

# On the in-ex-sistence of the *Critique of political reason*

Jelica Šumič-Riha

As it is well known, the *Critique of Political Reason* was not (to be) written. Instead of a major text on political matters there are historico-political reflections scattered through the three *Critiques* and a dozen or so minor later writings dealing with contemporary dramatic political changes in neighbouring France. There are two major attempts to explain the absence of the »Fourth Critique«. J. F. Lyotard, for example, acknowledging this dispersion of Kant's political thought, interprets it as a »sign of a particular heterogeneity of the political as an 'object' of phrases.«<sup>1</sup> One might say that according to Lyotard, Kant could not write the Critique of Political Reason because the historico-political object as such has no reality. And if there is no proper object of that what could be called the »political faculty of knowing« the said political faculty of knowing must remain inexistent too.<sup>2</sup>

Hannah Arendt, on the other hand, is determined to show that Kant's later writings contain, at least, the outline of a powerful political philosophy. If we are to follow H. Arendt's argument, Kant's political philosophy exists, though Kant himself did not develop it explicitly. Moreover, it is tacitly assumed that, perhaps, even Kant himself was not aware of its existence. It is, therefore, not surprising when H. Arendt quite overtly admits that her intention is »to suggest what Kant's political philosophy would be like had he found the time and the strength to express it adequately.«<sup>3</sup> Nevertheless, H. Arendt insists that Kant's political reflection, whatever the reason for its inconsistency and implicitness, constitutes his greatest legacy to contemporary political philosophy.

Still, H. Arendt concedes that the fact that Kant, unlike the majority of the great philosophers (from Plato to Hegel), never wrote a political philosophy poses certain problems. Indeed, even to talk about it »has its difficulties«, says Arendt.<sup>4</sup> This admission, tacitly suggesting that the use of the term Kantian political philosophy might be questionable if not illegitimate, would pass unnoticed, indeed it would be superfluous, repeating common knowledge

---

1. See F. Lyotard, »The Sign of History«, in: *The Lyotard Reader*, ed. A. Benjamin, Basil Blackwell, Oxford 1989, p. 396.

2. *Ibid.*, p. 398.

3. See her posthumous published *Lectures on Kant's Political Philosophy*, The University of Chicago Press 1982, p. 15.

4. *Ibid.*, p. 7.

about the inexistence of Kantian political philosophy reflected in the scarcity of interpretations on Kant's later writings, were it not enunciated by someone whose ambition is, precisely, to reconstruct it.

The most obvious explanation, which is widespread among the Kantian scholars themselves and which H. Arendt finds difficult not to agree with, for why there is an enormous literature on different aspects of the three *Critiques* but very few interesting books or at least worth reading on Kant's political and legal philosophy is that his writings on political and legal subjects can compete neither in quality nor in depth of insight with his most famous writings. Moreover, there are clear indications, we are told, that Kant himself might not take them too seriously,<sup>5</sup> justifying in this way the usual description of these writings as »minor« works which are to be regarded only as marginally significant. It seems that R. J. Sullivan, author of the standard reference book on Kant's moral philosophy, holds this view, too, because he writes that Kant »uncharacteristically adopted a self-deprecating tone, suggesting, particularly in a superficial reading, that the ideas proposed should not be regarded as very important.«<sup>6</sup>

On the other hand, *The Doctrine of Right*, which is Kant's attempt to develop a philosophy of law corresponding to his moral philosophy and which Kant no doubt meant to be taken seriously, is, according to M. Villey and H. Arendt, among many others, a boring, pedantic book lacking originality and the profundity of his major works. Therefore it is not surprising that H. Arendt agrees with Schopenhauer's unflattering remark about it: »It is as if it were not the work of this great man, but the product of an ordinary common man [*gewöhnlicher Erdsohn*].«<sup>7</sup> One is almost tempted to say that H. Arendt sees this curious imbalance between Kant's moral and legal philosophy, that was surely unnoticed by Kant himself, as a sort of irony, namely, that the concept of law – which is of paramount importance in Kant's practical theory – did not attain the same level of elaboration in its genuine domain, that is, the legal philosophy.<sup>8</sup>

In her attempt to explain this »inadequacy« of Kant's later writings on politics and law, H. Arendt quite bluntly states that they offer clear evidence of his »senile imbecility«, this being a result of the tragic decrease of his mental capacities. Put in less crude terms, one could reformulate H. Arendt's argument as follows: it seems that – due to dramatic events – Kant was forced, toward the end of his life, to confront the questions which he was either

5. It is known that Kant himself called some of his later writings a »pleasure trip« or a »play with ideas«. See I. Kant, *On History*, ed. by L. White Beck, Bobbs-Merrill, Indianapolis 1963, p. 54 and p. 75.

