

KANT'S MORAL ARGUMENT AGAINST ACTIVE POLITICAL RESISTANCE

RADU NECULAU

Abstract. This paper claims that Kant's moral argument against active political resistance is in fact a defense of the ethical value of an attitude of political obedience. The paper presents the supporting evidence for this claim and then examines its implications for a renewed understanding of the connection between Kantian morality and liberal politics.

Keywords: Kant, revolution, reform, obedience, education, ethical attitudes, the highest good.

1. INTRODUCTION

Is it morally permissible to actively resist and therefore, perhaps unavoidably, to violently oppose infringements on human rights by state authorities, whether in one's own country or abroad? Are maxims of rebellion, or maxims of forceful intervention in the affairs of an unjust state not only ethically expedient, but also morally justified in the strong sense of a Kantian conception of morality? In Kant's view, all forms of active resistance are illegal means to effect transformations in the political organization of society and this holds even under the most severe circumstances of political oppression. The prohibition against active resistance includes rebellion, revolutions, mutinies, uprisings, revolts, insurgencies, or acts of sedition that involve the use of force against the government and its agents.¹ Citizens, Kant claims, can disobey any laws or executive commands if they have strong reasons to believe that they are either unjust or immoral.² They may even have a duty to assist the government in reforming itself and offer advice on reform.³

¹ Immanuel Kant, *The Metaphysics of Morals*, in *Practical Philosophy*, tr. Mary J. Gregor, Cambridge, Cambridge University Press, 1996, p. 463–4 (6:320).

² Immanuel Kant, *Critique of Practical Reason*, in *Practical Philosophy*, p. 163 (5:30).

³ Immanuel Kant, *The Metaphysics of Morals*, p. 462 (6:139). Immanuel Kant, *On the Common Saying: That May Be Correct in Theory, But It Is of No Use in Practice*, in *Practical Philosophy*, p. 302 (8:304).

However, they cannot actively, that is, forcefully, resist the state representatives under any conceivable circumstances, not even when these representatives are in clear violation of legal rights, or when the consequence of inaction is harm to others and a demonstrable increase in injustice.⁴

This paper attempts to explain Kant's counterintuitive position by means of a new interpretation that is both charitable to Kant as well as supportive of a more nuanced account of the connection between Kantian morality and liberal politics. Scholars agree that the legal component of Kant's argument against active political resistance is not particularly controversial.⁵ The argument states that all constitutions must be internally coherent if they are to be normatively efficient and therefore that no constitution can include provisions for revolutionary changes without at the same time undermining its own juridical foundations.⁶ However, what they find truly objectionable in Kant's argument is his denial of a right to resist even unjust and harmful rulers.⁷ And, given that this claim is neither immediately derivable from the legal argument, nor fully compatible with Kant's idea that protecting human freedom is the only legitimate source of coercive authority in a state, they seem justified to infer that, if the claim is valid, it must have been based in some deeper layer of Kant's moral theory, and if it is not, then we are dealing with an unresolved conflict within Kant's practical philosophy between his legal theory and his ethics.

If Kant has a moral argument against active resistance, what kind of an argument is it? The best known efforts to reconstruct it have focused on applications of the categorical imperative to maxims of rebellion or political violence⁸ and the

⁴ *Ibidem*, p. 298–9 (9:299–300).

⁵ Different versions of this interpretation can be found in Lewis White Beck, *Kant and the right of revolution*, in *Journal of the History of Ideas* 32, 1, 1971, p. 411–22; Thomas Seebohm, *Kant's theory of revolution*, in *Social Research* 48, 1981, p. 331–87; R. F. Atkinson, *Kant's moral and political rigorism*, in Howard Lloyd Williams (ed.), *Essays on Kant's Political Philosophy*, Chicago, University of Chicago Press, 1992; Otfried Höffe, *Immanuel Kant*, tr. Marshall Farrier. Albany, SUNY Press, 1994; Thomas E. Hill, Jr., *A Kantian perspective on political violence*, in *The Journal of Ethics* 1, 1997, p. 105–40, and *Questions about Kant's opposition to revolution*, in *Journal of Value Inquiry* 36, 2002, p. 283–98; Christine Korsgaard, *Taking the law into our own hands*, in Andrews Reath, Barbara Herman, and Christine Korsgaard (eds.), *Reclaiming the History of Ethics. Essays for John Rawls*, New York, Cambridge University Press, 1997, p. 297–328; Ernst-Jan C. Witt, *Kant and the limits of civil obedience*, in *Kant-Studien* 90, 1999, p. 290–4; Paul Guyer, *Kant*, New York, Routledge, 2003; Katrin Flikschuh, *Reason, right, and revolution: Kant and Locke*, in *Philosophy and Public Affairs* 36, 4, 2008, p. 375–404; Paul Formosa, "All politics must bend its knee before right": *Kant on the relation of morals to politics*, in *Social Theory and Practice* 34, 2, 2008, p. 157–81; Radu Neculau, *Does Kant's rejection of the right to resist make him a legal rigorist? Instantiation and interpretation in the "Rechtslehre"*, in *Kantian Review* 13, 2, 2008, p. 105–38.

⁶ Immanuel Kant, *On the Common Saying*, p. 291–8 (8:291–9); Immanuel Kant, *The Metaphysics of Morals*, p. 462–3 (6:319–20).

⁷ *Ibidem*, p. 391–2 (6:235); Kant, *On the Common Saying*, p. 290, 301 (8:289, 303).

⁸ Cf. Peter Nicholson, *Kant on the duty never to resist*, in *Ethics* 86, 1976, p. 214–30, and Thomas E. Hill, Jr., *A Kantian perspective on political violence*.

relative strength of the various duties it generates.⁹ The assumption behind these reconstructions seems to have been that Kant's legal argument and his moral argument are sufficiently similar from a formal point of view such that verifying that maxims are universalizable without contradiction, as demanded by the various formulas of the categorical imperative, would be the equivalent of verifying that actions comply with the state's monopoly over legal coercion, as required by the universal principle of right. Yet as I show below, this type of approach is for the most part inconclusive. The categorical imperative cannot fully and satisfactorily account for the tremendous variety of empirical conditions under which active resistance may be warranted. We cannot ignore this variety by applying the principle to absurdly simplified maxims of action under idealized conditions of social interaction just as we cannot undermine the heuristic functions of the categorical imperative by generating a plethora of morally correct propositions that are too case specific to do the work of a more general policy on active resistance. As a result, given the general epistemic indeterminacy about what exactly can or should be tested that is not already implied in our existing moral preferences or intuitions, and considering the suspicion that adjusting the maxims to fit what we take to be the morally relevant facts may constitute an instance of bad casuistry or "maxim-fiddling"¹⁰, it seems safe to conclude that Kant's moral argument against active resistance cannot be successfully reconstructed in terms of the categorical imperative and therefore should be abandoned to its contradictions.

The likely source of this reconstructive failure lies in the very interpretive assumption that Kant's moral argument must be based on the formal analysis of some specific maxim of active resistance. This paper takes a different approach. The suggestion here is that the key to understanding Kant's moral argument against active political resistance lies not in the formal analysis of maxims but in the investigation of the subjective conditions under which maxims are produced and evaluated. Shifting the focus in this manner from the content of determinate judgments to the underlying dispositions of the agents who engage in moral reasoning allows us to interpret Kant's moral argument against active political resistance as the endorsement in politics of an ethical attitude of self-restraint or moral discipline.¹¹ Whereas the rush to violent action is the attribute of an immature mind and undisciplined temper, the choice of political obedience over rebellion signals the presence of an ethical attitude that is normative in all the jurisdictions of practical reason – a willingness to resist the power of the

⁹ Cf. Korsgaard, *Taking the law into our own hands* and Hill, Jr., *Questions about Kant's opposition to revolution*.

