

## 1 Introduction and Historical Context

Most scholars believe that Kant strongly supported the French Revolution and its ideals of *liberté, égalité, fraternité*, even though he could not justify a right of revolution. Kant admired the enthusiasm of the spectators who sympathised with the French nation's efforts to provide itself with a republican constitution, saying, in *Conflict of the Faculties*, 'such a phenomenon in human history will not be forgotten, because it has revealed a tendency and faculty in human nature for improvement' (CF 7: 88). Other sources supporting scholars' claims that Kant was a sympathiser include contemporary accounts citing his Königsberg reputation as a 'Jacobin', anecdotal information relating his single-minded interest in the topic, and his staunch dinner party defences of the event. When the republic was declared, he apparently said, 'Now let your servant go in peace to his grave, for I have seen the glory of the world'.<sup>1</sup>

Yet this reading of his sympathies must be inaccurate, for the simple reason that the French Revolution was a complex historical event, some parts of which Kant wholeheartedly endorsed, while condemning others in the strongest possible terms. This Element looks beyond the received version and argues for a nuanced view. It aims to present a more contextually sensitive analysis of popular sovereignty, an underlying principle of both the revolution and Kant's political philosophy. Historians often distinguish between *two* revolutions in France: the liberal one in 1789, then the radical one in 1792.<sup>2</sup> This Element explores Kant's detailed analysis of the philosophical justifications of each. He saw the first as an instance of a legitimate reform leading to the people taking power, and the latter as one of lawless popular rebellion.

The first revolution began in the spring of 1789, when King Louis XVI, an absolute monarch, summoned the Estates General, the ancient assembly of nobility, clergy, and commoners, to deliberate in Versailles about the nation's problems. In June, the commoners, claiming to speak for the nation as a whole, rejected the king's sovereignty and demanded recognition as a National Assembly. The king's capitulation precipitated the institution of a constitutional monarchy, which was philosophically justified in terms of popular sovereignty. Popular participation in the constitutional transition from autocracy to constitutional rule was the key issue for Kant. He considered the people's will an ideal standard for public justice, and the public sphere as an essential space for the expression of political views. But the people's will and actions could only be legally binding if they were established

<sup>1</sup> Manfred Kuehn, *Kant: A Biography* (New York: Cambridge University Press, 2001), p. 342.

<sup>2</sup> Francois Furet, *Revolutionary France: 1770–1880*, translated by Antonia Nevill (Oxford: Blackwell Publishing, 1988), p. 109; Albert Soboul, *A Short History of the French Revolution 1789–1799* (Berkeley: University of California Press, 1977), pp. 38 and 84.

within a constitutional framework. Without proper institutions, there are no standards to distinguish between the views of a faction and the will of the whole. This raises the issue of the people's role in changing the very constitutional structure that authorises its collective voice. What authorised the commoners to claim that right? And did they act legitimately on behalf of 'the people', or were they just one political class with no right to speak on behalf of the whole? Kant believed the answer lay in what he claimed was the king's abdication, and the people's right to act through a representative assembly.

The second revolution began in August 1792, when radical factions accusing Louis XVI of plotting counter-revolution stormed the Tuileries Palace, imprisoned the king, abolished the National Assembly, proclaimed the republic, and judged and executed the king, despite his constitutional inviolability. For Kant, these events raised the issue of a popular right of resistance, and the associated right to act as judge and jury over the sovereign. It also raised the issue of whether regicide can ever be justified by appealing to a right of necessity, and of the instrumental use of law for the sake of covering up what are actually crimes. Finally, it raised questions about whether a former sovereign who has been unjustly deposed may seek to regain power.

This Element argues that Kant's response to these questions is grounded in the requirement that popular sovereignty be expressed through representation within a constitutional system. Kant sympathises with the commoners' deputies in 1789 because, unlike the rabble-rousers on the streets of Paris in 1792, they did not use force against an existing regime. The two events illustrate the legitimate and illegitimate roles 'the people' can play in political transformations. In the first case, the people acted indirectly, through their representatives, who deliberated in a public forum that had a legal foundation; in the second, the people, led by agitators, took the law into their own hands, stormed the seat of the executive power (the royal palace), and then instrumentalised law for political ends.