6. See R. J. Sullivan, *Immanuel Kant's Moral Theory*, Cambridge University Press 1989, p. 234.

7. See H. Arendt, *op. cit.*, p. 8.

8. According to H. Arendt, if we are to study philosophy of law, we should certainly not turn for help to Kant, but rather to Pufendorf, Grotius or Montesquieu. *Ibid.*

unable or unwilling to answer. In short, for H. Arendt, Kant was simply too old, had neither the strength nor the time to deal properly with these particular questions.

To open our discussion on the in-ex-sistence of Kant's political philosophy, we could follow R. Beiner who, commenting on H. Arendt's *Lectures on Kant's political philosophy*, questions the motives of those scholars, H. Arendt included, who downgrade the importance of Kant's actual political writings in favor of the political philosophy that he did not write. In so doing, says Beiner, these authors not only underestimate the importance of the political philosophy that Kant did write but disregard the Kantian version of liberalism enjoying a growing appeal among liberal political philosophers like J. Rawls or R. Dworkin, too.<sup>9</sup> Or we could decide not to take sides in this battle for or against Kant's political philosophy and neglect for the moment the reason for their dissatisfaction (and possibly ours, too) with Kant's political writings, be it his own inability to cope with the object of his reflection or the inconsistency and indeterminacy of the object itself, as Lyotard tells us, in order to find out if there is a common, unifying feature in these writings.

This common feature is to be found, at least in our opinion, in the fact that in his later writings, starting with the minor text *What is Enlightenment?* that was brought to our attention only by Foucault, but even more in the texts written after the French Revolution, Kant focuses on his own present. Or, to be more precise, Kant's reflection on the present is mediated through his reflection on »the contemporary status of his own enterprise,« as Foucault puts it. For Foucault, the novelty of these texts, especially the essay *What is Enlightenment?*, lies in the fact that »it is the first time that a philosopher has connected in this way, closely and from the inside, the significance of his work with respect to knowledge, a reflection on history and a particular analysis of the specific moment at which he is writing and because of which he is writing. It is the reflection on 'today' as difference in history and as motive for a particular task.«<sup>10</sup> As is well known, it is precisely in this change of perspective, in this radical shift from critical reflection to reflection on the present in terms of the ethical and political task, that Foucault detects modernity, that is to say, not modernity as a historical period but rather as an ethical attitude. This attitude is characterized by Foucault as »a mode of relating to contemporary reality; a voluntary choice made by certain people; in the end, a way of thinking and feeling; a way, too, of acting and behaving that and at one and the same time marks a relation of belonging and presents itself as a task.«<sup>11</sup>

9. See R. Beiner, »Hannah Arendt on Judging«, in: *Lectures on Kant's political Philosophy*, p. 142.

10. See M. Foucault, »What is Enlightenment?«, in: *The Foucault Reader*, ed. by P. Rabinow, Penguin Books, London 1991, p. 38.

11. *Ibid.*, p. 39.

It is our intention to show that if there is a »cause« for our dissatisfaction with Kant's later writings it lies in this very change of perspective, namely, in this situating oneself within the very object of one's reflection. Posing the problem in these terms, it seems that we are in agreement with H. Arendt after all, who pointed out that this change in Kant's position was a result of Kant's more or less conscious awareness of the fact that it is difficult, if not impossible, to answer the question put on the agenda by contemporary social and political upheaval, namely the question of the »insociable sociability« of man or, to put it in terms more familiar to political theory, the question of the constitution and organization of the body politic, within the framework of his *Critiques*. But before we can assess the accuracy of H. Arendt's interpretation let us look into the subject that preoccupied Kant in his later writings.

