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Kant's Critique of Prudence and the Internal Divergence of German Conservatism: Rehberg, Gentz, and the Limits of a Priori Right

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Abstract

The debates in Germany during the 1790s surrounding the French Revolution went beyond a mere political event and became a profound philosophical interrogation of the limits of political reason. Kant's 1793 essay *On the Common Saying: That May Be Correct in Theory, but It Is of No Use in Practice* responded to conservative critics who prioritized historical practice over rational principles. While Kant subsumed these critics under the concept of Klugheit (prudence) and rejected it through the salto mortale argument, this paper argues that he thereby obscured a crucial distinction between two conservative positions: Rehberg's substitution model (experience replaces a priori principles as the source of normative content) and Gentz's supplementation model (experience provides the necessary conditions for realizing a priori principles). By reconstructing the debate and tracing the shifting terminology across Kant, Rehberg, and Gentz, this paper reveals a normative-structural difference that Kant's unified verdict concealed. The analysis contributes to a more nuanced understanding of the Kantian legacy in early German conservatism.

Keywords: Kant, prudence (Klugheit), theory and practice, Rehberg, Gentz, French Revolution, a priori right, political matter

1. Introduction

The debates in Germany during the 1790s surrounding the French Revolution were not merely about a political upheaval; they constituted a profound philosophical inquiry into the limits of political reason: Can normative principles derived from pure reason effectively and to what extent guide political practice? It was precisely in this context that Kant published *On the Common Saying: That May Be Correct in Theory*, but It Is of No Use in Practice in 1793, openly responding to those conservative critics who argued "from historical practice rather than from reason." They maintained that "reason is too formal and lacks content," and that politics should proceed "from existing institutions, historical customs, and the actual behavior of human beings." (Maliks, 2014, pp. 8-9)

Kant summarized the position of the "practical man" as follows: although people have the idea of rights in their heads, because of the hardness of their hearts (Herzensh ärtigkeit), they are unworthy of being treated in accordance with them; therefore, a supreme power proceeding merely according to rules of prudence (Klugheitsregeln) is sufficient to keep them in order. (Kant, 1996a, p. 304, AA 8: 306)

The term "prudence" that Kant uses here refers to one of the three types of imperatives in his practical philosophy. It is a hypothetical imperative that takes happiness as its end and concerns the choice of means and the calculation of one's own happiness. It manifests itself specifically as counsels of prudence, which are concerned with the utility, welfare, and success of actions, rather than with the universal and unconditional validity of the principles of action themselves-the latter belongs exclusively to the moral law. (Kant, 1996b, pp. 68-69, AA 4: 416-417)

When critics reject the principles of right on the grounds of practical difficulties, human defects, or historical conditions, Kant regards such a position as constituting a desperate leap (salto mortale). It first acknowledges the principles of freedom and right in theory, but then suspends their practical efficacy at the level of application, sliding from right to prudence. Politics no longer takes rational justice as its highest normative standard but turns instead toward empirical effectiveness - namely, whether order can be maintained and whether the hardness of human hearts can be kept in check - thereby making force (Gewalt) the ultimate determining factor. The foundation of politics ceases to be justice and becomes force; and if politics concerns only force, the people themselves can also employ force, rendering every lawful constitution insecure.

The "desperate leap" with which Kant summarizes this position represents a typical stance of conservatism, yet his critics were more complex than this generalization suggests. This paper argues that by subsuming his conservative critics under the single concept of prudence, Kant obscured a crucial distinction in the 1793 debate: Rehberg questioned whether a priori principles could generate the substantive content of politics, while Gentz questioned whether such principles could by themselves accomplish the transition from idea to institution. These are two different questions, which Kant treated as one.

In the second half of 1793, two critics who published successively in the Berlinische Monatsschrift - the Hanoverian government official Rehberg and the Prussian civil servant Gentz - both insisted that empirical knowledge is indispensable in politics and both named their own proposals "theory from experience" (Theorie aus Erfahrung). (Rehberg, 2021, p. 126; Gentz, 1967, p. 103) Yet with the same term they raised two distinct questions. Rehberg acknowledged the formal validity of a priori laws but argued that this form itself cannot generate positive determinations concerning property, constitution, and legislation—these "matter" (Stoff) of political practice can only come from experience, history, and human understanding. (Rehberg, 1793, pp. 15-17; see also Kryluk, 2025, pp. 174-176; Gregory, 2022, pp. 7-8) Gentz took a different path. In the opening of his Supplement, he explicitly accepted Kant's theory of right as an inviolable foundation and endorsed Kant's critique of the salto mortale—those politicians who abandon the principles of right are indeed "nothing better than empirical bunglers." (Gentz, 1967, pp. 91, 101) But he immediately raised a question that Kant had not addressed: whether this theory is sufficient (zureichend) for the practice of the right of a state. (Gentz, 1967, pp. 91, 101)

