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KANT AND THE RIGHT OF REVOLUTION

BY LEWIS W. BECK*

Kant's enthusiasm for the French Revolution, the American Revolution, and the Irish efforts to throw off the English yoke is well known. It earned him the unenviable epithet of "the old Jacobin"; though he condemned the excesses of the Reign of Terror and the execution of the King and Queen, these events which turned many of his compatriots against the Revolution and all its works did not make Kant modify his adherence to the principles of the Revolution; and even it was believed that he was to go to Paris as advisor to Sieyès.¹

When, therefore, in 1793 he sent his essay, *On the Saying: "That may be true in theory but it does not hold in practice,"* to the *Berlinische Monatschrift*, the editor wrote him with obvious relief: "To speak quite openly, it pleased me all the more since it refuted the rumor (which I had suspected from the start) that you had come out in favor of the ever increasingly repulsive French Revolution, in which the actual freedom of reason and morality and all wisdom in statecraft and legislation are being most shamefully trampled under foot. . . ."² For this essay of Kant's denies the right of revolution, when the editor had reason to believe that Kant would defend it. But what was a relief to Biester, the editor, has been a paradox to others.

How could a man of Kant's probity sympathize with revolutionists and yet deny the right and justification of revolution? I say a man of Kant's probity; for it has been suggested that Kant's condemnation of revolution in his published works was deceptive, a sop to the censor. Of course we cannot disprove this accusation; but while it is not improbable that Kant was intimidated by the censor, I find it incredible, for Kant's actual response to the censor in 1792 was silence, not deception. In 1766, he had written Moses Mendelssohn, "Although I am absolutely convinced of many things that I shall never have the courage to say, I shall never say anything I do not believe."³ I think that was as true in the 1790's as in the 1760's; and therefore, I must try to find some other way to explain the apparent inconsistency in Kant's attitudes.

We can understand Biester's delighted surprise in finding in Kant's essay a denial of the right of revolution. Not only had Kant's reputation as a Jacobin

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¹An account of this rumor will be found in G. P. Gooch, *Germany and the French Revolution* (London, 1920), 276-77.

²Biester to Kant, Oct. 5, 1793; *Kants Gesammelte Schriften*, Prussian Academy edition (hereafter cited as "Ak."), XI, 456; *Kant's Philosophical Correspondence*, trans. Arnulf Zweig (Chicago, 1966), 208-09.

³Kant to Mendelssohn, April 8, 1766; Ak. X, 69; Zweig, 54.

spread to Berlin, but also in his *Idea for a Universal History* published nine years earlier, even before the French Revolution, Kant had spoken the hope that “after many reformatory revolutions, a universal cosmopolitical condition . . . will come into being.”⁴ In fact, one might almost suppose that the conclusion of *Theory and Practice* came as a surprise to Kant himself; for in unpublished notes we find Kant writing that resistance to government may be justified provided some constitutional provision is made—as he believed it was made in England⁵—under which there can be a formal legal finding that the original contract has been broken by the monarch; and even without such a constitutional provision he held in certain cases that revolution is justified:

Force, which does not presuppose a judgment having the validity of law [*rechtskräftig Urtheil*] is against the law; consequently [the people] cannot rebel except in the cases which cannot at all come forward in a civil union, e.g., the enforcement of a religion, compulsion to unnatural sins, assassination, etc., etc.⁶

—and the etceteration is Kant’s own. Given what we know of Kant’s theory of natural law and of the justification of positive law by reference to it—a theory as susceptible to a Lockean as to a Hobbesian development—it is easy to suppose that Kant could have asserted the right of resistance to a tyrannical government which denied autonomy to the legislation of the citizens. In fact, one of his disciples, August Wilhelm Rehberg, in the following issue of the *Berlinische Monatsschrift*, replied to Kant and drew precisely this conclusion from Kantian premises:

If a system of *a priori* demonstrated positive specifications of natural law is applied to the world of men, nothing less than a complete dissolution of present civil constitutions would follow. For according to such a system, only that constitution is valid which accords with the determination of the ideal of reason. In this case, no one of the existing constitutions could stand. . . . If these constitutions contradict . . . the first requirements of a rational constitution, the human race is not only permitted, it is required, to destroy these constitutions which are opposed to the original moral law. The form of

⁴Ak. VIII, 28; *Kant on History*, ed. L. W. Beck (Indianapolis, 1963), 23. The words translated “reformatory revolutions” (*Revolutionen der Umbildung*) do not suggest (as the English words may) that these revolutions were to be bloodless.

⁵Reflexionen 8043, 8044; Ak. XIX, 590, 591. But popular violence (*turbas*) is forbidden. In *Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis* (Ak. VIII, 303) he approves of the silence of the “contractual arrangement” made in 1688 with respect to the right to overthrow a monarch who does not fulfil it.

⁶Reflexion 8051; Ak. XIX, 594–95. The passages cited by H. S. Reiss, “Kant and the Right of Rebellion,” *J. H. I.*, XVII (1956), 190–91, as evidence that Kant justified seeking to overthrow government under the saying, “We ought to obey God rather than men” (*Religion innerhalb der Grenzen der blossen Vernunft*, Ak. VI, 99n; Greene and Hudson trans., 90n.) do not seem to me to go beyond the justification of passive disobedience, and not even to go that far when the politico-civil law does not command anything “in itself evil.”

the constitution of the state is a matter of indifference, so long as complete equality is established; but to establish this, everything else must be sacrificed.—Thus the theory of revolution is a necessary consequence of the physiocratic system.⁷

Kant spurned Rehberg's essay (without specifically mentioning the putative deduction of the right of rebellion),⁸ and his tentative justification of the Glorious Revolution of 1688 remained hidden in his notes. In his published works, there is only one halfhearted commendation for revolution (cited above) and one passage (later than the contribution to Biester's journal) which excuses, if it does not justify, revolution. It occurs in the *Rechtslehre*, where Kant speaks of a people's having "at least some excuse for forcibly [dethroning a monarch] by appealing to the right of necessity [which knows no law]."⁹ But otherwise Kant's denial of the right of revolution is as firm and clear as his express sympathy for the French Revolution.

I shall proceed to examine this paradox as follows. I shall first state Kant's jurisprudential objections to the right to revolt; next I shall give a brief summary of those parts of his political theory which provide a context for his understanding of the events of 1789; then I shall discuss the nonjurisprudential ground of his sympathy with the Revolution. In conclusion, I shall draw some comparisons between his views and those of Hegel.

1. Kant's argument against the right of revolution is brief to the point of lucidity. By virtue of the ideal of the social contract, sovereignty is indivisible. A constitution cannot have within it a positive law permitting the abrogation of the constitution; there is a contradiction in the conception of a publicly constituted *Gegenmacht*.¹⁰

The constitution cannot contain any article that would allow for some authority in the state that could resist or restrain the chief magistrate in cases in which he violates the constitutional laws. For he who is supposed to restrain the authority of the state must have more power than, or at least as much power as, the person whom he is supposed to restrain . . . ; in other words, he must be able to command the resistance publicly. But then the latter would be the chief magistrate, not the former; and this supposition contradicts itself.¹¹

To permit any opposition to this absolute power (an opposition that might limit that supreme authority) would be to contradict oneself, inasmuch as in that case the power (which may be opposed) would not be the lawful supreme authority that determines what is or is not to be publicly just.¹²

In this argument, we see Kant's formalism *in extremis*. There cannot be a

⁷Über das Verhältnis der Theorie zur Praxis (1793) in *Über Theorie und Praxis*, ed. Dieter Henrich (Suhrkamp, 1967), 128.

⁸Kant to Biester, April 10, 1794 (Ak. XI, 496–7; not in Zweig).