As is well known, it was only at a relatively late stage, indeed during his last years, and no doubt triggered by the French Revolution, that Kant came to see the importance of the »problem of how to organize a people into a state,« to quote H. Arendt, »how to constitute the state, how to found a commonwealth, and all the legal problems connected with these questions.«<sup>12</sup> Indeed, without bearing in mind this contemporary political context, this coincidence of his theoretical interest in the constitution of the state and practical efforts of revolutionaries to organize the commonwealth on a new basis, one might agree with H. Arendt who saw his open-hearted admission in the *Conflict of the Faculties* that that »it is sweet to imagine constitutions corresponding to the requirements of reason (particularly in a legal sense), but rush to propose them and culpable to incite the populace to abolish what presently exists,« ... »a sweet dream« whose realization is »not only thinkable but, so far as it is compatible with the moral law, an obligation, not /however/ of the citizens but of the sovereign,«<sup>13</sup> as yet another indication of his senility.

Even if we dismiss the »senility thesis« as useless for analyzing Kant's later writings, testifying more to the bad taste of its author than to Kant's decreasing intellectual capacities, we still have to explain Kant's hesitation, indeed, reluctance when it comes to the question of the realization of his »sweet dreams«. Whatever reservations one might have with respect to H. Arendt's »senility thesis«, the fact is that her interpretation of Kant's hesitation is nevertheless convincing. For H. Arendt, the crucial problem occupying Kant's later work, is not how to reconcile these »sweet dreams«

12. *Ibid.*, p. 16. Indeed, the first indications of the shift of Kant's interest toward »daily politics« could be detected in the *Critique of Judgement* where Kant comments on the American Revolution: »In a recent complete transformation of a great people into a state the word organization for the regulation of magistracies, etc., and even of the whole body politic, has often been fitly used. For in such a whole every member should surely be purpose as well as means, and, whilst all work together towards the possibility of the whole, each should be determined as regards place and function by means of the Idea of the whole.« See *Critique of Judgement*, Oxford University Press 1973, p. 183.

13. See I. Kant, *The Conflict of the Faculties*, Abaris Books, New York 1979, p. 167.

with the grim reality but rather »how to reconcile the problem of the organization of the state with his moral philosophy, that is with the dictate of practical reason.«<sup>14</sup> In other words, what prevents, in H. Arendt's view, Kant's »sweet dreams« from coming true are not the empirical circumstances; on the contrary, the blockage is in Kant himself or, to be precise, in his conception of ethics.

It is true that a number of contemporary authors beside H. Arendt<sup>15</sup>, though not quite in the same terms as Arendt insisted that the problem for Kant's political reflection arose out of his own moral theory. According to these authors, it is impossible to combine moral autonomy in the Kantian sense with legitimate political authority. If the realm of morality is, as Kant defines it, the realm of autonomy ruled by the categorical imperative determining the ability and at the same time the obligation of a subject to act on rational principles that he himself has invented and adopted, then one fails to see what justifies Kant in compelling this autonomous moral subject to renounce his freedom and to yield it to the external, heteronomous political authority. It seems that – from the point of view of these critics, who turn Kant against Kant so to speak – Kant is unfaithful to his own moral philosophy in so far as he swaps moral autonomy for political authority based not on the principles of reason but more or less on »brute force«.

According to his interpretation, Kant made a serious mistake in trying to elaborate a political theory at all and by not realizing that autonomy is incompatible with submission to any political authority and that the exercise of coercion by a state is nothing but a violation of the subject's freedom, his prepolitical, moral rights. In other words, if Kant were consistent in his moral philosophy he should have adopted either a libertarian position similar to, for example, R. Nozick's position insisting on the autonomy of the individual and condemning coercive intrusion by the state on the individual as heteronomous, indeed as immoral. Or, he should have adopted an »anarchist« position condemning any attempt toward the formation of a state because political authority as such is immoral and therefore in the eyes of autonomous moral subject illegitimate. Knowing Kant's views on the prepolitical, natural state – conceived not as an Rousseauian ideal state of innocence that mankind should strive to regain but rather as a state of lawlessness, of constant conflict and violence, hence not a »state of Right« but, on the contrary, »the highest degree of wrong« as Kant puts it, in short a state that is to be avoided regardless of the price – nothing could be less acceptable to Kant than an anarchist and/or libertarian nostalgic cherishing of a natural state. Our