¹⁰ A. Sneddon, *A new Kantian response to maxim-fiddling*, in *Kantian Review* 16, 1, 2011, p. 67–88.

¹¹ This is a single ethical attitude that can be described in two different ways: negatively, it is an attitude of resistance to the power of the inclinations; positively, it is a disposition to lawfulness that is necessary for moral self-determination. To my knowledge, Kant in his writings assumes both descriptions as descriptions of the same attitude. In this paper, I do the same.

inclinations in order to give the principle of morality “executive authority” over the faculty of desire.¹² And this, it is argued, has intrinsic moral worth.

The interpretive point of this paper is therefore that, in addition to his well-known legal arguments, Kant also has a distinct moral argument against active resistance that is based on the important role in politics of ethical attitudes of self-restraint or moral discipline. The two arguments are often made in the same context of argumentation, sometimes even in the same paragraphs or phrases, and the interpretive task of this paper is to uncover the latter through a careful examination of Kant's ideas in these contexts of argumentation. There is, however, something deeply unsettling about this moral argument, which fuels the suspicion that Kant indirectly promotes a policy of mindless acquiescence to power or a clean hands policy of prudence. Against this conclusion, I will argue that an ethically motivated attitude of political obedience has a positive, ethico-political meaning in Kant that goes beyond the negative end of moral discipline. This positive meaning is supplied by the regulative idea of the highest good in the form of a duty to realize “the highest end of a morally determined will.”¹³ This “final end of creation”¹⁴ is an ideal social order, an ethical community of autonomous moral agents who collectively strive to overcome their evil propensity by cultivating their moral character and interacting with each other based on principles of virtue.¹⁵ Using political violence to achieve justice may or may not secure the external component of this social order, or the legal framework that guarantees individuals the freedom to engage in moral co-legislation. But it surely cannot effect the “revolution in disposition” that is essential for developing one's moral character.¹⁶ However, an ethical attitude of self-restraint can, and so, given that the ethical community is the ultimate end of morality, and considering that an ethical attitude of moral discipline in the political domain is perforce one of obedience, it necessarily follows that an ethical attitude of political obedience will have the ultimate end of morality as its own, positive end.

The paper proceeds as follows: In the first section I show why the application of the categorical imperative to maxims of resistance is inconclusive. In the next two sections I present the evidence for interpreting political obedience as an ethical attitude and explain how this negative end is a positive ethico-political end. In the last section I try to further articulate the wider theoretical and practical significance of this interpretation by examining the several areas in which ethical attitudes have a demonstrable political function.

¹² Immanuel Kant, *Lectures on Ethics*, tr. Peter Heath, Cambridge, Cambridge University Press, 1997, p. 138 (27:361).

¹³ Kant, *Critique of Practical Reason*, p. 232 (5:115).

¹⁴ Immanuel Kant, *The Critique of Judgment*, tr. Werner S. Pluhar, Indianapolis, Hackett, 1987, p. 319–20 (5:432).

¹⁵ Immanuel Kant, *Religion within the Boundaries of Mere Reason*, tr. Allen Wood and George di Giovanni, Cambridge, Cambridge University Press, 1998, p. 105–7 (6:94–6).

¹⁶ *Ibidem*, p. 67–8 (6:47).

2. APPLYING THE CATEGORICAL IMPERATIVE: MAXIMS OF REBELLION AND MAXIMS OF POLITICAL VIOLENCE

Kant's insistence that active resistance is an evil and a crime that cannot be tolerated¹⁷ has led commentators to assume that Kant's opposition to revolutionary acts must be in fact grounded in his general moral theory and its "first principle of duty." As Paul Guyer says, when dealing with a truly malicious regime, we might even think "that the subjects have a moral right or even a moral duty to overthrow it even at the risk of anarchy, although of course they cannot legally do that through the regime's own constitution."¹⁸ But what kind of a moral duty is this? Guyer identifies the following candidate: "Kant's deepest objection to a right of rebellion... is not an argument within constitutional law at all, but a moral objection based on the premise that the overthrow of an existing state, even if in the hope of greater justice and not merely greater happiness, can never be an immediate transition to a better-constituted state, but is always a reversion to a condition of lawlessness... In Kant's view, rebellion is both an unlawful but also an immoral act, from which a condition of civil right and moral law may or may not emerge..."¹⁹ If it is a moral duty to leave the state of nature and enter the civil condition, it surely must be a moral duty not to destroy the civil condition and thereby plunge a human community back into the state of lawlessness and anarchy which is the state of nature.²⁰ And, since revolutions almost always destroy the civil condition, albeit only temporarily, it must be a moral duty not to rebel.

This would make for a very persuasive argument if it weren't based on the dubious empirical claim that revolutions always lead us back to the state of nature. Kant himself must have had reservations about it given his enthusiastic endorsement of the political goals of the French revolutionaries²¹ and his repeated claim that the coercive authority of any revolutionary government is as binding as that of the government it forcedly replaced.²² But even if we didn't doubt the evidentiary basis for this claim, we still must reject it because the realization or non-realization of a just civil condition is not an end in itself that could justify the choice of a maxim of obedience over one of active resistance to oppressive state authorities. (This restriction will not apply to the maxim of an ethical attitude of political obedience whose object is a negative end of humanity.) If this type of evaluation were morally legitimate, it could equally justify rebellion in all the

¹⁷ Immanuel Kant, *Metaphysics of Morals*, p. 464–5n (6:321n); Kant, *Toward Perpetual Peace*, in *Practical Philosophy*, p. 348 (8:382); Kant, *On the Common Saying*, p. 299–300 (8:301).

¹⁸ Guyer, *op. cit.*, p. 288.

¹⁹ *Ibidem*, p. 287–8.

²⁰ Kant, *On the Common Saying*, p. 299–300 (8:301).

²¹ Kant, *The Contest of Faculties*, in *Political Writings*, tr. H. B. Nisbet, Cambridge, Cambridge University Press, 1991 (1971), p. 182 (7:85).

²² Kant, *Metaphysics of Morals*, p. 456–6 (6:323).

situations where the resultant regime is more just than the one it replaces. The standard for ascertaining the immorality of acts of rebellion must be determined independently of their stated political ends and Kant does not explicitly provide us with this determination. It is likely for this reason that Guyer considers Kant's argument weak and therefore defeasible under some specific reconstructions of the humanity formula of the categorical imperative.

The easiest way out of this difficulty would be to claim that the duty not to rebel is a legal duty and, given that all legal duties according to Kant are also ethical duties,²³ to infer from this that legal obedience is indirectly an ethical duty. But, clearly, drawing such an inference requires more by way of probation than blindly invoking Kant's classification of duties from the introduction to the *Metaphysics of Morals*. Furthermore, as Thomas E. Hill, Jr. notes, "it is far less plausible to assume that the indirectly ethical duty must take the same form as the legal duty so that every unqualified legal duty to do something under a set of conditions automatically generates an unconditional moral obligation to do it under the conditions."²⁴ If this were not the case, then breaking traffic rules through either inattention or incompetence would be counted as a breach of ethical duties on a par with killing for revenge. On this interpretation, every positive system of laws could claim moral stature, which would logically extend even to those political regimes that systematically undermine the ends of morality by cultivating maxims that invert the moral order of the incentives.

