established a lawful structure within which this authority is legitimate. Authority as competence is only granted by virtue of the systematic lawfulness' (151). This appears to be the kind of circular reasoning present in Herder's dilemma. If reason's authority derives from a normative presupposition, then the legitimacy of the tribunal of reason is posited at the outset (to be proven authoritative by its success) and brought into existence by an act of will that responds to the needs and desires of reason, but which is itself not strictly rational (see 26, 155). One might then ask whether the critical system, which gives us "an idea of the type of system we ought to strive for," rests on faith in the power of human reason and the world's rationality. If this is the case, one would be right, like Herder, to question reason's legitimate right to rule (169).

These comments are meant less as a critique of Møller's work than as a tribute to the profundity of her thought. By framing her work in light of Herder's incisive metacritique, she confronts the most perplexing problems facing Kant's critical system, and the reader learns much from watching her contest with philosophical giants. Even if Møller only goes part of the way in answering these questions concerning the grounding of Kant's philosophical legislation, she has accomplished much by raising them in the idiom of Kant's greatest metaphor. It is, indeed, high praise to say that Møller's examination of the First Critique's legal metaphors brings us to the very heart of Kantian philosophy.

Nicholas A. Anderson, *The University of Texas at Austin*