Although there is extensive scholarly literature on Kant's views of resistance and revolution in general, his juridical discussion of the example of the revolution in France has attracted less attention. Kant's views of the French Revolution are typically deduced from his view of the revolution as an historical event, which he discusses in *Conflict of the Faculties*, but that discussion is not about the juridical principles that were at stake (I will return to that at the end).<sup>3</sup>

<sup>3</sup> Christian Ferrière, for example, has recently argued that Kant legitimated the use of revolutionary violence because he thought history naturally develops through violent revolutions, excused the regicides by their fear of counter-revolution, and was given hope for mankind's moral improvement by the spectators' enthusiasm for the struggle for freedom. Such historical explanations do not, however, amount to a justification of the use of force to overthrow a government. See Ferrière, 'Le réformisme en révolution', in *La Pensée* 386, no. 2 (2016): 64–77. Domenico Losurdo made similar claims in *Immanuel Kant: Freiheit, Recht und Revolution* (Köln: Pahl-Rugenstein, 1987).

His juridical views are difficult to understand because they analyse the significance of historical and legal facts in light of both his own legal and political principles, and those of the actors themselves. Making sense of them may sound like an arcane enterprise, but it is worth our time. Kant intended his analysis of the revolution to illuminate the principles developed in *The Metaphysical First Principles of the Doctrine of Right*, the first part of the *Metaphysics of Morals*, from 1797. The treatise, which today would be called jurisprudence or legal philosophy, is, as the name indicates, a system founded on reason. Kant applies these a priori principles to the empirical cases of the Estates General and the trial and execution of the monarch (these reflections are indented and in footnotes so that his readers could tell the difference). Assuming the role of judge, he applies standards to specific circumstances, formulating tests to explicate the significance of abstract legal principles. Kant thought his examples from France could ‘throw light on the principles of political rights’ (MM 6: 321). We can hope to learn how Kant himself understood his metaphysical principles by observing how he sought to parse reality accordingly. We can also hope to gain unexpected perspectives on the past.

Karl Marx famously stated in 1842 that ‘Kant’s philosophy is rightly to be regarded as *the German theory of the French Revolution*’.<sup>4</sup> Several authors have followed Marx in claiming that Kant’s turn to politics in the 1790s was a direct response to the revolution.<sup>5</sup> This might seem intuitive, since all his published attempts to justify principles of right came in the wake of the revolution. Yet, this cannot be the case, since Kant had long promised to write a treatise on law and politics, and had written and lectured on natural law for decades before the revolution without publishing anything on it.<sup>6</sup> Yet as scholars point out, the

<sup>4</sup> Scholars seem to have missed the fact that Marx was specifically referencing the 1789 revolution. See Karl Marx, ‘The Philosophical Manifesto of the Historical School of Law’, in *Writings of the Young Marx on Philosophy and Society*, translated and edited by Loyd Easton and Kurt Guddat (Indianapolis, IN: Hackett Publishing Company, 1997), pp. 96–106, p. 100. Different versions of the claim were common among Kant’s supporters during the 1790s. The claim was popularised by Heine and, according to Michael Morris, it dominated interpretations of Kantian philosophy during the first part of the nineteenth century. Morris, ‘The French Revolution and the New School of Europe: Towards a Political Interpretation of German Idealism’, in *European Journal of Philosophy*, 19, no. 4 (2011): 532–60.

<sup>5</sup> Paul Schrecker, ‘Kant et la Révolution Française’, in *Revue Philosophique de la France et de l’Étranger*, 128, no. 9/12 (1939): 394–426; Jacques Droz, *L’Allemagne et la Révolution française* (Paris: Presses Universitaires de France, 1949), p. 156; Ferenc Fehér, ‘Practical Reason in the Revolution: Kant’s Dialogue with the French Revolution’, in *The French Revolution and the Birth of Modernity*, edited by Ferenc Fehér (Berkeley: University of California Press, 1990), pp. 201–18; and André Tosel, *Kant révolutionnaire. Droit et politique, suivi de textes choisis de la Doctrine du droit*, traduits par J.-P. Lefebvre (Paris: P.U.F., 1988).