A more promising approach is to ignore Kant's classification of duties and bypass other controversial elements of his theory of right in order to use the categorical imperative, as Peter Nicholson does, to directly establish the morality of maxims of rebellious acts.²⁵ After all, most rebels believe that the government is in a state of nature in relation to its subjects, which means that, as far as they know, regular legal duties no longer apply. Nicholson tries to make sense of Kant's injunction against rebellion by analogy with the prohibition against lying.²⁶ Just as one cannot universalize the maxim of lying, he argues, so one cannot universalize the maxim of active resistance to the sovereign. Such a maxim would always be self-contradictory, if not when considered independently, then surely when adopted by all. It would take the following form: "It is willed that there be justice (by ending the sovereign's unjust actions) and simultaneously that there be no justice (by denying the sovereign the authority which is the necessary condition of justice)."²⁷ The same kind of inconsistency arguably affects the maxim under any other formula. Just as lying involves using others as means and not as ends, coercion of the sovereign's will necessarily entails treating it as a means to one's particular

²³ *Ibidem*, p. 375 (6:214).

²⁴ Hill, Jr., *Questions*, p. 291.

²⁵ Nicholson, *op. cit.*, p. 221.

²⁶ Atkinson, *op. cit.*, and Formosa, *op. cit.*, adopt a similar strategy but reach very different conclusions.

²⁷ Nicholson, *op. cit.*, p. 222.

political ends. And just as the maxim of lying could never be conceived without contradiction as a law in the universal kingdom of ends, no maxim of active resistance could be included in a rightful constitution, or the legal counterpart of the kingdom of ends.

One objection to Nicholson's analogy between maxims of lying and maxims of rebellion is that it merely reasserts the universality of the universal principle of right (UPR) – the supreme principle of justice in Kant's philosophy and "a restricted version of the categorical imperative" – and thereby its external consistency with the categorical imperative.²⁸ This would establish the moral necessity of a system of right based on UPR as the legal equivalent of the categorical imperative, but not that rebellion as such is morally unjustified. Another, perhaps more substantial objection, is that the application of the categorical imperative to maxims of resistance ends up lumping together cases where it is morally necessary to disobey unjust laws and cases where it is morally permissible to actively oppose such laws.²⁹ As we know, disobedience for Kant is always required when morality appears to conflict with the positive laws of a state.³⁰ However, this does not extend to cases of occasional active resistance, which seems to further indicate that the categorical imperative is too blunt of an instrument to consistently apply to a wider range of cases that may warrant active resistance to (as opposed to the mere non-compliance with) the sovereign in situations of moral conflict. As Thomas E. Hill, Jr. shows, this shortcoming becomes apparent as soon as the test is applied, not to maxims of resistance to the sovereign, but to maxims of political violence.

The shift from testing maxims of resistance to testing maxims of political violence is relevant because revolutions and rebellions, the empirical forms in which active resistance usually becomes manifest, by definition entail violence against persons. Yet the results are inconclusive even in such cases. As Hill, Jr. argues, the categorical imperative in the universality formula (FU) could not uphold a maxim of complete obedience and prohibit all maxims of political violence under any circumstances, and it also could not consistently endorse the maxim of always using violence in order to achieve some beneficial results.³¹ Nevertheless, these two extremes appear to exhaust the entire field of possible maxims to which the imperative in this formula could legitimately apply. Were FU used to test maxims that permit the occasional use of political violence in very specific circumstances and with the guarantee that their immediate consequences could not outweigh the consequences of not acting, the test would stop working. To make the test function in such instances, the maxim would have to include various conditionals, which would then conflict with a conception of the categorical

²⁸ Onora O'Neill, *Kant and the social contract tradition*, in Francois Duchesneau, Guy LaFrance, Claude Piché (eds.), *Kant actuel: hommage à Pierre Laberge*, Montréal and Paris, Bellarmin and Vrin, 2000, p. 197.

²⁹ Allen D. Rosen, *Kant's Theory of Justice*, Ithaca, NY, Cornell University Press, 1993, p. 151.

³⁰ Kant, *On the Common Saying*, p. 299n (8:300n), *Critique of Practical Reason*, p. 163 (5:30).

³¹ Hill, Jr., *A Kantian perspective*, p. 122–3.

imperative as providing more general guidelines of action.³² It would also suspend the requirement that the authors of the maxims be unencumbered with excessive standards of information gathering about the specifics of their plan of action. To be morally foolproof, the maxim would have to be one of “reasonable willing,” as Hill, Jr. calls it, and this could not be achieved without importing into it all kinds of considerations: prudential, ethical, of empirical relevance, or of applicability in preexisting institutional contexts, which would have to be validated by both agent and community. However, narrowing the maxim to such an extent, and subjecting it to additional determinations of its meaning, would make FU either methodologically insufficient or normatively inefficient.

When the humanity formula (FH) of the categorical imperative is applied, similar problems come to the surface. If the criterion used to verify the validity of maxims were respect for human dignity, for instance, the test could either prohibit or endorse maxims of action that preserve and deny human dignity at the same time. Using quantitative criteria or criteria of qualitative distinction to determine whose dignity is worth defending more defeats the whole purpose of FH. And revolutionary changes are by definition the kind of political events that generate such dilemmas. Only the kingdom of ends formula of the categorical imperative (FKE) holds some promise given that it is the only one that underscores the need for the kind of collective rational deliberation of autonomous citizens that is intrinsic to what Hill, Jr. calls reasonable willing. As Hill, Jr. argues, FKE reflects the demand to take into account what “all, under presumed conditions of autonomous deliberation, can find justifiable to all.”³³ And yet deliberating from the adopted standpoint of the kingdom of ends could either authorize the use of political violence in some very specific and carefully defined circumstances, or prohibit it. Perhaps the categorical imperative in this formula could be sufficiently tweaked in order for it to apply without contradiction to conditions of deliberation that would indirectly permit the occasional rebellious act against profoundly unjust authorities. However, even in this modified form, it could neither reject policies of political resistance nor provide a blanket authorization for such policies. The maxims of such policies would take the form “always/never use political violence in response to instances of profound injustice in order to achieve some beneficial results.” It seems uncontroversial, then, that the categorical imperative, even in this formula, cannot provide a full justification for Kant’s rejection of policies of active resistance or for any general policy of occasional violence.³⁴ The same conclusion

³² This, of course, assumes a view of the maxim of actions (type, not token) that is not shared by all Kant scholars.

³³ *Ibidem*, p. 123.

³⁴ This claim only applies to policies of resistance or violence. It does not apply to individual maxims that satisfy Hill’s conditions of reasonable willing. In some situations, acts of political violence may be unavoidable, which is consistent with Kant’s prohibition of active resistance as a matter of policy without, at the same time, foreclosing the possibility that moral and law-abiding individuals might have no choice but to use violence in some extraordinary circumstances.

holds when we examine cases of potential conflicts between the duties that are generated by the application of the categorical imperative to maxims of political violence.³⁵ As long as active resistance is construed as involving some form of coercion or violence to another, almost all individual acts of resistance will generate more than one instance of an unconditional duty to the other. The only cases that might resist such proliferation of duties would never qualify as the maxims of more general legal policies, not even were these policies to include built-in exceptions to the general rule. The most that this application of the categorical imperative can give us is the normatively weak acknowledgment that “moral life can contain moments when responsibility is so deep that even a justification is denied us... At such moments the virtuous person may find that he must take morality itself under his own protection, and so take even the moral law into his own hands.”³⁶

Yet Hill, Jr.’s analysis of what it means to deliberate collectively under conditions of personal autonomy shows that in such deliberations neither the outcome nor the specific action that is authorized under a certified policy or maxim (which in turn varies with the data used to generate policies or maxims of action) is as important as the “attitude [one] should try to maintain when legislating and... foster ‘in the real world’.”³⁷ This shift from testing maxims of action to preserving the right kind of attitude when deliberating gives us an unexpected clue as to the kind of argument Kant might be pursuing in those fragments where he discusses rebellion. The relevant attitude is the spirit of moral lawfulness or law-abidingness that characterizes rational individuals who deliberate under conditions of autonomy. In this context, recommending political obedience could mean not undermining, or not preventing the emergence of this ethical attitude in the individual and in the social group.