⁹*Rechtslehre* (Part I of *Metaphysik der Sitten*), Ak. VI, 321n; cf. 236; *Metaphysical Elements of Justice*, trans. John Ladd (Indianapolis, 1965), 87n; cf. 42.

¹⁰Über den Gemeinspruch . . . , Ak. VIII, 303. ¹¹*Rechtslehre*, Ak. VI, 319; Ladd, 85.

¹²*Ibid.*, Ak. VI, 372; Ladd, 140–41.

law which permits lawlessness, nor an institution of power that provides for its own forcible dissolution.

It seems to me that no one should be unduly shocked by Kant's argument; and if one is not convinced, it is because one objects to the narrowness of Kant's base, not to the stringency of his proof erected upon it. The revolutionist does not appeal to the terms of the constitution for justification of his efforts to overturn the constitution; at most he appeals to the constitution for reform of administrative practices, or perhaps to the preamble of the constitution with its adumbration of natural, not positive, law as a basis for criticism of the positive law and the constitution which he rejects. In the *Rechtslehre*, which is concerned with the *a priori* foundation of civil society, Kant could have drawn no other conclusion. Revolution abrogates positive law; therefore positive law and its system condemn revolution. Revolution means a return to nature, which the contract establishing positive law renounces.¹³

Up to this point it may appear that Kant is making a point of boring obviousness, namely, that there can be no legal right of revolution. Revolution by its very nature is a denial that established legal and constitutional claims are indefeasible; and to tell a revolutionary that he should desist from his revolutionary activity because he is breaking a law would be met with derision.

In *Perpetual Peace*, however, there is another criticism of the putative right of revolution, a criticism which is more deeply rooted in Kant's moral philosophy than in his metaphysics of jurisprudence. The previous argument, as it were, is a legalistic consequence of the categorical imperative in the form which forbids us from acting on maxims which are self-contradictory when universalized. The new argument is derived from the form of the categorical imperative which requires us to treat human beings as end-setting ends-in-themselves, and it leads to what Kant calls the "transcendental formula of public law": "All actions relating to the right of other men are unjust if their maxim is not consistent with publicity." "The illegitimacy of rebellion," he infers, "is thus clear from the fact that its maxim, if openly acknowledged, would make its own purpose impossible. Therefore [the maxim to revolt on occasion] would have to be kept secret"¹⁴ in order to be effective, and is therefore illegitimate. The maxim to put down revolution, however, passes this test and is likely to be most effective when given the widest publicity.

In place of revolution, Kant favors evolution. The evolution of the state to a more just form and administration, Kant believes, is inevitable only if there is public enlightenment and freedom of the press. The free press is the palladium of human rights.¹⁵ It permits the reform of the state by apprising the rulers of the dissatisfactions of the subjects, and it is to the interests of the

¹³*Ibid.*, Ak. VI, 355; Ladd, 129.

¹⁴*Zum ewigen Frieden*, Ak. VIII, 381; in *Kant on History*, 129–30.

¹⁵*Über den Gemeinspruch*. . . , Ak. VIII, 304.

rulers themselves that these dissatisfactions be removed, since an irrational legislation—one decided for the people in a way in which the people would not decide for themselves¹⁶—makes for instability in the government and insecurity of the rulers. Reform can be effected only by the sovereign,¹⁷ but it can be undertaken by him with wisdom only if he is made aware of the inequities and inadequacies of his administration.

Until this reform is effected, however, the people must obey. For to disobey is to return to the state of nature and to leave it to chance, or Providence, whether the new government yet to be established will be better or worse than the one which is overthrown. Reform means progress, the metamorphosis of the state; revolution means palingenesis¹⁸ of the state, a new beginning of civil society from the state of nature without profit from the steps previously taken on the path away from the state of nature.

