

# Kant's Politics of Enlightenment

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THE ENDURING RESONANCE OF Kant's brief essay "An Answer to the Question: What is Enlightenment?" (henceforth "WE") can be traced in large part to the connection it makes between two ideas central to the self-understanding of European modernity. The first is the idea of autonomy implicit in its famous definition of enlightenment: "*Enlightenment is the human being's emergence from his self-incurred minority. Minority is the inability to make use of one's own understanding without direction from another . . . Sapere aude! Have courage to make use of your own understanding!*" is thus the motto of enlightenment."<sup>1</sup> Kant's rallying cry to independence of thought resonates with the view that individual autonomy is a central component of modern self-identity. The second is the defense of freedom in the public use of reason: "For this enlightenment, however, nothing is required but *freedom*, and indeed the least harmful of anything that could even be called freedom: namely freedom to make *public use* of one's reason *in all matters*."<sup>2</sup> With this emphatic endorsement of freedom of expression as a precondition of enlightenment, Kant appears to situate the project of enlightenment squarely in the tradition of liberal political thought.

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<sup>1</sup> *Kants gesammelte Schriften: Akademie-Ausgabe* (Berlin: Walter de Gruyter, 1904 ff.) (henceforth "AA"), 8:35; Kant, *Practical Philosophy*, Mary Gregor, ed. and trans. (Cambridge: Cambridge University Press, 1996), 17. (Kant's writings will be cited throughout by volume and page number of AA followed by page numbers of the English translation, where such exists; all unattributed translations from German texts are the present author's.) In what follows "the Enlightenment" refers to the eighteenth-century cultural and political movement, "the Aufklärung" to its German expression, and "Aufklärer" to its German adherents; "enlightenment," by contrast, refers to the process that Kant attempts to characterize in his essay and whose historical significance is not restricted to the eighteenth century.

<sup>2</sup> AA 8:36 (18) (final emphasis added).

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Yet the interpretation of the essay as a defense of a liberal model of freedom of expression proves to be problematic on a closer reading. Even Kant's famous definition of enlightenment is not without its puzzling aspects. He employs the legal term "minority" (*Unmündigkeit*, often translated as "immaturity"), the condition of a child or dependent who has not reached the legal age of adulthood, to describe the condition of human beings before they have achieved enlightenment; but as some of his contemporaries remarked, the idea of a minority that is "self-incurred" makes no legal sense. That their puzzlement was not just a matter of injudicious terminology is shown by Kant's apparent indecision over whether the failure of individuals to make independent use of their reason is due to lack of courage on their part<sup>3</sup> or whether it is because they have been prevented from doing so by constraining social authorities.<sup>4</sup> Even more perplexing is Kant's idiosyncratic distinction between the private and public uses of reason: "by the public use of one's own reason I understand that use which someone makes of it *as a scholar* before the entire public of the *world of readers*. What I call the private use of reason is that which one may make of it in a certain *civil* post or office with which he is entrusted."<sup>5</sup> What is perplexing in this is not so much the restriction of the public use of reason to scholars addressing a public of readers as the characterization of the use of one's reason in exercising a civil or public office as "private." Moreover, liberal sensibilities cannot fail to be ruffled by the authoritarian cast of some of Kant's remarks. Most troubling is the observation that only a ruler who "has a well-disciplined and numerous army ready to guarantee public peace" can tolerate complete freedom of public expression and that a lesser degree of civil freedom (*bürgerliche Freiheit*) is conducive to the fullest expansion of "a people's freedom of spirit" (or intellectual freedom, *Freiheit des Geistes*).<sup>6</sup> This would seem to lend ammunition to those who argue that Kant ultimately embraces a conservative political position in contradiction to the radical implications of his own critical philosophy.<sup>7</sup>

<sup>3</sup> "This minority is *self-incurred* when its cause lies not in lack of understanding but in lack of resolution and courage to use it without direction from another. . . . It is because of laziness and cowardice that so great a part of humankind, after nature has long since emancipated them from other people's direction (*naturaliter maiorennis*), nevertheless gladly remains minors for life . . ." (AA 8:35 [17]).

<sup>4</sup> "Thus it is difficult for any single individual to extricate himself from the minority that has become almost second nature to him. He has even grown fond of it and is really unable for the time being to make use of his own understanding, *because he was never allowed to make the attempt*" (AA 8:36 [17]) (emphasis added). The passage quoted in the previous note may suggest, as Norbert Hinske argues, that Kant is not actually using the terms *Mündigkeit* and *Unmündigkeit* in the legal sense at all but rather in an anthropological or moral sense, on which "maturity" (the preferred translation on this interpretation) implies an inner resolution to use one's reason independently; see Hinske, *Kant als Herausforderung an die Gegenwart* (Freiburg/Munich: Karl Alber, 1980), 70–6. However, the passage quoted here suggests that Kant is also invoking the legal sense, which would be consistent with a persistent equivocation on moral versus legal senses of key terms in the essay.

<sup>5</sup> AA 8:37 (18).

<sup>6</sup> AA 8:41 (22).

<sup>7</sup> See Frederick Beiser, *Enlightenment, Revolution, and Romanticism* (Cambridge, MA: Harvard University Press, 1992), 53–6. Beiser argues that Kant embraced a conservative position in the 1790s in response to the conservative reaction to the French Revolution in Prussia, thus subsequent to writing WE, and thereby betrayed the radical insights that inform his project of a critique of reason. The reading of WE that I propose here suggests, by contrast, that the conservative elements in Kant's political thought—his rejection of a right of revolution and his acceptance of the authority of absolutist government—reflect an attempt to reconcile the radical implications of his ideal political principles with the political realities of absolutist Prussia in light of his views of human nature and history. His political thought

But an examination of the historical context of the essay reveals that it is neither a clear expression of a liberal nor of a conservative position as these are conventionally understood, or so I will argue. The perplexing features of the essay become intelligible when it is seen as part of a larger project of reconciling the ideal requirements of a republican constitution with the political reality of Prussian absolutism in response to contemporary debates concerning the conflicting claims of enlightenment and governmental authority. The immediate occasion of the essay was an intervention in a debate within the Berlin Aufklärung concerning the permissibility of official restrictions on popular enlightenment in the interests of preserving public order.<sup>8</sup> Kant shared the concern of the Aufklärer that the enlightenment of the people might have socially and politically disruptive consequences; but he rejects the conservative solutions to the problem of the kind proposed by Moses Mendelssohn in an essay in an earlier issue of the same journal.<sup>9</sup> His definition of enlightenment can be read as a repudiation of the elitist outlook that informed Mendelssohn's position. Kant advocates freedom in the public use of reason as the guarantor of a process of enlightenment that is ideally fully egalitarian and fully autonomous, since it is a task that the public must accomplish through its own efforts rather than through those of a scholarly elite. However, the regime of public reason he proposes threatens to intensify the tension between enlightenment and obedience to authority; for it explicitly appeals to a republican criterion of legitimate law whose political implications put his proposal at odds with the official ideology of the absolutist regime of Frederick the Great. Thus one of Kant's primary concerns in the essay is to argue that the regime of public reason was not only compatible with absolute government but could be justified as an extension to the political domain of official Prussian policy on religious matters.

In what follows, I will argue that the politics of enlightenment defended in WE loses its appearance of paradox when it is understood as a response to contemporary political controversies informed by the theory of right that Kant expounded more fully during the following decade.<sup>10</sup> The first section of the paper will argue

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is shown on this reading to be more consistent over time, though not necessarily ultimately more coherent. (On the use of the terms "liberal" and "conservative" in relation to Kant's political thought, see n. 53 below.)

<sup>8</sup> WE was published in the December 1784 issue of the *Berlinische Monatsschrift*, a major organ of the Berlin Aufklärung, in response to a call in an earlier issue by Johann Friedrich Zöllner for answers to the question "What is Enlightenment?" On the historical context of the essay, see Hinske's "Einleitung" in *Was ist Aufklärung? Beiträge aus der Berlinischen Monatsschrift*, Hinske, ed. (Darmstadt: Wissenschaftliche Buchgesellschaft, 1981), xiii–lxix; James Schmidt, "The Question of Enlightenment: Kant, Mendelssohn, and the *Mittwochsgesellschaft*," *Journal of the History of Ideas* 50 (1989): 269–91 and "What Enlightenment Was: How Moses Mendelssohn and Immanuel Kant Answered the Berlinische Monatsschrift," *Journal of the History of Philosophy* 30 (1992): 77–101; John Christian Laursen, "The Subversive Kant: The Vocabulary of 'Public' and 'Publicity,'" repr. in *What Is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions*, Schmidt, ed. (Berkeley: University of California Press, 1996), 253–69; and Steven Lestition, "Kant and the End of Enlightenment in Prussia," *Journal of Modern History* 65 (1993): 57–112.

<sup>9</sup> Mendelssohn, "On the Question: What Does 'To Enlighten' Mean?," in *Philosophical Writings*, Daniel O. Dahlstrom, ed. and trans. (Cambridge: Cambridge University Press, 1997), 313–7. Kant's essay was not a direct response to Mendelssohn for, as Kant remarks in a concluding note, he had not received the relevant issue before submitting his own essay for publication.

<sup>10</sup> That WE is informed by the theory of right has not been widely remarked upon either by interpreters of the essay or in studies of Kant's political philosophy, so that the propriety of interpret-

that Kant's idiosyncratic distinction between the public and private uses of reason rests on the contractualist conception of governmental authority that underlies the theory of right. The central sections of the paper will argue that Kant's position represents a novel response to the debates within the Prussian Aufklärung concerning the tension between enlightenment and obedience to authority which seeks to demonstrate the compatibility of enlightenment with enlightened absolutism. In the final section, I will argue that Kant's politics of enlightenment must be seen as part of an answer to what was for him the central problem of political practice, namely how the requirements of an ideal republic could be promoted under the empirical conditions of human nature and human history as he understood them. The politics of enlightenment is shown to be part of a larger project of republicanization that attempts to reconcile individual rights with obedience to authority, though it ultimately fails to overcome the tension between enlightenment and political power that was endemic to the Aufklärung.

#### I. PUBLIC REASON AND POLITICAL AUTHORITY

The connection between the definition of enlightenment as overcoming minority and the conclusion that the public use of reason must be free turns on the claim that, whereas enlightenment is difficult for individuals to achieve by their own efforts, it is "almost inevitable" that a public will enlighten itself "if only it is left its freedom," so that enlightenment is necessarily a social process.<sup>11</sup> The subject of the public (*öffentlich*) use of reason is the public (*Publikum*) of citizens who must achieve enlightenment in the final analysis through the exercise of their own rational faculties. The apparently unqualified character of Kant's principle of "freedom to make *public use* of one's reason in all matters" has led some interpreters to argue that he is advocating, or at least anticipating, the liberal model of the public sphere in which all citizens have the freedom to participate in the creation of political public opinions.<sup>12</sup> But Kant's conception of the "public" use of reason proves on closer inspection to involve restrictions that are difficult to reconcile with the idea of a liberal political public sphere.

