

# KANT'S TOUCHSTONE OF COMMUNICATION AND THE PUBLIC USE OF REASON

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**Abstract.** Nearly all of the work that has been done on Kant's conception of public reason has focused on its socio-political significance. John Rawls, Onora O'Neill and others have explored its relevance to a well ordered democracy, to pluralism, to toleration, and so on. However, the relevance of public reason for Kant is not limited to the socio-political. Kant repeatedly appeals to the "touchstone of communication" in relation to the normative side of his epistemology. The purpose of this paper is to articulate why Kant regards communication as vital to our theoretical endeavors.

**Keywords:** Kant, Epistemology, Communication, Prejudice, Error, Public Reason, Touchstone

## Introduction

Nearly all of the work that has so far been done on Kant's conception of Public Reason has focused on its socio-political significance. John Rawls, Onora O'Neill and others have explored its relevance to a well ordered democracy, to pluralism, to tolerance, and so on.<sup>1</sup> No doubt, these topics well suit Kant's discussion of Public Reason in "What is Enlightenment?" Clearly, he is there interested in the social value of free speech and the injurious effects of censorship. However, the relevance of Public Reason in Kant is not limited to the socio-political. It is also vital to the normative side of his epistemology.

For obvious reasons, when Kantian epistemology is mentioned, his transcendental epistemology is what first comes to mind. But Kant also has various views on normative epistemology – that is, views related to the conditions for justified assent, be it the justification conditions within the traditional tripartite definition of knowledge, or the more modest conditions that pertain to opinion.<sup>2</sup> As I will discuss in this paper, Kant approaches both of these modes of assent in a way that sets him apart from a long standing, deeply entrenched philosophical paradigm: namely, that the powers of the intellect are such that a sufficiently intelligent and properly trained individual can on his own, in the solitude of his private study, engage in sound inquiry. Be it through the Greek *nous*, the Medieval and Early Modern *Lumen Naturale*, or other representations of our intellectual powers, much of the history of philosophy has portrayed inquiry, especially philosophical inquiry, as a solitary affair.

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Of course, we periodically discuss our ideas with one another, exchange papers, attend colloquia and conferences, but these practices are not considered essential to what we do. They are rather treated as just helpful supplements, breaks from what still remains our dominate *modus operandi* as solitary intellects each on their own delving into the questions that interest them.<sup>3</sup>

But this is not so for Kant. Although like most other philosophers, Kant too operated for the most part as a solitary thinker, he actually argues against this custom, maintaining instead that communication is not only something that is helpful, but is actually of fundamental importance. This is, in fact, a claim that he makes quite often. We see it expressed in a comparatively sedate manner in “What is Enlightenment?”, in its call for us to communicate our “carefully examined and well-intentioned thoughts” with one another (8:38); while in his 1786 essay, “What Does it Mean to Orient Oneself in Thinking?” it is expressed in far more dramatic terms: “how much and how correctly would we *think* if we did not think as it were in community with others to whom we *communicate* our thoughts, and who communicate theirs with us!” (8:144).<sup>4</sup>

Similarly powerful statements can also be found in many of the logic lectures, such as in the pre-Critical Blomberg Logic: “Man needs this communication of his cognitions very much in order to be able to pass judgment on them rightly” (24:151) as well as in the Vienna logic of the 1780s, where Kant associates prejudice with our general failure to test what we believe to be true “on the judgments of others” (24:874). And further, as I will briefly discuss, communication plays an important, albeit more abstract role in both the Third *Critique’s* discussion of aesthetic judgment and in the ecclesiology of *Religion within the Boundaries of Mere Reason*.

The purpose of this paper is to consider why Kant maintains that communication is vital to our theoretical endeavors: what is it about our intellects that leads Kant to his cautions about solitary inquiry; and how does communication function as a “touchstone” [*Probierstein*] within our epistemic inquiries? In what follows, I will begin by discussing his general understanding of error. As most readers are far more familiar with Kant’s views on moral error than epistemic error, I will use the former to help elucidate the latter. In doing so, it is not my intention to advance any non-standard theses about moral error, but rather to merely use it as an entree to its epistemic counterpart. Finally, I will present some of the more specific functions that Kant assigns to the touchstone of communication and consider their importance to his normative epistemology.

### The Nature of Epistemic Error and the Problem of Solitary Inquiry

Let us begin with Kant’s most general claims about the nature of error. We see in the *Inaugural Dissertation*, in all three *Critiques*, in various essays, in the Jäsche Logic, and in many of Kant’s logic lectures, the thesis that *all* error arises from a confusion between subjective and objective elements of judgment.<sup>5</sup> Through various processes, some of which I will discuss below, what is subjective in judgment can take on the airs of objectivity, and in so doing create an illusion that primes one for an assent that confuses the subjective with the objective. Following Wolff, Kant refers to such a confusion as a *vitium subreptionis*, that is, the “Vice of Subreption” [*Fehler des Erschleichens*].<sup>6</sup>

Transcendental Error is described in the above terms in the Transcendental Dialectic (cf. A295/B352 and A619/B647), and in the Second *Critique*, Kant likewise describes the subreption that occurs when one takes up an inclination as if it were an objective ground for action (5:116).<sup>7</sup> This vice is likewise also central to Kant's account of error in our ordinary use of reason. That is, in our epistemic judgments about such mundane matters as the relative reliability of a clean versus dirty car, how capable one's friend and colleague is of being one's department head, the portents of an early spring judged by whether or not a certain groundhog sees his own shadow, and so forth.

