

A HERMENEUTICS OF DISCLOSURE AND JUSTICE:
A READING OF HERMAN WAETJEN'S *THE LETTER TO THE ROMANS: SALVATION AS
JUSTICE AND THE DECONSTRUCTION OF THE LAW*

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Abstract

Herman Waetjen offers a profound reading of Paul that takes as its clue Romans 1:17: “For (*gar*) the justice of God (*dikaiosynē theou*) is being revealed in it [the gospel] out of trust into trust (*ek pisteōs eis pistin*) even as it is written, ‘The just will live *out of trust (ek pisteōs)*’.” What follows understands Herman’s project to be an example of the hermeneutics of disclosure that calls not only the Christian community but also all humanity to do justice in faith/trust. This paper applauds enthusiastically Herman’s reading of Paul and places it in the context of the relationship between what Kant calls “historical” and “pure” religion. In short, although one can neither prove nor disprove whether the Christ event involves an *ontological* change in the human condition that establishes a New Moral Order as an “historical” religion claims, one can unequivocally affirm that a deconstructed (de-mythologized) Paul challenges humanity “*to become what we are*” in the sense of trusting in the “*law that is above law*” to pursue justice “*this side of the grave.*” Here we have a concrete example of “pure” religion at the core of a “historical” religion and of a New Testament scholar as vanguard engineer of the locomotive of faith rather than leading a rear guard at the back of the train defending “Reformation heresy.”

“Out of Trust into Trust:” The Law above Law

Herman is reading Paul as engaged in an account of the emergence of the historical conditions for the establishment of a “law above the Sinai law” on the basis of which a New Humanity is capable of bringing about a just society or the New Moral Order in history.

Paul views the historical conditions as a narrative of “the Jews first and then the Gentiles.” The New Moral Order can come about only if the profound crippling effects of the Old Moral Order, which is manifest by the Law of Sinai and has shown itself to be incapable of establishing social justice because it has no strategy for prohibiting the injustices caused by self-interest encouraged and perpetrated by even the most strict adherence to the Law of Sinai. The “law of flesh” leads not only to awareness of our diseased state of *hamartia*¹ but also to the distortions of injustice as it privileges the elite who are able to profit from the social institutions established and encouraged by the Law of Sinai (the civic law).

Whereas the prophet Jeremiah spoke of a “new law” to be written on the hearts of humanity, Paul lived the reality of the persecutor who employs the law to oppress the marginalized and non-conformists. His experience of the “risen” Christ, however, convinced him that a Second Adam had come: first to the Jews and then to the Gentiles. This Second

1. I have what perhaps is not a minor quarrel with Paul’s assertion that without the law there is no *hamartia*. In Romans 3.20 he writes: “... for I had not *known* (*ēdein*) lust, if the law was not saying, “*You shall not lust*” (*ouk epithymēseis*).” (186) Herman adds (187): “He [Paul] is claiming that he had no consciousness of his diseased condition of *hē hamartia* until he was confronted with the commandment.”

Is the issue with the law and *hamartia* that one would not know of the diseased condition were there to be no law (Law of Sinai/civic law) or that the diseased condition is incapable of being repaired by a (civic) law? Arguably the two sets of tables of the law (Exodus 20 and 34) are the “same” not in content but in function: they both represent humanity’s need for a civic law to govern interpersonal affairs.

Is it not precisely Paul’s claim that, for the law (the Law of Sinai or any civic law) to bring about justice, there is a need for a *higher law*, a *law above the law*? For Paul, this law above the law is God’s Law of Love. For Kant’s pure religion, the law above the (civic) law is the moral law.

Adam established the ontological conditions for a new and truly just social order to be brought about by a New Humanity who understands that God's love is a "law above the law" that calls for the rigorous pursuit of equality and justice.

The ontological conditions for the New Humanity are established by the bookends of trust in God that one only finds in the Jewish tradition. The corruption of humanity represented by the First Adam's pursuit of egocentric self-interest was arrested in principle by the trust of Abraham in the Isaac story and the move to Canaan, but that trust was compromised by the Law of Sinai and by its encouragement of the blind pursuit of self-interest (*hamartia*). The consequence is that the Law of Sinai accomplished exactly the opposite of a just society, and as long as this Law of Sinai reigns, *hamartia* will continue to dominate humanity.

