

Michael Kryluk\*

# Between Revolution and Reaction: The Political Significance of Kant's Doctrine of the Idea

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**Abstract:** This essay argues that Kant's conception of regulative ideas of practical reason introduced in the *Critique of Pure Reason* serves an important twofold function in his political philosophy. First, Kant's version of the ideal, Platonic republic acts as the *a priori* paradigm of a rightful state to which existing regimes can and should conform. Second, Kant frames the regulative status of such practical ideas as a resolution of the conflict between the extremes of dogmatism and skepticism. In his principal political writings from the 1790s—i. e., “Theory and Practice,” “Perpetual Peace,” and the *Doctrine of Right*—Kant draws on his account of practical ideas in the *Critique* to articulate a counterfactual norm of popular sovereignty that distinguishes his political standpoint from opponents on the left and the right. Radicals repeat the error of the dogmatists by affirming that the norm of collective self-legislation is completely attainable in experience. By contrast, conservatives make the mistake of the skeptics by denying that rational political standards can be applied to reality at all. I show that Kant reconciles these extremes through his model of gradual, non-violent political reform guided by the regulative ideal of a perfectly self-legislating state.

**Keywords:** Kant, Rehberg, Rousseau, Danton, dogmatist, skeptic, general will

## 1 Introduction

Kant's political theory is hard to pin down. His supposedly final and most systematic statement on legal and political philosophy, the *Doctrine of Right* (1797–1798), has a longstanding reputation of frustrating and disappointing its readers.<sup>1</sup> Kant's

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<sup>1</sup> Schopenhauer (2010, 558), calls the *Doctrine of Right* “so weak that [...] polemics against it are superfluous.” More recently, while granting the importance of *The Metaphysics of Morals*, Kuehn

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**\*Corresponding author: Dr. Michael Kryluk**, University of Oslo, Department of Philosophy, Classics, History of Art and Ideas, Oslo, Norway; [m.c.v.kryluk@ifikk.uio.no](mailto:m.c.v.kryluk@ifikk.uio.no).  
<https://orcid.org/0009-0005-5466-1255>

response to the most important political phenomenon of his day, the French Revolution, involves a perplexing combination of enthusiastic support for its republican principles with a staunch opposition to the right of resistance. Given this ambiguity, it is unsurprising that aspects of Kant's political thought have been characterized as everything from proto-Marxist<sup>2</sup> to liberal<sup>3</sup> and conservative.<sup>4</sup>

In this essay, I aim to shed light on the matter by focusing on two features of Kant's account of practical ideas of reason in the Transcendental Dialectic of the *Critique of Pure Reason* that continue to play a crucial role in his mature political philosophy. The first feature is Kant's appropriation of the idea of the Platonic republic as the *a priori* paradigm of a perfectly rightful state that can and should guide the development of existing regimes. The second feature is the strictly regulative function Kant attributes to ideas of practical perfection such as the republic, which allows him to solve a conflict between dogmatic and skeptical conceptions of *a priori* norms.

In the first *Critique*, Kant's presents Plato's idea of the perfect republic as a mean between dogmatism and skepticism in metaphysics. Similarly, in the 1790s, Kant positions his call for the gradual reform of existing states in accordance with the *a priori* norm of a fully self-legislating republic as a mean between radical Jacobinism and reactionary conservatism during the French Revolution. This parallel is not accidental. As I will argue, Kant sees a correspondence between the conflicting standpoints of the dogmatists and the skeptics and that of revolutionaries and conservatives. That is, while neither the dogmatist/Jacobin revolutionary nor the skeptic/conservative are completely correct, both raise claims against the other party that Kant integrates into his own view, thus overcoming their respective limitations.<sup>5</sup> As a result, Kant's political theory can be founded upon pure, rational

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(2001, 396) calls it a "disappointing" text that "reads just like the compilation of old lecture notes that it is." Given Kant's old age, Kuehn considers it "not surprising that much remains cryptic and that some of the text is corrupt."

2 Wood (1999, 244–249) argues that Kant's theory of history, which is an important element of his political philosophy, is a kind of proto-Marxist historical materialism. For further comparisons, see Wood 1999, 262, 319–320.

3 Williams (1983, ix, 128) imputes to Kant a "qualified liberalism" in that "[i]n principle Kant is a liberal, yet in practice he is often conservative and authoritarian." Beiser (1992, 53) reaches a similar conclusion.

4 Brandt (1982, 280n30) calls Kant a "reform conservative," using the typology found in Epstein (1966, 7–11). A reform conservative is essentially a moderate distinguished from (1) defenders of the status quo and (2) outright reactionaries. Despite classifying Kant as a reform conservative, Brandt notes his differences with others in this camp, such as Rehberg, Gentz and, later, Hegel.

5 Note Kant's claim that, when it comes to the two dynamical antinomies, "the case can be mediated to the satisfaction of both parties"—that is, both the thesis and antithesis in question can be validated by transcendental idealism. KrV, A 530/B 558.

principles that avoid both uncompromising revolutionary enthusiasm for abstract ideals and conservative doubts about the applicability of *a priori* norms to experience.