14. See H. Arendt, *op. cit.*, p. 17.

15. See R. J. Sullivan, *op. cit.*, p. 356. R. Nozick, *Anarchy, State, and Utopia*, Basic Books, New York 1972, p. 70 and R. P. Wolff, *In Defense of Anarchism*, Harper & Row, New York 1976, p. 112f.

intention is, contrary to this libertarian and/or anarchist interpretation and contrary to H. Arendt who insists that Kant himself was more or less aware of the fact that in »imagining constitutions corresponding to the requirements of reason« he could and should not turn for help to his metaphysics of morals, to show that Kant was not at all bothered by the incompatibility of his moral and political theory. This incompatibility did not trouble him precisely because the major problem of political constitution, for Kant, is not how to force autonomous moral subjects under the moral law to organize a commonwealth, but rather, as we can see in *Perpetual Peace*, how to force a man »to be a good citizen even if /he is/ not a morally good person«. So, instead of reproaching Kant that his moral philosophy is of no use when it comes to the question of organizing the body politic, as H. Arendt occasionally tends to suggest, we should follow Kant's own indications, scarce as they are though nevertheless quite unambiguous, regarding the relationship between the autonomous moral subject and the citizen. Kant literally says that »a good constitution is not to be expected from morality, but, conversely, a good moral condition of people is to be expected under a good constitution.«<sup>16</sup>

But in this passage, there is more than Kant's witty paraphrasing of Aristotle's famous saying that »a good man can be good citizen in a good state.« On the contrary, Kant's ambition is to show that »/even/ a bad man can be a good citizen in a good state.« In other words, it appears that Kant was not only unaware of the worries voiced by H. Arendt that his moral philosophy is incompatible with the task of constituting a state but that, even if he were aware of them, he would dismiss them as »empty« and groundless because for him, regardless of the moral quality of members of community, the constitution of the state is at least in principle a solvable problem:

»The problem of organizing of state, however hard it may seem, can be solved even for a race of devils, if only they are intelligent. The problem is: 'Given a multitude of rational beings requiring universal laws for their preservation, but each of whom is secretly inclined to exempt himself from them, to establish a constitution in such a way that, although their private intentions conflict, they check each other, with the result that their public conduct is the same as if they had no such intentions'.«<sup>17</sup>

It could be said that this passage constitutes the core of Kantian political thought. For, what is at stake in Kant's reflection on the possibility of constituting a body politic are precisely the conditions of passage from »bad man« to »good citizen«.

One of the most tempting ways to interpret this passage is in terms of the »cunning of nature«<sup>18</sup> aiming at the preservation of species regardless of the

16. See *On History*, p. 112f.

17. *Ibid.*

18. It appears that this thesis might be confirmed by Kant's earlier writings, for example, by the *Observations on the Feeling of the Beautiful and Sublime*: »Among men then are but few

intentions and actions of the members of mankind. According to this teleological interpretation, individuals, even when they attend to their selfish interests and seek to satisfy their desires may still, in nature's plan, serve the common good. Men's natural tendency to exempt themselves from the universal law, characterized by a variety of what Kant calls »social vices« (envy, jealousy, rivalry, ingratitude, etc.) is a cause of constant conflicts between individuals. But this very »evilness« is used by nature to force the »population of devils« to submit to the universal laws and to the political authority of a political body they belong to. In this teleological view, leaving everything in the hands of nature, the origin of the juridical civil society is, paradoxically, in the devastating effects or, more precisely, in the very lawlessness of the natural state. Egoistically motivated individuals confront an either/or situation: either they act in their egoistic impulses which leads to continuous conflicts and violence or – if they are intelligent enough to realize it – they agree to limit their own freedom by entering into an association or union within which they can be protected from others by adopting universally binding laws. In short, selfishness rather than human wisdom or good will constitute the state.