Bound up with the Vice of Subreption there is a second feature that spans across Kant's various discussions of error – this is something most familiar to us in relation to morality: namely, that while inclination does have some role in our deviation from the moral law, it is not on its own sufficient to determine the will. As expressed by the so-called “Incorporation Thesis”, in order for a desire to lead to action, it must first be “incorporated into a maxim” and then that maxim must be affirmed by the will. As expressed in *Religion*: “the power of choice...cannot be determined to action through any incentive *except so far as the human being has incorporated it into his maxim*” (6:23-4).

With regards to ordinary epistemic judgment, I take this thesis to be implicit in how Kant appropriates the system of prejudices that were a usual feature of the logic texts of his day.<sup>8</sup> In his lectures and in the Jäsche Logic, Kant comments on many of the prejudices found in Georg Friedrich Meier's *Auszug aus der Vernunftlehre*.<sup>9</sup> These include “the prejudice of the prestige of the multitude”, the “prejudice of the prestige of the person”, the “prejudice of the prestige of the age”, and the “prejudice of self-love” – also referred to as “logical egoism” (cf. 9:77-80).

Built into each of these prejudices is an affective element, one that, according to Kant, is usually instigated by a reaction against something that threatens the agent's subjective interests.<sup>10</sup> For example, the “prejudice of the prestige of the multitude” can arise from the resentment and intimidation that a layperson may feel towards the learned, or from frustration on the part of the learned after his studies have failed to “procure appropriate satisfaction from all his efforts” (9:78). Similarly, in the case of Logical Egoism, which is the particular prejudice most germane to our current discussion, there is a “*conceit* and arrogance, where one allots to himself alone to make a correct judgment about a thing for all others” (24:874), yet behind this conceit stands the laziness and cowardice of “What is Enlightenment?”, such that the agent excuses his lack of effort or rationalizes his fear of criticism by deeming the comparison of his “judgment with the judgment of others to be a dispensable criterion of truth” (9:80).<sup>11</sup> This prejudice is obviously one that stands in direct opposition to the importance that Kant places on the Public Use of Reason, but before I turn to it and to the positive role he assigns to the touchstone of communication, there are two further features found in Kant's discussion of epistemic error, features that distinguish it from moral error and are central to his reservations about the solitary intellect.

In his various discussions of moral error, Kant does not express any particular concerns about the solitary individual's ability to judge right from wrong. While the

propensity to evil leads us to *downgrade* the status of morality relative to our self-worth, evil does not infect our capacity for pure practical reason. There is no “*corruption* of the morally legislative reason” (6:35). Rather, Kant actually is overwhelmingly optimistic about our ability to judge well in morality. As expressed in the *Groundwork*, not only is the moral law immediately available to “ordinary rational knowledge”, but also, he claims, its application is quite straightforward, even to those without any philosophical training, as a “compass in hand... well able to distinguish, in every case that comes up what is good or evil, right or wrong” (4:403); likewise, in the *Critique of Practical Reason*, Kant claims that the most common and unpracticed understanding” should have no trouble “[a]ppraising what is to be done” (5:36).

Although, as he later acknowledges in the *Metaphysics of Morals*, there still remains room to cultivate our conscience and sharpen our “attentiveness to the voice of the inner judge” (6:401),<sup>12</sup> pure practical reason is nevertheless treated as essentially reliable, with errors being blamed instead upon an “active and opposing cause” (6:57).<sup>13</sup> Yet, we see something quite different in Kant’s account of error in our ordinary epistemic judgment.<sup>14</sup>

First, there is a difference in what, through introspection, we can discern regarding our own judgment. Even though Kant claims that we cannot determine whether or not a morally correct action has been performed out of duty versus merely in conformity with duty, he nevertheless claims that we *can* know whether or not we have actually turned to the moral law, as the appropriate evaluative norm while deciding how to act. Kant goes so far as to claim that “an erring conscience is an absurdity” (6:401) – explaining that “I cannot be mistaken in my subjective judgment as to whether I have submitted it [my maxim] to my practical reason” (6:401).<sup>15</sup>

This is not the case in epistemic error. There, the agent may very well not have employed an objective principle when evaluating his grounds, and under the influence of one prejudice or another, he is without the internal resources to recognize the subreption that has taken place. In morality, even when an agent chooses to adopt a subjective principle as if it were objective, that choice, as Kant presents it, is not a consequence of any confusion about what morality dictates, but about the normative status and force of morality. By contrast, in epistemic error, the agent may be fully blinded by prejudice, or as Kant puts it, once principles of prejudice take hold, they then become “as it were, their own judges” (9:81). This would be equivalent to conscience erring because of a corruption of morally legislative reason. That is, while according to Kant one cannot be wrong as to whether or not one has actually *tested* one’s maxims by the moral law, the same is not the case for epistemic error.<sup>16</sup> With the latter, we can be wrong as to whether or not an objective principle has been used when testing theoretical grounds or hypotheses. This is because, unlike morality, our epistemic judgment can be so direly corrupted that we can become unable to distinguish between objective and subjective normative principles.