Rehberg questioned whether a priori principles can determine the substantive content of politics - his answer was no, and therefore experience must take over. Gentz questioned only whether a priori principles can by themselves be transformed into actual institutions - his answer was also no, but experience's role is not to take over but to provide the institutional conditions for the realization of principles. One seeks to replace principles with experience, the other to implement principles through experience. (Henrich, 1967, pp. 21-22) Kant's salto mortale critique hits Rehberg - using experience to cancel right is indeed a desperate leap - but it does not hit Gentz, because Gentz never cancels right.

In 1967, when Henrich edited the three essays on Theory and Practice into a single volume, he touched upon this distinction in two paragraphs of his introduction but did not develop it into a systematic analysis of the three texts. (Henrich, 1967, pp. 21-22) Subsequent scholarship has proceeded along two parallel lines that never intersect. Green focuses on the confrontation between Kant and Gentz, showing how Gentz incorporated Burke into Kant's framework to propose a form of "prudential enlightenment," but does not systematically compare Gentz's argumentative strategy with Rehberg's. Gregory focuses on the confrontation between Kant and Rehberg, offering a detailed analysis of the "problem of political matter" and Kant's response in the Metaphysics of Morals, but barely discusses Gentz. (Green, 2017a, passim; Gregory, 2022, passim; Green, 2017b, p. 129) This paper brings these two lines together and systematically elaborates the distinction that Henrich touched upon but did not develop.

The paper is divided into three parts. The first part analyzes how Kant, through a threefold argument - the demotion of hypothetical imperatives, the a priori standard of the original contract, and the political characterization of the salto mortale - excluded prudence from the principles of right, and examines the adjustments to this exclusion in *Toward Perpetual Peace*. The second part interprets Gentz's response strategy in the Supplement: how, while accepting Kant's principles of right, he responds one by one to the three a priori principles of freedom, equality, and the right of resistance, demonstrates the insufficiency of pure right theory for the practice of the right of a state, and clarifies the structural difference between his own "theory from experience" and Rehberg's identically named proposal. The third part discusses the theoretical yield of this debate: the "feasibility gap" revealed by Gentz - the distance between principle and institution that cannot be bridged by pure reason alone - is not only an external challenge to Kant but also an unresolved internal problem within Kant's own political philosophy.

2. Kant's Demotion of Prudence

Kant's *On the Common Saying* confronts a widespread prejudice: that which sounds good in theory often proves to have no validity for practice**.** (Kant, 1996a, p. 280) Kant seeks to defend the dignity of theory by arguing that if a theory is grounded in the concept of duty, it must be valid in practice and cannot be overturned by empirical conditions. This argument radically separates the normative ground of theory from empirical conditions, establishing the former's independence from the latter. This line of reasoning enabled Kant to rebut empiricist critics, but it also placed prudence in a difficult position within his political philosophy: since prudence involves experience, it cannot enter the normative ground of principles of right; yet for principles of right to be realized in actual institutions, some form of empirical judgment is inevitably required. Understanding how this predicament of the concept of prudence arose, and whether it can be resolved, is the prerequisite for grasping why Gentz was later able to launch an internal challenge.

Kant begins with a highly persuasive example. An artilleryman complains that the theory of ballistics is detached from reality. Kant replies that we do not therefore reject the theory, but rather judge that it is incomplete. By incorporating empirical variables such as friction and air resistance, the theory can be brought into close alignment with actual trajectories. (Kant, 1996a, p. 280) The key point of this example seems to be that theory and experience can cooperate: experience supplements theory, making it more complete.

However, Kant immediately introduces a distinction that shifts the direction of the argument. Ballistics deals with objects given in intuition - cannonballs, air, friction, and so on—elements that can be given in experience. By contrast, the objects of philosophy are represented merely by concepts. These objects may be thought flawlessly by reason, yet in reality they may not be given at all. (Kant, 1996a, p. 280) Facing the empiricists' charge of "empty ideas," Kant counters by reconstructing the concept of duty. He argues that if the end pursued by the will is not possible in experience, it cannot be established as a duty. In other words, the very premise of duty lies in the realizability of its effect in experience (Kant, 1996a, p. 280). Thus, unlike ballistics, the theory of duty does not need to rely on experience to prove its feasibility; its validity is already secured at the definitional level.