The "resurrected" Second Adam has broken the power of the Law of Sinai since now salvation can no longer be defined in terms of a fulfilled promise to a covenanted few but is manifest as the wholeness of a just and peaceful life made possible to all by God's power. God has now made His love, the law above the law, known through the brokenness and victory of the Christ event. The ontological conditions of the New Moral Order have been established in this event, which is first understandable to those in the Jewish tradition, who know the historical narrative of the First Adam and the trust of Abraham, but this New Moral Order is universally made available to all who pursue divine justice in trust to constitute the New Humanity.

The Easter event ... is construed as the inauguration of a new heaven and a new earth, that is, the reconstitution of the world as an ontological reality ...

... the event of Jesus' death signifies the termination of the old creation and its diseased humanity that have been predestined by the power of *sin* (*hē hamartia*). Within the moral order of the old creation no law, not even the Sinai law, could control, much less defeat, *hē hamartia* ...

... The law cannot give life ... Nevertheless, in spite of its powerlessness, the law remains valid, for it serves humanity by raising its consciousness to the objective underlying all law, namely justice ... The law ... arrives at its termination when it serves as a *paidagogos*...

Beyond the initial divorce of law and gospel, a new union of law and gospel emerges. It is the law beyond the Sinai law ... It is the law of love that God's Spirit pours out in those who have been reconciled to God through their participation in the death of Christ [i.e., through the "simulated drowning" of baptism]. God's love, not human love, is the only power that can defeat the power of *hē hamartia* ... If this is truly the gospel that reveals and manifests the

justice of God, the hope by which God subordinated the creation to absurdity at the expulsion of Adam and Eve from paradise should begin to be fulfilled.²

Deconstruction as De-mythologizing

Although Herman employs the term “deconstruction” and finds, appropriately of course, that his reading of Paul resonates with Ted Jennings’s *Reading Derrida / Thinking Paul*,³ I hope that I am not perpetrating too much violence on Herman’s text by identifying a strategy of “de-mythologization” in his text. What I find truly exciting and refreshing in Herman’s reading is that he is blunt in his rejection of what he calls “Reformation heresy.”⁴ However, he demonstrates as did the 18th century “Mythic School” (e.g., Johann Gottfried Eichhorn and Johann Philipp Gabler), the 19th century application of their methodology to the New Testament (e.g., by David Friedrich Strauß, and their 20th century representative, Rudolf Bultmann, that removal of the story elements neither need to mean rejection of everything as non-historical or as theological fantasy. Just as the “Mythic School”⁵ distinguished among “historical” myths (there is an historical element at the core of the story), “philosophical”/“theological” myths (there is an idea at the core of the story), and “symbolic” myths (there is a suggestive symbol at the core of the story),⁶ so, too, Herman peels away the narrative shell to identify in Paul’s writings a powerful theological world devoted to the pursuit of social justice.

2. Herman C. Waetjen, *The Letter to the Romans: Salvation as Justice and the Deconstruction of Law* (Sheffield: Sheffield Phoenix Press, *2011), 375–76.

3. Theodore W. Jennings, Jr., *Reading Derrida / Thinking Paul. On Justice* (Stanford: Stanford University Press, 2006).

4. See *Letter to the Romans*, 122, 125, 141, 151, 188–89, 241, n. 30 and the Appendix: “Critique of Luther and Calvin on Justification by Faith in their Interpretation of Romans,” 362-377.

5. On the history of the “Mythic School,” see Christian Hartlich and Walter Sachs, *Der Ursprung des Mythosbegriffes in der modernen Bibelwissenschaft* (Tübingen: J.C.B. Mohr (Paul Siebeck), 1952).

6. To be sure, there were those who classified myths according to other rubrics, but the same hermeneutic strategy is shared among them all.