This vulnerability is one way to understand why Kant claims in the Canon of the First *Critique* that the solitary individual cannot through his own introspective powers distinguish between what he calls “conviction” [*Überzeugung*] versus “persuasion” [*Überredung*]. Kant uses these paired terms throughout the corpus in order to differentiate, respectively, between assent that arises from legitimate grounds,

grounds that *ought to* lead all to a shared assent; as opposed to an assent that has its roots in some idiosyncratic psychological tendency, something that has “mere private validity” (A820/B848).

Accordingly, in morality, Kant describes our belief or faith in the Highest Good and the Postulates as objects of practical conviction drawn from the needs of pure practical reason; and in the theoretical realm, he contrasts legitimate assent in the form of both opinion [*Meinung*] and knowledge [*Wissen*] versus persuasions rooted in “the particular constitution of the subject” (A820/B848). However, due to the power that prejudice has over us, they end up serving as their own judges and thus an individual who reflects upon his assent in order to determine whether or not it is held as conviction or persuasion lacks the resources to discern which is the case.

This is how Kant characterizes the problem faced by the solitary individual in the Canon of the First *Critique*, and why he there calls upon us to employ the touchstone of communication when attempting to distinguish persuasion from conviction.<sup>17</sup> But behind this characterization of the problem, there is yet a second, and more fundamental explanation as to why conviction and persuasion cannot be (reliably) distinguished through introspection. Moral judgment has the pronounced advantage of having an *a priori* principle that is “apodictically certain” (5:47), immediately available to “ordinary rational knowledge”, and always sufficient on its own to distinguish right from wrong. As expressed in the *Metaphysics of Morals*, even the most depraved remains conscious of the moral law and its authority: while he may “*heed it no longer...he still cannot help bearing it*” (6:438).

Yet, in Kant’s normative epistemology, there is no analogous criterion.<sup>18</sup> Whereas practical judgment always has the moral law as an inviolable arbiter, a bulwark that prevents us from sinking so deep into “inner perfidy” (cf 6:38) that we are without a guide, this is not so with epistemic judgment. There, prejudice can be all engulfing, for we are without an innate principle sufficient for epistemic judgment. And as a consequence of this absence, prejudice can come to reign unmolested, judging both particular hypotheses as well as the epistemic norms used for weighing grounds. That is, as stated a moment ago, our prejudices become “as it were, their own judges” (9:81).<sup>19</sup>

This absence is further explained through various lectures as well as in the *Critique of Pure Reason’s* Introduction to the Idea of a Transcendental Logic, where Kant presses the point that there can never be any criteria for truth that are at the same time both general enough to span across all domains of inquiry and also sufficient to guarantee one’s grounds of assent. Hence, it is not simply that we lack innate epistemic criteria. If that were all he was claiming, then we could hold out hope that through our philosophical labors, such criteria would eventually be established. Instead, Kant contends that this absence is because there can be no general epistemic criteria sufficient to guarantee truth.

He goes so far as to describe the presumption of such criteria as “completely impossible and absurd” (A59/B83). His reason for this radical claim is, in short, that criteria for truth cannot just be formal, but rather insofar as “truth consists in the agreement of cognition with its object” (A58/B83), truth criteria must “take account of the [varying] content of cognition” (A58/B83).<sup>20</sup> Accordingly, since formal criteria

abstract away from the material content of cognition, there can be no general and sufficient criteria for truth.

Hence, unlike morality, in theoretical judgment we have no common compass to assess our claims. We do not have set criteria according to which we can pass judgments on the sufficiency of our grounds. We do not have Descartes' Clarity and Distinctness, as universal and inviolable standards, or an inner light through which truth can shine forth from the detritus of falsehoods. While morality is empowered with a universal norm through which all maxims can be tested, our ordinary theoretical engagement with the world has no corresponding epistemological principle. The individual cannot simply tap into an *a priori* principle that can reveal prejudice and persuasion. So, while a "nominal definition" of correspondence "between a cognition and its object" may be accepted as a necessary condition (A58/B82), "it is quite impossible, and indeed absurd, to ask for a general test of the truth of such content" (A59/B83).<sup>21</sup> We are thus left, so it seems, with our "old and rooted prejudices" that become "their own judges" (9:81), compromising our ability to introspectively distinguish conviction from persuasion.<sup>22</sup>

### The Touchstone of Communication and the Public Use of Reason

Kant's response to this predicament, as expressed in "What is Enlightenment?", is to make "Public Use of our Reason"; and in the Canon of the First *Critique*, he states that "the touchstone of whether taking something to be true is conviction or mere persuasion is therefore, external, in the possibility of communicating it and finding it to be valid for the reason of every human being" (A820/B848).<sup>23</sup> We must conduct "the experiment...whereby we test upon the understanding of others whether those grounds of the judgment which are valid for us have the same effect on the reason of others as on our own" (A821/B849). This, he further explains, is not a test "for producing conviction...[but] for revealing the merely private validity of the judgment, i.e., something in it that is mere persuasion" (A821/B849).