<sup>6</sup> Peter Burg, *Kant und die Französische Revolution* (Berlin: Duncker und Humblot, 1974). Christian Ritter has tracked the incremental development of Kant’s legal and political philosophy in *Der Rechtsgedanke Kants nach den frühen Quellen* (Frankfurt: V. Klostermann, 1971).

revolution inspired him.<sup>7</sup> He defined the citizen with the term *Citoyen*, and added a property qualification for the franchise, closely following those adopted in France in 1789 (TP 8: 295). When defending the sovereign's authority to repeal the hereditary property rights of the nobility and the clergy once public opinion ceased to favour them, he defended some of the most momentous policies the National Constituent Assembly took to dismantle the *ancien regime* (MM 6: 324). When Kant argued that republics are more peaceful, since rulers will be unable to wage war if they need the consent of the people who bear the financial and military burden of war (TPP 8:350), he was echoing a sentiment voiced by Jean Francois Reubell, the deputy of the Third Estate, who blamed wars on dynastic pacts and unaccountable rulers who start wars 'without the nation's consent but at the cost of the nation's blood and the nation's gold'.<sup>8</sup> In such instances, Kant adopted the revolution's policies and institutions and sought to provide the principles for them.

Rather than merely reacting to the revolution or developing his principles in isolation from it, Kant seems to have developed his legal and political philosophy through a process of reflective equilibrium, moving between legal and political practice in France and the principles he had deduced a priori (aided by his deep knowledge of the natural law tradition, in particular the writings of Achenwall, Rousseau, and Hobbes). The approach recalls his *Groundwork of The Metaphysics of Morals*, which assumes that ordinary cognition has an intuitive grasp of morals, tasking philosophy with providing the a priori principles (4: 392). Apologising for the undeveloped state of his sections on public right, he wrote that the topic is 'currently subject to so much discussion, and still so important, that they can well justify postponing a decisive judgment for some time' (MM 6: 209). Kant was an avid follower of these debates. No doubt he was thinking of people like himself when noting that 'in this crisis of the metamorphosis of the French state', the enlightened man is 'desperate to know the situation with his impatient and ardent desire for newspapers as the

<sup>7</sup> Karl Vorländer's early contribution highlighted Kant's critique of the nobility, of the established church, and his restriction of citizen rights. Many have identified the influence of Sieyès. According to Fehér and Gareth Stedman Jones, he influenced Kant's separation of powers and defence of constitutional monarchy, and according to Ingeborg Maus and Ulrich Thiele Sieyès inspired Kant's belief in the people as the *Pouvoir Constituant*. Karl Vorländer, 'Kants Stellung zur Französischen Revolution', in *Philosophische Abhandlungen* (Berlin: Verlag Bruno Cassirer, 1912), pp. 247–69; Fehér, 'Practical Reason in the Revolution'; Stedman Jones, 'Kant, the French Revolution and the Definition of the Republic', in *The Invention of the Modern Republic*, edited by Biancamaria Fontana (Cambridge: Cambridge University Press, 1994), pp. 154–72; Maus, *Zur Aufklärung der Demokratietheorie: Rechts – und demokratietheoretische Überlegungen im Anschluß an Kant* (Frankfurt: Suhrkamp, 1992); Thiele, *Repräsentation und Autonomieprinzip: Kants Demokratiekritik und ihre Hintergründe* (Berlin: Duncker & Humblot, 2003).

<sup>8</sup> Cited in Tim Blanning, *The Pursuit of Glory: Europe, 1648–1815* (London: Penguin books, 2007), p. 617.

raw material for highly interesting social conversations' (Drafts 19: 604). His own writings were part of that conversation, since he published in journals with wide audiences so that his essays could be immediately evaluated and discussed by contemporaries (Corr 12: 221).

Kant saw the parallel between the political event and his own philosophy early on. In a 1789 footnote to *Critique of the Power of Judgment*, he referred to 'a recently undertaken fundamental transformation of a great people into a state', a body politic where 'each member should certainly be not merely a means, but at the same time also an end, and, insofar as it contributes to the possibility of the whole, its position and function should also be determined by the idea of the whole' (5: 375). This shows he believed the 1789 revolutionaries were following the basic principle of always treating persons as ends in themselves, and may also allude to Rousseau's notion of the general will as the state's governing principle. Kant and the French Revolutionaries shared a foundation in Rousseau's principles of equality and popular sovereignty. Emmanuel Joseph Sieyès – deputy to the Third Estate and chief ideologue behind the 1789 events – nonetheless rejected the imperative of popular assemblies, a corollary of Rousseau's conviction that sovereignty could not be represented.<sup>9</sup> Since a popular assembly was not an option in a republic of 30 million people, Sieyès sought to define how the nation could act as the sovereign through representatives. Kant engaged in the same endeavour in parallel.