This essay draws on two approaches to Kant's political philosophy in the scholarship. First, unlike most commentators, Günter Zöllner has emphasized the relevance of Kant's interpretation of Plato's *Republic* in the first *Critique* to his political thought.<sup>6</sup> Second, Reidar Maliks has presented Kant's political views in the 1790s as a centrist standpoint relative to his contemporaries on the left and the right, all of whom were assessing the divisive implications of the French Revolution.<sup>7</sup> This paper brings these interpretive strands together by arguing that Kant's appropriation of the Platonic idea of the republic in the first *Critique* is not only crucial to understanding his later political theory, but also serves as the pivot by which Kant distinguishes his views from those of his political opponents. The consequence of this analysis is a better appreciation for a key point of continuity in Kant's thinking—his Platonism in politics—and its position in the political debates of his day.<sup>8</sup>

My argument will proceed as follows. I will start by outlining Kant's account of the Platonic republic in the *Critique* (Section 2) and its relationship to his dismissal of dogmatism and skepticism in metaphysics (Section 3). Next, I will move on to Kant's first dedicated statement on politics after 1789, i. e., Part Two of the "Theory and Practice" essay (Sections 4–6). In Section 4, I argue that Kant's unpublished drafts for "Theory and Practice" indicate that, building on the first *Critique*, he seeks to rebut the political ramifications of dogmatic and skeptical conceptions of practical ideas. Yet Kant now targets a different version of anti-Platonic skepticism, namely, the arguments of the dissident Kantian A. W. Rehberg against the allegedly violent, metaphysical fanaticism of the French revolutionaries. In Sections 5 and 6, I show how Kant replies to Rehberg in "Theory and Practice." Here, my focus will be on Kant's extension of his doctrine of the idea to the social contract and its criterion of political legitimacy, the general will. I argue that Kant's insistence on the status of the original contract as a regulative idea allows him to respond to Rehberg's anti-revolutionary skepticism while distinguishing his political views from the dogmatic zeal for abstract principles supposedly animating Jacobinism.

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<sup>6</sup> See Zöllner 2015a, Ch. 2, and 2015b.

<sup>7</sup> See Maliks 2014, especially Ch. 2–4.

<sup>8</sup> Brandt makes some strides in the direction of my argument by contrasting Kant, "the Francophile Platonist," with his pro-England and anti-France "Aristotelian" critics, i. e., with empiricists and anti-idealists, such as Rehberg and Gentz (Brandt 1997, 235, 219–220).

## 2 The Idea of the Platonic Republic in the *Critique of Pure Reason*

It is easy to overlook that the first intimations of Kant's political philosophy among his published writings are found neither in the 1784 essays on enlightenment and the philosophy of history nor in the *Groundwork*, but in the excursus on Plato in the Transcendental Dialectic of the *Critique of Pure Reason*, titled "On the Ideas in General" (KrV, A 312–20/B 368–377).<sup>9</sup>

Kant's main concern in this section is to retrieve the original, Platonic meaning of 'idea' and appropriate it as a technical term for the critical philosophy. Kant's notion of the 'idea' differs from the prevailing conception in two regards. On the one hand, Kant departs from philosophers such as Descartes and Locke who use the word 'idea' to denote all types of representation and thus do not discriminate between their origins and functions in human cognition (KrV, A 320/B 377).<sup>10</sup> On the other hand, Kant presents the idea as a unique product of the faculty of reason that is distinct from both the *a priori* forms of intuition and the pure categories of the understanding. Ideas are purely intellectual models of unconditioned, maximal perfection for which there can be no corresponding object in experience (KrV, A 313–314/B 370–371). For Kant, the Platonic idea clearly exceeds the parameters of human knowledge established in the Transcendental Aesthetic and Analytic. The bulk of the Dialectic is thus devoted to exposing the illusory character of the transcendental ideas of the soul, the world, and God engendered by pure reason in its speculative use.

Despite the overwhelmingly negative aim of the Dialectic, Kant's comments on Plato contain a positive appraisal of certain ideas that "nonetheless have their reality and are by no means mere figments of the brain (*Hirngespinnste*)" (KrV, A 314/B 371). According to Kant, while Plato posited the existence of ideas in the theoretical domains of mathematics and the philosophy of nature, he "found his ideas preeminently (*vorzüglich*) in everything that is practical, i. e., in what rests on freedom" (KrV, A 314/B 371; cf. A 471–472/B 499–500; MSI, 2:396). Though not the chief focus of the Dialectic, the notion of an idea of practical perfection that is pos-

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<sup>9</sup> I follow the standard convention of citing the *Akademie Ausgabe* edition of Kant's works. For each reference, the *Akademie* pagination will be preceded by an abbreviation of the German title of the writing in question (i. e., 'MS' for *Die Metaphysik der Sitten*). An abbreviation key is provided at the end of this essay. References to the *Critique of Pure Reason* (KrV) will use the pagination from the A and B editions of the text. Unless otherwise noted, all translations are from *The Cambridge Edition of the Works of Immanuel Kant*, the individual volumes of which are listed in the Bibliography.

<sup>10</sup> See Hinske 1990, 319.

sible through freedom, supposedly inherited from Plato, is of crucial importance to Kant.