If we want to understand the nature and scope of the public use of reason we should first examine the complementary notion of its "private" use, which has

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ing the essay in light of texts published in some cases more than ten years later might well be questioned. However, recent studies have shown that Kant's mature political views can be traced back to the late 1760s and that they remained remarkably stable during the following decades (cf. Beiser, *Enlightenment, Revolution, and Romanticism*, 32–4). This is confirmed by the Feyerabend transcription of Kant's lectures on the philosophy of right, the *Naturrecht Feyerabend* (AA 27/2), which shows that he had already worked out the basic elements of the theory of right by the time he wrote WE. Also the positions that Kant defends in WE are reiterated in his later political writings in much the same form, which suggests that these writings can be treated as expressions of a single political theory.

<sup>11</sup> AA 8:36 (17).

<sup>12</sup> See Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, Thomas Burger and Frederick Lawrence, trans. (Cambridge, MA: The MIT Press, 1989), 102–7. The tradition of the political public sphere is the liberal tradition to which Kant's model of the public use of reason is closest. However, other interpreters have sought to explicate Kant's liberal credentials in relation to other liberal traditions. Thus Allen Wood has recently drawn a close connection between Kant's position and John Stuart Mill's defense of freedom of expression as promoting the "permanent interests of man as a progressive being" on the grounds that Kant offers a

occasioned much well-founded perplexity. For whereas the use an individual makes of his reason as a scholar addressing the world of readers is public in the obvious sense of being open to the scrutiny of an unrestricted audience, the sense in which Kant's "private" use of reason is private is by no means clear.<sup>13</sup> To describe the use someone makes of his or her reason in a "civil post or office" as private seems strange since the individual in question is exercising a public function for which they might reasonably be held accountable to the public at large.<sup>14</sup> By calling this use "private" Kant seems to be rejecting the assumption that public officials have any right or duty to explain or justify their actions on their own account, something underlined by his use of mechanical metaphors to describe the proper attitude of those charged with executing official policy:

. . . for many affairs conducted in the interest of a commonwealth a certain mechanism is necessary, by means of which some members of the commonwealth must behave merely passively, so as to be directed by the government, through an artful unanimity, to public ends (or at least prevented from destroying such ends). Here it is, certainly, impermissible to argue; instead, one must obey.<sup>15</sup>

With regard to matters of *public* interest ("public" here understood in the statist sense of what belongs to the proper domain of governmental authority) an official, or any citizen called upon to do so, must simply follow orders mechanically and without question. The fact that the strict limits on the private use of reason also apply to ordinary citizens as addressees of the law underlines the gulf separating Kant's conception of the nature and limits of governmental authority and the liberal model of a political public sphere in which citizens publicly criticize and seek to influence government policy.

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consequentialist defense of freedom of public communication; cf. Wood, *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999), 306. But although it is true that Kant's arguments concerning freedom of expression in WE contain consequentialist elements—he defends it as indispensable to progress in enlightenment—his primary justification of that freedom is in terms of his a priori principle of right: a monarch whose legislative authority rests on the fact that "he unites in his will the collective will of the people" (AA 8:40 [20]) cannot restrict the self-enlightenment of the public since a people could not impose such a restriction on itself as law.

<sup>13</sup> Laursen argues that Kant's use of the term "public" here represents a revival of an earlier medieval use of the German word *öffentlich*, whose meaning had gradually become restricted to "that which pertains to the state" among legal scholars under the influence of Roman Law. In contrast with the lawyers' usage, Kant was invoking that of authors and publicists (including Lessing, Nicolai, and Schiller) who had contributed to a recovery of the association between the "pubic" and the "people" in the wider sense. See Laursen, "The Subversive Kant," 254–6. But Laursen overlooks the fact that Kant also uses "public" to refer to matters pertaining to the state in the essay (see following quotation in text), so that his usage can scarcely be described as a "wholesale rejection of the lawyers' usage" (*ibid.*, 255). Here again we find an equivocation on moral and legal meanings of a key term in the essay.

<sup>14</sup> Indeed Kant himself describes civil servants as "public persons": "A civil servant is a *persona publica*, who stands over against private persons (*der den Privatpersonen entgegen gesetzt ist*)" (*Naturrecht Feyerabend*, AA 27/2:1385). Thus he must have been aware of the incongruity of asserting that individuals in their capacity as *public* servants make a *private* use of their reason.

<sup>15</sup> AA 8:37 (18). Kant is here invoking the idea of the "machine state" in which all administrative tasks are performed by a hierarchical and centralized state bureaucracy without the active participation of the citizenry, an idea that gained currency among German thinkers in the late eighteenth century under Prussian influence and was criticized by Hegel in his essay "The German Constitution." See Hegel, *Political Writings*, Laurence Dickey and H. B. Nisbet, eds., H. B. Nisbet, trans. (Cambridge: Cambridge University Press, 1999), 22–5.

But it remains unclear why Kant calls the passive use of one's reason as an addressee of the law or an agent of the government "private." The idea of mechanical obedience, which clashes with the close connection that Kant elsewhere draws between reason and autonomy, has led Onora O'Neill to suggest that he wants to characterize the private use of reason as "deprived" or "deficient" (in the sense of the Latin *privatus*). Yet this seems to be at odds with the spirit in which the distinction is presented in the essay, where there is no suggestion that the private use of reason rests on "a tacit, uncriticized and *unjustified* premise of submission to the 'authority' that power of office establishes."<sup>16</sup> Instead, Kant accords the restricted and unrestricted uses *complementary* roles in the political arrangements that are supposed to promote enlightenment.

A more promising clue to Kant's meaning is provided by James Schmidt's observation that his private sphere is a domain of contractual relations in which individuals alienate their talents, including their intellectual powers, to others for the purpose of advancing common goals.<sup>17</sup> The contractual basis of the constraints involved in the private use of reason can be seen from the examples that Kant uses to illustrate the distinction between the two uses. The first is that of a military officer who, Kant asserts, must obey orders from his superior without question while on duty but should not be prevented from publicly criticizing aspects of the military service in his capacity as a scholar. The second is that of the citizen taxpayer who must pay all taxes levied upon him without complaint, but should be allowed in his role as a scholar to criticize publicly any injustices in the tax laws. Finally, there is the case of the clergyman who, Kant states, must strictly uphold the creed of his church in the exercise of his pastoral duties since in this capacity he is making a private use of his reason; but when addressing the public of scholars in his theological writings he may communicate "his carefully examined and well-intentioned thoughts about what is erroneous in that creed."<sup>18</sup> In each of these examples the constraints governing the private use of reason flow from a contractual relation between the individual and a higher authority. A Prussian military officer was contractually bound to a strict duty of obedience by the terms of his commission. The primary contractual obligation of a Lutheran clergyman in pastoral matters was to the Lutheran Church; but he was also an employee of the state and, as we shall see, the precise extent of his duty of obedience was a matter for the Ministry of Spiritual Affairs to determine. Finally, the citizen-taxpayer's duty to pay taxes also had a contractual basis, whether in the narrow sense that it was based on a privilege to engage in trade granted by the state or in

<sup>16</sup> Onora O'Neill, *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989), 17 (emphasis added). While my interpretation is indebted to O'Neill's perceptive reading, it departs from hers in arguing that Kant holds that the submission to authority involved in the private use of reason *is* justified to the extent that the laws in accordance with which it is exercised satisfy republican criteria of legitimacy.

<sup>17</sup> Cf. Schmidt, "The Question of Enlightenment," 288 (following O'Neill).

<sup>18</sup> AA 8:38 (19). It should be noted that Kant's examples are drawn from the three estates or *Stände* of the Prussian *Ständegesellschaft*, namely the nobility (military officers were drawn primarily from the aristocracy), the clergy, and the commoners (including those who exercised a free trade and hence were liable for taxes). See Reinhard Brandt, *Zu Kants politischer Philosophie* (Stuttgart: Steiner, 1997), 228. Absent from this catalog is the peasantry, who played no political role in the absolutist state.

the more general sense of flowing from the contractual basis of government authority as such.<sup>19</sup>

These examples suggest that the distinction between the public and private uses of reason is based on a contractualist understanding of the duty of unquestioning obedience that Kant associates with private use of reason. Of the three examples, that of the clergyman exhibits the contractualist rationale most clearly. The clergyman is bound to uphold the teaching of his church in the exercise of his pastoral duties, even though he may not fully agree with all of its elements, because he was employed by the church on that condition. But if he came to believe that church doctrine contained something “contradictory to inner religion” he could not in good conscience continue to exercise his office and would have to resign.<sup>20</sup> However, Kant insists that the clergyman must be free in his theological writings to criticize what he believes to be erroneous in church teaching, though only in his capacity as a scholar writing in his own name. The contractual basis of ecclesiastical authority is further shown by Kant’s argument that a “society of clergymen” could never legitimately lay down an *unalterable* creed, and thereby bind its members and their congregations indefinitely into the future; for that would be to prevent future generations from making progress in enlightenment by expanding and refining their knowledge of theological matters, which would be a violation of their rational nature: “Such a contract,” Kant argues, “concluded to keep all further enlightenment away from the human race forever, is absolutely null and void, even if it were ratified by the supreme power. . . .”<sup>21</sup> Kant here invokes a republican criterion of just law to argue that such a contract could not be binding upon a people because they could not consistently will it as a law: “what a people may never decide upon for itself, a monarch may still less decide upon for a people; for his legislative authority rests precisely on this, that he unites in his will the collective will of the people.”<sup>22</sup>

In this remarkable passage Kant subordinates established churches to a secular political authority, namely the will of the people as represented by the sovereign and brought to expression in his legislative decrees. The purpose of the

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<sup>19</sup> The former reading is suggested by a narrow interpretation of Kant’s term *Bürger* as referring to “town-dwelling citizen-taxpayer” or merchants whose economic freedoms were a privilege granted by the state (see Laursen, “The Subversive Kant,” 257); but, as we shall see, the citizen’s obligations to the state were widely understood in contractual terms, so Kant can also be understood as implying that the citizens’ duty to pay taxes is grounded in a social contract by which legitimate authority is established.

<sup>20</sup> AA 8:38 (19). Beiser misreads Kant on this point when he writes: “The officer, teacher, pastor, and civil servant have a duty to remain in their posts, [Kant] argued, however much it violates their conscience” (*Enlightenment, Revolution, and Romanticism*, 53). Cf. *Naturrecht Feyerabend*, AA 27/2:1386, where Kant states his position more bluntly: a clergyman has a contractual obligation to dissimulate (*dissimulieren*), i.e., to hide his true beliefs, but not to make a pretense (*simulieren*) of believing something that he does not believe.

<sup>21</sup> AA 8:39 (20).