Communication, according to Kant, has this capacity to uncover persuasion because: (a) the principles of prejudice, given their subjective origins, vary widely through the population; and (b) the grounds which have "mere private validity" will not have the same effect on others as on oneself. That is, since what is "subjective [in our judgment] will not be present in all others in the same way" (9:57), the grounds of one's own that have "mere private validity" will not lead others to assent as well. Thus, given our inability to reflectively recognize prejudice and persuasion within ourselves, Kant introduces his Touchstone of Communication as the best instrument we have through which they can be revealed. While still an imperfect test,<sup>24</sup> a lack of agreement when one communicates one's grounds serves at least "as a cue to [further] investigate our procedure in judgment" (9:57).

Let me point out that this appeal to the judgment of others is relevantly different from the expectation of universal agreement in aesthetic judgment. Although the conviction/persuasion distinction is operant there as well, since there is no concept of beauty nor cognitive criteria for the beautiful that can be used to assess an aesthetic judgment, the "universal communicability" of aesthetic judgment is not to be

understood as the communication of grounds for assent.<sup>25</sup> The Third *Critique's* example of the young poet illustrates that out of one's subjective interests in a work, persuasion may still arise, but as there is no objective rule of taste, actual communication cannot serve the same function that Kant assigns it in epistemic disagreement.<sup>26</sup>

A substantial analysis of aesthetic error and what communication can offer in its case is beyond the scope of this paper – but, in brief, Kant states quite directly that unlike the epistemological value of communication captured by his call for the Public Use of Reason, the expectation of universal agreement in aesthetic judgment is “not so much to the actual as to the merely possible judgment of others” (5:294). So, while epistemic grounds and the norms that govern them necessarily involve the material contents of our experience (and principles built upon them), aesthetic judgment has us abstract away from this, with the expectation that a work's formal features will affect everyone in the same way. However, as discussed above, it is precisely the deficiency of the formal and the need for the material that underlies Kant's critique of traditional normative epistemology.

Before I move on to the conclusion, let me briefly discuss one further epistemological task Kant assigns to communication. Even though Kant diverges from the tradition, rejecting as “impossible and absurd” any presumption to epistemological criteria that are both general and sufficient to guarantee truth, he does not reject the traditional tripartite model of knowledge, nor does he dissociate knowledge from certainty. Notwithstanding Andrew Chignell's recent fallibilist interpretation of knowledge in Kant, an interpretation I have challenged elsewhere,<sup>27</sup> while opinion requires merely a balance of grounds such that there are more favoring the judgment than opposing it, knowledge only obtains where there is certainty. Textual support for this abounds, but rather than running through them, or defending the fact that Kant is cognizant of the distinction between subjective certainty (i.e., confidence) versus objective certainty (infallibility), let me instead move on to the importance of communication for the achievement of certainty.<sup>28</sup>

Kant maintains that in order for the assent to be a genuine instance of conviction and knowledge, the cause of one's subjective certainty must be one's cognizance of the grounds for objective certainty.<sup>29</sup> As a result, knowledge requires not only that one has grounds sufficient to guarantee truth, but also that one knows that its truth is in fact guaranteed. In the *Jäsche Logic*, this point is explored, with Kant claiming that subjective certainty must be won through an examination of what he calls “scruples”. A scruple, as he describes it, is not necessarily a genuine opposing ground, such as is the case in the balance of grounds found in opinion, may be only the appearance of an opposing ground – i.e., a ground that may or may not prove genuine. Accordingly, Kant explains that before we can be subjectively certain, we must explore all scruples and determine whether they are themselves the result of prejudice or error, or whether they can be “raised to the distinctness and determinateness of an objection” (9:83). We must, therefore, confront our laziness and cowardice and not only “listen to opposed ground” (9:72) but actively seek them out.

It is only through such a process that “certainty is brought to....completeness, and no one can be certain of a thing unless opposing grounds have been stirred up” (9:83). Lastly, each scruple must be “resolved”, by which Kant means, not only that it must be rebutted, but that one must “make comprehensible how the scruple has arisen” (9:83). Hence, with the exception of the more basic pure *a priori* domains of knowledge (such as logic, arithmetic and geometry) epistemic certainty is extremely hard won for Kant.<sup>30</sup> In various lectures, as well as in “What Does it Mean to Orient Oneself in Thinking?”, Kant discusses how empirical opinion can potentially rise to knowledge, but if we follow what he writes in the *Metaphysical Foundations of Natural Science*, certainty in empirical matters is not to be expected, and thus “cognition that can contain mere empirical certainty is only *knowledge* [*Wissen*] improperly so-called” (4:468).

We are therefore left almost exclusively with mere opinion – but perhaps there is, or there should be nothing “mere” about it. As Kant rightly notes, “Opinions make up the greatest part of our cognition” (24:850) and we can take epistemic responsibility for this mode of assent just as much as for our claims to knowledge. As Kant describes opinion, it requires our cognition of, and the weighing of grounds for and against its truth. Grounds against are likely to be ignored by us through the confirmation bias and other psychological phenomena arising out of our prejudices. Hence, just as with knowledge, we must battle against ourselves, accept that our penchant for self-deception infects how we weigh epistemic grounds, and turn to others to see whether the grounds we have for our opinions lead others as well to similar assent. For it is through the opposing grounds, many of which we will on our own overlook, that we can gauge probabilities and “determine how far one still is from certainty or how close one is to it” (9:83).