Kant gives two examples of practical ideas: virtue and the Platonic republic, both of which he sets out to defend against the charge of fantasy and impracticability. It is with the second example that the political import of the Dialectic comes in. Now, Kant does not defend any specific features of the Platonic *kallipolis*, about which he shows a limited understanding.<sup>11</sup> Instead, he defines the idea of the republic in a novel way as a “constitution providing for the greatest human freedom according to laws that permit the freedom of each to exist together with that of others” (KrV, A 316/B 373). This definition bears little resemblance to anything put forward in Plato’s *Republic*. On the contrary, it introduces the principle of reciprocally lawful freedom that will become the hallmark of Kant’s *Doctrine of Right* (MS, 6:230–231). But Kant hardly disguises his lack of fidelity to Plato. Openly disavowing a “literary investigation” into Plato’s writings, Kant says that when considering the position of an author, “it is not at all unusual to find that we understand him even better than he understood himself,” with the result that he “sometimes spoke, or even thought, contrary to his own intention” (KrV, A 313–314/B 370). So while Kant is indebted to Plato for proposing that there is an *a priori* idea of the perfect republic, the details of Plato’s version of the archetype of the state do not really concern him.

It might seem as if Kant’s digression on Plato and the idea of the republic is a curious but inessential feature of the Dialectic, but this would be a mistake. In the “Universal History” essay of 1784, Kant rebrands his definition of the Platonic republic from the *Critique* as “a perfectly *just civil constitution*” (IaG, 8:22). Though it cannot be fully attained in experience, Kant construes the perfect polity as a morally obligatory aim of humanity towards which we are unknowingly driven by the “*hidden plan of nature*” revealed by his idea of history (IaG, 8:27). Similarly, the *Doctrine of Right* refers to the *a priori* norm by which to measure the rightfulness of actual civil unions as “*the state in the idea*” or the “form of a state as such” (MS, 6:313).<sup>12</sup> This norm is also described as a “pure republic” that fully aligns with the idea of the original contract, the advent of which is “the final end” of public right that ought to guide the legislation of current regimes (MS, 6:340–341).

The ‘Platonic’ provenance of this idea of the republic is re-affirmed in *The Conflict of the Faculties* (1798). Kant calls a political community that completely harmonizes with the rational idea of a constitution in which citizens are obedient solely to

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<sup>11</sup> Kant mentions two aspects of the ideal city of Plato’s *Republic*: (1) it requires a ruler who participates (*teilhaftig wäre*) in the ideas, and (2) it will eliminate the need for the punishment executed by the state (KrV, A 316–17/B 372–73). As Guyer and Wood note, it is not clear that (2) has any basis in Plato’s writings. See the editorial note in Kant 1998, 737n14.

<sup>12</sup> Translation slightly modified from Kant 1996a.

self-given laws a Platonic ideal (*ein platonisches Ideal*), or *respublica noumenon* (SF, 7:90–91). In line with the *Critique of Pure Reason*, Kant insists that this Platonic ideal “is not an empty figment of the brain (*Hirngespinnst*), but rather the eternal norm for all civil organization.”<sup>13</sup> Accordingly, rulers have a duty to bring the existing polity, or *respublica phaenomenon*, into conformity with the Platonic ideal, even if the former will necessarily remain an imperfect representation of the latter.

Kant’s appropriation of the idea of the Platonic republic in the first *Critique* thus introduces a theme that runs throughout his political writings. In the next section, we will see that Kant’s emphasis on the strictly regulative function of practical ideas involves political implications that Kant will continue to draw on in the 1790s.

### 3 Between Dogmatism and Skepticism: The Political Dimension of Regulative Ideas of Practical Reason

Kant often presents the critical endeavor as a third approach to metaphysics that resolves the stalemate between dogmatism and skepticism.<sup>14</sup> This is evident throughout the Transcendental Dialectic, including in his treatment of the Platonic idea.

Both the dogmatist and the skeptic, Kant argues, make the mistake of assuming that practical ideas of reason refer to objects of human freedom that can be fully realized in experience. The dogmatist affirms this proposition, while the skeptic doubts it. Kant’s strategy is to broker a compromise. Practical ideas have a strictly regulative function in that they promulgate models of perfection that are unattainable in experience, but still possible as products of unconditioned, rational freedom (KrV, A 314–315/B 371, A 317–319/B 374–375). On this view, the idea of moral perfection exemplified by the Stoic sage is, as the skeptic would argue, found “merely in thoughts” and therefore lacks “objective reality (existence).” Nonetheless, as the dogmatist would argue, such ideas are not “mere figments of the brain (*Hirngespinnste*),” but “have practical power” as principles “grounding the possibility of the perfection of certain actions” through freedom (KrV, A 569/B 597).<sup>15</sup> Understood as

<sup>13</sup> SF, 7:91. Translation slightly modified from Kant 1996b.

<sup>14</sup> See, for instance, KrV, A ix–xii, A 760–769/B 788–797, A 855/B 883.

<sup>15</sup> In this passage, Kant does not explicitly tie these contrasting perspectives on the ideal of virtue to the opposing standpoints of dogmatists and skeptics on ideas of reason. Nonetheless, other passages show that the dogmatist/skeptic distinction is at play. In the Antinomy of Pure Reason, Kant

regulative principles of practical reason, ideas obtain their validity by commanding human beings to engage in an open-ended process of approaching an unachievable end of moral perfection.<sup>16</sup> Both the dogmatist and the skeptic are thus given their partial due in Kant's 'preeminently practical' reconstruction of the Platonic idea. If he is right, the dogmatist and the skeptic should be able to drop their dispute and recognize the merits and mistakes of both of their positions revealed by transcendental idealism.