3. POLITICAL OBEDIENCE AS AN ETHICAL ATTITUDE

We have seen that active political resistance can be neither fully endorsed nor completely rejected based on applications of the categorical imperative to maxims of rebellion or political violence. Now we should consider the status of political obedience as an ethical attitude of self-mastery and moral discipline. To count as an ethical attitude, the motivation of a maxim of political obedience must be one of

³⁵ Kant, *Toward Perpetual Peace*, p. 350–1 (8:385), *Critique of Practical Reason*, p. 163, 187 (5:30, 159).

³⁶ Korsgaard, *op. cit.*, p. 322. Also see Katrin Flikschuh’s *Sidestepping morality: Korsgaard on Kant’s no-right to revolution*, in *Jahrbuch für Recht und Ethik* 15, 2008, p. 127–145, for an insightful critical response to Korsgaard’s argument that is also consistent with the argument that is pursued in sections 4 and 5 of this paper.

³⁷ Hill, Jr., *op. cit.*, p. 132–3.

respect for the moral law in the form of the duty to preserve one's own humanity as an end in itself, or the capacity to freely choose ends.³⁸ Not every maxim of obedience is the contradictory of a maxim of active political resistance just as not every maxim of self-mastery mandates the adoption of an attitude of political obedience. A maxim of obedience could be one of narrow-minded legalism and bureaucratic disposition.³⁹ The maxim could also be motivated by prudence or by an opportunistic calculation of some kind. It may be the maxim of someone whose temperament is conservative or someone who adopts the maxim simply because he is indifferent to social suffering and sees no reason to change things for the better. But it could also be the maxim of a virtuous and reflective individual who wishes to develop her character by doing what she knows to be right out of moral righteousness or benevolence, an individual who is suspicious of her inclinations and therefore unsure of her actual motivations, someone unable to draw moral guidance from the categorical imperative because the situation is too complex to be dealt with using the kind of maxims of political action that are made available by the political culture of the place she inhabits or by her own political instincts and education. Only the last candidate, or others like these, will give the maxim of obedience its ethical worth and make its content ethical, that is, the content of an attitude of moral discipline and self-mastery.

It is not very difficult to justify this idea in the wider context of Kant's practical philosophy. It is fairly easy to see that, unlike its (positive) contraries or contradictories, a (negative) maxim of self-mastery will always pass the test of universalization. Kant also regards the cultivation of self-mastery as the most important ethical duty to ourselves and therefore as the subjectively necessary condition for the performance of all our other duties, to ourselves and to others.⁴⁰ The cultivation of attitudes of self-mastery or moral discipline is an important component of Kant's theory of virtue. One cannot achieve moral self-perfection, Kant argues, unless one learns how to control one's inclinations and non-rational desires.⁴¹ This allows the individual to determine her will solely in terms of the moral law and develop her judgment in ways that facilitate her self-determination as an autonomous moral being.⁴² The idea is present in many of Kant's writings on morality, politics, history, and religion. The notion of discipline of mind, which involves control of one's passions and the ability to not deviate from certain rules, receives special attention in the first *Critique*⁴³ as well as figuring prominently in

³⁸ Kant, *Metaphysics of Morals*, p. 518–9 (6:387), Guyer, *op. cit.*, p. 165.

³⁹ This seems to have been the attitude of some of Kant's students who were also state functionaries and who developed what they thought to be a Kantian version of the unitary executive doctrine. For details, see Alexander Gurwitsch, *Immanuel Kant und die Aufklärung*. In Zwi Batscha (ed.), *Materialien zu Kants Rechtsphilosophie*, Frankfurt/Main, Suhrkamp, 1976, p. 338–42.

⁴⁰ Kant, *Lectures on Ethics*, p. 137–8 (27:360).

⁴¹ Kant, *Metaphysics of Morals*, p. 535–6 (6:408–9).

⁴² *Ibidem*, p. 566–7 (6:446).

⁴³ Immanuel Kant, *Critique of Pure Reason*, tr. Paul Guyer, Cambridge, Cambridge University Press, 1998, p. 628–9 (A709–10/ B737–8).

the second *Critique* where Kant speaks of developing moral catechism in preparation for full moral self-determination.⁴⁴ The earlier *Lectures on Ethics* identifies the principle of self-mastery as the “subjective condition for performing duties to oneself,”⁴⁵ which is also the core idea behind Kant’s notion of moral progress: “[Mankind] is compelled by its own nature to discipline itself, and thus, by enforced art, to develop completely the germs which nature implanted.”⁴⁶ In the *Lectures on Pedagogy* Kant similarly presents discipline as an essential preliminary stage of moral education: “Savagery is independence from laws. Through discipline the human being is submitted to the laws of humanity and is first made to feel that constraint.... He who is uncultured is raw; he who is undisciplined is savage. Omission of discipline is a greater evil than omission of culture, for the latter can be made up for later in life; but savagery cannot be taken away, and negligence in discipline can never be made good... In his education the human being must therefore... be disciplined. To discipline means to seek to prevent animality from doing damage to humanity, both in the individual and in society.”⁴⁷ For, as we read in the *Anthropology*, “[w]e live in a time of disciplinary training, culture, and civilization but not by any means in a time of moralization.”⁴⁸

But is there any evidence that Kant thought of political obedience as a form of self-mastery or moral discipline and as a prerequisite for developing virtuous character? As it turns out, there is quite a lot. When Kant refers to rebellion and revolution he almost always frames the discussion in terms of two related ideas: happiness and knowledge. In his ethics, Kant typically represents happiness, both our own and the satisfaction we derive from the happiness of others, as the main culprit for the advent of moral heteronomy in the life of the individual and a source of moral mistakes in both action and judgment.⁴⁹ Politics (or public morality) is no different in this respect.⁵⁰ Happiness becomes a source of evil when it displaces right as the principle of government such that rulers who govern to make people happy become despots while subjects unhappy with their governance turn into rebels.⁵¹ Kant believes that people often rush to engage in acts of political violence such as rebellions or revolutions for reasons of political self-gratification, such as enjoying the rewards of one’s actions (political hedonism) or experiencing the

⁴⁴ Kant, *Critique of Practical Reason*, p. 261–3 (5:152–5).

⁴⁵ Kant, *Lectures on Ethics*, p. 113–4 (27:330).

⁴⁶ Kant, *Idea for a Universal History with a Cosmopolitan Purpose*, in *Political Writings*, p. 46 (8:23).

⁴⁷ Immanuel Kant, *Lectures on Pedagogy*, in *Anthropology, History, and Education*, ed. Günter Zöllner and Robert B. Louden, Cambridge, Cambridge University Press, 2007, p. 437–45 (9:442–51).

⁴⁸ Immanuel Kant, *Anthropology from a Pragmatic Point of View*, in *Anthropology, History, and Education*, p. 428 (7:333).

⁴⁹ Immanuel Kant, *Groundwork of the Metaphysics of Morals*, in *Practical Philosophy*, p. 90–1 (4:442), *Critique of Practical Reason*, p. 158–9, 166–9 (5:25, 33–6).