## Conclusion

While social epistemologists often see Kant as part of a heritage that models the pursuit of knowledge as a solitary enterprise,<sup>31</sup> I have hopefully provided some strong evidence to the contrary. As Onora O’Neill observes in her work on the Public Use of Reason, the touchstone of communication is rooted in Kant’s commitment to “shared standards of rationality”.<sup>32</sup> Likewise, we find in Kant’s aesthetic theory an appeal to universal agreement in his characterization of the validity of judgments of the beautiful; and as part of his ecclesiology, he asserts that the True and Universal Church should have its basis in only those doctrines that can be “convincingly communicated to everyone” (6:103). Yet, as I have discussed in this paper, Kant’s commitment to communication in epistemology moves beyond abstract reference to shared standards and formal features of cognition. Unlike the more abstract appeal that Kant uses in his aesthetics and ecclesiology, his normative epistemology demands that we actively seek out others with whom to communicate our views, relying upon their judgment as “An *external* mark or an *external* touchstone of truth [that being]... the comparison of our own judgment with those of others” (9:57).

Nevertheless, there are various pitfalls to this call for actual communication versus the merely principled expectation of universal agreement. It brings with it the risk of false positives if we happen to communicate what are actually legitimate grounds to an

audience with opposing prejudices. False negatives are likely to be even more common, given that laziness and cowardice may lead us to communicate only with others who share the same prejudices we have, are simply uncritical, or for various social reasons would not want to directly challenge what we say. Thus, the proper employment of the touchstone of communication requires that we consider our audience, and insofar as we may not be able to predict what biases they hold, attempt to communicate to audiences both large and diverse. That is, as expressed in “What is Enlightenment?” we ought to aspire towards making public use of our reason “*as a scholar before the entire public of the world of readers*” (8:37).<sup>33</sup>

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### References

<sup>1</sup> See for example, Rawls, J., “The Idea of Public Reason Revisited”, *The University of Chicago Law Review* 64/3 (1997): 765-807; O’Neill, O., “Kant’s Conception of Public Reason” in *Kant und die Berliner Aufklärung* (Akten des IX. Internationalen Kant-Kongress), eds. V. Gerhardt, R.-P. Horstmann, and R. Schumacher (Berlin: Walther de Gruyter, 2001), vol. 1, 35-47; Gelfert, A., “Kant on Testimony”, *British Journal for the History of Philosophy* 14/4 (2006): 627-652; Gelfert, A., “Kant and the Enlightenment’s Contribution to Social Epistemology”, *Episteme* 7/ 1 (2010): 79-99; Mikalsen, K.K., “Testimony and Kant’s Idea of Public Reason”, *Res Publica* 16 (2010): 23-40.

<sup>2</sup> One of the few detailed analyses of Kant’s normative epistemology can be found in Chignell, A., “Kant’s Concepts of Justification”, *Noûs* 41/1 (2007): 33-63. See also my two recent papers: Pasternack, L., “Kant on Opinion: Assent, Hypothesis, and the Norms of General Applied Logic”, *Kant-Studien* 105/1 (2014a): 1-42; “Kant on Knowledge, Opinion, and the Threshold for Assent” in *Rethinking Kant*, ed. O. Thorndike (Newcastle upon Tyne: Cambridge Scholars Press, 2014b), vol. 4, 146-161.

<sup>3</sup> Admittedly, with the increase in publishing over the past decades, philosophy may be seen as moving away from its traditional solitary approach. Although we still primarily write papers on our own, we now employ more means through which those papers develop via communication (from conferences, to blogs, to email correspondence with other specialists, to, of course, eventual publication). Nevertheless, we have lagged behind other areas. Science, for example, moved to research teams and multi-authored papers many decades ago, and governments have, for centuries now, been moving away from monarchs and dictators in favor of parliaments and congresses.

<sup>4</sup> Unless otherwise indicated, English quotations (when available) will be from *The Cambridge Edition of the Works of Immanuel Kant*, general editors P. Guyer and A. Wood. (Cambridge: Cambridge University Press, 1992-).

<sup>5</sup> For example, in the opening of the Transcendental Dialectic, Kant writes that “error is only effected through the unnoticed influence of sensibility on understanding, through which it happens that the subjective grounds of the judgment join with the objective ones” (A294/B350). Similarly, in the Jäsche Logic, we have “The ground for the origin of all error will therefore have to be sought simply and solely in the *unnoticed influence of sensibility upon the understanding*... This influence, namely, brings it about that in judgment we take merely *subjective* grounds to be *objective*” (9:53).

<sup>6</sup> For a discussion of the development of the term, see Chapter Three of Sng, Z., *The Rhetoric of Error from Locke to Kleist* (Redwood City, CA: Stanford University Press, 2010).

<sup>7</sup> It even occurs, as Kant discusses in the passage just cited, when a feeling of agreeableness that may arise from proper moral conduct is confused with the pure feeling of respect for the moral law.

<sup>8</sup> See Pozzo, R., “Prejudices and Horizons: G. F. Meier’s *Vernunftlehre* and its relation to Kant”, *Journal of the History of Philosophy* 43/2 (2005): 185-202; and Pozzo, R., *George Friedrich Meiers “Vernunftlehre”: Eine historisch-systematische Untersuchung* (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 2000).