The same logic is at work in Kant's conception of another practical idea, namely, the republic. Kant's chief focus in the passage on Plato's *Republic* in the first *Critique* is skepticism. According to Kant, the skeptic rightly stresses that ideas transcend the boundaries of experience, yet wrongly concludes that the *a priori* model of the perfect polity is useless. This skeptical brand of anti-Platonism in politics was apparently commonplace, for Kant presents the Platonic republic as a proverbial instance (*Sprichwort*) of the vacuity of the philosophical imagination (KrV, A 316/B 372).

Yet Kant also mentions the particular repudiation of the *Republic* by Johann Jakob Brucker in his *Historia critica philosophiae*. The *Historia* is often described as the main source for Kant's knowledge of Plato.<sup>17</sup> Interestingly, Brucker has little to say about the *Republic*, which might explain Kant's lack of familiarity with its details.<sup>18</sup> According to Brucker, the *Republic* is not a work of serious political philosophy, but just another manifestation of the "philosophical enthusiasm (*enthusiasmo philosophico*)" that infects the entirety of Platonism by virtue of its unify-

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argues that Platonism furnishes "principles which are indeed excellent for the practical" because of its dogmatic stance on the objective reality of *a priori* ideas (KrV, A 471–472/B 499–500; cf. A 465–466/B 493–494), including, as he indicates elsewhere, the idea of virtue (A 314–315/B 371–372; cf. R 445, 15:184). However, the Antinomy does not oppose Platonic dogmatism to skepticism but to another species of dogmatism, namely, Epicureanism. Here, Epicureanism is defined by the dogmatic insistence that knowledge can only be derived from the senses, a position that damages the practical interest of reason by conclusively denying the validity of ideas (KrV, 471–472/B 499–500; cf. A 853–854/B 881–882). Elsewhere, though, Kant identifies the dismissal of ideas of reason as a noteworthy feature of skepticism that distinguishes it from dogmatism. See ÜE, 8:226–227n.

<sup>16</sup> Cf. KpV, 5:32–33, 83–84, 122–123, 158–159; GMS, 4:407–409; MS, 6:409.

<sup>17</sup> See, for instance, Heimsoeth 1965, 368.

<sup>18</sup> Brucker organizes his systematic presentation of each philosopher or philosophical school into numbered theses. His main discussion of Plato's philosophy (in Brucker 1742–1744, 1:659–727), comprises over one hundred theses. Of these, a mere seven (plus a short introductory segment) deal with Plato's political philosophy, which occupies only about one full page of the text (1:726–727). While other aspects of the *Republic* are discussed elsewhere (viz., a detailed description of the Allegory of the Cave at 1:722–723), the overview of Plato's *kallipolis* is quite scant. The main features of the *Republic* mentioned are: the division of the city into three classes, the need for the rule of the philosopher-kings, the classification of the five political constitutions in Books VIII–IX, and the so-called community of women in the ideal city.

ing, systematic principle, i. e., the doctrine of ideas (1:695, 726). Though Brucker's treatment of the latter is complex and rather idiosyncratic, his basic criticism is that ideas are obscure, mystical entities whose philosophical meaning was incomprehensible to even Plato himself (1:663–664). On his account, by arguing that the *kallipolis* consists in the rule of philosophers, who are distinguished from others precisely by their insight into the ideas, Plato compounded absurdity with absurdity in the *Republic* (1:670, 672n, 701). As Brucker sums up, “the whole republic, along with all of its laws, is the work of the most fanatical of men, and so government is left to those who seek the common good through the metaphysical games and trifles of their minds” (1:726).<sup>19</sup>

Kant replies to skeptical dismissals of the Platonic republic by Brucker et al. by claiming that if one excludes *a priori* standards of perfection from politics, then the only remaining evaluative standpoint is the vulgar (*pöbelhaft*) measure of experience (KrV, 316/B 373). This invites two dangers, both of which Kant will continue to criticize throughout the 1790s.

First, Kant argues that appeals to the absolute authority of experience in political theory are nothing more than capitulations to an arbitrary status quo designed to arrest all progress. The supposed inefficacy of ideas in the political sphere does not arise from the recalcitrant limitations of human nature, but from “neglect of the true ideas in the giving of laws,” which “frustrat[es] all good intentions by using crude concepts in place of ideas, just because these concepts were drawn from experience” (KrV, A 316–17/B 373). “[I]t is most reprehensible,” Kant goes on, “to derive the laws concerning what I ought to do from what is done, or to want to limit it to that,” since “it is freedom that can go beyond every proposed boundary” (KrV, A 318–19/B 375, A 317/B 374).

Second, Kant distinguishes his political stance from a prominent alternative, the paternalistic politics of the Wolffian tradition, which can in principle excuse despotism by invoking a higher, empirical justification for the state, namely, eudaimonism. Whereas the Wolffians defined the perfect polity by the prerogative of its ruler to bring about “the greatest happiness” of her subjects, Kant, as mentioned above, argues that the perfect polity establishes the maximal co-existence of lawful freedom for each person (KrV, A 316/B 373). Rather than making the empirical standard of happiness the aim of the exercise of political authority, Kant claims that happiness “would follow of itself” from a constitution that enshrines the greatest possible degree of rightful freedom for all.