⁵⁰ Kant, *On the Common Saying*, p. 297 (8:298).

⁵¹ *Ibidem*, p. 300–1(8:302).

gratitude of others (political narcissism).⁵² Inclination based on self-love or love for others takes the place of duty and the result is a condition in which the ultimate end of humanity is replaced by the arbitrariness of contingent private ends.⁵³ As Kant argues, “[it] is obvious what evil the principle of happiness...gives rise to in the right of a state, just as it does in morals, despite the best intentions of those who teach it. The sovereign wants to make the people happy in accordance with his concepts and becomes a despot, the people are not willing to give up their universal human claim to their own happiness and become rebels.”⁵⁴

On the other hand, many kinds of knowledge are invoked in political decisions, but only institutional knowledge is legitimate, which is not only legally valid, and therefore authoritative as a basis for political coercion, but also more comprehensive and objective than any individual's point of view. It is the type of knowledge that speaks with the universal voice of the sovereign will, as verified by the principle of publicity.⁵⁵ Any other kind of knowledge is either partial, reflecting the limited institutional and life experiences of individual citizens or groups, or subjective, the knowledge of agents whose maxims have not been validated by public deliberation.⁵⁶ This type of partial and subjective knowledge cannot have any institutional authority despite the fact that it may be correct in representing the morally relevant facts. Unfortunately, Kant suggests, people are often unwilling or incapable of discerning real oppression from a partial and subjective estimation of what constitutes injustice, which is why engaging in acts of resistance is always epistemically under-determined. In *Theory and Practice* Kant presents the idea of partial knowledge as follows: “[E]ven if that power or its agent, the head of state, has gone so far as to violate the original contract and has thereby, *according to the subjects' concept*, forfeited the right to be legislator inasmuch as he has empowered the government to proceed quite violently (tyrannically), a subject is still not permitted any resistance by way of counteracting force.”⁵⁷ In the *Metaphysics of Morals* Kant addresses the other limiting condition, subjective knowledge, in a lengthier discussion of how rebelling people often think that they suffer from tyranny even though they cannot conclusively prove this claim.⁵⁸

We find evidence of Kant's suspicion of subjective legal knowledge, knowledge guided by personal inclinations, in almost all the passages where he rejects the right to rebel. The issue for him is not only that there can be no

⁵² This also indirectly shows us (a) what Kant considered to be an unjustified ground for rebellion and (b) that his representation of what constitutes injustice (taxation, requisitions, forced conscription) is substantially different from what our experience with the various social and political evils of the past centuries tells us that injustice is.

⁵³ Kant, *Lectures on Ethics*, p. 126 (27:345).

⁵⁴ Kant, *On the Common Saying*, p. 300 (8:302).

⁵⁵ Kant, *Toward Perpetual Peace*, p. 347 (8:381).

⁵⁶ Kant, *Metaphysics of Morals*, p. 562 (6:441), *Lectures on Ethics*, p. 128 (27: 348).

⁵⁷ Kant, *On the Common Saying*, p. 299 (8:300), my emphasis.

⁵⁸ Kant, *Metaphysics of Morals*, p. 463 (6:320).

institutional grounds for a private person's "counter-representations" of what justice is and what it entails, but also that the subjects' "concepts" are, more often than not, rooted in egotistic representations of justice that are in turn based on expectations of personal and collective happiness.⁵⁹ It is in this context that the importance of self-knowledge becomes apparent. Self-knowledge is what helps reason identify the sources of heteronomy in order to evaluate the moral worth of one's motivation. This type of knowledge is necessary in politics just as it is needed in ethics. Without understanding one's true motives we are likely to get confused about what justice demands of us. Subjective knowledge will often lead one to replace a maxim of duty with one of happiness or high-minded political self-gratification. The attitude of obedience that is based on reliable self-knowledge is the antidote to such maxim reversal because it puts citizens in a position where they can publicly articulate and collectively evaluate the normative rightness of their maxims of political action provided, of course, that they enjoy freedom of the pen and a robust scene for intellectual debate, as explained in *What Is Enlightenment?* and elsewhere.

But there is also additional rhetorical evidence that Kant views political obedience as analogous to, or as a species of self-mastery and moral discipline. Kant often discusses self-mastery in political terms and, conversely, he also occasionally justifies the need for an authoritarian government in the language of his moral pedagogy. With respect to the second point, Kant argues in *Perpetual Peace* that a despotic ruling power is an acceptable compromise "until the people gradually become susceptible to the influence of the mere idea of the authority of law... and thus is found fit to legislate for itself."⁶⁰ In the same text, Kant links this gradualism to the notion of moral self-perfection: "[B]y checking out the outbreak of unlawful inclinations, the development of the moral predisposition [of the individual] to immediate respect for right is greatly facilitated...; thereby a great step is taken toward morality (though it is not yet a moral step), toward being attached to this concept of duty... for its own sake."⁶¹ Elsewhere he says that people are "intransigent and inclined to rebellion, and regrettable consequences ensue if discipline is relaxed in the slightest,"⁶² while in *Idea for a Universal History* he argues that "man is an animal who needs a master... to break his self-will," an external ruler that could compensate for his "self-seeking animal inclinations"; for "nothing straight can be constructed from such warped wood as that which man is made of."⁶³

With respect to framing the virtue of self-mastery in terms of political images, Kant says, "There is in man a certain rabble element which must be subject

⁵⁹ Kant, *On the Common Saying*, p. 301 (8:302), *Anthropology*, p. 426–7 (7:331).

⁶⁰ Kant, *Toward Perpetual Peace*, p. 340 (8:372).

⁶¹ *Ibidem*, p. 343n (8:376n).

⁶² Kant, *Contest of Faculties*, p. 178 (7:80).

⁶³ Kant, *Idea*, p. 46 (8:23).

to control, and which a vigilant government must keep under regulation, and where there must even be force to compel this rabble under the rule in accordance with ordinance and regulation.”⁶⁴ In *Religion*, “rebellious attitude” is used to describe the evil person who subordinates the moral law to non-moral incentives while the diabolical being is said to “elevate resistance to the law [as such] to [an] incentive.”⁶⁵ *What Is Enlightenment?* and parts of *The Contest of Faculties* are also premised on the notion that achieving maturity through the free exercise of reason is not possible without first cultivating an attitude of political passivity that permits individuals to focus on their moral and intellectual development.⁶⁶ Finally, when Kant writes approvingly of revolutions, he seems to refer to a “revolution in inner disposition,”⁶⁷ or to the up-building effects of revolutionary ideas on the moral consciousness of the “spectators who are not themselves caught up in [the revolution].”⁶⁸ And in *Idea for a Universal History* he expresses the same view negatively: “All good enterprises which are not grafted on to a morally good attitude of mind are nothing but an illusion and outwardly glittering misery.”⁶⁹

All this indicates with some degree of certainty that Kant conceived of political obedience as an ethical disposition, a temporary condition of moral development through self-mastery that is necessary to maintain and cultivate until individuals achieve the autonomy and maturity to interact based on principles of right.⁷⁰ But does this negative end also have a positive ethico-political meaning, as asserted in the introduction?

4. ETHICAL ATTITUDES AND POSITIVE ENDS

According to Kant, all morally permissible ends can be synthesized or “unified” in a higher-ranking end, a “special point of reference” that is “introduced by the moral law itself”: the universal (or political) highest good, or the

⁶⁴ Kant, *Lectures on Ethics*, p. 137–8 (27:360–1).

⁶⁵ Kant, *Religion*, p. 58–9 (6:35–6).

⁶⁶ Immanuel Kant, *What is Enlightenment?*, in *Practical Philosophy*, p. 18–22 (8:37–42); *Contest*, p. 186–8 (7:91–3).