<sup>9</sup> See sections 168-175 of Meier, G. F., *Auszug aus der Vernunftlehre*, (Halle: Johann Justinus Gebauer, 1752).

<sup>10</sup> Kant states at one point that “prejudices often arise from opposed causes” (24:876). That is, logical egoism arises out of an affective need to guard one’s sense of self-worth from the criticism of others; the prejudice of the prestige of a golden age arises from a distaste for modernity, etc. But this is not always how he describes the matter. He also states that “The principal sources of prejudice are: *imitation*, *custom*, and *inclination*” (9:76) and uses as an example the “strong ground for holding to be true what others have put forth as true” (9:76). Hence the prejudice of the prestige of the multitude, what now is sometimes called “bandwagoning”, does not necessarily come about through the influence of “opposed causes”. Overall, prejudices are instigated by our “inclination toward the passive use of reason” (9:76), sometimes with the added force of an “opposed cause”, sometimes via wishful thinking, peer pressure or other psychological forces that draw one to assent.

<sup>11</sup> The prejudices I just listed are described by Kant as maxims for judgment. Like our practical maxims, they are used to incorporate affective drives so that those drives then can be adopted, in the form of principles, by the will. Hence, just as when we err in morality, inclination does not directly move the will, but must first be placed in maxims which are then willed. One reason for this has to do with the nature of our will as rational – that is, we act on principles, rather than, as seen in the Humean account of the will, come to action through the conflagration of various desires.

But there is still a further reason why “incorporation” is important. Each prejudice is, as Kant describes, “a *principium* for judging”. In order for error to arise, there must be a mistaking of the subjective for the objective, but this mistake is one that further depends upon the *procurement* of illusions that make the subreption possible. In the transcendental employment of reason, the faculty itself is responsible for the generation of these illusions. In morality, we may place the onus on the propensity to evil, as that within us (rather than inclination as such) which is “active and opposing” to morality (6:57). It is this propensity that is responsible for the “inner perfidy”, the “dishonestly, by which we throw dust in our own eyes” (6:38) by representing our self-love as carrying objective *and supreme* objective worth. Likewise, in our ordinary epistemic errors, while inclination drives wishful thinking, peer pressure, and other affective forces that *could* distort our judgment, the error of taking up a subjective principle as if it were objective is mediated still by the framing of that affective force as a principle.

Following Kant’s common appeal to optical illusion, one might think of the principle as how the affective force is packaged – and surrounded by a packaging that has at least the form of objectivity, when we look upon it, we allow that form of objectivity to mask the subjectivity of its contents. In other words, as principles are cognitive objects, once we create a principle that sanctions something that is non-cognitive, we prime ourselves for the subreption by allowing the contents of the principle to take on the airs of objectivity.

<sup>12</sup> In the *Groundwork*, Kant states that we “quibble” with morality (4:404) and may be “seduced” (4:405) by inclination. Given his overall positive claims about our ability to judge right from wrong, I take moral error to be primarily (though not exclusively) related to pervasiveness and overridingness. That is, we recognize what the moral law commands, but then *downgrade* it or call for an exception by limiting the *scope* of the law. For the distinction between pervasiveness and overridingness, see Scheffler, S., “Morality’s Demands and Their Limits”, *Journal of Philosophy* 83 (1986): 531-537.

<sup>13</sup>. That is, a principled opposition to the moral law with its root in an innate propensity to evil – rather than upon an inherent weakness in our cognitive powers.

<sup>14</sup>. As I will argue with regards to ordinary epistemic error, it differs from moral error in that there is no indictment of pure practical reason in the case of the latter, but with regards to the former, blame is placed, at least in part, on the intellect. That is, the intrinsic constitution of our intellectual powers is partly responsible for epistemic error. A similar point can be made with regards to Kant's account of Transcendental Error, for he quite clearly indicts the faculty of reason, not for error itself but for the illusions that prime us for error. As described in the Introduction to the Transcendental Dialectic, the faculty of reason, by virtue of its pathological drive for the unconditioned condition, generates illusions, illusions that even once seen for what they are, still remain. But this is, I presume, familiar territory, and while very important to the project of the First *Critique*, my concern is, rather, with the more mundane domain of reasoning and mistakes we make.

<sup>15</sup>. This point is also illustrated by the three grades of evil presented in *Religion*. In frailty, the agent deceives himself about his ability to withstand the power of desire. In impurity, the agent accepts motives other than moral ones as the basis for his assent. And in depravity/perversity, the agent improperly values morality as secondary to self-interest. So, while moral error arises out of various distortions about the agent's true nature and/or the authority of morality, the agent makes no mistakes regarding whether or not his maxim has in fact been tested by an objective principle. See also Kant's discussion of conscience in Part Four of his *Religion*.

<sup>16</sup>. To address a query made by an anonymous reviewer, let me restate this point. Kant claims that an "erring conscience" is an impossibility not because we cannot make an incorrect moral judgment (for we can do that); rather, it is, he claims, impossible for us to be wrong about whether or not we have brought our maxims to the tribunal of the moral law. An implication of this is that while I may test my maxims by some standard other than the moral law, I cannot confuse such testing with being tested by the moral law. That, however, is not the case in epistemic evaluation: I can err with regards to whether or not I have objectively tested a hypothesis, and this is because epistemic judgment is vulnerable to a level of corruption that cannot, for Kant, obtain in morality. Hence, as I am here presenting, epistemology is open to two levels of errors absent in morality: not only can one's judgment be ruled by prejudice; but also, as prejudice can become its own judge, a solitary agent is without the resources to recognize that this is so. As I will discuss shortly, I see the latter as the deeper reason why Kant maintains that communication is so vital to epistemic inquiry.