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<sup>19</sup> “tota tandem respublica, omnesque quas praescripsit leges, ad fanaticismum quendam hominumque metaphysicis ingenii lusibus & nugis salutem publicam quaerentium imperiam relabitur.” I have consulted the French translation of this passage in Neschke 1992, 379.



In the Dialectic, Kant mostly defends what he presents as the practical dimension of Platonism. The proper dignity (*eigentümliche Würde*) of philosophy, he says, consists in upholding the practical 'ought' of the idea over the 'is' of empirical standards (KrV, A 318/B 375). Yet Kant's support for Plato is far from unqualified, which brings us to the analysis of dogmatism in the Dialectic that will reappear in Kant's political writings.

According to Kant, Plato was not only the progenitor of ideas of reason, but also a dogmatic metaphysician who professed insight into a supersensible realm of objects. Plato "abandoned the world of the senses because it set such narrow limits for the understanding, and dared to go beyond it on the wings of the ideas, in the empty space of the pure understanding" (KrV, A 5/B 9).<sup>20</sup> Yet Plato "did not notice that he made no headway by his efforts" in the supersensible ether, for, as a dogmatic metaphysician, "he had no resistance, no support" (KrV, A 5/B 9) from "an antecedent examination of the capacity or incapacity of reason for such a great undertaking" (KrV, A 3/B 7). Accordingly, in the Dialectic, Kant contrasts his "milder interpretation" of the ideas as strictly regulative principles to Plato's "mystical deduction" of them and "the exaggerated way in which he hypostatized them" (KrV, A 314n/B 371n). Likewise, in the *Prolegomena*, Kant imputes a fantastical or enthusiastic (*schwärmerisch*) character to Platonic idealism since it uncritically asserts the possibility of *a priori* cognition through intellectual intuition (Prol, 4:375n).<sup>21</sup> This dogmatic claim that ideas are fully accessible to the human mind renders Plato "the father of all enthusiasm (*Schwärmerei*) by way of philosophy" (VT, 8:398; cf. KU, 5:363–364).

As these passages suggest, Kant does not entirely disregard Brucker's charge of *enthusiasmo philosophico*. Indeed, in a pair of unpublished notes dated to the 1780s, Kant phrases his typical critique of Platonic metaphysics in terms of its "philosophical enthusiasm" (R 6050–6051, 18:434–448). "The origin of all philosophical enthusiasm (*Schwärmerei*)," as he puts it, "lies in Plato's original divine intuitions [...] of the ideas" (R 6051, 18:437).<sup>22</sup> Despite Kant's appeal to Platonism for his conception

<sup>20</sup> The 1781 version of this passage is worded slightly differently. There, Kant says that the world of sense "posed so many hindrances for the understanding," instead of "set such narrow limits for the understanding."

<sup>21</sup> Elsewhere, Kant associates this capacity for intellectual intuition with Platonic recollection. See PhilEnz, 29:14–16; V-Met/Mron, 29:760–62; VT, 8:391. Note, too, the reference to recollection at KrV, A 313/B 370.

<sup>22</sup> For Kant, *Schwärmerei* is the "delusion of being able to see something beyond all bounds of sensibility" (KU, 5:275n). Zuckert 2010, 293–297, argues that *Schwärmerei* in Kant should be translated as 'fanaticism' to distinguish it from *Enthusiasm*, which can have more positive connotations. While I generally agree with Zuckert's suggestion and at times follow it, in the context of discussions of Platonism, consistently rendering *Schwärmerei* as 'fanaticism' obscures the fact that Kant

of ideas of reason, Plato the dogmatist fails to observe the central conclusion of the Dialectic: transcendental idealism requires that *a priori* ideas are merely regulative and not constitutive. In this sense, Kant agrees with Brucker that Plato is plagued by a delusive belief in the complete reality and knowability of ideas.

For Kant, the dogmatic enthusiasm that led Plato to insist that ideas are fully cognizable is not just an error in the theoretical domain, but in the moral domain as well. While the ideal of virtue serves as a model of moral perfection by which to orient and assess human conduct, Kant cautions that the attempt to completely realize the ideal in a concrete example, like “the sage in a novel,” is not only unfeasible, but counters “what is good in the idea [...] by making it similar to a mere fiction” (KrV, A 570/B 598). In a similar passage in the second *Critique*, Kant labels the “overstepping of the bounds that practical pure reason sets to humanity” through the invention of “fancied moral perfections” moral enthusiasm (*Schwärmerei*), which he associates with the Stoics.<sup>23</sup>

Kant often criticizes Plato’s conception of the highest good, understood as a mystical union of the soul with the divine, in comparable terms. According to a transcript of Kant’s ethics lectures, the Platonic highest good “is an ideal that cannot be reached. Plato made this ideal a reality. This ethics can also be called the fantastical and enthusiastic (*schwärmerisch*) ethics” (V-Mo/Collins, 27:305; cf. 250).<sup>24</sup> Here, Kant again follows Brucker by applying the allegation of enthusiasm for the supersensible to Plato’s ethics. Brucker presented the Platonic *summum bonum* as the liberation of the rational part of the soul from the fetters of the body and its union with God through the intellectual intuition of the ideas. For Brucker, Plato’s conception of the highest good is a Pythagorean perversion of Socratic moral philosophy and another example of his “philosophical enthusiasm.”<sup>25</sup>