That a government may have been established by an act of lawless violence does not impugn its legal authority and validity, nor reduce its claim to allegiance. Kant is willing to believe that all governments began with power, not with contract. But to inquire into the historical origin of a government for the purpose of thereby impugning its authority is itself punishable.¹⁹ This principle of the irrelevancy of historical origin to judicial validity is used to legitimize the government which is, in point of historical fact, established as a result of insurrection.²⁰ The new government cannot legitimately punish the fallen ruler, since he could, under the previous constitution, have done no (punishable) wrong.²¹

2. I turn now to Kant's theory of government, in which the doctrine of the separation of powers is the most basic principle.

The sovereign (*Beherrscher*) or lawgiver of a people (the head of the state) derives his rightful authority from the united people under the contract.²² It is as though he held his legislative authority from the perfect lawgiver, God.²³ But his actual authority is in all probability based upon his power, with only a *post facto* justification of it by the ideal of the contract. The sovereign has rights with respect to the subject, but no coercive duties.²⁴ Hence the sovereign can do no wrong²⁵ in the sense that nothing he does is punishable: "There is no right of sedition, much less a right of revolution, and least of all a right to lay hands on or to take the life of the chief of state."²⁶

The head of the government (*Regent*) is the agent of the sovereign. His commands are not laws but only ordinances and decrees.²⁷ He is obligated to the sovereign and subject to the laws given by the sovereign. His decrees must be obeyed by the subjects, and even if he proceeds contrary to the law, the

¹⁶*Rechtslehre*, Ak. VI, 327; Ladd, 95.

¹⁷*Ibid.*, Ak. VI, 321–2; Ladd, 88.

¹⁸*Ibid.*, Ak. VI, 339–40; Ladd, 111.

¹⁹*Ibid.*, Ak. VI, 319, 339–40, 372; Ladd, 84, 11, 140.

²⁰*Ibid.*, Ak. VI, 323; Ladd, 89.

²¹*Ibid.*, Ak. VI, 317, 341; Ladd, 82, 113–14.

²²*Ibid.*, Ak. VI, 315; Ladd, 80.

²³*Ibid.*, Ak. VI, 319; Ladd, 84–85.

²⁴*Ibid.*, Ak. VI, 319, cf. 241; Ladd, 85, cf. 47.

²⁵*Ibid.*, Ak. VI, 317; Ladd, 82.

²⁶*Ibid.*, Ak. VI, 320; Ladd, 86.

citizens must not actively resist him except by exercising their freedom to criticize and petition for reform.²⁸ But the head of the government may be deposed by the sovereign and the sovereign may modify his administration.²⁹

Various abortive forms of government arise when the legislative, judicial, and executive functions of government are confused or lodged in the same moral or physical person. If the same person both makes and executes the laws—if, that is, the sovereign is himself the head of the government or the supreme judge—the system of checks and balances is not in effect, and the government is despotic.³⁰ A government may be monarchical in form while republican in spirit if the sovereignty resides in the united people, and the person of the sovereign represents the interests and rights of the people.

The ultimate agency of legitimate reform in the government lies in the person of the sovereign, as we have seen; but there are limits even on his right to change the constitution. The sovereign, for example, cannot validly arrange a transformation of one constitution to another (e.g., from an aristocracy to a democracy), for these are matters only for the collective will of the people to decide. “Even if the sovereign were to decide to transform himself into a democracy,” Kant writes, “he would be doing the people an injustice, because the people themselves might abhor this kind of constitution and might find that one of the other two was more advantageous to them.”³¹

When the chief of state allows himself to be represented in a body of deputies of the people, sovereignty *ipso facto* reverts to the collective people; the surrender of sovereignty by the person of the monarch has already occurred,³² and it cannot be regained at the end of some specified time unless it is freely granted by the body of the people or their deputies. This event, according to Kant, took place on May 5, 1789 when “the sovereignty of the monarch disappeared completely . . . and passed over to the people, to whose legislative will the property of every citizen now became subject.” What was not justified was, first, the surrender of his sovereignty by Louis XVI to the Estates General; and, second, the execution of the former monarch—an act which “fills the soul, conscious of the ideas of human justice, with horror.”³³

But the success of the Revolution, in spite of the illegitimacy of its begin-

²⁷ *Ibid.*, Ak. VI, 317; Ladd, 82.