The strength of this argument lies in its radicalism. Kant does not say that the theory of duty is "usually sufficient" or "effective in most cases" in practice. He says that if empirical conditions are allowed to determine the content of the law itself - for example, by modifying the demands of duty because human nature is too weak or society too complex - then "all is lost." (Kant, 1996a, p. 280) At that point, the categorical imperative becomes a hypothetical one, and duty ceases to be duty. Experience may influence the mode of execution, but it must never become a condition of the law itself. Kant's firm defense of this position stems not from disdain for experience, but from his insight into a structural danger: once the content of principles of right depends on empirical conditions, politics will no longer be bound by principles of justice and will degenerate into a mere product of expediency.

Kant applies the same argumentative logic across all three parts of *On the Common Saying*. In morals, the theory of duty directly guides individual action. In the right of a state, the three principles of freedom, equality, and independence are prescribed a priori by pure reason, independent of any empirical judgments about happiness. (Kant, 1996a, p. 291) In the right of nations, the duty to strive for perpetual peace likewise does not depend on whether historical experience is optimistic. (Kant, 1996a, p. 305) Kant progressively completes his positioning of prudence across these three domains.

At the end of the first part of the essay, Kant acknowledges that experience helps theory to be "better and more generally put to work." But he immediately adds a crucial qualification: "we are not speaking here of such pragmatic skill but only of principles." (Kant, 1996a, p. 290) This means that prudence is confined to the level of execution. It can optimize the path to achieving ends, but it cannot intervene in the establishment of the legitimacy of those ends. In Kant's own terms, prudence belongs to hypothetical imperatives: it is a rationality of means, not of ends.

This demarcation is then extended to the domain of practical decision-making. Kant points out that while a legislator may fall into empirical error when judging whether a policy possesses "political prudence," he possesses the infallible a priori standard of the original contract when judging whether a law conforms to principles of right. (Kant, 1996a, p. 298) Here, the space Kant grants to prudence is extremely narrow. It is permitted to operate only at the technical level of "whether a policy is effective," and is strictly prohibited from touching the fundamental question of "whether a law is just." Kant further suggests that even errors of prudence at the policy level do not affect the validity of principles of right themselves. Between the level of principle and the level of execution there exists an unbridgeable boundary.

Finally, the demarcation rises to a fundamental rupture at the level of political characterization. Kant criticizes a realist position according to which, although people have the idea of rights in their heads, they are too stubborn to be treated accordingly; therefore, a supreme power proceeding merely according to "rules of prudence" can maintain order. Kant condemns this attempt to cross the boundary as a "desperate leap" (*salto mortale*). (Kant, 1996a, p. 304) His argument is that once the foundation of politics slides from principles of justice to empirical prudence, the rule of law collapses into a pure contest of force. At that point, there is no essential difference between a statesman and a despotic tyrant; the only distinction lies in the refinement or clumsiness of their political skill - they both take force rather than justice as the highest criterion of governance.

By this point, Kant has completed a threefold demarcation: normatively, the demotion of prudence as a hypothetical imperative below moral rationality as a categorical imperative; functionally, the restriction of prudence to purely technical judgment (*pragmatische Geschicklichkeit*), which can address only questions of execution, not legislation; and politically, the condemnation of prudence as a threat to right (*salto mortale*). However, this radical normative separation also leaves a systemic gap in Kant's own system.

Kant himself seems to have been aware of this gap. Two years later, in the appendix to *Toward Perpetual Peace*, he introduces a new distinction: that between the moral politician (*moralischer Politiker*) and the political moralist

(*politischer Moralist*) (Kant, 1996a, p. 340). The moral politician "takes the principles of political prudence in such a way that they can coexist with morals," while the political moralist "fashions a morals to suit the statesman's advantage." This distinction is itself noteworthy. The term Kant uses here is no longer the *Privatklugheit* of individual happiness from the *Groundwork*, but Staatsklugheit—state prudence. The concept of prudence has expanded from the individual to the level of state governance. Yet Kant's characterization of it remains unchanged: it must remain subordinate to moral principles; once it replaces moral principles as the foundation of politics, it becomes the hypocrisy of the political moralist.

This subtle logical adjustment still continues the original intention of preventing the "desperate leap" - Kant remains vigilant against any encroachment of prudence upon principles of right. Nevertheless, the distinction itself implies a concession: Kant acknowledges that state prudence (*Staatsklugheit*), provided it remains strictly subordinate to moral principles, can claim a legitimate practical place. In this perspective, the relationship between prudence and morality is no longer one of simple opposition, but presents multiple dimensions of unification, subordination, and combination. In fact, Kant's concept of prudence has a dual aspect: one is a purely instrumental hypothetical imperative; the other is a form of prudential judgment guided and constrained by right, which plays a far more significant role in his later political writings.