Given the preponderance of the Augustinian-Reformation theological narrative (that is a *mŭthos* rather than *logos*), Herman's identification of a new theological content (kernel) in that narrative (shell) is refreshing. One does not need to rehearse the dominant Augustinian-Reformation narrative in order for one to recognize the paradigm revolution that is Herman's accomplishment. Here is a bare listing:

1. The death that is overcome is living death in *hamartia*/self-interest (174, 212)
2. Resurrection means entry into the New Humanity in this world (166, 204, 208!!!, 211)
3. Redemption of bodies is concerned with life (219) on "this side of the grave" (136, 160)
4. Eternal life means authentic justifying faith/trust in the law above law that is God's love in the historical world (132)
5. The wrath of God means the living death of *hamartia* (72, 144)
6. Baptism means (death/rebirth) into the New Moral Order/New Humanity (164, 376)
7. Salvation means healing & wholeness in this world (185, 69, 50!!, 203; 214)
8. The Law of Sinai illuminates its inability to achieve justice; it needs a higher law (183, 185-6)
9. The Law of Love is above the Law of Sinai (252); Life (altruism) & death (self-interest) (319)
10. God's spirit means God's Law of Love that is above the Law of Sinai (189)
11. Grace is thanksgiving (not supernatural causality?!) (199)
12. Walking according to the spirit means to overcome self-interest (206)
13. Easter: reconstitution of world as the new ***ontological*** reality of the New Moral Order that makes the New Humanity possible (364-365)

Historical and Pure Religion: Ontological Transformation or Identification of the Moral Vocation of Humanity?

In the second preface to *Religion within the Boundaries of Mere Reason*, Kant distinguishes between “historical” religion grounded in a particular, historical revelation and the “pure” religion of reason. “Pure” in this context means “independent of the senses” (see *Critique of Pure Reason*, B 74 as well as B 34-35). It does not mean “perfect” or “superior.” What is “pure” about human experience?

In the first critique, Kant identifies three “pure” ideas of reason: God, Cosmology/Free-dom, and the Soul. These three ideas are incapable of being confirmed or denied by sense perception, but sense perception *necessarily* presupposes them as “regulative” ideas if we are to be able to understand anything. Whereas “theoretical reason” is concerned with adding imperceptible concepts to perceptible phenomena in order to understand the physical world (even to deny the senses as is the case with the Copernican Revolution), “practical reason” is concerned with what Kant calls in the second critique the “one fact of reason,⁷” freedom. Of course, freedom as a “pure” idea of reason cannot be a fact since facts are experienced in the senses and the very definition of a pure idea of reason is that it cannot be experienced in the senses. Kant speaks here of a “fact of reason” only because, of the three ideas of reason, freedom is the one of which we are most convinced although it is incapable of empirical proof or disproof. As Kant writes in the *Groundwork of the Metaphysics of Morals*: “All human beings think of themselves as having free will ... Yet this freedom is no concept of [sense] experience, and moreover cannot be one ...⁸

7. See *Kritik der praktischen Vernunft* (Hamburg: Felix Meiner Verlag, 1974), 36–37, 122. See, as well, in the third critique: *Kritik der Urteilskraft* (Hamburg: Felix Meiner Verlag, 1974), 349.

8. Immanuel Kant, *Groundwork of the Metaphysics of Morals*, trans. Mary Gregor (Cambridge: Cambridge University Press, 2008), 59–60.

Kant distinguishes between *negative* and *positive* aspects of freedom:⁹ The negative aspect of freedom is that it is *not* (!) determined by *natural necessity*. The positive aspect of freedom is that freedom can bring something about that nature cannot accomplish on its own.

It is only because of this freedom that we can speak of anything *categorical*. Everything that has its origin in or is capable of being experienced in the senses is *hypothetical*.¹⁰ Yet, by definition creative freedom is a form of efficient causality that can never be experienced directly nor even confirmed in the senses.¹¹ The *categorical*, then, involves the affirmation of a profound limit to reason since it is incapable of being grasped or proved in sense experience. The categorical nature of who we are is a matter of faith, not knowledge. This is a key aspect to Kant's assertion in the second preface to the first critique that he "had to destroy knowledge in order to make room for faith" (B xxx). Everything categorical (and this includes all three of the pure ideas of reason) is necessarily a concern of faith, not knowledge. Hence, Kant can speak of religion as "within the limits" of reason not because reason elevates itself above religion/God but because reason's limits are the very indicators of faith.