²⁸ *Ibid.*, Ak. VI, 319; Ladd, 85.

²⁹ *Ibid.*, Ak. VI, 317, 321–22; Ladd, 82, 88.

³⁰ *Ibid.*, Ak. VI, 317, 319; Ladd, 82, 85.

³¹ *Ibid.*, Ak. VI, 340; Ladd, 112.

³² *Ibid.*, Ak. VI, 341; Ladd, 113. The King had plenty of warning against convoking the Estates General, with such admonitions as “Un roi qui subit une Constitution se croit dégradé: un Roi qui propose une Constitution obtient la plus belle gloire qui soit parmi les hommes . . .” and besides “It is illegal!” (See Jean Egret, *La Pré-révolution française* [Paris, 1962], 322, and George Lefebvre, *The Coming of the French Revolution* [New York, 1959], 27). But the notion that it was radically “unconstitutional” (like an act of revolution itself) seems to be original with Kant. More study of the polemical literature of the time, however, might reveal earlier sources for this singular idea.

³³ *Rechtslehre*, Ak. VI, 321n.; Ladd, 87n. There is, however, an inconsistency in Kant’s comparing the execution of Louis XVI to an act of state suicide, since it follows

ning and the crimes which marked its effectuation, “binds the subjects to accept the new order of things as good citizens, and they cannot refuse to honor and obey the suzerain (*Obrigkeit*) who now possesses authority.”³⁴

Kant’s fervid denial of the right of revolution, therefore, is historically focussed not against the Estates General and the successor government, but upon the efforts at counterrevolution and restoration of the Bourbons. Thus he specifically denounces the right claimed by other sovereigns to intervene in French affairs so as to undo the Revolution.³⁵

Our exposition has perhaps let it appear that Kant’s formalism—the notion that a legal right to rebel is self-contradictory and a moral right to rebel is unjustifiable—makes him oppose all revolutions yet to come, while precisely the same formalism permits him to accept all successful revolutions of the past, especially those of 1688, 1776, and 1789. His enthusiasm for these revolutions, especially that of 1789, is made compatible with his denial of the right of revolution, for “revolution” now means “Restoration.” This, however, would seem to me to be time-serving dishonesty which one would not willingly attribute to Kant if a more ingenuous resolution of the original paradox is possible.

But even if one hesitates to apply to Kant the maxim that what matters is “whose ox is being gored,” there is a sophistic legalism in his theory of a non-juridical transfer of sovereignty from Louis XVI to the Estates General. He seems to be exculpating the Estates from the charge of rebellion, saying rather that they discharged the duty that legally devolved upon them to “reform” the government. This outcome, to be sure, removes the paradox with which I began this paper: Kant disapproved of revolutions, but what was called the French Revolution was not really a revolution or, if it was a revolution, the only revolutionary was Louis XVI!³⁶ Surely, however, this is explaining away one paradox by means of a greater one.

3. To remove the paradox requires us to consider things not from a moralistic or legalistic point of view, which is perhaps the one most natural to Kant, but from the standpoint of his teleological conception of history. For from this point of view alone can Kant justify comparing a state before and after a revolution and thus pronounce a moral judgment on a revolution unjustified *a priori* on grounds of positive law and on the natural law that authority must be obeyed.

In so doing, however, Kant cannot, without being unfaithful to his moral principles, appeal to a utilitarian justification for a revolution. And he does not do so,³⁷ whether a people is happier before or after a revolution is as

from his thesis that Louis was no longer sovereign. He suffered injustice, to be sure, and one can sympathize with Kant’s abhorrence of this act without putting it into a special class “more heinous than murder itself,” inexplicable except as “the pure Idea of extreme perversity” (Ak. 322n.; Ladd, 88n.). ³⁴*Ibid.*, Ak. VI, 323; Ladd, 89.