Kant's admiration was not one-sided: some actors on the French stage took a fleeting interest in him. In February 1796 Karl Thérémín, a Prussian diplomat in Paris and member of Sieyès's circle, attempted to arrange a correspondence between the two.<sup>10</sup> This was prompted by the publication of Kant's *Toward Perpetual Peace*, from 1795, which itself was inspired by the peace treaty between France and Prussia. His defence of republican government reads like a vindication of the 1789 French liberals. Like them, Kant defended individual freedom, commercial enterprise, meritocracy, legal equality, the end of hereditary privilege, popular sovereignty, constitutional monarchy, and the separation of powers. For the 1789 liberals (unlike the leaders of the English Glorious Revolution a century before), the revolution did more than depose a bad ruler; it fundamentally transformed a stagnant late feudal society. Thérémín saw Kant's philosophy as a 'complement to the revolution',<sup>11</sup> and there were rumours in

<sup>9</sup> Jean-Jacques Rousseau, *On the Social Contract*, in *The Basic Political Writings of Jean-Jacques Rousseau*, edited by Donald A. Cress (Indianapolis, IN, and Cambridge: Hackett Publishing Company, 1987), book 3, chapter 15.

<sup>10</sup> Schrecker, 'Kant et la Révolution Française', p. 408.

<sup>11</sup> Karl Thérémín, letter to his brother of 2 January 1796 (12: 59), in Immanuel Kant, *Briefwechsel, Band III, 1795-1803*, in *Kant's gesammelte Schriften* vol. 12 (Berlin: W. de Gruyter, 1922), p. 59.

Berlin – which Kant had to publicly deny – that he had been invited to be the new legislator of France.<sup>12</sup> Konrad Engelbert Oelsner, a German publicist, wrote the following in the introduction to his 1796 German translation of Sieyès's political writings (expressing a perhaps unhealthy infatuation with great men):

The two most outstanding thinkers now living, Sieyès and Kant, setting out from opposite points, met at the same goal. Sieyès through a posteriori synthesis, and Kant through a priori analysis, unite in a stirring and inestimable practical result that destroys despotism forever and founds an eternally perfectible freedom. Man, they say, is never a mere means of society, still less of princes; he is an end to himself.<sup>13</sup>

Kant admitted to being honoured by the attention of the 'famous' and 'commendable' Sieyès, but the exchange of letters never took place because he thought it inappropriate to meddle in the politics of another country.<sup>14</sup> Although he did not draft any laws for France, he did suggest that his books be translated into French. He also tried to persuade Prussian authorities that they had nothing to fear and everything to gain from a republican France since republics tend to be peaceful (CF 7: 86–7). They should not consider sympathisers (like his own followers) enemies of the state. Although it is strange that Kant said almost nothing about the Jacobin dictatorship and terror during 1792–4, one of the most remarkable political experiments of Western history,<sup>15</sup> his basic principles can be read as an explicit rejection of their attempt to foster virtue through terror, to implement direct democracy, and use law for political ends.<sup>16</sup>

Kant's support for the people's role in politics was not a response to the revolution but dates back to the mid 1760s, around the time he read Rousseau and started teaching Achenwall's natural law theory, which he did on twelve occasions until 1788.<sup>17</sup> His shorter political essays in the 1780s had developed

<sup>12</sup> Alain Ruiz, 'Neues über Kant und Sieyès. Ein unbekannter Brief des Philosophen an Anton Ludwig Thérémín' (März 1796), in *Kant-Studien* 68, no. 4 (1977): 446–53, 450.

<sup>13</sup> Oelsner, quoted by Isaac Nakhimovsky in *The Closed Commercial State: Perpetual Peace and Commercial Society from Rousseau to Fichte* (Princeton: Princeton University Press, 2011), p. 24.