It seems that even the rule of the principle of publicity in civil society might be understood as another device of nature designed to prevent the universal disobedience of general laws. For Kant, the condition of possibility of civil society and state is the impossibility of exempting oneself publicly from the law. But it is not impossible to exempt oneself because one could or would not want to do so. On the contrary, it is impossible because every single member of a society is secretly inclined to exempt himself but others would not allow him to get away with it. This is clearly evident in the *Conflict of Faculties* where Kant states:

»Why has a ruler never dared openly to declare that he recognizes absolutely no right of the people opposed to him? ... The reason is that such a public declaration would rouse all of his subjects against him; although, as docile sheep, led by benevolent and sensible master, well-fed and powerfully protected, they would have nothing wanting in their welfare for which to lament.«<sup>19</sup>

---

who behave according to principles – which is extremely good, as it can easily happen that one errs in these principles... Those who act out of goodhearted impulses are far more numerous... However, those other instincts that so regularly control the animal world... perform the great purpose of nature just as well... and most men... have their best-loved selves fixed before their eyes as the only point of reference for their exertions, and... seek to turn everything around selfinterest as around the great axis. Nothing can be more advantageous than this, for these are the most diligent, orderly, and prudent; they give support and solidity to the whole, while without intending to do so they serve the common good.« See I. Kant, *Observations on the Feeling of the Beautiful and Sublime*, University of California Press, Berkeley 1960, p. 74.

19. See I. Kant, *The Conflict of the Faculties*, p. 155f.

And it is precisely because of the role that publicity plays in the »transubstantiation« of the »race of devils« into »good citizens«, that is to say, because of the impossibility of publicly to advertise »evil thoughts«, as H. Arendt puts it, that we could say that here, in the political realm, neither the autonomous, legislating moral subject nor the categorical imperative are needed or required. Instead of the categorical imperative – compelling the subject always to behave in such a way that the maxim of his behaviour can constitute a universal law, or, to quote Kant: »I am never to act otherwise than so that I could also will that my maxim should become a universal law,«<sup>20</sup> – Kant introduces at the level of society the transcendental principle of publicity<sup>21</sup> determining right and wrong in society as follows: »All actions that affect the rights of other men are wrong if their maxim is not consistent with publicity.«<sup>22</sup> If, as we have seen, the »devil« or the bad man is not the one who chooses the evil instead of the good, be it consciously or unconsciously, but the one who secretly tries to evade the universal law, to make an exception for himself, and if exempting oneself is logically impossible<sup>23</sup> then one might say that, according to Kant, the bad man, the »devil«, turns into the »good citizen« not as a result of his moral conversion but rather as an quasi automatic consequence of the way the transcendental principle of publicity operates.

It would not be, therefore, too hazardous to state that, for Kant, the gap between the political subject and moral subject is insurmountable. To put it simply, the political subject (the citizen) in Kant's view could not and should not be identified with the moral subject. This may well be illustrated by the way in which Kant poses the question of legal guilt. The judgement of the violation of laws regulating a body politic is necessarily based on considerations of external behaviour because there is no way to determine with certainty the subject's moral, that is purely internal, motives. To quote Kant:

»The real morality of actions, their merit or guilt, even that of our own conduct, thus remains entirely hidden from us. Our imputations can refer only to the empirical character. How much of this character is ascribable to the pure effect of freedom, how much to mere nature, that is, to faults of temperament for which there is no responsibility, or to its happy constitution (merito fortunae), can never be determined; and upon it therefore no perfectly just judgement can be passed.«<sup>24</sup>

20. See, I. Kant, »Perpetual Peace«; *On History*, p. 381.

21. *Ibid.*, p. 381.

22. See, I. Kant, *Fundamental Principles of the Metaphysics of Morals*, Bobbs-Merill, Indianapolis 1949, p. 19.

23. As H. Arendt rightly points out, for Kant, it would be logically impossible and self-contradictory to consciously choose evil instead of the good for the same reason which precludes the universalisation of the lie or theft. For universalisation of lying and stealing is not only incompatible with the concepts of promise and property but would render them useless, meaningless.