The figure of the moral politician epitomizes this shift. He takes principles of right as the highest standard, yet at the level of implementation he acknowledges the necessity of "political prudence" - one must not act too hastily, lest "premature implementation of the law defeats the very purpose of the law itself." Kant even proposes "permissive laws of reason" (*Erlaubnisgesetze der Vernunft*), which allow certain unjust rightful conditions to persist temporarily until the time is ripe for gradual reform. (Kant, 1996c, p. 341)

This means that the prudential judgment excluded from principles of right in *On the Common Saying* acquires a limited but positive role in *Toward Perpetual Peace*. It no longer participates in determining the content of justice, but functions as a form of political wisdom responsible for judging the opportune moment for realizing justice. Kant has not changed his fundamental position, but he more explicitly acknowledges a problem than he did in *On the Common Saying*: the implementation of principles requires a power of judgment that the principles themselves cannot supply. (Maliks, 2014, p. 103)

This shift is highly intertextual in the history of ideas. Kant's portrayal in *Toward Perpetual Peace* of the hypocritical features of the "political moralist" closely echoes his criticism in the letter to Biester (April 10, 1794) of Rehberg's "putting the sword into the scales" and "using fraudulent means to achieve his ends." (Maliks, 2018, pp. 199–200) Kant never directly replies to Gentz, but some adjustments in *Toward Perpetual Peace* can be read as an indirect acknowledgment of the problem Gentz raised. There, Kant abandons the term "patriotic government" (patriotische Regierung) used earlier in *On the Common Saying* and adopts the semantically more precise "republicanism," thereby objectively avoiding the logical ambiguity pointed out by Gentz in the *Supplement* - namely, that "patriotic government" could easily be appropriated as a pretext for paternalistic rule. (Maliks, 2014, p. 62; see also Gentz, 1967, p. 97; Kant, 1794/1999, AA 11:496)

In other words, whether or not Kant subjectively intended to respond to Gentz, his terminological revision did address the ambiguity Gentz had identified. However, at a deeper structural level, whether Kant was also responding to Gentz's question of "sufficiency" remains an open issue. No matter how Kant attempts to repair the system in *Toward Perpetual Peace* through "permissive laws" or the "moral politician," the core difficulty exposed in *On the Common Saying* has not disappeared: how can a priori principles be transformed from formal logical prescriptions into dynamically operating constitutions in reality? Kant's threefold demarcation blocked Rehberg's retreat into experience, but it unintentionally also blocked Kant's own path from principle to institution. What Gentz acutely captured in the *Supplement* was precisely this dead end created by Kant's own logical demarcations.

3. Gentz's Response Strategy in the *Supplement*

In his *Supplement*, Gentz describes Kant's essay as "remarkable and profound" (*merkwürdig und tiefsinnig*). If the saying "theory is of no use in practice" means that practice can refute the correctness of theory, then Kant's refutation is unassailable. But Gentz immediately performs a semantic shift, pointing out that the saying has another layer of meaning that is "more noteworthy, more important, and richer": certain theories are correct in theory but insufficient (*nicht zureichend*) for practice. (Gentz, 1967, p. 91) This strategy avoids fruitless disputes about the truth of principles and directly targets the completeness of theory.

Gentz does not challenge the absolute sovereignty (*ganz souverän*) of the concept of duty in the moral sphere, for without it the purity of the concept of duty would be lost. (Gentz, 1967, p. 93) Yet he acutely recognizes that man, as a "multi-faceted being" (*ein vielseitiges Wesen*), has morality as only one dimension of his existence. When guiding the

"practice of life" (*die Praxis des Lebens*), the concept of duty alone is insufficient—especially in education: although the concept of duty must be the highest principle in education, it cannot be the only principle. (Gentz, 1967, pp. 93–94)

This "insufficiency" becomes even more pronounced (*viel schlimmer*) when we enter the domain of the right of a state. (Gentz, 1967, p. 95) Here, the essential difference between the right of a state and individual morality exposes a structural gap in Kant's system that had long been concealed: principles of right define what justice is, but they do not prescribe how justice is to be realized. This gap is particularly fatal in the state because the very lifeblood of the right of a state lies in its "coercive" character. In individual morality, the fulfillment of duty can still be entrusted to inner conscience; even without external coercion, the individual can act according to moral judgment. But the whole meaning of the right of a state lies in ensuring that rights are not only acknowledged but also universally and effectively secured. Gentz asserts that if the guarantee of rights is still left to moral autonomy, "then man gains nothing by entering the state." (Gentz, 1967, pp. 95–96)