In sum, Kant’s appropriation of the Platonic idea to refer to regulative norms of practical reason involves a synthesis of the seemingly irreconcilable standpoints of the dogmatist and the skeptic. While dogmatists correctly recognize the practical import of the idea, and thus elevate the principles of morality and politics to the standard of pure reason, they wrongly affirm that human beings can fully achieve *a priori* models of practical perfection, a symptom of unchecked philosophical enthusiasm for the reality of speculative abstractions. Conversely, while the doubts

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is engaging with a longstanding debate concerning Plato’s ‘philosophical enthusiasm.’ The latter involves not just Brucker but also Shaftesbury and lesser-known figures like the Leibnizian M. G. Hansch and the classicist Meric Casaubon.

<sup>23</sup> KpV, 5:85–86; cf. 126–127; RGV, 6:83, 174–175.

<sup>24</sup> Translation slightly modified from Kant 1997. See also R 6601 (19:104), 6611 (19:108–09); V-PP/Powalski, 27:105, 118; V-Mo/Mron II, 29:603; V-MS/Vigil, 27:484, 634–635, 711. Cf. KpV, 5:141.

<sup>25</sup> See Brucker 1742–44, 1:720–724, as well as 633, 640–641, 700.

of the skeptic rightly chasten human reason for its unfounded excursions into the supersensible, the skeptic errs in completely rejecting the applicability of ideas to reality, and so confines moral and political norms to the impoverished domain of experience.

In what follows, I argue that Kant's analysis of dogmatism and skepticism in the *Dialectic* informs his response to his political adversaries in the 1790s. A key change is that the charge of outsized enthusiasm for unrealizable ideals that Kant levies against Plato becomes a prominent conservative argument against the French revolutionaries voiced by A. W. Rehberg. In articulating a theory of rational political principles after 1789, Kant will now have to rebut the accusation of radical *Schwärmerei*. This defense, we will see, entails a renewed vindication of the regulative role of ideas in politics.

## 4 The Origins of the “Theory and Practice” Essay: Kant vs. Kästner and Rehberg

Kant was an ardent, if circumspect, supporter of the French Revolution.<sup>26</sup> Yet it took until September 1793, over four years after many of the most dramatic episodes of 1789, for Kant to publish a statement on politics as Part Two of “Theory and Practice.” Earlier that year, he had turned down the invitation to issue an updated version of the 1784 “Universal History” essay “with addenda directed to current affairs,” citing the delicate political climate (Br, 11:416–417). What might have motivated Kant, then, to overcome his hesitancy and finally weigh in on controversial political matters?<sup>27</sup> A clue can be found in Kant's unpublished drafts for “Theory and Practice.”

In one passage, Kant considers the recent reactions to the Revolution by A. G. Kästner and A. W. Rehberg (VATP, 23:127).<sup>28</sup> Kant first mentions a “professor of mathematics” who defends “science” against the accusation of playing a role in revolutions.<sup>29</sup> Commentators have taken this remark as a reference to Kästner's 1793 pamphlet *Gedanken über das Unvermögen der Schriftsteller Empörungen zu*

<sup>26</sup> For testimony about Kant's reaction to the Revolution, see Kuehn 2001, 340–43.

<sup>27</sup> Note, however, that the comments at KU, 5:375n, and RGV, 6:188n, can be taken to bear on the French Revolution.

<sup>28</sup> This section builds on Henrich 1993, 98–100; Klemme 1992, viiin3; and the editorial information from Frederick Rauscher in Kant 2016, 189–190.

<sup>29</sup> My interpretation of this passage differs somewhat from that of the English translation in Kant 2016. Kant's syntax in the original German creates considerable ambiguity.

*bewirken*.<sup>30</sup> Kästner was a professor at Göttingen whose work in mathematics Kant knew and respected.<sup>31</sup> Kästner's aim in the *Gedanken* is to refute the notion that the doctrines of famed philosophers are responsible for the outbreaks of popular insurrections during the French Revolution.<sup>32</sup> His key example is Rousseau, who was alleged to be the radical "teacher of freedom and equality" animating the Revolution (Kästner 1793, 16). According to Kästner, the poor, ignorant masses behind the popular revolts in France are not ruled by their heads, but by their hearts and stomachs. They are unable and unwilling to devote themselves to reading and understanding complex philosophical texts. No *sans-culottes* stormed the Bastille because they mastered Montesquieu or Rousseau (20–21); the Revolution is thus "not the work of philosophical writers" (18). Rather, the upheaval in France is the product of a mindless, discontented rabble, whose wanton violence against the king and the aristocracy has shown that it is not fit to rule, but only to obey (31–32).