24. See I. Kant, *Critique of Pure Reason*, Macmillan, London 1956, B 579n. A number of other political philosophers, even before Kant, for example, Plato and Aristotle, pointed out that



However, this non-identity of the two subjects does not prevent the constitution of the just state, that is, of the state in accordance with the requirements of reason. The state (as what is »recht«, meaning right or just and straight at the same time) cannot be built »from such crook wood«, to use the expression by which Kant characterizes man's inclination to evil. In other words, if we had to rely on people constituting a just state from their moral motives, the problem would be insoluble because we could not count on people, a »race of devils«, being capable of acting morally rightly. But even though each member of the society is secretly inclined to exempt himself from the binding laws, they obey them nevertheless:

»The powers of each selfish inclination are so arranged in opposition that one moderates or destroys the ruinous effects of the other. The consequence for the reason is the same as if none of them existed, and man is forced to be a good citizen even if not a good person.«<sup>25</sup>

In short, the constitution and the rule of law of the body politic balance out of conflict of private interests so that, in the end, everyone will »publicly behave as if they had no evil attitudes.«<sup>26</sup> And the reason why the state could and should be in harmony with reason is that – within certain limits that are still to be determined – in the context of society, the principle of publicity plays a similar role to the categorical imperative at the level of the isolated individual. In other words, it is because of publicity that there is no conflict between Kant's moral and political philosophy.

But if, as H. Arendt rightly points out, »no conversion of man, no revolution in his mentality, is needed, required, or hoped for in order to bring about political change for the better,«<sup>27</sup> that is to say, for organizing a state according to the principles of reason, one is tempted to say that in his later writings Kant falls back on the »great purpose of nature« which forces mankind in the right direction in spite of the »devilishness« of its members. But if this is the case, we fail to see why Kant insisted so strongly on the universal and free public use of one's reason.

Our spontaneous understanding of the free and public use of reason is that in the context of civil society the use of reason is called for to justify political authority. But this is precisely the opposite of what Kant tries to convey in his essay *What is Enlightenment?* by distinguishing between the private use of reason assigned to the realm of obedience and the public use assigned to the realm where the use of the reason is the end in itself. Or, to quote Kant: »By

---

citizens cannot be counted on to act rightly from moral motivations. It is, therefore, necessary to replace individual moral responsibility in the context of society by externally enforced legal norms.

25. See I. Kant, *On History*, p. 112.

26. *Ibid.*

27. See H. Arendt, *op. cit.*, p. 18.

the public use of one's reason I understand the use which a person makes of it as a scholar before the reading public. Private use I call that which one may make of it in a particular post or office which is entrusted to him.«<sup>28</sup> Kant's originality, as Foucault points out, is to show in what way the terms of the opposition are interconnected, or, more precisely, in what way obedience is a condition of possibility of the free use of reason, being perfectly illustrated by the injunction: »Reason as much as you want and about you want – but obey.«<sup>29</sup> According to Kant, man makes a private use of reason when he is »a cog in a machine«, when he has a role to play in society (for example, to be a soldier, to pay taxes, to be in charge of a parish, etc.). In short, whenever he has a job to do, following particular rules in pursuing particular ends attached to the position he occupies, man's freedom of the use of his reason is restricted. But as a scholar addressing the reading public of »world citizens«, in short, when he is using his reason as a reasonable being, then his use of reason must be unrestricted.

Now, it is clear that in Kant's political theory there is no unambiguous answer to the question of justifying political authority. Bearing in mind Kant's distinction between private and public use of reason, we ought not to confuse the scholar as a world citizen with the ordinary citizen. On the contrary, in so far as he is »a cog in a machine« the citizen must unconditionally obey the laws of the land, even if those laws are considered unjust by himself and his countrymen. One might say that from the perspective of the private use of reason the laws must be obeyed simply because they are laws. The citizen has, therefore, no right to question political authority. On the contrary:

»A people should not inquire with any practical aim in view into the origin of the supreme authority to which it is subject, that is, a subject ought not to rationalize for the sake of action about the origin of this authority, as a right that can still be called into question (*ius controversum*) with regard to the obedience he owes it.. For a people already subject to civil law these rationalizations are altogether pointless and, moreover, threaten a state with danger. If a subject, having pondered over the ultimate origin of the authority now ruling, wanted to resist this authority, he would be punished, got rid of, or expelled (as an outlaw, *exlex*) in accordance with the laws of this authority, that is with every right. A law that is so holy (inviolable) that it is already a crime even to call it in doubt in practical way, and so to suspend its effects for a moment, is thought as if it must have arisen nor from men but from some highest, flawless law-giver; and that is what the saying 'All authority is from God' means. This saying is not an assertion about the historical basis of civil constitution: it instead sets forth an Idea as a practical principle of reason: the

28. See I. Kant, *What is Enlightenment?* in: *Foundations of the Metaphysics of Morals*, Bobbs-Merill, Indianapolis 1959, p. 87f.