<sup>22</sup> AA 8:39–40 (20). In the essay “On the Common Saying: That May be Correct in Theory, but it is of no Use in Practice,” Kant makes the same argument in terms of the idea of the social contract: “. . . an original contract of the people that made such a law would in itself be null and void because it conflicts with the vocation and end of humanity; hence a law given about this is not to be regarded as the real will of the monarch, to whom counterrepresentations can accordingly be made” (AA 8:304–6; *Practical Philosophy*, 302–3).

proposed institutional arrangement is to leave open the possibility of enlightenment in theological matters while upholding the limited authority of established churches to bind clergymen to official teaching in their pastoral activities, though only in the interest of the orderly conduct of pastoral care:

... the order introduced [*sc.* by a particular ecclesiastical establishment] would last until insight into the nature of these things had become so publicly widespread and confirmed that by the union of their voices (even if not all of them) it could submit a proposal to the crown, to take under its protection those congregations that have ... agreed to an altered religious institution, but without hindering those that wanted to acquiesce in the old one.<sup>23</sup>

Once a dissenting congregation has reached a consensus on theological questions that departs from the official teaching of their church, they or their theological representatives can appeal to the monarch to recognize them as a separate establishment, while allowing the established church to continue to exist. One important feature of this proposal is that it subordinates the authority of churches to the evolving rational convictions of their congregations, a view that aligned Kant with advocates of rational theology against conservative defenders of tradition and authority. But equally important is the subordination of scholars, churches, and congregations to the legal authority of the monarch who decides which establishments are to be recognized, though the criterion he is to use is what best conduces public order and not what agrees with his personal religious convictions.<sup>24</sup>

As we shall see, Kant's proposal concerning the regulation of religious affairs closely mirrors official Prussian policy concerning religious establishments under Frederick II. Here I would like to clarify the nature of the authority by which the boundary between private and public uses of reason is defined and regulated and the insight it provides into Kant's unorthodox conception of the "private." The legitimacy of the constraints placed on individuals' use of their reason in each of the three examples ultimately flows from the authority of the sovereign or monarch who legislates in accordance with the principle: "Only those laws are valid that the people could give themselves." In religious and military affairs the sovereign delegates authority to the church or the military bureaucracy to enter into contractual relations with clergymen and officers that set legitimate constraints on the freedom of the latter to challenge publicly the specifics of church teaching or military policy; and in levying taxes the sovereign directly obliges the citizens to refrain from openly criticizing his decrees in ways that might frustrate their collection. It is ultimately the contractually based political authority of the sovereign, therefore, that secures legitimate domains of privacy and ensures their compat-

<sup>23</sup> AA 8:39 (20) (translation amended).

<sup>24</sup> Cf. Kant, *Metaphysics of Morals*, Mary Gregor, ed. and trans. (Cambridge: Cambridge University Press, 1996), AA 6:327–8 (101–2). Gisbert Beyerhaus fails to appreciate the complexity of Kant's proposal when he criticizes it as an application to the religious domain of the absolutist principle "*alles für das Volk, nichts durch das Volk*" (i.e., "everything for the people, nothing through the people"), which, he claims, would "neutralize enlightenment as a factor in religious policy." For although the official recognition of a new establishment is a matter for the sovereign on Kant's proposal, the impulse thereto comes from the congregations as a result of their developing religious convictions. See Beyerhaus, "Kants 'Programm' der Aufklärung aus dem Jahre 1784," in *Materialien zu Kants Rechtsphilosophie*, Zvi Batscha, ed. (Frankfurt: Suhrkamp, 1976), 161.



ibility with enlightenment by regulating the boundary between private and public uses of reason.<sup>25</sup>

It should now be clear in what sense the use that civil servants or clergymen make of their reason in the conduct of their official functions can be viewed as “private”: it is private in being subject to the will of a higher authority, be it the state itself or a subordinate authority, which sets legitimate restrictions on what may be communicated to a particular audience.<sup>26</sup> A private sphere on this interpretation is one in which the will of a legislating authority must be obeyed without question. The unconditional nature of the authority in question is underlined by Kant’s assertion that those subject to it must regard themselves as instruments for carrying out its purposes. But whereas the authority in question is peremptory, it is not arbitrary, for it must not overstep its contractual limits. Clergymen and military officers are not duty-bound to obey commands that infringe the terms of their contractual engagements or to do anything that would violate the moral bases of contractual relationships as such; so too, a people does not have a duty to obey laws to which they could not consistently will to subject themselves.

Understood in contrast with this conception of the private use of reason, the public use of reason appears as a domain of individual freedom on which even supreme legislative authority cannot legitimately encroach, and hence defines the outer limit of contractual authority. Although the example of the clergyman suggests that it depends on the support of the sovereign for the protection it provides against the interference of intermediate authorities such as established churches, Kant is at pains to stress that this freedom does not encroach on the prerogatives of the sovereign. The sovereign is not called upon to do anything positive to promote enlightened doctrines or opinions in any field—he need only remain neutral among competing views, even to the point of rejecting a policy of *tolerance* as arrogant, and allow the reasoning of independent scholars do its work in shaping the convictions of the public. By defining the scope of this freedom in a purely negative way as what is left over, so to speak, when the sovereign’s legislative will has exhausted itself, Kant seeks to defuse any suspicion that it might be subversive of the unconditional authority of the absolute ruler. At the same time, he accords it at least an indirect political function: any citizen who is not bound by some official duty may also publicly criticize what he thinks is deficient—i.e., inconsistent with the principles of justice—in the sovereign’s legislation. With this, the freedom to make public use of one’s reason takes on the appearance of an

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<sup>25</sup> Michel Foucault also asserts that Kant’s regime of public reason has a contractual basis: “And Kant, in conclusion, proposes to Frederick II, in scarcely veiled terms, a sort of contract—what might be called the contract of rational despotism with free reason: the public and free use of autonomous reason will be the best guarantee of obedience, on condition, however, that the political principle that must be obeyed itself be in conformity with universal reason” (Foucault, “What is Enlightenment,” in *The Foucault Reader*, Paul Rabinow, ed. [New York: Pantheon Books, 1984], 37). But in contrast with the incongruous idea that Kant was proposing a contract to his monarch, on my reading Kant’s argument is that such a contract must be assumed to exist already and he is simply making explicit its implications for public expression.

<sup>26</sup> Hence a private use of reason can also be understood as one directed to a restricted audience constituted by a higher authority, as suggested by Kant’s assertion that a congregation, however large, is still only a “domestic (*häuslich*) gathering” (AA 8:38; 19). On the sense of privacy as implying a restricted, “domestic” audience, see O’Neill, *Constructions of Reason*, 32–4.

individual right, if only a negative one, something which an absolute ruler might well regard as a threat to his authority. But before turning to Kant's relation to Prussian absolutism, I would like to explore what was novel in his position in the context of the Berlin Aufklärung that was its primary audience.

## 2. KANT AND THE PRUSSIAN AUFKLÄRUNG

WE was written in response to a challenge to advocates of enlightenment to reflect systematically on what was required for the enlightenment of society. This public challenge was motivated in part by the internal discussions of the *Mittwochsgesellschaft* (or "Wednesday Society"), a semi-secret Berlin debating society whose membership included prominent philosophers and men of letters, government officials, clergymen, jurists, and physicians.<sup>27</sup> Although Kant was not privy to the internal discussions of the *Mittwochsgesellschaft*, he was well aware of the shared concerns of its members as well as the controversies that divided them. Since WE was addressed in the first instance to its members, an examination of their views on enlightenment and of some of the associated controversies can provide important clues as to the nature and scope of the regime of public reason that Kant defends.

The irony that the members of a society devoted to the promotion of enlightenment were sworn to secrecy concerning its internal discussions has not been lost on commentators. Enlightenment was a politically controversial topic in absolutist Prussia and public discourse on such topics was far from free, despite its monarch's reputation as an enlightened ruler. However, the Aufklärer did not generally regard their commitment to social and political reform based on rational principles as in any way subversive of absolute government. The members of the *Mittwochsgesellschaft*, in particular, had good reason to regard the Prussian state as largely progressive. For advocates of rational theology, such as Johann Joachim Spalding, benefited from the liberal regime of religious toleration instituted by Frederick, and the members of the *Mittwochsgesellschaft* who held prominent positions in the Prussian civil service were professionally engaged in developing and implementing reforms that were undoubtedly progressive for their time and place. Hence it is hardly surprising that the Aufklärer, like their French counterparts prior to the revolution, accepted for the most part existing structures of authority and advocated gradual social reform from above through administrative channels.<sup>28</sup>

Two features of their shared outlook led the Aufklärer to focus on the reform of religion, rather than on political reform, as the principal means by which enlightenment could be promoted among the mass of the people. The first was a progressivist view of history founded on the view that enlightenment represented

<sup>27</sup> On the membership and organization of the society, see Hinske, "Einleitung," xxiv–xxxi and Schmidt, "The Question of Enlightenment," 272–5. On the Berlin Aufklärer more generally, see Beiser, *Enlightenment, Revolution, and Romanticism*, 309–11.

<sup>28</sup> See Rudolf Vierhaus, *Was war Aufklärung?* (Göttingen: Wallstein, 1995). As Vierhaus points out, enlightenment was far from a "disinterested" matter; its advocates were drawn largely from learned members of the middle class (i.e., the Prussian third estate) for whom enlightenment represented a means of "social and intellectual emancipation" (10).

the human vocation or destination (*Beruf, Bestimmung*), an idea with Christian roots that was given a rationalist interpretation by Spalding that exerted a profound influence on the Aufklärer.<sup>29</sup> But this optimistic view of the human vocation was counterbalanced by a pessimistic view of the current level of moral and cultural development of the mass of the people, and hence by scepticism concerning their capacity for further enlightenment without spiritual guidance and social discipline. As a consequence the Aufklärer were concerned that enlightened ideas might have a destabilizing effect on a populace still mired in superstition, and hence were preoccupied with the question of whether the government might have a legitimate role in restricting enlightenment, and even in deliberately misleading the people, for the sake of maintaining public order. By 1783 one can discern a degree of disillusionment with the progress of enlightenment in society at large in the physician Johann Karl Möhsen's call to his fellow-members of the *Mittwochsgesellschaft* to examine whether the enlightened assault on prejudice and error might be more harmful than useful for the public and for the state and government.<sup>30</sup>

Mendelssohn's responses to Möhsen's challenge provide a good illustration of the tensions in enlightened thinking on this question. Mendelssohn was initially dismissive of the idea that too much or too rapid enlightenment of the public might be destructive of their happiness or disruptive of public order.<sup>31</sup> However, by the time he wrote his essay on enlightenment for the *Berlinische Monatsschrift* some six months later he had retreated to a more cautious position on the question. Contrasting enlightenment and culture as, respectively, the theoretical and practical dimensions of the human vocation, Mendelssohn distinguishes between the enlightenment of a human being *as a human being* and the enlightenment of a human being *as a citizen*, and argues that, whereas the former is the same for all human beings, the latter differs according to the individual's profession and standing in society. As a consequence, the two may come into conflict: "Certain truths which are useful to the human being as a human being, can at times be harmful to him as a citizen."<sup>32</sup> These two aspects of the human vocation may even come into fundamental conflict, Mendelssohn argues, when truths essential to the enlightenment of humanity would undermine the constitution if they were made known to all classes. In such cases philosophy must bow to "necessity" and silently

<sup>29</sup> On the influence of Spalding's theological work *Bestimmung des Menschen* (1748), see Schmidt, "What Enlightenment Was," 82–4. On the importance of the idea of the human vocation to the Aufklärung, see Hinske, "Einleitung," xix–xx and Vierhaus, *Was war Aufklärung?*, 7–8.

<sup>30</sup> Möhsen's lecture, delivered to the *Mittwochsgesellschaft* in 1783, was published in 1796; see Möhsen, "What Is to Be Done toward the Enlightenment of the Citizenry?" in Schmidt, ed., *What is Enlightenment?*, 49–52. The inevitable gap between its ideals and social and political reality meant that tendencies toward disillusionment and self-questioning were endemic to the Aufklärung from its inception; cf. Vierhaus, *Was war Aufklärung?*, 18–20.