9. See *Groundwork*, 52. See as well Kant's discussion of freedom in the *Critique of Pure Reason* B 560-561.

10. For a clear distinction between the hypothetical and the categorical, see *Groundwork*, 25–27.

11. Kant writes in the *Groundwork*, 60: "... it is ... necessary that everything which takes place should be determined without exception in accordance with laws of nature; and this natural necessity is also no concept of experience, just because it brings with it the concept of necessity and hence of an a priori cognition. But this concept of a nature is confirmed by experience and must itself unavoidably be presupposed if experience, that is, coherent cognition of objects of the senses in accordance with universal laws, is to be possible. Hence freedom is only an *idea* of reason, the objective reality of which is in itself doubtful, whereas nature is a *concept of the understanding* that proves, and must necessarily prove, its reality in examples from experience." Elsewhere Kant acknowledges that such "proofs" in nature are by analogy, not empirical. However, whereas the concepts and laws of nature that are "confirmable" in objective experience are themselves *hypothetical*, arrived at in and through empirical experience, freedom is *categorical* and is an addition to objective experience, where objective experience by definition can't be more different than freedom since experience is hypothetical and freedom is categorical.

The notion of an efficient causality that makes it possible for us to change the world does not mean, however, that this efficient causality is a random and capricious spontaneity without any and all order -- as if negative freedom mean *in contrast to* rather than *in addition to* the order of nature. On the contrary, Kant insists that all forms of causality involve order. Yet, the order that governs nature is a “blind” order of physical laws that function by necessity whereas the only order appropriate to our creative freedom is a self-imposed, categorical order of moral maxims. To be sure, Kant cannot prove that all causality has order, but what he can and does do is invoke our experience of those appearances that we call dreams as an example of how a set of appearances functions in the absence of a causal order.¹²

Since the concept of causality brings with it that of laws in accordance with which, by something that we call a cause, something else, namely an effect, must be posited, so freedom, although it is not a property of the will in accordance with natural laws, is not for that reason lawless but must instead be a causality in accordance with immutable laws but of a special kind.¹³

These laws “of a special kind” are moral laws. For this reason, Kant claims that we are moral beings not because we *must be* but because we *can be*. As he says on several occasions, if we should, we can.¹⁴ Kant’s “pure” religion is a challenge to us to “become what we are:” to exercise the moral capacities that as far as we know only our species is able to exercise.

Because of our (negative and positive) freedom, we are always in a “state of innocence:”

12. See “Metaphysik Mrongovius,” in *Kant’s Vorlesungen von der Akademie der Wissenschaften zu Göttingen*, vol. VI, Ergänzungen II (Berlin: Walter de Gruyter & Co., 1983), VI, Ergänzungen II:861.

13. Kant, *Groundwork*, 52.

14. See *Vorlesung zur Moralphilosophie*, (1774/1775), ed. Werner Stark and Manfred Kühn (Berlin: Walter de Gruyter, 2004), xxii-xxiii; *Religion within the Boundaries of Mere Reason*, ed. and trans. Allan Wood and George Di Giovanni (Cambridge: Cambridge University Press, 2004), 695, 701, 702; *Anthropologie in pragmatischer Hinsicht*, vol. VI of *Immanuel Kant. Werke in sechs Bänden*, ed. Wilhelm Weischedel (Darmstadt: Wissenschaftliche Buchgesellschaft, 1998), 439.

Every evil action must be so considered, whenever we seek its rational origin, as if the human being had fallen into it directly from the state of innocence. For whatever his previous behavior may have been, whatever the natural causes influencing him, ... his action is yet free and not determined through any of these causes; hence the action can and must always be judged as an *original* exercise of his power of choice. He should have refrained from it, whatever his temporal circumstances and entanglements; for through no cause in the world can he cease to be a free agent.¹⁵

It is precisely this ineradicability (as well as non-substitutability) of our creative freedom that constitutes the *dignity* of the individual.¹⁶ The ineradicable innocence of our creative freedom is the *ground* of our hope that, no matter what our state of moral turpitude, we are capable of moral transformation.