29. See M. Foucault, *op. cit.*, p. 34.

principle that the presently existing legislative authority ought to be obeyed, whatever its origin.«<sup>30</sup>

As J. R. Sullivan rightly points out, contrary to Locke's doctrine of the sovereignty of the people and their right to revolution, Kant insists on law-abidingness to justify his conviction that the citizen's duty is to obey in any case, even tyrannies. The reason why Kant holds such an extreme position is that, for him, the self-preservation is the ultimate rationale of any civil society. A civil society maintains itself only through the constitution of state. Hence, to be within a state means to accept its authority.<sup>31</sup> Any supposed right to revolution would be a right to revert to the lawless state of nature, where only power, not justice, rules. A maxim permitting revolution, if made universal, says Kant, would destroy the civil constitution, thus annihilating the only state in which one can possess rights. Such a maxim is therefore self-contradictory and at the same time forbidden, impermissible.

The above quoted passage is not only a description of constraints that a citizen, tied to his role within the body politic, is submitted to but at the same time the performance of a scholar's activity. Kant as a scholar or »citizen of the world« addressing a community of fellow-scholars demonstrates the public, free use of reason; he realizes what he as citizen is forbidden to do. So we might say that the price of the free and public use of reason by Kant-citizen of the world is the unconditional obedience to the external, pathological laws of the land to which Kant as a »cog in a machine« is submitted. But does it mean that Kant-scholar, unattached to any position in a »social machine«, questions political authority as he should be able to due to the unrestricted public use of reason he is supposed to enjoy? The fact is that he neither questions nor justifies any political authority since the main point of his argumentation is to show precisely why such »rationalizations«, to use his term, are pointless there where they could count, that is, at the level of the subject submitted to political authority. But if they are pointless for the subject who, by resisting political authority, could bring about a change whatever this change might be, it seems that they are even more pointless at the level of a scholar who is by definition forbidden to act. Or, to put it in another way, the one who, due to his internal position within the political body, could act is forbidden to act because his action would destroy the entire political body; the other who, due to his external position with respect to political body, is in an even better position to judge the accordance of organization of the political body and political authority with the requirements of reason cannot act precisely because he is an outsider.

---

30. See, I. Kant, *The Metaphysics of Morals, Metaphysical Principles of the Doctrine of Right*, Cambridge University Press 1991, p. 129ff.

31. See R. J. Sullivan, *op. cit.*, p. 244.

It seems that what is at stake in Kant's argumentation is to constitute the conditions of impossibility of any change since he warns even against »excessive« freedom of speech that might be in certain circumstances abused by the advocacy of rebellion.<sup>32</sup>

This double paralysis, this imposed immobility with respect to action to change anything, either by rebellion or revolution or by the »abuse« of the public use of reason, is so to speak embodied in the figure of spectator. Here, in this frozen immobility of the spectator, to be precise, in this horrified gaze of the onlooker of the spectacle displayed by the French Revolution, one can grasp the cause of Kant's reluctance, hesitation, his obsessive precautions against activity in the realm of politics. What horrifies Kant and at the same time attracts him to the point that he cannot avert his gaze? What provides him with an enjoyment beyond any measure of pleasure? Kant himself has a response to our question. What fascinates him beyond any reasonable explanation is the inexpiable crime, as he puts it, »*crimen immortale, inexpiabile*«<sup>33</sup> of the death of the state and its rebirth. What is »unthinkable« within the framework of Kant's political theory, what must be repressed in any body politic so that it can function at all, as Kant himself points out, is the impurity of the constitution of the state, the fact that it originates in a crime. One can forget all about the origin of the state and political authority and obey it as long as this origin is comfortably swept under the carpet. But it may prove to be difficult not to reconsider it when that what was repressed returns in the real of the violent revolution.

---

32. See, I. Kant, *The Metaphysics of Morals*, p. 128.

33. *Ibid.*, p. 132.