<sup>31</sup> In his brief comment or "*votum*" on Möhsen's lecture in December 1783, Mendelssohn challenges Möhsen to provide historical examples of the destructive effects of enlightenment, suggests that any disruptions that might occur would be outweighed in the long run, and argues that official censorship is not an appropriate mechanism for shielding socially useful prejudices from criticism. See "Votum zu Möhsens Aufsatz über Aufklärung," in Mendelssohn, *Gesammelte Schriften 6: Kleinere Schriften I* (Stuttgart-Bad Cannstatt: Friedrich Frommann, 1981), 111.

<sup>32</sup> Mendelssohn, "On the Question: What Does 'To Enlighten' Mean?," 315.

acquiesce in laws “laid upon humanity in order to humiliate it and keep it constantly stifled.”<sup>33</sup> Even in cases where there is only an “extra-essential” conflict between the vocations of human being and citizen, where truths useful to humanity cannot be disseminated without undermining religion and morals, “the virtue-loving man of enlightenment will . . . prefer to indulge prejudice than drive away the truth that is so wound up with that prejudice.”<sup>34</sup>

Mendelssohn’s retreat to a more conservative stance on admissible restrictions on the enlightenment of the public reflects the paternalistic attitude toward the common people and the acquiescence in the authority of the absolutist state common to many of the Berlin Aufklärer. If the mass of the people were to be raised from the prejudices and superstitious beliefs in which they were mired, it could only be with the guidance of an enlightened clergy and with the support of an enlightened government. Consistent with this outlook, much of the scholarly work of the Aufklärer was devoted to overturning superstitious beliefs and practices through historical and philological research. Criticism of religious superstition and the promotion of rational theology based on historical biblical scholarship set the Aufklärer in conflict with defenders of Lutheran orthodoxy within the clergy and the laity. These conflicts concerned not only theological issues but also reflected competing conceptions of the authority of the church over the clergy and congregations and, by extension, of the nature and limits of secular political authority. One of the main bones of contention between the Aufklärer and the defenders of orthodoxy concerned the freedom of clergymen to express their views on theological questions in their writings, which for the former represented one of the primary vectors of enlightenment, but for the latter represented an attack on tradition and the authority of the church. In this controversy, the Aufklärer found an ally in Frederick’s minister for spiritual affairs, Carl Abraham Freiherr von Zedlitz, who reprimanded the church administration for punishing the clergymen for scholarly writings that had no direct bearing on their pastoral duties. In his ministerial decrees in two such cases, von Zedlitz set forth substantially the position later defended by Kant in WE, namely that clergymen must obey the rules of the church in the exercise of their pastoral duties but should be free to defend unorthodox views in their theological writings.<sup>35</sup>

Kant’s endorsement of this policy is also an attempt to solve the problem of the threat to public order posed by enlightenment of the people that exercised the Aufklärer, and the position he defends is in many respects a faithful reflection of their outlook and concerns.<sup>36</sup> In defending the freedom of clergymen to advo-

<sup>33</sup> Ibid., 315–6.

<sup>34</sup> Ibid.

<sup>35</sup> The texts of von Zedlitz’s decrees in the cases of the pastors J. A. Starck and J. H. Schulz (in 1776 and 1783, respectively) are given as an appendix to Beyerhaus, “Kants ‘Programm’ der Aufklärung,” 161–4. In view of Kant’s close personal association with von Zedlitz, who actively promoted Kant’s career and was the dedicatee of *The Critique of Pure Reason*, it is reasonable to assume that Kant was aware that the position he was defending in WE reflected official government policy. At the same time, Hinske rightly criticizes Beyerhaus’s claim that von Zedlitz’s decrees were the *sole* source of Kant’s distinction between the public and private uses of reason; cf. “Einleitung,” xlvii–lvii.

<sup>36</sup> On Kant’s divided relation to the Prussian Aufklärung, see Hinske, *Kant als Herausforderung an die Gegenwart*, 31–5.

cate unorthodox theological views, he demonstratively aligns himself with the view of theology as a rational discipline against the defenders of Lutheran orthodoxy. He shares the faith of the Aufklärer in reason as the motor of social and political progress, though he too takes a sceptical view of human beings' natural capacity for enlightenment. Although human beings are responsible for making autonomous use of their rational faculties, he argues, they are naturally inclined to remain in comfortable submission to their guardians. Faced with the problem of how enlightenment can be promoted in view of the recalcitrance of human nature, Kant also appeals to the idea that progress in enlightenment is the "original vocation" of human beings and indirectly invokes a teleological conception of nature according to which human beings' natural antagonism actually promotes the enlightenment of the species in the long run.<sup>37</sup> And he addresses the concern that enlightenment might be socially disruptive by insisting that it cannot be promoted by radical political reform: "A revolution may well bring about a falling off of personal despotism and of avaricious or tyrannical oppression, but never a true reform of one's way of thinking; instead new prejudices will serve just as well as old ones to harness the great unthinking masses."<sup>38</sup> But Kant departs from the more conservative Berlin Aufklärer on the question of how enlightenment can be promoted in the absence of revolutionary political upheaval. For instead of according a vanguard role to an intellectual elite working in tandem with a reforming bureaucracy, he defends a strict division of labor between a government that secures the rule of law and a public that enlightens itself through its own free activity. The corollary of the public's freedom to pursue progress in enlightenment in an orderly manner, on this account, is complete submission to the will of the sovereign in all matters of law and public policy.

The novelty and rigor of Kant's solution to the problem of the potentially destabilizing effects of enlightenment can be seen by contrasting it with Mendelssohn's. Mendelssohn argued that when the enlightenment that is essential to humanity cannot be extended to all social classes without threatening political stability, philosophers must bow to "necessity" and acquiesce silently in laws that would keep some social classes in ignorance or in subjection to socially useful falsehoods indefinitely. Even when there is no fundamental conflict between the vocation of the human being and that of the citizen, prejudices may be tolerated by the "man of enlightenment" if they serve to reinforce the adherence of certain social classes to basic religious and moral truths. Mendelssohn admits that adopting such a maxim opens the door to forms of hypocrisy that have been responsible for centuries of barbarism and superstition; but however difficult it is to "find the borderline that separates use from misuse" of this maxim, he writes, "the friend of humanity will have to have recourse to this consideration *in the most enlightened times*."<sup>39</sup>

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<sup>37</sup> When he states that human beings are to blame for their continuing minority because "nature has long since emancipated them from other people's direction" (AA 8:35 [17]) he is invoking the teleological view of history expounded in his contemporaneous essay, "Idea for a Universal History with a Cosmopolitan Intent," AA 8:17–31, in Kant, *Perpetual Peace and Other Essays*, T. Humphrey, trans. (Indianapolis, IN: Hackett Publishing Co., 1983), 29–40.

<sup>38</sup> AA 8:36 (18).

<sup>39</sup> Mendelssohn, *Philosophical Writings*, 316 (emphasis added).

Mendelssohn's maxim of tolerating prejudice and falsehood when this serves the interests of religion and morality is a violation of the essence of enlightenment as Kant conceives it, for it would postpone indefinitely the time when the mass of humanity would be able to make use of their own understanding in moral and religious matters.<sup>40</sup> Mendelssohn is in effect claiming for the enlightened elite the paternalistic role of intellectual guardianship that Kant attacks as one of the principal hindrances to the progress of enlightenment. Kant, by contrast, does not resort to unenlightened maxims to resolve the conflict between enlightenment and political power; instead he rigorously separates the sphere in which scholarly reason should have free rein from the political domain in which the authority of the sovereign is irreproachable. The price to be paid for this separation, however, is the partial insulation of government policy from public criticism. The public use of reason is not addressed to a public of citizens freely debating political issues and seeking to influence government policy, as on the model of the liberal public sphere, but is one in which experts write on matters in which they can claim professional competence and whose influence on the "principles of government" remains indirect.<sup>41</sup>

Another respect in which Kant's position is more rigorous than Mendelssohn's is that, whereas the latter defends ad hoc restrictions on enlightened critique of false beliefs on the grounds of political expediency, Kant offers a principled justification of restrictions on individuals' use of their reason in areas in which legislative authority legitimately holds sway. This enables him to argue that restrictions on civil freedom actually facilitate the fullest development of spiritual or intellectual freedom: the civil peace created by the citizens' obedience to the commands of the sovereign allow maximum scope for scholarly opinion to flourish. Kant thinks that the freedom of thought thus fostered will eventually influence the principles of government, but this influence must remain indirect: public criticism is addressed to the reason and conscience of the sovereign and his ministers, not to their political will, which is irreproachable.

On this reading, Kant's distinction between the public and private uses of reason seems to presuppose an authoritarian model of government that is at odds

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<sup>40</sup> The paternalistic and elitist implications of Mendelssohn's position become clear in another *vetum* of 1784, "Über die Freiheit, seine Meinung zu sagen," in which he remarks on the absurdity of the idea of a public law banning the dissemination of certain opinions (since it would alert those from whom the opinions are supposed to be withheld of their existence), and on the consequent need for all speculations on censorship to be restricted to "closed" societies such as the *Mittwochsgesellschaft* "in which the enlightening sector of the nation can express their opinions in friendship and mutual confidence and agree on the appropriate limits to be placed on what they believe should be kept secret" (*Kleinere Schriften* 1, 123–4).

<sup>41</sup> The restriction of the public use of reason to citizens speaking in their role as scholars does not imply that only academics or professional scholars should be allowed the freedom to speak publicly, for Kant asserts that any citizen who is not bound by an official duty may express his or her opinions publicly; cf. Habermas, *Structural Transformation of the Public Sphere*, 105–7. However, it does seem to imply that a government may legitimately hold those who publicly criticize its policies to scientific standards. Thus elsewhere Kant argues that freedom of thought that does not abide by rational standards represents a threat to civil order and invites justified restrictions, to its own detriment. See "What Does it Mean to Orient Oneself in Thinking," AA 8:145–6, in Kant, *Religion within the Bounds of Mere Reason and Other Writings*, Allen Wood and George di Giovanni, eds. and trans. (Cambridge: Cambridge University Press, 1998), 12–4.

with his republicanism. But before turning to Kant's attempt to reconcile republican freedom with absolute government, we need to examine some aspects of the political culture that set the parameters of this problem for Kant. This is particularly important given that the essay is itself an instance of the public use of reason that it advocates, for in it Kant is writing in the role of a scholar addressing the reading public, not as a university professor. It is thus reasonable to assume that Kant intended his essay to have an influence, however indirect, on the governing principles of the Prussian absolutist regime.

### 3. THE IDEOLOGY OF PRUSSIAN ABSOLUTISM

Although recent historiography has tended to deflate traditional estimates of the power of seventeenth and eighteenth century absolute rulers by highlighting the constraints that a "society of orders" placed upon their freedom of action, one need only compare the career of Frederick the Great with that of his hapless French counterpart, Louis XVI, to appreciate the degree to which the more talented, charismatic, and ruthless Prussian monarch succeeded in exerting personal control over his far-flung territories.<sup>42</sup> When he came to the throne in 1740 he inherited a formidable military and professional bureaucracy organized on cameralist principles.<sup>43</sup> Yet Prussia was far from being a major European power.<sup>44</sup> Frederick wasted no time in deploying his formidable armies to expand his territories in accordance with a ruthless policy of *raison d'état* and set about consolidating and expanding state control over social and economic life.<sup>45</sup> By the time of his death in 1786 he had transformed what had been a provincial backwater into a territorially expanded, populous, and economically developed state and one of the leading European powers.