Thus, the focus of the argument shifts from "the correctness of principles" to "the sufficiency of institutions." While Kant, through his threefold demarcation in *On the Common Saying*, firmly defended the standard of justice, he remained silent on how to establish a system of institutions to support these standards. Gentz concretizes this theoretical vacuum into a series of institutional questions: Where should power be located? How should it be exercised? What constrains it? What guarantees it? Pure right theory can give no answer to these questions. (Gentz, 1967, pp. 102–103) Although Kant derived the a priori principles of freedom, equality, and independence, he did not provide a set of institutional arrangements to translate these principles into actual operating constitutions. In Gentz's view, Kant provided only the foundation of right, yet mistakenly believed that this constituted the complete edifice.

It is precisely at this juncture—from the question of principles to the question of institutions—that Gentz performs a brilliant reversal of Kant's opening "ballistics analogy." Kant had used it to argue that when theory does not accord with practice, the fault lies not with the theory but with its incompleteness. Kant's further conclusion was that a theory grounded in the concept of duty does not suffer from this problem, because the concept of duty carries its own guarantee of feasibility. Gentz takes up this logic but turns it toward the opposite conclusion: just as actual firing stands to ballistics, so statecraft (*Staatskunst*) stands to the theory of right. The theory, though foundational, must rely on empirical knowledge; in the moral world as in the physical world, the laws of "resistance" and "friction" can only be drawn from experience. (Gentz, 1967, p. 103) The power of this passage lies in the fact that it uses the very argumentative structure Kant himself accepts to reach a conclusion Kant is unwilling to accept: that this supplementary theory can only come from experience. In the ballistics example, Kant had already admitted that the theory of friction and air resistance must be derived from empirical observation. Gentz simply extends this to argue that, in the domain of right, knowledge concerning the distribution of power and institutional design can likewise only be drawn from experience. Kant can no longer rebut this by appealing to the self-guaranteeing feasibility of the concept of duty, because Gentz is not questioning the feasibility of the concept of duty itself—he is questioning the transition from the concept of duty to concrete constitutional arrangements.

Gentz then demonstrates the pervasive nature of this "missing mediation" through the specific principles of right. This difficulty first appears in his reinterpretation of the principle of freedom. Gentz does not directly refute Kant, but recasts the negative definition concerning happiness into a formal definition of law: "No one can be compelled to do what the law does not command." (Gentz, 1967, p. 97) The significance of this reformulation lies in transforming the principle of freedom from a negative stipulation regarding happiness into a formal stipulation regarding law. This leaves room for the legislator to deal with matters related to happiness within the legal framework. On the basis of this reformulation, Gentz further argues that "patriotic government" can be compatible with "paternalistic government," because a government based on law can fully attend to the welfare of citizens within the legal framework. (Gentz, 1967, p. 97) After reading the *Supplement*, Biester drew Kant's attention to this issue, and Kant subsequently abandoned the term "patriotic government" (*patriotische Regierung*) in *Toward Perpetual Peace*, replacing it with "republicanism." (Maliks, 2014, p. 62; cf. Green, 2017a, pp. 56–57)

The same logic extends to the refinement of the principle of equality. Gentz likewise accepts Kant's principle—equality before the law—but against Kant's blanket rejection of hereditary privileges, he attempts through careful differentiation of different institutional situations to argue that open privileges are not absolutely incompatible with legal equality. (Gentz, 1967, pp. 98–99) This distinction once again proves Gentz's central intuition: although the principles themselves are unimpeachable, the transition from principle to institution must be filled by empirical judgment.

On the right of resistance, Gentz takes a path completely opposite to Rehberg's. Rehberg proposed a nuanced distinction: the people do not have the right to judge "how one should govern" (*wie solle verwaltet werden*), but they do have the right to judge "who is entitled to govern" (*wer verwalten dürfe*); when the ruler violates constitutional conditions, the people may judge on the basis of the latter right. (Rehberg, 1967, pp. 126–127) Gentz, however, stands

entirely on Kant's side on the question of the right of resistance—any rebellion is illegitimate, "even if provoked by the most inhuman oppression and the bloodiest tyranny." (Gentz, 1967, pp. 106–107)