³⁵*Zum ewigen Frieden*, Ak. VIII, 346; *Kant On History*, 89.

³⁶Cf. Dieter Henrich, “Einleitung,” *Theorie und Praxis*, 32.

³⁷*Rechtslehre*, Ak. VI, 318; Ladd, 83.

irrelevant from the standpoint of the judgment of the philosophy of history as it is from the standpoint of positive or moral law. Progress in history is not measured by the happiness of the people but by the formal criterion of the rule of law and the scope of juridical freedom.

The perfect civic constitution, Kant holds, is republican, for it alone derives from the idea of the original compact which is the norm, if not the historical genesis, of all government:

The republican constitution is the only enduring political constitution in which the law is autonomous and is not annexed to any particular person. It is the ultimate end of all public law and the only condition under which each person receives his due peremptorily. . . . [Under any other form of government] it must be recognized that only a provisory internal justice and no absolutely juridical state of civil society can exist.³⁸

The republican constitution is with respect to the law the one which is the original basis of every form of civil constitution.³⁹

Thus Kant can distinguish between revolutions towards the better and revolutions towards the worse, though *qua* revolution both are to be condemned. Since revolution produces an *interregnum* which is equivalent to the state of nature, revolutions probably have a tendency to end in a worse government than the government which could have been achieved by gradual reform. Political wisdom, therefore, stands on the side of reform to make the constitution better accord with the ideal of law; but "when nature herself produces revolutions," political wisdom will use them "as a call of nature for fundamental reforms to produce a lawful constitution founded upon principles of freedom, for only such a constitution is durable."⁴⁰

When nature herself produces revolutions . . . ! The *Idea for a Universal History* is like a theodicy, asking "Is it reasonable to assume a purposiveness in all the parts of nature and to deny it to the whole?"⁴¹ Kant answers: "The history of mankind can be seen, in the large, as the realization of Nature's secret plan to bring forth a perfectly constituted state. . . ."⁴² The un-social sociability of mankind, the competition among tribes and states which leads to war, and revolutions—all of which are judged, juridically and moralistically, to be evil—are the means nature uses in realizing her "secret plan" for mankind.

That the French Revolution is to be understood at least by analogy to natural teleology is made clear in the *Critique of Judgment*. The organization of nature, Kant tells us, has nothing analogous to any causality known to us, but it throws light on "a complete transformation, recently undertaken, of a great people into a state" where

³⁸*Ibid.*, Ak. VI, 341; Ladd, 112–13.

³⁹*Zum ewigen Frieden*, Ak. VIII, 350; *Kant on History*, 94.

⁴⁰*Ibid.*, Ak. VIII, 373n.; *Kant on History*, 120n.

⁴¹*Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht*, Ak. VIII, 25; *Kant on History*, 20.

⁴²*Ibid.*, Ak. VIII, 27; *Kant on History*, 21.

the word “organization” has frequently, and with much propriety, been used for the constitution of the legal authorities and even of the entire body politic. For in a whole of this kind certainly no member should be a mere means, but should also be an end, and, seeing that he contributes to the possibility of the entire body, should have his position and function in turn defined by the idea of the whole.⁴³

But the French Revolution is not to be understood only by analogy to natural teleology; it has a distinctively moral dimension too. In the *Strife of the Faculties*, Kant draws a moral conclusion from the French Revolution. The passionate participation in the good, viz., the disinterested enthusiasm with which the Revolution was greeted, could have no other cause, Kant thinks, than a moral predisposition in the human race to seek what is ideal and purely moral.⁴⁴ It gives hope and evidence of the moral progress of mankind. The participants in the Revolution, of course, were not morally disinterested; but the impartial spectators approved, and “such a phenomenon in human history”—Kant is not now speaking of the Revolution, but of the moral enthusiasm it engendered—“is not to be forgotten, for it revealed a tendency and faculty in human nature for improvement such as no politician, affecting wisdom, might have conjured out of the course of things hitherto existing, and one which nature and freedom alone, united in the human race in conformity with inner principles of right, could have promised.”⁴⁵