<sup>14</sup> Ruiz, 'Neues über Kant', 450. See also Jachman's biography of Kant in *Immanuel Kant in Rede und Gespräch*, edited by Rudolf Malter (Hamburg: Felix Meiner, 1990), pp. 349–50.

<sup>15</sup> One exception is a remark criticising Danton's commitment to direct democracy (TP 8: 302). See Gianluca Sadun Bordoni, 'Kant and Danton', in *Kant-Studien* 111, no. 3 (2020): 503–9.

<sup>16</sup> Jacob Rogozinski develops this view in 'Un crime inexpiable (Kant et le régicide)', in *Rue Descartes*, no. 4 (1992): 99–120.

<sup>17</sup> See for example the following remarks: 6594, 7548, 7969 (Ref 19: 100, 452, 567). Achenwall considered that public command originally belonged to the people through the social contract. See *Iuris naturalis pars posterior complectens jus familiae, jus publicum, et jus gentium*, published in Göttingen in 1763 and reprinted in Immanuel Kant, *Kant's handschriftlicher*

a teleological view of history, which proposed universal republicanism as its inevitable end point. His lectures on natural law during the 1780s had included more extensive defences of popular sovereignty, defining it as a system that grounds legal justice in the voice of all in an ideal original contract (L-NR 27: 1382). Frederick II's relaxation of censorship, which opened up public debate on political matters and led to a groundswell of journals and newspapers, put the question of the people's role in politics at the centre of public debates about the relationship between enlightenment and revolution.<sup>18</sup> Kant applauded that development and advised rulers that they had everything to gain by consulting an enlightened population on legislation, and nothing to fear as long as they had a 'well-disciplined and numerous army ready to guarantee public peace' (WIE 8: 41).

The French Revolution cast that debate in a new light. Although German public opinion had generally welcomed the revolution, the trial and execution of Louis XVI made it look like a failed experiment that seemed to confirm the old fear that enlightenment foments rebellion.<sup>19</sup> Conservatives like Justus Möser, August Wilhelm Rehberg, and Friedrich Gentz came out strongly against Kant's idealism. They argued that grounding principles in reason – in abstract principles of human rights – made individuals the arbiters of right and wrong, and challenged all the existing conventions of society, which the conservatives considered legitimate ancient rights and bulwarks against anarchy. The brute masses (*rohe Haufen*), Rehberg wrote, had nothing to lose by tearing down existing institutions and were driven to do so by a blind fury generated by the Enlightenment's 'abstract' ideals.<sup>20</sup> Gentz was probably referring to Kant when he wrote, 'the philosopher creates systems; the rabble forges murderous weapons from them'.<sup>21</sup> Johann Heinrich Tieftrunk, a moderate Kantian, came to his defence and claimed that Kant's definition of enlightenment as the courage to think for oneself actually gives a more solid foundation for the state and

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*Nachlass. Band VI, Moralphilosophie, Rechtsphilosophie und Religionsphilosophie*, in *Kant's gesammelte Schriften*, vol. 19 (Berlin: De Gruyter, 1971), pp. 325–442, at §§ 95, 97, 158. See also Ritter, *Der Rechtsgedanke Kants*, p. 247ff.

<sup>18</sup> Several of these contributions can be found in Zwi Batscha (ed.), *Aufklärung und Gedankenfreiheit: 15 Anregungen, aus der Geschichte zu lernen* (Frankfurt: Suhrkamp, 1977), and James Schmidt (ed.), *What Is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions* (Berkeley: University of California Press, 1996).

<sup>19</sup> George Peabody Gooch, *Germany and the French Revolution* (New York: Russel & Russel, 1966); Droz, *L'Allemagne et la Révolution française*; Rudolf Vierhaus, 'Politisches Bewusstsein in Deutschland vor 1789', in *Der Staat* 6 (1967): 175–96.

<sup>20</sup> August Wilhelm Rehberg, *Untersuchungen über die französische Revolution nebst kritischen Nachrichten von den merkwürdigen Schriften welche darüber in Frankreich erschienen sind, Zweyter Theil* (Hannover, Osnabrück: Christian Ritscher, 1793), pp. 78, and 21.