Kästner also mocks "German writers" who believe that their publications on fashionable topics like "pedagogy, enlightenment, critical philosophy, [and] human rights" can "disrupt (*kippeln*) the state of affairs in their fatherland" (24–25). Although Kant is not mentioned by name and had yet to weigh in on the Revolution, the implication is that the critical philosophy is no more a vehicle for popular agitation and political change than *The Social Contract*.<sup>33</sup> For Kästner, then, 'critical philosophers' belong among the feckless *Aufklärer* who "rolled their empty barrels, though not entirely like Diogenes, for whom it was satire, since they believed themselves to be doing something serious" (25). In Kästner's judgment, these writers were ultimately uninterested in challenging the status quo, for many of them "sang of freedom, decorated themselves with the liberty cap (*Pariser Kappe*), and admonished the princes, all the while allowing themselves to take the bread that the princes gave to them." Kästner thus rejects what was already a common view for many young radicals in Germany, namely, that Kant's critical philosophy could provide moral and intellectual support for the revolutionary cause in France.<sup>34</sup>

<sup>30</sup> Per Lehmann's editorial note at 23:525, the first person to trace this comment to Kästner's *Gedanken* appears to be Rudolf Reicke (in Kant 1889–1898, 1:148–149), who cites the passage alluding to "critical philosophy" (Kästner 1793, 24–25) that I discuss in the next paragraph.

<sup>31</sup> Kant addresses Kästner as "the Nestor of all philosophical mathematicians in Germany" in an August 1790 letter (Br, 11:186).

<sup>32</sup> See Kästner 1793, 15–19. All subsequent references to this work will be in-text citations.

<sup>33</sup> This passage from the *Gedanken* is not the only instance of Kästner lampooning Kant and Kantianism. See VNAEF, 8:416–17 and OP, 22:544–45n, together with the editorial note in Kant 1993b, 267–68.

<sup>34</sup> As Klemme (1992, ix–x), points out, an early example of the effort to wed Kantianism to the French Revolution is a November 1790 essay by Karl G. D. von Clauer, written in response to Justus

In the passage cited above, Kant alludes to “the recent but unanswered accusation against metaphysics that it could be the cause of political revolutions (*Staatsrevolutionen*)” (VATP, 23:127).<sup>35</sup> Here, Kant seems to have in mind his younger follower A. W. Rehberg, author of *Untersuchungen über die Französische Revolution* (1793).<sup>36</sup> In contrast to Kästner, Rehberg argues that “metaphysical speculations” dealing with politics cannot be dismissed as laughable reveries (*Träumereien*) that do not impact the real world (Rehberg 1793, 1:4). On the contrary, he holds that “metaphysics has smashed the French monarchy to pieces and brought about a revolution, the like of which has never been seen before” (1:5). By ‘metaphysics,’ Rehberg means theories that apply the *a priori* norm of a self-given moral law to the political domain (1:2–3). The chief example of such theories is Rousseau’s *Social Contract*, which transforms the moral standard of rational self-determination into the claim that no one, including the state, may rightfully “compel [another] to do anything that is not prescribed to him by his own reason” (1:6). Accordingly, Rousseau argues that the general will is the sole foundation of legitimate political authority, for it is only in a state in which citizens are subject solely to self-given laws that “each one, while uniting with all, nevertheless obeys only himself and remains as free as before,” that is, as in the state of nature.<sup>37</sup> For Rehberg, the task of bringing about a commonwealth that accords with Rousseau’s formula is “the problem of a perfect civil constitution” (1:7). On Rehberg’s view, reason thus prescribes a single paradigm for a just state that ought to be implemented everywhere, regardless of any empirical differences in the nations and peoples to which it is meant to apply (1:2).

For Rehberg, the main problem with Rousseau’s position is less its theoretical validity per se than its applicability, a shortcoming evidenced by the French revolutionaries. Both Rousseau and his radical followers in France fail to fully acknowledge that their criterion of self-legislation is an entirely abstract, formal principle

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Möser’s “Über das Recht der Menschheit.” Cf. the remark by Kiesewetter in Br, 11:436–437, and Bergk 1996, 228 (*Does Enlightenment Cause Revolutions?* from 1795).

<sup>35</sup> Translation slightly modified from Kant 2016.

<sup>36</sup> For helpful background on Rehberg, see Epstein 1966, 547–594; Beiser 1992, 302–309; and Gregory 2022, 566–576. With the *Untersuchungen*, Rehberg became “next to Friedrich Gentz, the ablest literary opponent of the French Revolution in Germany” (Epstein 1966, 549). My translation of the segment of the *Untersuchungen* discussed in this section is forthcoming from the *British Journal for the History of Philosophy*. It is not clear whether Kant read Rehberg’s book or only consulted the critical summary of Volume 1 found in Schaumann 1793, 117–152, which was sent to him in April 1793 (see Br, 11:424, along with the editorial note at 13:343). However, because Kant was already familiar with Rehberg, it is not implausible that he knew Rehberg’s work on the Revolution firsthand.

<sup>37</sup> Rousseau 1987, 148. Rehberg quotes this passage in the original French (1:7).

that cannot be realized in experience (1:8–9). Pure reason, Rehberg insists, can only specify the general form of things, but not their particular matter or object. But “form exists nowhere without matter, and the principles of natural right, which are entirely clear and demonstrable in the abstract, are therefore unable to be fully and precisely applied to the real world in their clear, abstract purity” (1:14). Even if they are formally valid, rational norms require the aid of empirical considerations for their application to concrete situations, a provision that Rehberg says Rousseau acknowledges but does not always observe in *The Social Contract* (1:14).<sup>38</sup> The issue with the general will is that its standard of a rational, public interest of the people divorced from all private inclination cannot be implemented among actual human beings for whom passion, and not reason, is truly sovereign. As he puts it, the “right of universal legislation” defended by Rousseau does not apply to concrete human beings, but “only to reason itself, which may well reside in each human being, but is found nowhere in its complete purity” (1:8). As such, *The Social Contract* outlines a system without a possible referent in experience, and so amounts to “a splendid edifice that hovers in the air and rests on soap bubbles” (1:19).