Kant formulates the issue of religion with the question: What can I hope?¹⁷ He answers in *Religion*:

... if a human being is corrupt ..., how can he possibly bring about this revolution by his own forces ...? Yet duty commands that he be good, and duty commands nothing but what we can do. The only way to reconcile this is by saying that *a revolution is necessary in the mode of thought but a gradual reformation in the mode of sense* ... That is: If by a single and unalterable decision a human being reverses the supreme ground of his maxims ... (and thereby puts on a 'new man'), he is to this extent ... a subject receptive to the good; but he is a good human being only in incessant laboring and becoming; i.e., *he can hope* ... to find himself upon the good ... path of constant *progress* from bad to better. For him who penetrates to the intelligible [supersensible] ground of the heart ..., i.e., for God, this is the same as actually being a good human being (pleasing to him); and to this extent the change can be considered a revolution. For the judgment of human beings, however, who can assess ... only by the upper hand they gain over the senses in time, the change is to be regarded only as an ever-continuing striving for the better ...¹⁸ (emphasis added)

15. Kant, *Religion Within the Boundaries of Mere Reason*, 62–63.

16. For Kant's distinction between speaking of human "dignity" in contrast to "price" (*Wert*, that is "worth"), see *Groundwork*, 42-42.

17. See the first critique B 833 and *Logik*, vol. III of *Immanuel Kant. Werke in sechs Bänden*, ed. Wilhelm Weischedel (Darmstadt: Wissenschaftliche Buchgesellschaft, 1998), 448.

18. Kant, *Religion Within the Boundaries of Mere Reason*, 68.

Kant's notion of "pure" religion, then, is a faith in what distinguishes us at least in degree if not kind from all other species that is also the basis of our hope that we can be moral beings.

Yet Kant by no means leaves the individual isolated and alone with his moral efforts. He speaks of the need for a culture not of "skill" but of "promoting the will."¹⁹ In other words, he recognizes that the individual needs the encouragement and support of the community if s/he is to be successful at "doing the right thing because it is right" rather than for the satisfaction of personal interest. However, this is a culture grounded in the third formula of the categorical imperative: "the idea of the will of every rational being as a will giving universal law."²⁰ In other words, the community doesn't (and can't) legislate for the individual the moral principles to guide her/his actions. A moral culture provides support but not wagging fingers.

"Become What You Are!:" The Pure Religion at the Core of Paul's Historical Religion

At the risk of reading too much into the equivocation, I want to use the fact that Herman employs two formulations of this aphorism (already cited by Heidegger in *Being and Time*²¹) in order to illuminate the difference between Paul's theological vision as a form of historical religion that perhaps confirms the identification of the universal, pure religion at its core.

On pages 171, 179, and 211, Herman formulates the aphorism within the framework of historical religion: "Be what you have become!" On pages 210 and 211, however, he

19. See *Critique of the Power of Judgment*, trans. Paul Guyer and Eric Matthews, The Cambridge Edition of the Works of Immanuel Kant (Cambridge: Cambridge University Press, 2001), 299–300. Kant stresses the requirement of "culture" for moral success in *Anthropologie*, 681–82, 684. *Die Metaphysik der Sitten*, vol. IV of *Immanuel Kant. Werke in sechs Bänden*, ed. Wilhelm Weischedel (Darmstadt: Wissenschaftliche Buchgesellschaft, 1998), 516–17, 522.

20. Kant, *Groundwork*, 39.

21. See Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson (New York: Harper and Row, 1962), 186.

employs the variations: “*become what you [they] already are*,” which is the aphorism invoked by Heidegger from Pindar.