Rehberg's distinction here is not a milder version of Gentz's position; it rests on a different normative structure, and the contrast is worth drawing out. For Gentz, the prohibition on rebellion is a fixed conclusion of a priori right. Experience enters only afterward, to design institutions that make rebellion unnecessary, so the ground of the norm remains rational throughout. For Rehberg, by contrast, the question of who is entitled to govern is itself settled by historically formed constitutional conditions rather than by reason alone. (Rehberg, 1967, pp. 126–127) The people's standing to judge the ruler derives from an existing constitutional order, not from any principle that pure reason could supply. This is the substitution model in miniature. Where Gentz holds the normative source fixed and supplements it with empirical means, Rehberg relocates the normative source itself, transferring the authority to determine right from a priori principle to historical practice. The two positions can converge on particular formulas—both speak of constitutional conditions, both invoke experience—while diverging on the prior question of where the binding force of those conditions originates. It is this structural divergence, and not any difference of wording, that makes Kant's salto mortale verdict fit Rehberg and miss Gentz.

But he immediately points out the "despairing" (*Trostlosigkeit*) nature of this conclusion (Gentz, 1967, p. 107) and uses it to reinforce his central thesis: precisely because rebellion is never rightful in terms of right, the need to prevent rebellion becomes of paramount importance. And the solution to preventing rebellion—Gentz states this quite directly—is that "pure theory will never teach us; only experience, or a reasoning built upon experience, can provide guidance." (Gentz, 1967, p. 107) The concrete content of this solution is constitutional design: "a good constitution, that is, one which through the organization of power makes the abuse of supreme power impossible." (Gentz, 1967, pp. 107-108)

This is the sharpest step in Gentz's entire essay. He accepts all of Kant's arguments concerning the right of resistance, and then uses the conclusion of that argument to prove the insufficiency of Kant's system: if you prohibit rebellion, you must provide an alternative means to prevent tyranny. This alternative - constitutional design - is precisely something that pure right theory cannot provide, but can only come from "knowledge of human beings" and "study of social relations." At the end, Gentz frankly tells Kant: your theory is correct, but it is not sufficient for practice - " the theory of the right of a state grounded on the concept of duty is insufficient for the practice of the right of a state." (Gentz, 1967, p. 110)

But what is this empirical political knowledge that Gentz demands called in Kant's system? It cannot be called *Klugheit*—Kant had already condemned the term with the *salto mortale*, and Gentz himself endorses that verdict. Gentz's way of bypassing *Klugheit* is not simply to replace the word. He performs a terminological upgrade. The "pragmatic skill" (*pragmatische Geschicklichkeit*) that Kant acknowledges in *On the Common Saying* is merely an auxiliary judgment at the level of execution and possesses no theoretical dignity. Gentz elevates empirical political knowledge from "skill" to "theory"—a "theory from experience" (*Theorie aus Erfahrung*) that stands parallel to pure right theory and possesses independent epistemic status. He gives this theory concrete content: "knowledge of human beings, of individuals and large groups, of human capacities, inclinations, weaknesses, and passions, continuous observation, comparison of various situations and circumstances, study of social relations." (Gentz, 1967, p. 103)

Kant had already distinguished in his 1793-94 Vigilantius lectures between legal doctrine as a "doctrine of prudence" (serving subjective ends) and a "doctrine of wisdom" (serving ends prescribed by reason). See Kant (1997), AA 27:538–539 Gentz's strategy can be understood as opening a third position between these two levels: a form of knowledge that serves ends prescribed by reason but whose content comes from experience. This is no longer an occasional "skill" a statesman needs in execution, but a complete program of knowledge—Henrich summarizes it in the introduction as "a political-sociological science of the state in a pragmatic intention" (*eine politisch-soziologische Staatswissenschaft in pragmatischer Absicht*).

But the term "theory from experience" has a problem. As already noted in the introduction, it is exactly the same term Rehberg used to name his own position. Henrich acutely observed in his introduction the structural difference behind this terminological coincidence. Gentz achieves his scheme by reducing the scope he is willing to grant to natural right—the doctrine of the constitution becomes in his hands an empirical question—but he still insists that the ultimate end of politics is already determined within rational right, and that "theory from experience" merely provides the means to guarantee its realization. Rehberg goes further in the same direction: he truncates rational state doctrine to the mere respect for moral freedom, so that his empirical theory no longer serves the ends prescribed by rational principles but serves "what is advantageous" (*das Zuträgliche*). (Henrich, 1967, p. 22) Henrich therefore questions how, on Rehberg's basis, one could criticize any relation in the state or society on grounds of justice. (Henrich, 1967, p. 22)