<sup>17</sup>. An anonymous reviewer suggested an exception: our judgment cannot err with regards to some of our internal states (such as whether or not one feels pain). I disagree. Consider first the distinction between experience and assent. As it is not empirical illusion but illicit assent that is the concern of this paper, I will leave it as an open question as to whether or not one can have an illusory experience of pain. With regards to the latter, however, I do take it that error is possible. Not only can one lie to others about being in pain, one can also lie to oneself. Such a delusion may, for instance, be present in Münchausen Syndrome or be used by an emerging addict who seeks to justify taking an unneeded opioid. I do not claim that such an inner lie induces a psychosomatic pain (though it might). Rather, out of various pathologies, one can come to a false belief about one's inner states. Moreover, given Kant's claim that prejudice can become its own judge, compromising one's ability to distinguish conviction from persuasion, someone who has succumb to self-deception regarding his pain states may, left to his own devices, remain trapped in such an error. Accordingly, communication can carry a benefit even within this domain of empirical judgment.

<sup>18</sup>. An anonymous reviewer wondered whether Kant had a theoretical basis for distinguishing between the depth of epistemic prejudice versus the alleged impossibility of being fully blinded

in moral error. Hopefully this question is satisfactorily answered here. Morality has the marked advantage of having an *a priori* principle, built into the will, and able to serve as an innate “compass” (i.e., a principle that, as described through the Second *Critique*’s Fact of Reason, is “given, as it were, as a fact of pure reason of which we are a priori conscious” (5:47)). There is no parallel principle in epistemology, a point central to the *Critique of Pure Reason*’s Introduction to Transcendental Logic (see esp. A58/B83-A59/B84).

<sup>19</sup> An anonymous reviewer noted that Kant does not claim that “there is a conceptual impossibility to be fully blinded by moral prejudice.” The reviewer then cites 6:186-7, taking the passage as illustration that being fully blinded is possible. This passage, however, does not concern moral judgment. Rather, it pertains to “statutory faith,” which, for Kant, concerns non-moral assent to religious doctrines (by contrast to the moral or pure rational faith one has in the Highest Good and its Postulates). Accordingly, as through most of Part IV of *Religion*, Kant is in this passage concerned with the despotism of religious authorities. His criticisms here pertain to the dogmatic assent commanded by religious authorities to doctrines whose source is alleged revelation. For a more thorough discussion of this section of *Religion*, see Chapter Six of Pasternack, L., *Kant’s Religion within the Boundaries of Mere Reason: an Interpretation and Defense* (London: Routledge, 2014c).

In defense of my view that we cannot fully lose sight of the moral law, evidence abounds. Consider, for instance that in each of *Religion*’s three “grades” of evil that are possible for humanity, the agent’s awareness of the moral law always remains. Likewise, in the *Metaphysics of Morals*, Kant states that one “can at most, in extreme depravity, bring himself to *heed* it no longer, but he still cannot help *bearing* it” (6:438). Moreover, this incorrigibility can be correlated to Kant’s portrayal of the Fact of Reason in the Second *Critique*, as a “fact of pure reason of which we are a priori conscious and which is apodictically certain” (5:47). This is, further, a view I take to be widely held – see for example Allison, H., *Kant’s Theory of Freedom* (Cambridge: Cambridge University Press, 1990), 146-152; and Chapter Two of Muchnik, P., *Kant’s Theory of Evil* (Lanham, MD: Lexington Press, 2009). In short, if we consider Kant’s many discussions of moral transgression, he portrays our consciousness of the moral law as never fully suppressed, but rather as remaining part of one’s practical outlook, though illicitly qualified in authority by our self-interest. There is no such parallel principle in normative epistemology and so, as I will discuss below, without such, the possibility of epistemic prejudice cannot be fended off through an *a priori* principle but rather requires a different solution that includes the “touchstone” of communication.

<sup>20</sup> I have chosen to use a modified version of the Kemp Smith translation here as it, in my opinion, allows for a more succinct presentation of Kant’s argument (though it does take more license with the German). The passage at issue reads: “*Es ist aber klar, daß, da man bei demselben von allem Inhalt der Erkenntniß (Beziehung auf ihr Object) abstrahirt, und | Wahrheit gerade diesen Inhalt angeht, es ganz unmöglich und ungereimt sei, nach einem Merkmale der Wahrheit dieses Inhalts der Erkenntnisse zu fragen, und daß also ein hinreichendes und doch zugleich allgemeines Kennzeichen der Wahrheit unmöglich angegeben werden könne.*”

<sup>21</sup> For a discussion of Kant’s nominal definition of truth, see Vanzo, A., “Kant on the Nominal Definition of Truth”, *Kant-Studien* 101/2 (2010): 147-166. See also: Rosenkoetter, T., “Truth Criteria and the Very Project of a Transcendental Logic” *Archiv für Geschichte Der Philosophie* 91/2 (2009): 193-236.