<sup>21</sup> Quoted by Ursula Vogel in *Konservative Kritik an der Bürgerlichen Revolution* (Darmstadt and Neuwied: Luchterhand, 1972), p. 90. My translation.

religious authority because it teaches subjects the *reasons* why they should honour God and the government.<sup>22</sup> Indeed it was *lack* of enlightenment that caused the French to rebel: moved by passion, they were enthralled by the philosophy of one man (Rousseau) and incapable of thinking for themselves. Kant would certainly agree with his follower. Rebellion, as Kant came to argue during the 1790s, tends to be triggered by criminal rulers and bad constitutions that ‘reduce the people to despair and hence to rebellion’ (TPP 8: 375, 372; MM 6: 330; CF 7: 80). Ordinary people are fundamentally capable of rational agency and will rebel if subjected to power beyond reason (TP 8: 306).<sup>23</sup>

The events of 1789 and 1792 exemplify, respectively, legitimate and illegitimate political transitions. The first – an orderly transfer of sovereignty to the people – resulted in the establishment of a constitutional monarchy, whereas the second was a mob rebellion that led to a regicide and the destruction of the state’s unity. Comparing the ‘two revolutions’ highlights Kant’s distinction between a political, yet legitimate, constitutional transition, and a transition that was mere political justice. In the French Revolution, the people entered the stage of history, successfully at first, and disastrously in the second instance. Kant viewed the sequence of events as a strong moral warning against political change untethered by procedural constraints, no matter how appealing its ends.

Kant’s discussion of the French Revolution foreshadows modern discussions of transitional justice: the normative deliberations regarding what regime change permits and requires, and which procedures should apply to leaders of the old regime. Kant’s *legalistic* claim about transitional justice distinguishes his position from scholars like Judith Shklar and Michael Walzer, who argue that highly imperfect judicial procedures can be justified if they can secure confidence in the new regime. ‘Revolutionary justice is defensible whenever it points the way to everyday justice’, Walzer wrote.<sup>24</sup> Illegal actions can be legitimate if they accord with a greater good. Kant’s reasoning rejects that kind of argument: principles of justice should never be compromised or

<sup>22</sup> Johann Heinrich Tieftrunk, ‘Über den Einfluß der Aufklärung auf Revolutionen’, in *Aufklärung und Gedankenfreiheit: 15 Anregungen, aus der Geschichte zu lernen*, edited by Zwi Batscha (Frankfurt: Suhrkamp, 1977), p. 196.

<sup>23</sup> Kant also employed cultural explanations, mentioning as a characteristic of the French nation an ‘infectious *spirit of freedom*, which probably also pulls reason itself into its play, and, in the relations of the people to the state, causes an enthusiasm that shakes everything and goes beyond all bounds’, in his *Anthropology*, published in 1798 (7: 314). The phlegmatic and obedient Germans, by contrast, ‘would rather submit to despotism than get mixed up in innovations (especially unauthorized reforms in government)’. Kant’s discussions of 1789 and 1792 do not depend on these stereotypes, however.

<sup>24</sup> Michael Walzer, *Regicide and Revolution: Speeches at the Trial of Louis XVI* (New York: Columbia University Press, 1993), p. 79.



instrumentalised for the sake of future political ends, even laudable ones such as the foundation of a republic. His claim is based on the imperative of respecting the legal structure governing the interactions of individuals, not on a consequentialist rejection of the empirical uncertainty that inevitably follows the manipulation of outcomes for ulterior motives.

But exactly what does that mean in practice? Although some consider Kant disengaged from practical questions, his detailed discussions of the two great transitions of the French Revolution is evidence to the contrary, providing a glimpse of his ideas about theory and practice, and providing a fresh perspective on a founding moment of Western history. The first section of this Element presents Kant's philosophical principles, and the second and third sections analyse how he applied these principles to the events in 1789 and 1792 respectively.