This distinction—touched upon by Henrich in two paragraphs but not systematically developed—is the central thesis of this paper. Both Gentz and Rehberg use the term "theory from experience," but their positions within the normative structure are fundamentally different. For Rehberg, empirical theory replaces rational principles as the guide of political practice: since pure reason cannot determine the concrete content of right, the power to determine content is transferred to experience and history. For Gentz, empirical theory remains subordinate to rational principles: right theory prescribes the ultimate end of politics—the guarantee of freedom, equality, and independence—while empirical theory provides only the institutional means for realizing these ends. Gentz never relinquishes rational principles' authority over the ends of politics; he merely argues that the transition from ends to means requires a form of empirical knowledge that rational principles themselves cannot provide.

This is why Gentz's critique is more difficult to counter than Rehberg's. Rehberg's position can be easily refuted by Kant with the *salto mortale*: you claim to speak of "theory from experience," but what you are actually doing is using experience to cancel right. But Gentz's position cannot be refuted in this way, because he never abandons right—he merely points out that right cannot by itself accomplish the transition from principle to institution. If Kant wishes to refute Gentz, he cannot merely repeat the argument that "the concept of duty carries its own guarantee of feasibility," because Gentz accepts that argument. Of course, Gentz himself did not provide a complete theory of institutions. His contribution lies not in giving answers, but in precisely naming the problem—one that Kant's pure theory of right must confront but which *On the Common Saying* avoided. Kant needs to directly answer the institutional questions Gentz raised—where power should be located, how it should be exercised, what constrains it—and these questions indeed receive no systematic answer in *On the Common Saying*.

4. The Theoretical Implications of This Debate

Gentz's success lies not in overthrowing Kant, but in precisely identifying the "feasibility gap" in Kant's political philosophy. In *On the Common Saying*, Kant argued that the concept of duty carries its own guarantee of feasibility. Gentz reminds us: the possible is not the same as the realizable. Between logical possibility and institutional reality there exists a gulf that cannot be bridged by pure reason alone.

Kant himself seems to have sensed this gap in *Toward Perpetual Peace*. He introduced the concept of the "moral politician"—a statesman who takes principles of right as the highest standard but acknowledges the need for prudential judgment and "permissive laws" in their implementation—and allowed certain unjust rightful conditions to persist temporarily until conditions are ripe for reform. It is noteworthy that Kant also expanded the concept of prudence from the individual level to "state prudence" (*Staatsklugheit*). Although Kant could never admit the legitimacy of an "empirical doctrine of right," the limited space he granted to "political prudence" already acknowledges the dependence of implementation on timing and method.

The core distinction of this paper lies in differentiating these different paradigms of the "turn to experience." At the level of normative structure, Rehberg and Gentz represent two different schemes, and Kant's responses to them therefore operate on different logical levels.

Rehberg's scheme is a substitution model: experience replaces reason as the source of normativity. The price of this scheme is what Henrich has already pointed out—it makes it impossible to criticize any social relation on grounds of justice. If the ends of political practice are no longer prescribed by rational principles but by "what is advantageous" (*das Zuträgliche*)—survival, culture, stable social order—then any existing arrangement of power can justify itself by claiming that "it maintains order." Kant's critique of the *salto mortale* is directed precisely against this consequence: once right yields to prudence, the foundation of politics ceases to be justice and becomes force. This is not an abstract deduction. In his 1798 response to Möser, Kant concretely demonstrates the operation of this logic: Möser argued that the legitimacy of hereditary nobility derives from property and historical custom; Kant rebuts this with the standard of the original contract—"the people will not and cannot rationally resolve on such a subordinate authority." (Kant, 1996d, pp. 623-624, AA 8:433–434) Here, the function of the original contract as an a priori standard is revealed in full: it does not describe a historical event but provides a rational criterion for judging justice—any institutional arrangement that cannot pass this criterion, no matter how "advantageous," lacks rightful legitimacy. Rehberg's "theory from experience" is untenable within Kant's framework precisely because it abolishes this criterion.

Gentz's scheme is a supplementation model: experience is introduced, while preserving rational principles as the ultimate end, as the means for realizing these ends. This scheme avoids the price Henrich identified—justice's standard remains prescribed by rational principles, and empirical knowledge cannot alter these standards but only provide institutional means for their realization. But it also faces a question Kant would raise: once you admit that empirical knowledge is needed as mediation between principle and institution, how do you guarantee that this mediation will not in turn erode the principles themselves?