⁶⁷ Kant, *Religion*, p. 67–8 (6:47).

⁶⁸ Kant, *Contest*, p. 182 (7:85).

⁶⁹ Kant, *Idea*, p. 49 (8:26).

⁷⁰ Based on a different interpretation, according to which Kant only prohibited revolutions against legitimate regimes and not all forms of active resistance against illegitimate ones, Kenneth R. Westphal makes a similar suggestion about the role of obedience in the constitution of moral character, in *Kant's qualified principle of obedience to authority in the "Metaphysical Elements of Justice"*, in Gerhard Funke (ed.), *Akten des Siebenten Internationalen Kant-Kongresses*, Band II.2., Bonn and Berlin, Bouvier Verlag, 1991, p. 366. Seebohm (*op. cit.*) and Ripstein (*op. cit.*) defend slightly different versions of this interpretation without however making the connection to moral education.

“instantiated kingdom of ends.”⁷¹ Realizing this end is a duty for all the individuals who take an interest in the development of the ultimate ends of morality.⁷² It is also “a duty *sui generis*, not of human beings toward human beings but of the human race toward itself,”⁷³ the normative content of which is specified by the individual duties to oneself and others. Now, for this duty to also confer positive ethico-political meaning upon the negative end of political obedience (as self-mastery), it must be possible to show, first, that the highest good as the ultimate end of morality is an ethico-political end, and, second, that obedience is the subjectively necessary condition for the realization of this end.

Kant’s understanding of the highest good changes from his earlier, so-called theological formulation in the first two *Critiques*, where the highest good is defined as individual happiness in proportion to moral desert, to a broader, political (or secular) conception of the universal highest good in the third *Critique* and *Religion*, where private happiness is replaced by the idea of a “self-rewarding system of morality” that must be realized in the world of nature through the cooperative efforts of all morally developed citizens.⁷⁴ As Kant says, “the highest moral good will not be brought about solely through the striving of one individual person for his own moral perfection but requires rather a union of such persons into a whole toward that very end.”⁷⁵ The highest good is therefore the realized kingdom of ends, a “synthesis of the ideal and the real.”⁷⁶

The ideal is the standpoint of collective moral judging that defines a rational union of autonomous agents who co-legislate in and for the kingdom of ends, the idea of an “association of human beings merely under the laws of virtue.”⁷⁷ Conversely, the real is the system of institutions, norms of action, and actual inter-subjective attitudes that make up what Kant calls the ethical community. The real also includes the external component of this community, or the legal framework of enforceable norms and the institutions that help implement these norms in accord with universal principles of right – in other words, the political community. Now, the normative force of the ethical community comes from the “ideal”, or the

⁷¹ Allen Wood, *Unsociable sociability: the anthropological basis of Kantian ethics*, in *Philosophical Topics* 19, 1, 1991, p. 342; Barbara Herman, *A cosmopolitan kingdom of ends*, in Andrews Reath, Barbara Herman, and Christine Korsgaard (eds.), *Reclaiming the History of Ethics. Essays for John Rawls*, New York, Cambridge University Press, 1997, p. 197–205.

⁷² Kant, *Religion*, p. 34–5n (6:5–6n).

⁷³ *Ibidem*, p. 108 (6:97).

⁷⁴ Cf. Yirmiahu Yovel, *Kant and the Philosophy of History*, Princeton, Princeton University Press, 1980; Andrews Reath, *Two conceptions of the highest good in Kant*, in *Journal of the History of Philosophy* 26, 1988, p. 593–619; Wood, *op. cit.*; Paul Guyer, *Beauty, systematicity, and the highest good: Eckart Förster’s “Kant’s Final Synthesis”*, in *Inquiry* 40, 2003.

⁷⁵ Kant, *Religion*, p. 108–9 (6:97–8).

⁷⁶ Yirmiahu, Yovel, *The interests of reason: from metaphysics to moral history*, in Y. Yovel (ed.), *Kant’s Practical Philosophy Reconsidered*, Dordrecht, Kluwer Academic Publishers, 1989, p. 135–6.

⁷⁷ Kant, *Religion*, p. 105–6 (6:94).

internal component, that is, the motivating power of the representation of the moral law as binding.⁷⁸ The political community on the other hand is governed by the authorization to use coercion to defend the rights of all the citizens. Coercion does not extend to the ethical community just as motivation is not a factor in the performance of legal duties. Nevertheless, Kant says that the ethical community exists within the political community. This means that the emergence of the ethical community will be facilitated by the existence of coercive laws of freedom that allow individuals to develop as autonomous moral legislators. But it also means that the ethical community will gradually take over the political community and replace the legislation based on force with a legislation based on virtue. When the transformation is complete, the ethical community will still have the external form of a liberal political community, but its normative force will come exclusively from the moral law. Politically, the realization of the highest good will amount to a republican constitution. Ethically, however, this constitution will be animated by the virtuous dispositions of its subjects.

Is an ethical attitude of political obedience essential in order to achieve these two types of community? Kant says that political obedience is an essential component of the process of moral education toward the highest good.⁷⁹ This process has two deeply interconnected as well as mutually determinative components: the education of the individual (*Bildung*) and the education of the species (*Erziehung*).⁸⁰ The latter has two conceptually contiguous but temporally and partially overlapping stages. One stage is political: it is the realization of justice, or cosmopolitan civil society, which is the “halfway mark” on the path to the final end of morality.⁸¹ The other stage is ethical: the institution of the ethical community, or the empirical instantiation of the kingdom of ends. Now, the capacity to obey laws of one’s own creation is the product of what Kant calls the “culture of discipline” (*Zucht* or *Disziplin*). This is the first step of *Bildung* and a prerequisite for the development of reason as the sole principle of moral self-

⁷⁸ The power of idealization and utopian thinking that is stored in the regulative idea of the highest good will also create unity around a shared moral end that can synthesize an ethical community out of the contingent ethical orientations of existing individuals and social groups.

⁷⁹ Kant, *Lectures on Pedagogy*, p. 443–5 (9:449–50); Reath, *op. cit.*, p. 617.

⁸⁰ Kant, *op. cit.*, p. 437, 439–40 (9:441, 444–5). Although Kant occasionally uses *Bildung* and *Erziehung* interchangeably, these terms have distinct meanings. *Erziehung* (education, upbringing) is the wider concept, referring to both the complete process of individual education, as well as the social and historical dimensions of education, or the education of the human species. *Bildung*, on the other hand, has a narrower meaning that can be rendered by the English word “formation”. Formation may be regarded as a specific stage in the moral development of the individual (but also, occasionally, of a collective subject such as a nation) that presupposes as its preliminary stages discipline, culture, and civilization. For a more detailed discussion of how Kant uses these two notions, see Felicitas G. Munzel, *Kant's Conception of Moral Character*, Chicago and London, University of Chicago Press, 1999, p. 274–96, and Robert B. Loudon, *Kant's Impure Ethics: From Rational Beings to Human Beings*, Oxford and New York, Oxford University Press, 2000.

⁸¹ Kant, *Critique of Judgment*, p. 319–20 (5:432).

determination. (The other stage is the “culture of skill,” or *Geschicklichkeit*.⁸² Here discipline refers to what Kant, in other contexts, calls “ethical ascetics.”⁸³ Its object is “how to put into practice and *cultivate* the capacity for as well as the will to virtue.”⁸⁴ By curbing the inclinations, discipline will make room for the development of our humanity and, at the same time, facilitate “our education for our highest vocation,” or morality.⁸⁵ Although it cannot produce individual morality by itself, discipline “makes us civilized (*gesittet*) enough for life in society.”⁸⁶ If political obedience is an ethical attitude of self-discipline, it is also the subjectively necessary condition for *Bildung*.