## 2 Philosophical Foundations

For Kant, the French Revolution was fundamentally about a nation's right to establish a republican constitution (CF 7: 85). This was a goal he endorsed, yet since Kant's commitment to popular sovereignty is not immediately obvious, this section discusses the foundations of the theory he developed to interpret events in France. His critics often consider Kant's commitment to popular sovereignty as merely to the doctrine as an idea, while in practice he was quite content to support autocracy.<sup>25</sup> After all, he saw the original contract not as an actual historical occurrence, but as an idea of justice, whose principles are independent of electoral processes. Moreover, his rejection of any right of resistance and revolution is sometimes taken as evidence that he prioritised order over justice, 'sacralizing the status quo'.<sup>26</sup> Kant's well-known Hobbesian claim that 'The human being is an animal which, when it lives among others of its species, has need of a master' (IUH 8: 23) seems to mean that he thought individual liberty should be subordinated to the forces of order, and that people were incapable of collective democratic organisation. His critics surmise that Kant only cared about the inner freedom of the individual, which can be realised perfectly well under authoritarian conditions.<sup>27</sup> Yet, as many Kant scholars

<sup>25</sup> Hella Mandt, 'Historisch-politische Traditionselemente im politischen Denken Kants', in *Materialien zu Kants Rechtsphilosophie*, edited by Zwi Batscha (Frankfurt: Suhrkamp, 1976); Philip Pettit, 'Two Republican Traditions', in *Republican Democracy: Liberty, Law and Politics*, edited by Andreas Niederberger and Philipp Schink (Edinburgh: Edinburgh University Press, 2014), pp. 169–204; Stedman Jones, 'Kant, the French Revolution and the Definition of the Republic'; Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford: Oxford University Press, 1999), p. 211.

<sup>26</sup> Pettit, 'Two Republican Traditions'.

<sup>27</sup> Stedman Jones maintains this view, in an article remarkable for the lack of a single reference to *The Metaphysics of Morals*. His interpretation seems to rely on Leonard Krieger's post war book on the *German Idea of Freedom*, which posits a continuity in the German attitude to freedom

today emphasise, he was deeply committed to the ideal of equal liberty and undeniably defended a republicanism of elected governments accountable to their citizens.<sup>28</sup> The next section supports that scholarship, discussing the principle of freedom and the institutional structures that were central to Kant's thought and that grounded his analysis of the transfer of sovereignty during the spring of 1789. This section is followed by a discussion of his theory of obligation to the state, and his rejection of a right of revolution, which grounds his analysis of the 1792 revolution.

## 2.1 Right, Popular Sovereignty, and Reform

The claim that Kant cared more about inner moral autonomy than external freedom is plausible only if we accept that his moral writings override his principles of right. The problem is that Kant left no evidence of any such preference ranking. Indeed, *The Metaphysics of Morals* demonstrates that they operate in co-equal dimensions. He divides the moral domain into juridical laws, which are backed by coercion, and ethical laws, which require a specific motivation: doing the right thing for the right reason, out of respect for duty (MM 6: 218). Ethical laws cannot be coercively enforced because they concern the justification of actions, rather than the actions themselves. By contrast, in the legal and political dimensions, duties can be discharged out of prudence, self-interest, habit, and so on, and not necessarily out of respect for the law. Kant refers to juridical laws as 'right', or *Recht* in German. The universal principle of right allows people to distinguish right from wrong:

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. (MM 6: 230)

This is a purely formal, not a material, principle (TPP 8: 377). It does not concern our ends, but the compatibility of our choices in achieving those ends. A basic egalitarianism, which assumes an equal right to freedom and contradicts the system of privileges and inherited social status characterising the *ancien*

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from Luther on, characterised by 'secular submission and spiritual independence'. Diethelm Klippel offered a thorough analysis and rebuttal of such views, which are associated with the frequently criticised notion of a German *Sonderweg*. See Stedman Jones, 'Kant, the French Revolution and the Definition of the Republic'; Krieger, *The German Idea of Freedom: History of a Political Tradition* (Boston, MA: Beacon Press, 1957), pp. 45, 49; and Klippel, 'Politische Theorien in Deutschland des 18. Jahrhunderts', in *Aufklärung 2* (1988): 57–88.

<sup>28</sup> Maus, *Zur Aufklärung der Demokratietheorie*; Arthur Ripstein, *Force and Freedom: Kant's Legal and Political Philosophy* (Cambridge, MA: Harvard University Press, 2009); Sharon Byrd and Joachim Hruschka, *Kant's Doctrine of Right: A Commentary* (Cambridge: Cambridge University Press, 2010).