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<sup>42</sup> For a comparative study of eighteenth-century absolutism in France and Prussia, see C. A. B. Behrens, *Society, Government and the Enlightenment: The Experiences of Eighteenth-Century France and Prussia* (London: Thames and Hudson, 1985). On the recent rehabilitation of the concept of "enlightened absolutism" in the historiography of the eighteenth century, see H. M. Scott, "The Problem of Enlightened Absolutism," in *Enlightened Absolutism*, Scott, ed. (Ann Arbor: University of Michigan Press, 1990), 1–36.

<sup>43</sup> Cameralism was a comprehensive system of national economy tailored to the politically and confessionally divided European states following the Reformation, and mercantilism was its trade and tariff policy; together they comprised a set of policies "designed to accumulate monetary reserves and to achieve self-sufficiency through state subsidy, control, and protection" (Marc Raeff, "The Well-Ordered Police State and the Development of Modernity in Seventeenth- and Eighteenth-Century Europe: An Attempt at a Comparative Approach," *American Historical Review* 80 [1975]: 1221–43, here 1224).

<sup>44</sup> "Prussia . . . , until the middle of the [eighteenth] century, was a poverty-stricken principality, so inconspicuous that in an excellent recent survey of international relations in the reign of Louis XIV it proved virtually unnecessary to mention her" (Behrens, *Society, Government and the Enlightenment*, 10). Prussia was still recovering from the devastation of the Thirty Years War as well as famines and plagues that had virtually depopulated East Prussia during the previous century. One of Frederick's greatest administrative achievements was the large-scale resettlement and economic development of East Prussia, which he personally oversaw through yearly visits to this remote province. It is worth keeping in mind when reading WE that Kant personally witnessed his monarch's efforts to raise the general standard of living in his native province, which left peasants and artisans much better off than their counterparts in neighboring territories.

<sup>45</sup> Frederick's political achievements built largely on the structures put in place by his very unenlightened but capable father, Frederick William I, and in certain respects his policies were more conservative than his father's (e.g., his protection of the nobility and promotion of the military). Yet his policies on punishment and on religious toleration were clearly inspired by Enlightenment ideas, of

But the advances made by Prussia during the eighteenth century cannot disguise the contradictions in the political ideology of Prussian absolutism that betray a society in transition between feudalism and modernity.<sup>46</sup> The absolute authority of the monarch was officially represented as founded on an implicit contract by which the people ceded legislative and decision-making authority to the ruler in exchange for security and a certain level of social welfare.<sup>47</sup> The “absolutist social contract” was not a voluntary compact to secure individual rights on the Lockean model, for individual freedom was strictly subordinated to the interests of the state and individuals enjoyed legal protections primarily as members of estates. But although it shared some of the authoritarian features of the Hobbesian contract, it was not despotic since it did not place the monarch above the law or free him from all positive duties toward his subjects. Yet Frederick’s promotion of the rule of law, as witnessed by his efforts to rationalize and unify the legal systems of his territories and his willingness to defend the rights of peasants and commoners against the depredations of the nobility, was counterbalanced by an unwillingness to accept the constraints that the implementation of the rule of law would have placed on his freedom of action. Frederick’s official image of himself as “the first servant of the state” was literally a fiction since he did not countenance any constraints on his decision-making authority in any area of government. It did, however, express his acceptance of a duty to promote the well being of his subjects and to sacrifice his personal interests for those of the state, as he interpreted them.

Prussian absolutist ideology united elements of contractualism, paternalism, authoritarianism, the rule of law, and the personal or private authority of the monarch into an unstable constellation that could only be held together in the long run by the skill and charisma of the absolute ruler. An obvious tension within this constellation was that between the absolute decision-making authority of the

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which he was a major popularizer through his writings, and his political thought and practice were deeply influenced by the rationalism of the Enlightenment. For a balanced assessment of Frederick’s achievements and limitations, see T. C. W. Blanning, “Frederick the Great and Enlightened Absolutism,” in Scott, ed., *Enlightened Absolutism*, 265–88.

<sup>46</sup> By “ideology” here I understand the normative assumptions concerning the nature and proper exercise of political authority that generated belief in its legitimacy, regardless of whether they were explicitly invoked by the government or whether they were an accurate reflection of its policies. Different considerations may fulfill ideological functions in this sense for different sectors of society, especially in the case of a highly stratified society such as eighteenth-century Prussia. Thus while the freedom to publish unorthodox theological opinions and other enlightened policies probably played an important role in legitimizing absolute rule in the eyes of the Aufklärer, it would have been of less concern to peasants eking out a precarious existence on the land than the use of military grain stores for famine relief, a policy that contributed to relatively low levels of peasant unrest under Frederick. Cf. Blanning, “Frederick the Great and Enlightened Absolutism,” 285.

<sup>47</sup> The central elements of absolutist thought—the unaccountability of the prince to his subjects, their unconditional duty of obedience, the absolute prohibition on active resistance, and, in its contractualist versions, the principle that the prince’s sovereignty derives from an original but irrevocable transfer of authority from the people—were established early in the seventeenth century and still shaped the ideology of Prussian absolutism at the end of the eighteenth century. See J. P. Sommerville, “Absolutism and Royalism,” in *The Cambridge History of Political Thought 1450–1700*, J. H. Burns, ed. (Cambridge: Cambridge University Press, 1991), 347–8. On the genesis of absolutism as a political system and as a political ideology, see Reinhardt Koselleck, *Kritik und Krise: Eine Studie zur Pathogenese der bürgerlichen Welt* (Frankfurt: Suhrkamp, [1959] 1976), 11–8.



sovereign and the rule of law, which was essential to rational bureaucratic administration and to the conception of the state as something higher than both monarch and subjects. Frederick's willingness to intervene personally in judicial matters, for example, tended to undermine the independence of the judiciary necessary for an effective implementation of the rule of law. That he was nonetheless so successful in implementing reforms without inciting overt political opposition was due, at least in part, to his ability to mobilize enlightened opinion behind his regime. His international reputation as an enlightened ruler was founded on a policy of religious toleration that was unprecedented for its time and made Prussia a refuge for persecuted groups such as the Huguenots and Jews. Yet even this most imperishable aspect of his legacy proves to be more ambiguous on closer inspection, for toleration of religious pluralism did not extend to toleration of freedom of opinion in political matters, let alone to allowing a role for enlightened public opinion in the governance of the state. The fact that the absolute ruler was unaccountable meant that Frederick could tolerate public criticism of his policies only within limits; that he was nonetheless able to avoid criticism without recourse to censorship was perhaps as much due to the unprecedented militarization of society over which he presided as to his principled support for enlightened policies.<sup>48</sup>

These tensions at the level of official ideology and policy were symptomatic of a deeper problem concerning the legitimacy of absolute monarchy that is closely bound up with the Enlightenment concern with the authority of reason. The secular character of Prussian contractualist ideology tended to sharpen the implicit tension with the authoritarian principle of the unaccountability of the monarch, since, in contrast with earlier theistic versions of contractualism, his authority could not be represented as deriving directly from God.<sup>49</sup> This secular model of legitimacy was also at odds with the paternalistic aspects of Prussian ideology. A central feature of absolutist thought was the idea that the prince had a duty to promote the well-being of his subjects, which in the Protestant states was interpreted as the duty of the prince to secure the necessary conditions for his subjects' pursuit of their salvation. But once a theological justification of absolute rule was abandoned, this duty lost its divine sanction and its religious content. The political significance of Enlightenment rationalism lay in part in its attempt to provide answers

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<sup>48</sup> Frederick's own views on freedom of speech can be judged from a rescript from 1784, the same year as Kant's essay: "A private person has no right to pass *public* and perhaps even disapproving judgment on the actions, procedures, laws, regulations, and ordinances of sovereigns and courts, their officials, assemblies, and courts of law, or to promulgate or publish in print pertinent reports that he manages to obtain. For a private person is not at all capable of making such judgment, because he lacks complete knowledge of circumstances and motives" (quoted from Habermas, *Structural Transformation of the Public Sphere*, 25).

<sup>49</sup> The rationalist contract theories, most importantly that of Christian Wolff, on which absolutist ideology was founded and which influence Frederick's own political views, represented the contract as founded on a divine natural law binding on both sovereign and subjects. See Wolff, *Vernünfftige Gedanken von dem gesellschaftlichen Leben der Menschen und insonderheit dem gemeinen Wesen zur Beförderung der Glückseligkeit* (1725), §§230–2, 434, in *Der Herrschaftsvertrag*, Alfred Voigt, ed. (Newied: Luchterhand, 1965), 204–5. However, Frederick himself rejected any appeals to religion or theology in his political thought and practice. On Wolff's influence on Frederick, see Behrens, *Society, Government and the Enlightenment*, 26–8, and Blanning, "Frederick the Great and Enlightened Absolutism," 274–5.

to the question of the basis of political obligation and of the ends of government in terms of secular versions of contract theory and ideals of the human good. But once the absolute monarch's authority was founded on appeals to secular conceptions of duty and the good it could no longer be secure from the criticism to which the Enlightenment exposed these concepts.

Faced with this contradictory ideological constellation, Kant's politics of enlightenment can be understood as a response to the crisis in legitimacy of absolutist government that ties its unconditional authority to its indirect role in promoting enlightenment. If the absolute ruler extends his own enlightened policy on religious expression to the political matters, Kant implies, his unconditional authority can be grounded in the only source of legitimacy available in a secular age, the will of the people. Although the terms of this principled accommodation between republicanism and absolutism are not spelled out in detail in WE, they clearly inform the parts of the text that are directly or indirectly addressed to the Prussian monarch. On the one hand, Kant endorses Frederick's unconditional authority and the corresponding duty of unquestioning obedience of his subjects: "Only one ruler in the world says: Argue as much as you will and about whatever you will, *but obey!*"<sup>50</sup> On the other hand, when he states that the "age of enlightenment or the century of Frederick" is nevertheless not yet an "enlightened age" he is making clear that much had yet to be done if true enlightenment was to be achieved, and is tactfully exhorting his ruler to permit freedom of opinion not only on religious questions but also on political issues.

No doubt aware of how radical his proposal was, Kant makes the case for extending freedom of expression to *political* matters almost in passing toward the end of the essay:

But the frame of mind of a head of state who favors the first [i.e., freedom of expression on theological questions] goes still further and sees that even with respect to his *legislation* there is no danger in allowing his subjects to make *public* use of their own reason and to publish to the world their thoughts about a better way of formulating it, even with candid criticism of that already given . . .<sup>51</sup>

His message to the Prussian monarch was that the rationale for the official policy on religious expression could also be extended to public expression on political questions without undermining his absolute authority. The ruler had nothing to fear because the freedom of citizens in their role as scholars to express opinions on matters of law and public policy was compatible with severe restrictions on civil freedom:

But only one who . . . has a well-disciplined and numerous army ready to guarantee public peace, can say what a free state may not dare to say: *Argue as much as you will and about what you will; only obey.* Here a strange, unexpected course is revealed in human affairs . . . where almost everything is paradoxical. A greater degree of civil freedom seems advantageous to a people's freedom of *spirit* and nevertheless puts up insurmountable barriers to it; a lesser degree of the former, on the other hand, provides a space for the latter to expand to its full capacity.<sup>52</sup>

<sup>50</sup> AA 8:36 (18).

<sup>51</sup> AA 8:41 (21).

<sup>52</sup> AA 8:41 (22).