On the other hand, *Erziehung* accounts for the gradual improvement of the political and ethical condition of humankind. As we learn from *Idea for a Universal History*, the first stage, or justice, is the work of nature, a product of our “social unsociability” that does not require morally educated individuals but only rational agents who will pursue their interests under conditions of mutual restriction of their free choice. The other stage is the gradual emergence of inter-subjective ethical attitudes, social norms, and public institutions that reflect the virtues of private morality in the ethical community, and this is exclusively the work of the moral individuals. In *Idea* and *Conjectures on the Beginning of Human History*, Kant presents political society as a necessary condition for the emergence of the ethical commonwealth because only guaranteed freedom of consciousness can secure the development of morality. In *Perpetual Peace* and *Theory and Practice*, Kant says that civil society can be realized through both political violence as well as reform by moral politicians and sufficiently educated (*gesittet*) citizens.⁸⁷ He makes it very clear, however, that an ethical society can only be built by virtuous individuals, through *Bildung*. And, if an ethical attitude of political obedience is the necessary subjective condition for the development of individual morality (*Bildung*), one can safely infer that it must also be the subjectively necessary condition for the achievement of both civil society (under at least one of the two possible scenarios of *Erziehung* as presented above) and ethical society (under either scenario). Thus, the ethical attitude of political obedience is the subjectively necessary condition for the realization of the highest good through both *Bildung* and *Erziehung*.

We have seen that the highest good is an ethico-political end and that the ethical attitude of obedience is the subjective condition for attaining it. Awareness of the highest good as a duty will therefore include this end in the maxim of an ethical attitude of political obedience as its own ethico-political end. But the regulative idea of a final end of creation will also inform our knowledge of the

⁸² Kant, *Lectures on Pedagogy*, p. 446–7 (9:452–3).

⁸³ Kant, *Metaphysics of Morals*, p. 596–8 (6:484).

⁸⁴ *Ibidem*, p. 539 (6:412).

⁸⁵ Kant, *Critique of Judgment*, p. 319–20 (5:432).

⁸⁶ *Ibidem*, p. 320–1 (5:433).

⁸⁷ Kant, *Toward Perpetual Peace*, p. 350–1 (8:385–6), *On the Common Saying*, p. 306 (8:309).

specific circumstances that may warrant disobedience and perhaps even active resistance. It will allow us to engage in a kind of rationally reflective (yet not prudential) calculation of the odds of moral progress under determinate socio-political conditions of human development. This calculation should not be construed as a precise test that applies to (maxims of) actions in concrete, empirical circumstances, as in determining whether action type x or y is better suited than attitude z to realize some particular component of the highest good. Rather, it is a rough formula for determining whether the actions of a political regime systematically prevent the realization of the ultimate moral ends of a society by, for instance, reversing the moral order of the incentives to give preference to ideological, ethnic, racial, etc. principles. A regime that undermines those ends in any recognizable way will count not only as unjust but also as evil. In such cases, the attitude of political obedience will lose its ethical status and those who adopt it will directly contribute to the process of moral unlearning in both the individual and the species. In these cases, rebellion may be the only option to restore morality, and the only remaining challenge would be to figure out a reliable criterion for deciding that the laws of a political regime and the actions of its agents make the unjust regime evil.

Given Kant's restrictions on what may count as valid legal knowledge, this criterion can only be publicity, the practice of freely evaluating the contents of maxims and the laws and institutions that make this practice possible.⁸⁸ The presence of a robust institutional space for public deliberation is the major structural guarantee against the social corruption of the ground of one's maxims. It is not by chance that Kant defends the ethical attitude of political obedience most passionately in *What is Enlightenment?* in the context of an account of the will-formative functions of freedom of expression and public reasoning. It is also telling that Kant introduces the political principle of publicity in *Perpetual Peace* as a test for verifying the legal validity of the revolutionaries' maxims. Whatever maxim is consistent with the principle of right will necessarily pass the test of publicity, including maxims of universal, that is, non-discriminatory political oppression by the state authorities. In a society that is encouraged to openly debate the actions of a sovereign and their consequences,⁸⁹ there is always hope that publicly articulated reasons will prevail so governing policies can improve. The public sphere of unrestricted communication is where maxims of virtue can be universalized. Through this process, rational but self-interested agents gradually develop into autonomous selves and social practices and institutions receive a rational normative

⁸⁸ Many scholars interpret Kant's argument that revolutionary action is incompatible with publicity as a part of his wider legal argument against active political resistance. To my knowledge, Katrin Flikschuh (who may be developing an earlier Habermas intuition) is the only one who systematically analyzes Kant's argument from publicity in terms of what she calls the public morality of right (Flikschuh, *op. cit.*). My own, moral-teleological interpretation of Kant's position is compatible with Flikschuh's even though the notion of publicity plays a less central role in it.

⁸⁹ Kant, *On the Common Saying*, p. 302 (8:304), *What Is Enlightenment?*, p. 21–2 (8:41).

content. No such thing is possible in totalitarian societies, where the public use of reason is systematically undermined by restrictive and punitive practices that prioritize non-moral interests and where political obedience plays no will-forming role.⁹⁰ Publicity prevents the emergence of those conditions under which citizens mutually corrupt each other and for which the ethical community is needed as a counterbalancing ethical force. Kant may have objected to rebellion against an authoritarian regime or a madman but he would have had no grounds, principled or prudential, to recommend acquiescence to an evil rule. Kant's defense of political obedience as an ethical attitude therefore exempts evil regimes.

5. ETHICAL ATTITUDES IN POLITICS

This prepares the ground for a more general claim about the importance of ethical attitudes in politics that is rooted in Kant's philosophy but goes well beyond it. For a long time, and based on the textual evidence provided by such texts as *What is Enlightenment?* and *Idea for a Universal History*, scholars have assumed that Kantian justice is a condition for the development of private morality but that private morality plays no essential role in its institution and maintenance.⁹¹ Recent work on Kant's politics has contributed to a more nuanced understanding of the bi-univocal relationship between Kantian morality and politics. On this revised view, both the cultivation of personal virtue as well as the institutional development of the system of right are essential for reinforcing the authority of both right and virtue in their distinct legislative domains.⁹² This, however, tends to reinforce the belief that Kant's conception of political justice is either the work of a hopeless idealist or that of a beautiful soul who is more concerned with preserving purity of motivation than effecting real political change.⁹³ The present analysis of

⁹⁰ Kant obviously doesn't discuss totalitarian societies in his work. However, he may have an equivalent concept, namely "barbarism" (Kant, *Lectures on Anthropology*, p. 421–2/ 7:330). This concept seems to capture the essence of totalitarian regimes, that is, political regimes that dehumanize their citizens by using against them "force without freedom or law". Interestingly, in the same context Kant also mentions "revolutionary barbarism" (staatsumwälzende Barbarei) (*Ibidem*, p. 425–6/ 7:326), which seems to further reinforce the interpretation presupposed in this paper that Kant may not reject the use of violence if its object is an evil or barbaric regime. For a more developed account of this idea, see Ripstein, *op. cit.*, p. 339.

⁹¹ C. Suppenant, *Cultivating virtue: moral progress and the Kantian state*, in *Kantian Review* 12, 2006, p. 90–112. Proponents of the so-called independence thesis make the more radical argument that Kant's conception of justice is necessary for his moral theory but not the other way around. For details on this, see Thomas Pogge, *Is Kant's "Rechtslehre" a comprehensive liberalism?*, in Mark Timmons (ed.), *Kant's Metaphysics of Morals: Interpretative Essays*, Oxford, Oxford University Press, 2002.