What might appear to be merely a trivial difference, I take it to be clear from the first context in which Herman uses the aphorism that he views Paul as having maintained that a change in ontological status (“what you have become” because of baptism that has been enabled by God) is what makes it possible for the New Humanity to be agents of God’s justice. Humanity can now be free from the constraints of *hamartia* because of what God has done *ontologically*. This, Herman has made clear, is the intent of Paul’s historical narrative of the First and Second Adam. It is a narrative that makes a historical claim that the Jews are first -- even as they disappoint Paul for failing to understand history.

However, the second formulation “*become what you already are*” perhaps invokes a far different understanding of temporality -- as Heidegger suspected. The aphorism is patently absurd if it means to become what you *actually already are*. For Heidegger, the Being-of beings hinted at in the “are” is the always and already horizon of possibilities that one already *is*. The aphorism is transformed by a hermeneutics of disclosure to mean: become your ownmost possibilities, which are already but not actually you! This formulation of the aphorism suggests a universal status to humanity *regardless of historical particularities*. It is this universal formulation that can be read as a hint that at the de-mythologized core of Paul’s *historical* religion is Kant’s *pure* religion. Whereas Paul formulates humanity’s moral condition in terms of a historical narrative, Kant formulates humanity’s moral condition in terms of universal, categorical capacities.

One could maintain, of course, that the result is the same: humanity is called to pursue justice and virtue. However, the ends cannot be separated from the means, and a historical formulation of religion is limited by the circle of its historical dissemination. Those who have not encountered the historical narrative are “lost” to the New Humanity. That, of course, is the exact opposite of what Paul wanted to achieve. Hence, when it comes to adjudicating the adequacy of historical versus pure religion, the deeper question is: Does the historical

formulation of the faith undermine the very capacities and likelihood of the achievement of the goal that it has set for itself?

Might it be that, just as *hamartia* compromises the Law of Sinai by making it incapable (because of its perpetrating of self-interest) of accomplishing the justice it meant to achieve, Paul's historical religion is incapable (because of its particularly) of empowering the universality that Paul sought to inaugurate for the realization of God's justice? Might it be advisable to de-mythologize Paul's historical ontology for the sake of universality by elevating the pure religion at the core of his gospel?

Conclusion

Regardless how one comes out with the issue of "historical" and "pure" religion, Herman's incredibly rigorous and insightful reading of Paul is ground for true celebration! In a theological world that has slipped back into magic and the crassest of self-centeredness (as if Ayn Rand had taken Christ hostage), Herman's deconstructed and de-mythologized Paul that checkmates "Reformation heresy" with such a clear and ringing call for the pursuit of justice *in the world* is truly not only welcome but necessary. Where the material conditions of existence have not been satisfied, one cannot expect morality. Where society is encouraging only the pursuit of self-interest, virtue is sacrificed on the altar of utility. Herman provides the church and society with a model of faith (as trust into trust) that invokes the invisible Kingdom of God anchored in the dignity of individuals and sustained by the mutual encouragement "to do the right thing." Thank you, Herman, for being a vanguard, engineer of the locomotive of faith!²²

22. This metaphor of the vanguard, train engineer of faith comes from Kant's *Religion*, 161-162: "In Christian revealed doctrine ... we cannot by any means begin with an *unconditional faith* in revealed propositions (of themselves hidden to reason) and then have erudite cognition follow behind, somewhat like a mere defense against an enemy attacking the rear train; for then the Christian faith would not just be *fides imperata* but *fides servilis* as well. Hence it must always be taught at least as *fides historica elicita*, i.e. *erudition* would have to

constitute in it, as a revealed doctrine of faith, not the rearguard but the vanguard, the small number of scriptural scholars ..., who also cannot totally dispense with profane learning, dragging behind them the long train of the unlearned (the laity) who are on their own uninformed about Scripture (among whom even the civil authorities belong). -- If this is *not* however to happen, universal human reason must be recognized and honored as supreme commanding principle in a natural religion within the Christian doctrine of faith, whereas the doctrine of revelation, upon which a church is founded and which stands in need of scholars as interpreters and preservers, must be cherished and cultivated as a mere means, though a most precious one, for giving meaning, diffusion, and continuity to natural religion even among the ignorant.”

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