Gentz's own argument already hints at this danger. His reformulation of the principle of freedom—from "no one can be compelled to be happy in another's way" to "no one can be compelled to do what the law does not command"—appears on the surface to be merely a more precise formalization, but in reality opens the door for the legislator to deal with matters related to happiness within the legal framework. Maliks's research reveals the practical effect of this reformulation: it blurs the boundary between "patriotic government" and "paternalistic government," forcing Kant to abandon the former term. Gentz's careful differentiation of hereditary privileges—constitutive, exclusive, and open—likewise relaxes the demands of the principle under the guise of "proceeding from principle." When Gentz argues that open hereditary privileges "do not violate true legal equality," he is already using empirical institutional considerations to redefine what "true" equality means. Kant might say: you think you are supplementing my theory, but you are in fact already modifying it.

Is this objection fatal? From the perspective of conceptual analysis, it points to an inherent tension in the supplementation model: while the theoretical distinction between "prescribing ends" and "providing means" is clear, in practice the choice of means often retroactively limits the way ends are realized and even alters the meaning of the ends themselves. When Gentz says that constitutional questions should be solved by "knowledge of human beings" and "study of social relations," he is in effect saying that the concrete shape of justice depends on empirical cognition of human nature and social conditions. This means that justice is not a purely a priori concept—its content is to some extent determined by experience.

Yet this same tension exists within Kant's own system, though he did not confront it directly in *On the Common Saying*. The concept of the "moral politician" introduced in *Toward Perpetual Peace* already implies the same compromise: a moral politician cannot "act too hastily" in implementing principles of right; he must judge according to concrete conditions the timing and manner of implementation. This judgment - when conditions are "ripe," what manner is "prudent" - is precisely the kind of empirical judgment that, according to Gentz, cannot be determined a priori by pure reason. Kant had already conceptually acknowledged this level in the Vigilantius lectures: he distinguished legal doctrine as a "doctrine of prudence" (serving subjective ends) from a "doctrine of wisdom" (serving ends prescribed by reason) - but Kant never carved out a third position between the two, which is precisely what Gentz does: he opens a level of knowledge that serves ends prescribed by reason but whose content comes from experience.

Thus, what this debate ultimately reveals is not a simple opposition between Kant and Gentz, but an unresolved internal problem in Kant's political philosophy: how can a priori principles be transformed from formal prescriptions into political reality? Kant's pure model - principles directly guiding practice, with experience playing no constitutive role—was pushed to the extreme in *On the Common Saying*. Rehberg attacked this model from the outside, but his substitution scheme (replacing reason with experience) fell precisely into Kant's theoretical trap. Gentz questioned the model from within; his supplementation scheme (realizing reason through experience) avoided Rehberg's error, but also exposed a difficulty Kant must confront: if prudential judgment is indispensable for the implementation of principles of right, then it is no longer merely a "technical function" at the level of execution - it participates to some extent in the formation of the concrete content of right.

At the end of his introduction, Henrich writes: "There exists a mutual dependence between reality and interpretation that constitutes the true dimension of conscious action. The unfinished task of philosophical theory is to understand this mutual dependence." (Henrich, 1967, pp. 35-36) The question of "sufficiency" that Gentz raised in 1793 can be understood as the earliest systematic naming of this mutual dependence. He did not solve the problem - no one has solved it - but he marked its location more accurately than either Kant or Rehberg. Rehberg replaces principles with experience; Gentz uses experience to realize principles. Their divergence does not lie in the opposition between reason and experience, but in how the two are to coexist. The conclusion of this paper can therefore be stated without hesitation. Gentz did not merely lodge an external objection; he identified a real tension internal to Kant's own framework—the dependence of a priori right on an empirical power of judgment that the principles themselves cannot supply. The tension is not an artifact of Gentz's reading. It surfaces in Kant's own concept of the moral politician, who must decide when conditions are "ripe" and which measures are "prudent"—judgments that no a priori principle can determine. And it remains open. Neither Kant's later writings nor the subsequent Kantian tradition has closed the gap between the principle of right and the institutional conditions of its realization; the feasibility gap is a permanent feature of any political philosophy that grounds justice a priori while leaving its execution to experience.

Declaration on the Use of AI Tools

During the preparation of this manuscript, I used an AI-based tool (Claude, developed by Anthropic) to assist with language editing, structuring, and improving the clarity of the prose. After using this tool, I carefully reviewed, edited, and verified all of the content, including every citation, quotation, and reference, and take full responsibility for the

content of the published article. The use of this tool did not replace my substantial scholarly contributions, including the formulation of the central argument, the interpretation of the primary sources, and the conclusions drawn.

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