4. Kant does not have a categorical scheme adequate to take account of the juxtaposition of the illegality and immorality of a man who makes a revolution and what might be called his higher morality when, through revolutionary activity, he establishes a better stage of political culture as a basis for further moral development. He does not accept the doing of evil that good may result. He does not do so in part because his political ethics reduces to the maxim of my station and its duties except in so far as complaining and striving to reform a government are imprescriptible rights; and in part because his conception of natural law is static.⁴⁶ Not only is it static; it is in fact inconsistent, for it includes both the teleology of seeking to bring about the rule of law under a republican constitution (which may, in fact, require not merely efforts at reform but actual violence⁴⁷) and a formalism of obedience

X

⁴³*Kritik der Urteilskraft*, Ak. V, 375n; *Critique of Teleological Judgment*, trans. J. C. Meredith (Oxford, 1952), 23n.

⁴⁴*Der Streit der Fakultäten*, Ak. VII, 85–86; *Kant on History*, 144–45.

⁴⁵*Ibid.*, Ak. VII, 88; *Kant on History*, 147.

⁴⁶Not natural law, of course, in the sense that the study of empirical nature gives rise to it; it is a law of reason. But it functions in the same way as natural law, as a norm and warrant for positive law. See Leonard Krieger, “Kant and the Crisis in Natural Law,” *J. H. I.*, XXVI (1965), 191–210, esp. 201, 207.

⁴⁷As certainly the first step from a state of natural savagery to civil society required the exercise of a natural right to violence: “. . . Everyone may use violent means to compel another to enter into a juridical state of society,” *Rechtslehre*, Ak. VI, 312; Ladd, 76–77.

to the powers that be. The duty we have to contribute to the progress of mankind is a duty of imperfect obligation, is unenforceable, and leaves elbow-room for its realization. The latter, the duty we have to fulfill the requirements of the established law, is a duty of strict or perfect obligation, and is thus for Kant prior in its claims to the former.⁴⁸ As consequences of this priority of duties of perfect over duties of imperfect obligation are those famous cases which have served for generations as a *reductio ad absurdum* of Kantian ethics, e.g., the denial of the right to lie in order to save the life of an innocent man. A like consequence is here drawn in Kant's political philosophy. We are to work towards the end of the improvement of mankind by striving to secure a political stage on which the rights of man will be respected and war will be abolished. But in so doing, we are not to overthrow by violence even a tyrannical government which blatantly traduces these rights, for to do this would conflict with a duty of perfect obligation. We are not, therefore, justified in killing a tyrant in order to preserve the lives of thousands or millions of his subjects. The most I can morally do is to expose the abuses of his power and make proposals for his reform, to disobey him if he commands me to do something immoral and to suffer martyrdom if necessary.⁴⁹

A conception of natural law which is evolutionary can profit from an understanding of the inconsistency into which Kant falls in condemning revolution while holding that the enthusiasm for the French Revolution sprang from a moral disposition in mankind. The moral aspirations of mankind are not satisfied by punctilious obedience to the powers that be; they demand that the powers that be should earn our respectful obedience, and they sometimes justify the disobedience to the positive law out of obedience to a "higher law." Both obligations are rational and natural, and it takes deep moral and historical insight to adjudicate their conflict, and this adjudication need not and does not always lead to the same decision. An evolutionary view of morality and of the law of nature draws a distinction between the morality of stable societies, which is necessary to maintain or to gradually improve the *status quo*, and the historical demands which abrogate static laws and institutions when they fall significantly below the level of moral aspiration; but no rules can be given for this adjudication which will decree an all-or-none answer in periods threatened by, or promised, radical changes.