⁹² Cf. Formosa, *op. cit.*

⁹³ Thomas E. Hill, Jr., *Dignity and Practical Reason in Kant's Moral Theory*, Ithaca, Cornell University Press, 1991, p. 66–75.

political obedience as an ethical attitude challenges this assumption in several ways, each showing that Kant's moral idealism is in fact consistent with a more robust form of political realism.

First, much of contemporary liberal theory assumes as normative the anthropological figure of the rationally choosing but ethically neutral political agent. As a result, many liberal conceptions of justice are set up in a way that guarantees and maximizes the exercise of choice rationality as the only enforceable form of political rationality. Kant's own legal theory appears to be the perfect expression of choice rationality. Even a nation of devils, Kant says, could comply with the universal principle of right if they were endowed with reason.⁹⁴ However, the type of rational agency for which this system was built is not the same as the one that can either institute it or maintain it against external challenges. Both the historical record as well as the more recent efforts at nation-building in politically inhospitable climates show us that no system of justice that is based exclusively on norms of mutual restriction will endure if the power of choice is not stabilized by individual ethical attitudes of self-restraint. And the political agent who can moderate the power of her inclinations for the sake of a higher objective must already have the psychological make up of a Kantian moral agent. Ethical self-restraint cannot be legislated but it is politically necessary all the same.

Second, and related to this point, Kant also shows us that an ethical community based on shared attitudes of self-restraint can become a stabilizing force for political society if it can close the normative gap between legal norms and evaluative contents and between political institutions and cultural traditions. This mediating capacity is most evident, again, in the case of failing political societies where the authority of the laws and the efficacy of political institutions are systematically undermined by lack of support from an indifferent population. These failed societies soon revert to a form of political organization of social life whose operating principle is the cultural solidarity of the group. The function of cultural solidarity is to convert the evaluative practices of the group into effective social norms. Kant's ethical community is no different in this respect. The ethical community has the explicit function of morally educating the citizens and in the process turning their ethical attitudes and dispositions into enforceable legal norms. However, it also has the function of communicatively rationalizing the evaluative practices of all the cultural groups in accord with universal principles of morality.⁹⁵ And, synthesizing a universal ethical community out of the existing cultural groups is impossible in the absence of ethical attitudes of self-restraint. Thus, an ethical community based on shared attitudes of self-restraint is essential both for instituting political society out of existing cultural groups and for preventing its fragmentation into cultural groups.

⁹⁴ Kant, *Toward Perpetual Peace*, p. 335 (8:366).

⁹⁵ Jürgen Habermas, *Publizität als Prinzip der Vermittlung von Politik und Moral (Kant)*, in Zwi Batscha (ed.), *Materialien zu Kant's Rechtsphilosophie*, Frankfurt/Main, Suhrkamp, 1976, p. 176.

Lastly, Kant's insistence on the formative dimension of ethical attitudes of political obedience is also a reminder of the implicit moral commitments of all liberal conceptions of justice, no matter how formalized or procedural they have become. This is particularly relevant in a political culture in which legal proceduralism provides cover for all kinds of deficits in political deliberation and representation. Carl Schmitt famously argued long ago that the procedures of parliamentary debate in liberal democracies are a hollowed out, formal substitute for the public assessment of the normative potential of narrow social interests.⁹⁶ Writing from a different political platform decades later, Max Horkheimer agreed that proceduralism is the functionalist substitute for a repressed form of social rationality whose transformative potential is both feared and envied.⁹⁷ It is perhaps too dangerous now, in an era of radical value pluralism, to compensate for such political deficits with an ethically thicker form of social rationality. However, generating maxims of reasonable willing out of preexisting ethical attitudes of self-restraint should provide a superior alternative to both legal proceduralism and cultural solidarity.

6. CONCLUSION

In this paper I argued that Kant's moral argument against active political resistance is in fact an argument in favor of a specific ethical attitude of political restraint. I also argued that the negative end of moral self-perfection, which an ethical attitude of restraint helps to achieve, receives a positive, ethic-political meaning through teleological reflection on the regulative idea of the highest good. Finally, I concluded with a brief discussion of the role of ethical attitudes in developing politically more robust conceptions of political agency, community, and practice.

⁹⁶ Carl Schmitt, *The Crisis of Parliamentary Democracy*, tr. Ellen Kennedy, Cambridge, Mass., MIT Press, 1988, p. 6.

⁹⁷ Max Horkheimer, *Eclipse of Reason*, New York, Continuum, 1974, p. 16.

SPAȚIU ȘI TIMP – FORME INTUITIVE ȘI CUANTE INFINITE ÎN *OPUS POSTUMUM*

PREZENTARE ȘI TRADUCERE DE RODICA CROITORU

Vom prezenta în paginile ce urmează un decupaj din ultima lucrare a lui Imm. Kant, ce cuprinde notațiile sale din preajma anului 1796, reunite sub titlul *Opus postumum*. Acest mic decupaj reprezintă paginile 3 și 4 ale Fasciculului VII, coala I. Ele fac parte din volumul al II-lea al lucrării, respectiv volumul XXII al *Operei în manuscris*, ceea ce reiese din notațiile laterale ale paginii textului în limba română. Este de menționat faptul că deși versiunea românească a textului kantian pare nefinisată, ea redă stadiul de provizorat al originalului, nepregătit încă pentru publicare; drept care cititorul va întâlni între paranteze drepte cazurile în care autorul și-a întrerupt șirul ideilor sau a făcut notații în afara spațiului principal de lucru (respectiv fie la stânga sau la dreapta sa, fie deasupra sau dedesubtul său); punctuația urmează, de asemenea, firul ideilor, ceea ce solicită în plus atenția cititorului; lui i se cere să nu se raporteze la normele de punctuație valabile pentru limba română actuală, ci să admită că licențele de punctuație ale autorului fac parte din stilul său, autor care a ales să își pună în valoare ideile în acest fel. Acestui stadiu de provizorat i se adaugă un alt gen de provizorat, rezultat din stadiul „în lucru” al acestor rânduri, la fel ca textul publicat în numărul anterior al *Studiilor de epistemologie și de teorie a valorilor*¹. Dar, în pofida acestor neajunsuri, cititorul va putea beneficia de o expunere a problematicii spațiului și timpului pe baza dezvoltărilor din *Critica rațiunii pure* (Estetica și Analitica transcendentă), dar considerate aici nu numai din punct de vedere filosofic, ca intuiții *a priori*, ci și din punctul de vedere al fizicii teoretice, drept „cuante infinite”, pentru că scopul general al *Opusului* îl constituie tranziția de la principiile metafizice fundamentale ale științei naturii la fizică². Considerate în această dublă ipostază, spațiul și timpul sunt puse în relație cu materia și cu forțele de atracție și de respingere ale acesteia, întrucât experiența și posibilitatea ei întregesc perspectiva asupra spațiului și

¹ Imm. Kant, „*Opus Postumum: Despre cantitatea materiei*”, Clarificare, scurt istoric și traducere de Rodica Croitoru, în: *Studii de epistemologie și de teorie a valorilor*, Vol. II, M.A. Drăghici, G. Nagăț (coord.), București, Edit. Academiei Române, 2016, p. 151–158.

² A se vedea pentru completarea informației: Rodica Croitoru, „Categorica de tranziție în *Opus postumum*”, în: *Studii de istorie a filosofiei universale*, vol. XXV, în curs de apariție.