<sup>22</sup> In the Canon of the First *Critique*, Kant actually mentions two touchstones. In addition to communication, he also mentions betting (cf. A824/B852). This touchstone, however, is treated with far less importance, and though found through the corpus, it is typically only noted in passing (9:72, 24:242, 24:734, 24:850, etc.). Nevertheless, it may be seen as an introspective test that can help uncover persuasion. While it does have some potential in that

regard, let me suggest that it also needs others to be effective. Given our prejudices, our laziness, and our penchant for self-deception, if we make a “wager” with ourselves, we are likely to amend it, qualify it, or in other ways quibble with and deflate it. A wager with someone else, however, will have more force as they can press us to hold true to the original terms. Betting, also, is often connected with Kant’s early views on belief [*Glaube*] as he at first, following more closely to Meier, linked belief to action. This, in my opinion, changes over time, as Kant refines his understanding of *Glaube*, tying it more closely to our moral assent. See Pasternack, L., “The Development and Scope of Kantian Belief: The Highest Good, the Practical Postulates, and the Fact of Reason” *Kant-Studien* 102/3 (2011): 290-315.

<sup>23</sup>. I have slightly modified this translation, changing “...is therefore, externally, the possibility...” to “is therefore, external, in the possibility...”

<sup>24</sup>. I will return to this issue below, but in short, one may criticize Kant here for expecting too much of the touchstone. Some prejudices are, after all, widespread and so one’s interlocutors may be in agreement because of shared prejudices. In fact, insofar as like-minded individuals tend to flock together, prejudice itself can handicap the touchstone by influencing our choice of interlocutors. This, we might say, is why in “What is Enlightenment?” Kant’s presents our commitment to Public Reason as a commitment to communicating our grounds very broadly, “as a scholar before the entire public of the world of readers” (8:37). Second, it is also possible that the communication of legitimate grounds could also fail to generate agreement, for while a given instance our assent may not be rooted in subjective grounds, our interlocutors may nevertheless be hobbled by a prejudice whereby they will fail to be properly moved. Such risks of false positives and false negatives are further discussed in “Kant on Opinion”.

<sup>25</sup>. See for example, Chignell, A., “Kant on the Normativity of Taste: The Role of Aesthetic Ideas”, *Australasian Journal of Philosophy* 85/3 (2007): 415-433.

<sup>26</sup>. Note that the Cambridge translations do not always translate *Überzeugung* and *Überredung* consistently. This is particularly the case in the Guyer/Matthews translation of the *Critique of Judgment*. In Kant’s discussion of the young poet for instance, *Überredung* is translated as “conviction”.

<sup>27</sup>. See Chignell, A., (2007): 33-63. See notes 6 and 7 in Pasternack, L., (2011): 290-315. I look more closely at the salient passages in Pasternack, L., (2014b): 146-161 and Pasternack, L., (2014a): 1-42.

<sup>28</sup>. Passages that present opinion as a balance of grounds where those that favor the cognition outweigh those that oppose it include: 9:66, 9:67, 9:80-2, 24:227, 24:241-2, 24:732, 24:742, 24:850, 24:884. See also: A770/B798, A775/B803, 5:463, 5:465ff. Passages that present knowledge as requiring certainty include: A822/B850, 9:66, 9:72, 24:143, 24:148, 24:241-2. Passages that present Kant’s cognizance of the distinction between objective vs. subjective certainty include: 9:72, 9:82, 9:83, 9:84, 18:288, 24:858, 24:880-1. See also: Axv, A775/B803, A829/B857, 4:468, 9:70, 9:71-2, 9:81-2, 24:440, 24:638, 24:733-4, 24:853, 24:857, etc. Note that in Leslie Stevenson’s “Opinion, Belief or Faith, and Knowledge” *Kantian Review* 7 (2003): 72-100, he too recognizes that knowledge for Kant requires certainty (see p. 100, n21).

<sup>29</sup>. Throughout his “Opinion, Belief or Faith, and Knowledge”, Leslie Stevenson, in particular, pays close attention to the importance of the consciousness the agent has of his grounds in Kant’s presentation of propositional attitudes in the First *Critique*’s Canon.

<sup>30</sup>. Kant also attributes certainty to moral belief. I discuss this mode of assent in detail in Pasternack, L., (2011): 290-315 as well as in Pasternack, L., (2014c), chapter 1. See also Chignell, A., “Belief in Kant” *Philosophical Review* 116/3 (2007): 323-360.

<sup>31</sup>. For a discussion of this common impression and another attempt to overturn it, see Gelfert, A., (2010): 79-99.

<sup>32</sup>. O’Neill, O., “The Public Use of Reason”, *Political Theory* 14/4 (1986): 531.

<sup>33</sup>. This paper was originally written for a NAKS session on Kant's concept of Public Reason, held at the 2013 Pacific APA. I would like to convey my thanks to Pablo Muchnik for his generous invitation, and to Karl Ameriks, Rudolf Makkreel, Steve Palmquist and Eric Watkins for their helpful feedback. Eric's queries, in particular, helped me reconsider some of the rhetorical choices made when contrasting Kant's conceptions of moral and epistemic error.