Kant acknowledges the paradoxical character of the solution he proposes to the problem of the conflict between freedom of expression and obedience to authority: how can freedom of opinion on political questions flourish where severe restrictions are placed on the political participation of the citizens? It seems that he wants both to affirm and to downplay the political import of the public use of reason: public expression is supposed to foster a “spirit of freedom” and to influence the principles of government without the citizens being granted any active say in government. These tensions in Kant’s politics of enlightenment prove to have deeper roots in his political theory and the conceptions of human nature and history that inform it.

#### 4. REPUBLICANISM AND ENLIGHTENMENT

Kant’s political thought is difficult to situate in relation to the views of his more liberal and conservative contemporaries in part because it involves a reinterpretation of familiar ideas within the novel framework of his critical philosophy.<sup>53</sup> Already his conceptualization of the political domain as concerned with matters of “right,” rather than with morality or happiness, sets Kant at odds with the paternalism of absolutism and of the conservative Aufklärer. The rightness of actions, on Kant’s view, concerns only their “external” aspects, their effects in the world and on other agents, not the motives on which the agent acts, which are subject only to moral legislation. The basic principle of right states that: “Any action is *right* if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law.”<sup>54</sup> What is at stake in the political domain is the freedom to pursue one’s ends without undue interference from others, and this calls for a system of public and coercive laws to which all can in principle agree, for only on this condition can disputes over who has a right to

<sup>53</sup> Judged in terms of the historical categories employed by Beiser to characterize the main currents in German political thought in the 1780s and 1790s—i.e., liberalism, conservatism, and romanticism—there can be no doubt that Kant belongs squarely in the liberal camp. He shared the liberals’ commitment to individual liberty, their rejection of paternalistic government, and their concern with the ends and limits of government rather than its constitutional form (at least where the latter is understood as determining who in the state is accorded political rights) (cf. Beiser, *Enlightenment, Revolution, and Romanticism*, 15–7). The latter point is important in the present context since it indicates that liberalism did not imply commitment to popular participation in politics and, as we shall see, Kant’s republicanism does not imply support for democracy in this sense. Beiser also emphasizes that liberalism and the Aufklärung were not the same movement, since many of the Aufklärer were supporters of absolutist paternalism (ibid., 23–4). The difficulty in locating Kant in relation to these currents can be judged from the fact that he also defends the authority of absolutist government, but for different reasons from the conservative Aufklärer. However, Kant had nothing in common with the conservatives who blamed the excesses of the French Revolution on the rationalism of the Aufklärung, to which they opposed the authority of tradition and defense of traditional social and political hierarchies. Kant’s critical project was fundamentally at odds with the historicist assumptions of the conservatives and he sharply criticizes all inherited privileges. Thus when we speak of “liberal” and “conservative” elements in Kant’s political thought, these terms must be understood in a more general sense than when they are used to refer to political currents and movements of Kant’s time.

<sup>54</sup> *Metaphysics of Morals*, AA 6:230 (24). Cf. “Theory and Practice,” AA 8:290 (290): “*Right* is the limitation of the freedom of each to the condition of its harmony with the freedom of everyone insofar as this is possible in accordance with a universal law; and *public right* is the sum of *external laws* which make such a thoroughgoing harmony possible.” Cf. also *Naturrecht Feyerabend*, AA 27/2:1334.

what be settled in a just manner.<sup>55</sup> Thus the principle of right calls for the establishment of a government with the authority to make laws, to implement them and to adjudicate disputes and punish transgressions. But a government would overstep its authority on Kant's conception if it sought to impose laws or policies designed to promote the happiness of its subjects. Coercive laws designed to promote specific ideals of happiness cannot be harmonized with everyone's freedom of choice because the pursuit of happiness cannot be brought under universal laws to which all could agree.<sup>56</sup> Thus the proper end of government is not to promote the happiness of its subjects but to secure the maximum freedom of choice for all through a system of positive and coercive laws.

Kant's account of the ideally just constitution follows from an interpretation of this conception of the political in terms of ideas drawn from social contract theory. He understands the state of nature as any condition in which a coercive authority to settle disputes over rights does not exist, and interprets the principle of right accordingly as entailing a duty to leave the state of nature and enter civil society. Civil society must be thought of as being founded on an "original" contract that establishes the united or general will of the people as legislative. It follows that the only legitimate form of constitution for Kant is a republican one:

A constitution established, first on principles of the *freedom* of the members of a society (as individuals), second on principles of the *dependence* of all upon a single common legislation (as subjects), and third on the law of the *equality* (*as citizens of a state*)—the sole constitution that issues from the idea of the original contract, on which all rightful legislation of a people must be based—is a *republican* constitution.<sup>57</sup>

Kant's republicanism, understood as a theory of the ideally just constitution, consists essentially in the assertion that sovereignty "originally" or ideally resides in the people: "The legislative authority can belong only to the united will of the people. For since all right is to proceed from it, it *cannot* do anyone wrong by its law."<sup>58</sup>

However, Kant's defense of the principle of the sovereignty of the people in ideal constitutional theory does not lead him to the conclusion that real govern-

<sup>55</sup> The principle of right expresses a moral requirement on action—i.e., the duty to submit to a system of coercive laws that will secure maximum freedom of choice for each compatible with like freedom for everyone else—and can be understood as following from the application of the categorical imperative to the problem of how we should constrain our freedom of choice in light of its inevitable effects on the freedom of choice of others. On the relation between the principle of right and the categorical imperative, see Mary Gregor, "Kant's Theory of Property," *Review of Metaphysics* 41 (1988): 761–72.

<sup>56</sup> In "Theory and Practice" Kant writes: "since people differ in their thinking about happiness and how each would have it constituted, their wills with respect to it cannot be brought under any common principle and so under any external law harmonizing with everyone's freedom" (AA 8:290 [291]).

<sup>57</sup> Kant, *Perpetual Peace*, AA 8:349–50 (Kant, *Practical Philosophy*, 322). In a footnote to this passage, Kant describes the principles of freedom and equality as "innate and inalienable rights belonging necessarily to humanity" and gives them priority over the second principle. This corresponds to his treatment of the rights to freedom and equality in "Theory and Practice," AA 8:289–94 (290–3) and *Metaphysics of Morals*, AA 6: 314 (91), where they are introduced as direct implications of the principle of right and of the idea of citizenship, respectively.

<sup>58</sup> *Metaphysics of Morals*, AA 6:313 (91). Cf. *ibid.*, AA 6:341 (113): "in it (the people) is originally found the supreme authority from which all rights of individuals as mere subjects (and in any event as officials of the state) must be derived." Cf. also *Naturrecht Feyerabend*, AA 27/ 2:1382: "All laws in a civil society must be thought of as given through the agreement (*Stimmung*) of all."

ments should grant their citizens active political rights.<sup>59</sup> In his analysis of actual constitutions he makes a distinction between the “form of sovereignty,” which is a function of who has a share in legislative authority, and the “form of government,” or how a people is ruled by its sovereign, and argues that it is the latter that determines a government’s republican credentials:

... the first is called ... the form of *sovereignty* (*forma imperii*) and only three such forms are possible: namely only by *one*, or *some* in association, or *all* those together who constitute the civil society possess sovereign power (*autocracy*, *aristocracy*, and *democracy*...). The second is the form of government (*forma regiminis*) and has to do with the way a state, on the basis of its civil constitution (the act of the general will by which a multitude becomes a people), makes use of its plenary power; and with regard to this, the form of a state is either *republican* or *despotic*.<sup>60</sup>

A regime is republican on this analysis if it rules in such a way that the exercise of legislative power is separate from that of executive power; but if the legislative authority, be it a single individual (monarch or autocrat), a representative assembly, or the people as a whole, also directly controls the administration, then the state becomes despotic. The key issue in determining whether a state is governed in accordance with the principle of the general will, according to Kant, is not the “form of sovereignty” but the “form of government,” i.e., whether or not legislative and administrative authority are exercised by different individuals or bodies. An autocracy, an aristocracy, or a democracy may be equally just by republican standards provided that the legislative authority restricts itself to enacting general laws and leaves their interpretation and application to an independent administration. Hence a state can be ruled in a republican “spirit” even if the citizens enjoy no active political rights, and for Kant what is most important as far as the citizens are concerned is that they should be ruled in a republican spirit.<sup>61</sup>

In his rather sketchy and not always consistent remarks on how actual constitutions can satisfy republican requirements, Kant’s overriding concern is to distance himself from the view that the original sovereignty of the people could ever justify them in violently overthrowing a government they regard as unjust, or even in actively resisting its laws and policies.<sup>62</sup> This emphatic rejection of a right of revo-

<sup>59</sup> On the relation between and ideal and real constitutional theory in Kant, see Wolfgang Kersting, *Wohlgeordnete Freiheit: Immanuel Kants Rechts- und Staatsphilosophie* (Frankfurt: Suhrkamp 1993), 413–28.

<sup>60</sup> *Perpetual Peace*, AA 8:352 (324). Cf. *Metaphysics of Morals*, 6:338–41 (111–2).

<sup>61</sup> However, Kant does not consistently maintain that the three forms of state are indifferent as regards their republican credentials. In *Perpetual Peace* he states that a democracy “in the strict sense of the word” is necessarily despotic because in it the people would usurp executive power (AA 8:352 [324]), though here he identifies “strict” democracy with direct democracy and assumes without justification that it would entail ochlocracy or mob rule. Moreover, as Kersting points out, Kant’s claim that the separation of powers is a sufficient condition of republicanism is problematic because the separation between those who enact the law and those who apply it is indifferent to the *quality* of the laws in question, and hence cannot alone ensure their conformity with the general will (cf. *Wohlgeordnete Freiheit*, 25–8). Note also that on Kant’s criterion of the separation of powers, Prussia under Frederick was despotic since the monarch exercised both legislative and executive functions. Perhaps with this in mind he sometimes states that even a despot can rule in a republican spirit.

<sup>62</sup> Note, however, that Kant does not claim that subjects have a duty to obey patently unjust laws or decrees. His rejection of a right of revolution leaves room for passive disobedience to an unjust government, and it is compatible with active resistance to a criminal regime that so flouts the requirements of justice that a condition of lawlessness in effect prevails, though under such circumstances neither side could claim to have right on its side. Cf. *Naturrecht Feyerabend*, AA 27/2:1391–2; also Allen D. Rosen, *Kant’s Theory of Justice* (Ithaca, NY: Cornell University Press, 1993), 150–1.

lution, more than any other aspect of his political thought, has left him open to the charge of embracing conservatism and offering a thinly veiled apology for absolutism. But however problematic at first sight, it must be seen in the context of his attempt to address what was for him the fundamental problem of political practice and of human history: how can an ideal republican constitution be realized under actual historical conditions? The terms of this problem are set for Kant by the transcendental status he accords the pure principles of right, on the one hand, and by his view of human nature and of the development of human culture in history, on the other. A constitution in which the general will is legislative is for Kant a noumenal idea to which real constitutions in the phenomenal world can only approximate: “what can be represented only by pure reason and must be counted among *ideas*, to which no object given in experience can be adequate—and a perfectly *rightful constitution* among human beings is of this sort—is the thing in itself.”<sup>63</sup> In this context the concepts of the social contract and the general will take on a regulative status stripped of any concrete historical reference. They are *ideas of reason* in terms of which subjects must think of their state’s constitution if they are to regard it as legitimate, not real historical events or facts:

[I]t is by no means necessary that this contract . . . , as a coalition of every particular and private will within a people into a common and public will . . . be presupposed as a *fact* (as a fact it is indeed not possible). . . . It is instead *only an idea* of reason, which, however, has its undoubted practical reality, namely to bind every legislator to give his laws in such a way that they *could* have arisen from the united will of a whole people and to regard each subject, insofar as he wants to be a citizen, as if he had joined in voting for such a will.<sup>64</sup>

To posit the social contract as a real historical event would be tantamount to denying the legitimacy of all existing governments, since all historical states are established through acts of violence, not through voluntary submission to real contracts.