The agents whose acts are directed against the stable moral order are, descriptively, criminals; but they may be, in Hegel's terms, men whose "words and deeds are the best of the age."⁵⁰ If they succeed, their words and ideas will be the ruling words and ideas of the new moral community they will pro-

⁴⁸*Zum ewigen Frieden*, Ak. VII, 377; *Kant on History*, 124.

⁴⁹*Kritik der praktischen Vernunft*, Ak. V, 155–56; trans. L. W. Beck (New York, 1956), 159f., on the effort of Henry VIII to suborn a witness against Ann Boleyn.

⁵⁰*Die Vernunft in der Geschichte (Einleitung in die Philosophie der Weltgeschichte)*, *Sämmtliche Werke*, ed. G. Lasson (Leipzig, 1930), VIII, 76. *Reason in History*, trans. R. S. Hartman (Indianapolis, 1953), 40.

duce—and if they fail, they will (rightly) be hanged as common criminals against the stable ethical order.

Such an evolutionary conception—an evolutionary conception which is meant to justify revolution, if that is what is required for progress—is found in Hegel's dialectic of private morals (*Moralität*), public ethics (*Sittlichkeit*), and the egotism of world-historical individuals whose crimes against the first two are converted, by the cunning of world-reason, into quantum-jumps in the moral progress of the community or state:

The basis of duty is the civil life: the individuals have their assigned business and hence their assigned duties. Their morality consists in acting accordingly. . . . But each individual is also the child of a people at a definite stage of its development. . . . A moral whole [a specific moral community], as such, is limited. It must have above it a higher universality, which makes it disunited with itself. The transition from one spiritual pattern to the next is just this, that the former moral whole is abolished. . . . It is at this point that appear those momentous collisions between existing acknowledged duties, laws, and rights, and those possibilities which are adverse to this system, violate it, and even destroy its foundations and existence. . . . These possibilities now become historical fact; they involve a universal of an order different from that upon which the permanence of a people or a state depends. This universal is an essential phase in the development of the creating Idea, of truth striving and urging towards itself.⁵¹

Thus arises the conflict between the morally good man who fulfills the duty of his station and the man who breaks down that system—the “world-historical individual” who is impudently judged to be immoral by schoolmasters and valets, “those exquisite discerners of spirits.”

But the history of the world moves on a higher level than that proper to morality. . . . Those who, through moral steadfastness and noble sentiment, have resisted the necessary progress of the Spirit stand higher in moral value than those whose crimes have been turned by a higher order into means of carrying on the will behind this order. . . . They stand outside morality. The litany of the private virtues of modesty, humility, love, and charity must not be raised against them.⁵²

This is a teleological suspension of the ethical, to adapt Kierkegaard's terminology to a new use.

Kant's enthusiasm for the French Revolution is based upon his teleological conception of history, which is a forerunner of Hegel's definition of history as “the progress of the consciousness of freedom.” That the final purpose of the world is moral, not eudaemonistic, makes it possible for Kant to have a

⁵¹*Ibid.*, 73–75 (Hartman [slightly modified], 38–39). No inferences must be drawn, of course, from this passage concerning Hegel's own view of the right of revolution and, specifically, the French Revolution; much else entered into his judgment on these questions.

⁵²*Ibid.*, 153, 154 (Hartman, 82; trans. slightly modified).

moral enthusiasm for the Revolution which his formalistic moral system does not justify. Had Kant's approval of the Revolution been eudaemonistic, the inconsistency would have been greater. But some inconsistency remains because Kantian ethics is not adequate to resolve the painful problems of conflicting duties.⁵³

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⁵³He even denies that conflicts of duties exist: *Metaphysik der Sitten, Einleitung*, Ak. VI, 224; Ladd, 25.