The political problem confronting historically situated subjects, therefore, is not and never was that of how to unite with others to form a social contract to leave the state of nature, but of how they should comport themselves toward the real state that demands their obedience, even though it inevitably falls short of the requirements of an ideal republic. Kant takes a conservative, even in the view of some, an authoritarian stance on this question: a people has no right even to inquire into the historical origins of their government with a view to questioning its legitimacy, and they must assume for all practical purposes that their sovereign wants to rule in accordance with republican principles. Perhaps even more dis-

<sup>63</sup> *Metaphysics of Morals*, 6:371 (137). Cf. Kant, *The Conflict of the Faculties*, AA 7:90–1, Mary Gregor, trans. (New York: Abaris, 1979), 163, 165: “The idea of a constitution in harmony with the natural right of man . . . lies at the basis of all political form; and the body politic which, conceived in conformity to it by virtue of pure concepts of reason, signifies a Platonic ideal (*respublica noumenon*), is not an empty chimera, but rather the eternal norm for all civil organization in general, and averts all war. A civil society organized conformably to this ideal is the representation of it in agreement with the laws of freedom by means of an example in our experience (*respublica phaenomenon*). . . .” On the incongruity of Kant’s use of the term “Platonic ideal” to describe the *respublica noumenon*, see Habermas, *Structural Transformation of the Public Sphere*, 114–5.

<sup>64</sup> “Theory and Practice,” AA 8:287 (296–7). Cf. *ibid.*, AA 8:301–2 (300–1); *Metaphysics of Morals*, AA 6:313, 315 (90, 92–3); and *Naturrecht Feyerabend*, AA 27/2:1382.

concerting than his rejection of a right of revolution from a republican point of view is his claim that the de facto sovereign is above the law, in the sense that the people have no coercible rights against the individual or body that exercises legislative authority in the state: "the sovereign has only rights against his subjects and no duties (that he can be coerced to fulfill)."<sup>65</sup> Kant is led to this conclusion by his rigorous view that empirical sovereignty must be unified and indivisible. Were the people to resist the legislative will of the sovereign they would in effect be claiming sovereignty for themselves, in which case the sovereign would not be the sovereign. But what is wrong with this if, as Kant holds, true sovereignty resides in the will of the people? If the people are the ultimate or ideal sovereign, why is it not permissible for them to wrest legislative authority back from an absolute ruler when they judge that his laws violate the terms of the social contract? The problem arises because, in making the transition from the ideal principle of popular sovereignty to the empirical question of how sovereignty should be exercised, Kant assumes that it must be represented by some "physical person" (in contrast with Rousseau, for whom sovereignty cannot be represented), and once such a person exists nobody in the state has the right to question his legislative will, regardless of how he achieved his position:

The one who finds himself in possession of supreme executive and legislative authority over a people must be obeyed; that obedience to him is so rightfully unconditional that even to *investigate* publicly the title by which he acquired his authority, as so to cast doubt upon it with a view to resisting him should this title be found deficient, is already punishable . . .<sup>66</sup>

The individual or body that exercises legislative authority in the state must be viewed by the people as though they had authorized it alone to make legislative judgments, and had thereby irrevocably renounced any right to make such judgments for themselves.

It has been plausibly argued that this position on empirical sovereignty is contrary to the spirit of the theory of right, and indeed that Kant's arguments for the

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<sup>65</sup> *Metaphysics of Morals*, AA 6:319 (95). Cf. Howard Williams, *Kant's Political Philosophy* (New York: St. Martin's Press, 1983), 198ff. If Kant's theory of government is to be described as "authoritarian," then we must distinguish carefully between the legislative and the administrative branches of government, since Kant's insistence that a right to resist the executive would be incoherent is not obviously authoritarian. (I am indebted to an anonymous reviewer for pointing out the importance of this distinction.) The charge has merit only as a characterization of Kant's insistence on the irreproachability of the de facto sovereign's legislative judgment and is easy to overstate (cf. Rosen, *Kant's Theory of Justice*, 149–50). Moreover, as I argue below, the role that Kant accords the principle of publicity can be understood as an attempt to address this residue of authoritarianism in his position.

<sup>66</sup> *Metaphysics of Morals*, AA 6:371 (136). On the requirement that sovereignty be represented, see *ibid.*, AA 6:338 (111): "But this head of state (the sovereign) is only a *thought-entity* (to represent the entire people) as long as there is no physical person to represent the supreme authority in the state and to make this idea effective on the people's will." Strictly speaking, the "physical person" need not be a single person (monarch or autocrat); however, the unity and indivisibility that Kant requires of the empirical sovereign makes it difficult to conceive how sovereignty could be exercised effectively by an assembly. For if two factions within an assembly clashed over rights there would be no higher authority to settle their dispute and sovereignty would in that moment lose its empirical representation. It is this rigorous assumption that sovereignty as such would be destroyed if any ambiguity arose concerning its physical embodiment that leads Kant to insist on the irreproachability of legislative judgment.

irreproachability of the sovereign rest on a confusion between de facto and de jure sovereignty.<sup>67</sup> In applying the ideal principle that sovereignty resides in the general will to real constitutions under which sovereignty must be invested in some individual or body, Kant assumes that those who manage to wrest control of legislative authority, by whatever means, must be treated by their subjects as though they were its perfect embodiment, which is difficult to reconcile with his view that noumenal realities can find at best imperfect embodiment in the phenomenal world. However, although the sovereign is freed from all coercible, hence strict legal-political, duties toward his subjects, Kant nevertheless insists that he is under a moral obligation to rule in accordance with the idea of the general will, and hence he rejects the Hobbesian view that the sovereign has no duty of any kind to his subjects as “appalling.”<sup>68</sup> In the transition from ideal to real theory, therefore, the requirements of a republican constitution become transmuted into moral directives addressed to the conscience of the sovereign, rather than coercible constraints on his legislative will.<sup>69</sup>

Kant is forced to retreat to this moralized republicanism because he believes that human nature poses severe obstacles to the historical realization of republican constitutions. Although human beings are social creatures who can develop their rational capacities only through interaction with their fellows, Kant believes that we are naturally inclined toward egotism and competitive vanity, so that our social interactions are in danger of degenerating into conflict and violence unless we are constrained by a higher authority:

Man is *an animal that*, if he lives among other members of his species, *has need of a master*. For he certainly abuses his freedom in relation to his equals, and although as a rational creature he desires a law that establishes boundaries for everyone’s freedom, his selfish animal propensities induce him to except himself from them wherever he can.<sup>70</sup>

Kant attaches overriding importance to the imperative to respect existing governmental authority because to resist it threatens to return civil society to a state of nature in which lawful constraints on human antagonism are removed. Without a constraining authority, a people would lose any semblance of unity and would lack any just means of settling disputes over who has a rightful claim to what, short of resorting to violence. This concern to avert the threat of anarchy posed by resistance to established authority is justified in part by considerations of right: the claims of revolutionaries to represent the general will, which alone could justify their undertaking, are arbitrary since they do not yet control the institutions necessary to enact and enforce laws.<sup>71</sup> But whereas Kant is correct that to grant a

<sup>67</sup> See Beiser, *Enlightenment, Revolution, and Romanticism*, 45–7.

<sup>68</sup> Cf. “Theory and Practice,” AA 8:303–4 (302).

<sup>69</sup> See Kersting, *Wohlgeordnete Freiheit*, 430: “The concept of republicanism . . . is realized as moral constitutionalism and generates contractually based constraints on the exercise of sovereignty. It requires the individual who possesses sovereign power (*Herrschaftsgewalt*) to make the republican constitution the categorical imperative for his maxims of government. . . .”

<sup>70</sup> “Idea for a Universal History,” AA 8:23 (33).

<sup>71</sup> Even when a revolution attempts to overthrow an unjust regime, and hence does not do the ruler any wrong, it is still a reckless and irresponsible act in Kant’s view because it inevitably entails a breakdown in public order and the revolutionaries have no right to endanger or destroy the lives of those who want no part of it. This is why Kant argues that the same revolutionaries who are celebrated



right of resistance against the executive would be to destroy the rule of law altogether, his aversion to anarchy leads him to argue, in addition, that the legislative judgment of the de facto sovereign must be irreproachable, a position that threatens to close off the possibility of republican reform altogether. For if there are no effective constraints on the legislator's will, how could he be led to enact republican reforms? In the face of this problem two main routes to a republican constitution remain open to Kant, neither of which is altogether promising: either it will result from a voluntary transfer of sovereignty to a representative assembly following a long process of reform under an enlightened absolute ruler; or it will result from a convergence of interests between sovereign and subjects as a result of the historical unfolding of human beings' natural social antagonism.

An obvious problem with the former route of republicanization from above is that it would make reform contingent on the good will and enlightened outlook of the absolute ruler. But this runs afoul of Kant's pessimistic view of human nature on which absolute rulers are as likely to be corrupted by egotism, flattery, and fear into ruling in an arbitrary and unjust manner as they are to follow enlightened principles designed to transfer sovereignty to their citizens in the long run. Significantly, Kant acknowledges and addresses this problem in the context of his philosophy of history:

[Man] thus requires a *master* who will break his self-will and force him to obey a universally valid will, whereby everyone can be free. Where is he to find this master? Nowhere but from among the human species. But even he [i.e., the master] is an animal who requires a master. Thus, begin wherever he will, it is not to be seen how he can obtain a guarantor of public justice who will himself be just, whether he seek it in a single person or in a group of several selected for the role.<sup>72</sup>

Instead of putting his faith in the moral goodness of absolute rulers, Kant here appeals to the speculative postulate that a natural mechanism operates through human beings' antagonistic social impulses to realize a juridical condition behind their backs. Nature wills that all human beings' rational capacities should be completely developed in the history of the species through their own efforts, and to achieve this purpose uses their "unsociable sociability," i.e., their conflicting tendencies to enter into social relations and at the same time to impose their own will on others. These antagonistic impulses spur individuals on to develop their rational capacities, and since the latter achieve their fullest play under conditions of maximum individual freedom for all, i.e., in civil society, nature can be thought as posing the realization of a "universal civil society administered in accord with right" as the highest task for human beings and the end of human history.<sup>73</sup>

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as heroes for bringing about a more just state would nevertheless have been justly punished as the worst criminals if they had failed. This emphatic rejection of revolutions was consistent with his enthusiasm for the French Revolution because, on his analysis, it was not a revolution at all but an unwitting transfer of sovereignty to the people by Louis XVI when he convoked the Estates General in 1789. See *Metaphysics of Morals*, AA 6:341–2 (113).

<sup>72</sup> "Idea for a Universal History," AA 8:23 (33–4). Cf. Kant's critique of the rationalizations used by "moralizing politicians" to lend an appearance of legitimacy to unjust actions in *Perpetual Peace*, AA 8:373–5 (340–3).

<sup>73</sup> "Idea for a Universal History," AA 8:22 (33).

There is some disagreement among interpreters over whether Kant's hypothesis of a teleology of nature represents a dogmatic postulate or whether it should be understood as a transcendental presupposition of the intelligibility of history.<sup>74</sup> But regardless of what systematic status we accord this idea, it cannot ultimately bridge the gulf between ideal and real constitutional theory that must be overcome if a republic is to be realized. If the teleology of history is understood as the product of a blind natural mechanism operating independently of the moral wills of the sovereign or his subjects, i.e., as a "cunning of nature," the most it could achieve is the pacification of social relations on the basis of a balance of interests but it could not produce a genuine republic or, in Kant's words, it could not "transform a *pathologically* enforced agreement into a society and, finally, into a *moral whole*."<sup>75</sup> But if, on the other hand, the teleology of history unfolds via the moral education of human beings and requires that they make the realization of a republic the end of their actions, then it is not clear what role the postulate of a teleology of nature is supposed to play, apart from providing reassurance that, contrary to appearances, some of human beings' natural impulses may facilitate republican reforms.<sup>76</sup>

Thus even if the subjects of an absolute ruler find consolation for their lack of active political rights in the thought that nature is slowly but inexorably creating the conditions for representative government in the future, they still need some reason to believe that the laws to which they are subject are just by republican standards, for otherwise they would have no reason to accept an unconditional duty to obey them. Faced with this seemingly intractable dilemma, the negative right to make public use of one's reason defended in *WE* promises a way forward, and this accounts for the overriding importance Kant attaches to it, in spite of its relative weakness by liberal standards. In "Theory and Practice" he argues that the ruler must allow his subjects to express publicly their objections to any law or public policy they regard as unjust because it is only on this condition that they can have confidence that the ruler respects their rights:

Thus *freedom of the pen* . . . is the sole palladium of the people's rights. For to want to deny them this freedom is not only tantamount to taking from them any claim to a right with

<sup>74</sup> In *Kant and the Philosophy of History* (Princeton, NJ: Princeton University Press, 1980), Yirmiahu Yovel argues that the hypothesis of a "cunning of history" in "Idea for a Universal History" reflects a dogmatic, hence pre-critical, view of history that was only overcome with the development of the idea of reflective judgment in *Critique of Judgment*, where the idea of a political end of history is supplemented by that of a moral or religious end (140–1, 154–7). By contrast, Allen Wood argues that Kant's philosophy of history involves the application of the critical conception of biological teleology developed in the third *Critique* to human history, on which conception civil society is posited as a purely natural end; cf. Wood, *Kant's Ethical Thought*, 210ff.

<sup>75</sup> "Idea for a Universal History," AA 8:21 (32).

<sup>76</sup> Cf. Habermas, *Structural Transformation of the Public Sphere*, 115–7. Kant's failure to mediate between the *respublica noumenon* and the *respublica phaenomenon*—i.e., between ideal constitutional theory and concrete political institutions—by recourse to the philosophy of history should not be regarded as fatal to the theory of right, for it is rooted in a circularity endemic to the idea of a republican or democratic foundation as such: no act or process through which a republic is founded can claim legitimacy by republican standards, since that would require that republican political institutions already exist. My claim is that Kant exacerbates this problem by insisting on a rigorous model of empirical sovereignty on which sovereignty must be inalienably embodied in a physical person or body if it is to exist at all.

respect to the supreme commander (according to Hobbes), but it is also to withhold from the latter—whose will gives order to the subjects as citizens only by representing the general will of the people—all knowledge of matters that he himself would change if he knew about them and to put him in contradiction with himself.<sup>77</sup>

If the subjects are to be able to regard their ruler's legislation as consistent with the general will, then the latter must show that he is open to revising his fallible judgments by permitting them to express their opinions on matters of legislation and policy. To deny the citizens this freedom would be to contradict the basis of just legislation and close off the possibility of republican reform, since it is only through public communication that what is and is not consistent with the general will can be reliably determined in the long run. Any sovereign who denied the citizens this freedom would in effect be declaring that his legislative judgment is infallible, which would be tantamount to substituting his arbitrary will for the general will.

Kant accords central importance to the negative right of public expression because it promises to provide an answer to the question of how republican reform is possible without challenging the authority of the absolute ruler, which he deemed indispensable to maintaining public order. As long as the citizens are permitted to criticize publicly the laws and policies of their state, they can reassure themselves that their ruler at least seeks to govern in accordance with the *spirit* of the original contract by recognizing an obligation "to change the kind of government gradually and continually so that it harmonizes *in its effects* with the only constitution that accords with right, that of a pure republic."<sup>78</sup> Kant seems to have assumed that as governments gradually became more responsive to the public criticisms of their citizens, constitutional reform leading to a representative parliamentary system would happen of its own accord. However, he does not explain how these republican "effects," and ultimately a *de facto* republican constitution, would be brought about. The citizens' freedom to express their opinions on law and public policy has an obvious symbolic value in giving public expression to the requirement that the laws should express the general will of the people. But as long as they are denied any positive role in influencing or shaping legislation, this symbolic function may merely serve as ideological window-dressing for a regime bent on maintaining its monopoly of power. The implication that public criticism will lead the sovereign to revise his legislative judgments in certain cases suggests that Kant must in the final analysis rely on the good will of the sovereign to promote reform. But in that case the principle of publicity does not overcome the dilemma posed by Kant's moralized republicanism.

Without some political mechanism by which public opinion could reliably influence the legislative will of the sovereign, Kant's right of free public expression falls short of the substantive rights implied by the liberal political public sphere. The strict division between the public use of reason and its "private," mechanical use, where the boundary between the two is policed by the ruler's "well-disciplined and numerous army," is designed to ensure that the right of public expression

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<sup>77</sup> "Theory and Practice," AA 8:304 (302).

<sup>78</sup> *Metaphysics of Morals*, AA 6:340 (112).

does not compromise public order. Moreover, Kant presents the enlightening function of public reason as acting primarily on the public itself, rather than on the government or the absolute ruler. At the end of the essay he writes:

Thus when nature has unwrapped . . . the seed for which she cares most tenderly, namely the propensity and calling to *think* freely, the latter gradually works back upon the mentality of the people (which thereby becomes capable of *freedom* in acting) and eventually even upon the principles of *government*, which finds it profitable to itself to treat the human being, *who is now more than a machine*, in keeping with his dignity.<sup>79</sup>

The people must first progress in enlightenment to the point where they are capable of making responsible use of their republican freedoms before they can be treated in accordance with their dignity—that is, in accordance with their innate rights to freedom and equality—by their ruler. Kant here intimates that the absolute ruler will ultimately be led to grant his subjects republican freedoms by self-interest rather than by moral virtue, perhaps echoing the postulate of a natural purposiveness operating in human history: in the course of history the play of free choice under the rule of law will gradually lead to a harmony of interests between the people and their ruler, for only on this condition could it be “profitable” for the ruler to grant his subjects republican freedoms. However, the kind of harmony envisaged would have to be a moral one—it would only be in the ruler’s interest to grant his subjects republican freedoms if he had made the freedom of his subjects his own end—and that could not be brought about through the mere play of self-interest.

##### 5. CONCLUSION

In this paper I have argued that the politics of enlightenment outlined by Kant in his justly celebrated essay should be understood as a novel and complex response to important features of the intellectual and political constellation of late eighteenth-century Prussia. His idiosyncratic distinction between the public and private uses of reason founded on a secular contractual conception of governmental authority was, on one level, a strikingly original contribution to the debate within the Berlin Aufklärung concerning the compatibility of popular enlightenment with obedience to authority. Although Kant shared the commitment of the Aufklärung to theological and political rationalism, and to enlightenment as the human vocation, he rejected the paternalistic and elitist outlook of its conservative adherents that led them to claim for themselves the role of guardians of enlightenment. His commitment to the equal dignity of human beings as rational beings inspired by Rousseau, and his view that public communication is indispensable to the progress of reason, led him to the conclusion that enlightenment could only progress through the free critical communication of an unrestricted public. However, the republican commitment to popular sovereignty that he shared with the liberal wing of the Aufklärung did not lead him to connect intellectual tutelage with political domination nor to advocate resistance or revolution as a route to the emancipation of the people. Rather, in combining freedom in the “public” use of reason with unquestioning obedience to authority in its “private”

<sup>79</sup> AA 8:41–2 (22).

use, he attempted to separate the domain of practical politics, in which the legislative authority of the sovereign should remain irreproachable, from the public domain in which citizens could enjoy complete freedom in their role as scholars to engage in debate on all matters, including matters of state. In this way he sought a principled accommodation with the absolutist regime of Frederick the Great that left its claim to legislative supremacy intact while tying its legitimacy to its adherence to formally republican criteria of just law, or, as Kant puts it, to its willingness to rule in a republican "spirit."

With the benefit of hindsight it is clear that Kant's belief that an enlightened absolute regime could create the necessary conditions for the self-enlightenment of the people, and ultimately for their peaceful political enfranchisement—provided that it adhered to formal criteria of just legislation and renounced paternalistic policies—betrays a misplaced confidence in the capacity of enlightened absolutism to reform itself. Frederick could not afford to dismantle the hereditary privileges of the nobility, surely a central plank of any program of republican reform, for that would have undermined the social basis of his own power. Furthermore, there was no guarantee that the policies of an enlightened absolute monarch would be continued by his successors, and indeed Frederick William II, Frederick's notoriously pious and unenlightened successor, introduced a strict regime of theological censorship whose most famous casualty was Kant himself.

But although it is easy to criticize Kant's program of gradual republicanization from above with the benefit of historical hindsight, his politics of enlightenment remains important for what it reveals concerning his philosophy of right. Viewed in this light, the tensions within the politics of enlightenment are symptomatic of a deeper, unresolved tension between ideal and empirical constitutional theory at the heart of the philosophy of right. Kant's pessimistic view of the potential for anarchy rooted in human nature and the consequent overriding importance he attached to the imperative to preserve social order led him to embrace a rigorous model of empirical sovereignty as necessarily unified and indivisible and to translate the requirements of the general will into moral directives addressed to an irreproachable absolute sovereign. The freedom to make public use of one's reason, on Kant's model, is unrestricted in the sense that no citizen is forbidden in principle from exercising it and no topic is excluded in principle from the agenda; but it falls short of the ideal of the liberal public sphere because the citizens are denied the political rights that would lend their opinions political influence on the sovereign. It could at most found a learned public sphere in which citizens address each other's intellects and consciences and use rational means to persuade their ruler to legislate in accordance with the general will,<sup>80</sup> though he would remain the final arbiter of what opinions may be suppressed as subversive of his "private" authority. But this paradoxical combination of freedom of expression with severe restrictions on civil freedom does not reflect a conservative acquiescence in the paternalistic authority of the absolute ruler on Kant's part, let alone a justification of the hereditary rights of absolute monarchs. The citizens' freedom to make public use of their reason is a direct, if negative, implication of the

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<sup>80</sup> Cf. Wood, *Kant's Ethical Theory*, 308.

republican principle of right, and the restrictions on their civil freedom are justified as part of a program of gradual political reform that will ultimately lead to a de facto republican constitution. The weakness of Kant's politics of enlightenment is that it ultimately fails to equip reason with the practical means necessary to effect republican reforms. Thus Kant does not finally escape the dialectic of enlightenment and political power with which his fellow-Aufklärer also unsuccessfully grappled.