Given the insuperable cleft between Rousseau’s unachievable ideal of political autonomy and the reality of human nature, Rehberg says that a reader of sound, practical judgment like himself arrives at “a skeptical despair concerning the truth of all universal principles” in politics (1:20). But others, imbued with “heroic feelings” and a “love for universal, abstract principles and the equality of all human beings,” come to a different conclusion, namely, “to destroy everything that contradicts [their] adopted principles, and to compel humanity to submit to them” (1:21). And so, “enthusiastic (*enthusiastisch*) friends of humanity” (1:11) and “humanitarian fanatics (*Schwärmer*)” enthralled by the “metaphysical concept of freedom” (1:16) inherited from Rousseau are primarily responsible for the revolutionary conflagration in France.

The claim that even formally coherent rational principles cannot be implemented without the help of empirical influences, and that strictly *a priori* practical theories should therefore be treated with skepticism, would have been familiar to Kant. In his review of the *Critique of Practical Reason* from 1788, Rehberg had accepted the abstract validity of Kant’s moral theory while denying that pure reason could be practical through the autonomy of the will.<sup>39</sup> What Kant shows to

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<sup>38</sup> Note that Rehberg does not think that reason should have no role in politics whatsoever. Rather, reason must be guided by the understanding, which Rehberg associates with knowledge of the specific empirical conditions that must be accounted for when forming a judgment about political issues. See 1:2, 12–15.

<sup>39</sup> See Rehberg 1975, especially 185–196; cf. Rehberg 2021, 1167–1168. The review of the second *Critique* was sent to Kant by C. G. Schütz in June of 1788 (Br, 10:541–543). Kant and Rehberg also

be true in the realm of ideas (*Reich der Ideen*), namely that the necessity and universality of the moral law requires the causality of reason through freedom, cannot be said of human beings in the real world (Rehberg 1975, 185–186). As Rehberg puts it, the “consciousness of oneself as pure reason,” upon which Kant rests the validity of transcendental freedom, “exists nowhere” (186). Likewise, Rehberg argues that respect for the moral law needs to be construed as an empirical feeling of pleasure in order to motivate human action, and so cannot be understood as a spontaneous product of reason (187–188). Most importantly, Rehberg suggests that Kant’s claim that “the law itself, but not pleasure in the law, must be the incentive of morality, is itself fanaticism (*Schwärmerei*)” in that it does violence to the real, sensible nature of the human being for the sake of an obscure, supersensible idea of the will (189). He even indicates that Kant engaged in a specious form of “Platonic moral science” (193). It would better accord with Kantian metaphysics, Rehberg concludes, if the objective reality given to *a priori* freedom in the second *Critique* were rescinded, and if practical reason were understood instead as the source of merely regulative principles that apply to the empirical faculty of desire (191, 195).

Rehberg summarizes his interpretation of Kant’s moral and political thought in his intellectual autobiography. Rehberg here notes that, as a skeptic, he was drawn to Kant’s philosophy because of its critical destruction of traditional metaphysics, that is, its delineation of the experiential boundaries of human knowledge, a project inherited from Hume (Rehberg 1828–1831, 1:13). Nonetheless, he could not endorse Kant’s “ideas about morality” (1:15). In this regard, Rehberg says, Kant “seemed to me to retreat to the supernatural dogmatism that he himself had dispatched with such great success.” By construing the notions of “duty, right, and virtue” as “immediate products of reason” which can determine the will independently of experience, Kant conjured ethereal entities that are ultimately indistinguishable from those put forward in pre-critical metaphysics. In brief, Rehberg understands his skepticism towards the *a priori* principles of Kant’s practical philosophy as a more faithful version of the critical philosophy than the one elaborated by Kant himself.

By alluding to Kästner and Rehberg in his notes for “Theory and Practice,” Kant demonstrates the awareness that his burgeoning political theory must confront a two-pronged skepticism. On the one hand, Kästner reiterates the ‘proverbial’ anti-Platonism that seeks to deflate the normative force of abstract political theories by emphasizing their inability to meaningfully impact the world. On the

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corresponded about some mathematical issues that the latter raised in connection with the first *Critique*, Br, 11:205–210.

other hand, Rehberg marshals a distinctly Kantian-inspired skepticism for the view that practical reason alone cannot overcome the divide between theory and reality. Rehberg takes practical reason, whether in morality or politics, to command the actualization of an empirically unrealizable model of self-legislation. In doing so, reason commits itself to eternally condemning a flawed reality that will simply never align with its standards of perfection. In France, the revolutionaries used this unyielding, dogmatic stance to license the destruction of centuries-old laws and customs that necessarily fell short of their unachievable ideals.

Given Kant's sympathy for Rousseau and the French cause, it is easy to see why Rehberg's attack on the metaphysical presuppositions of the Revolution could be perceived as an attack on Kant himself. "The touchstone of whatever can be decided upon as law for a people," Kant had written in 1784, "lies in the question: whether a people could impose such a law upon itself" (WA, 8:39; cf. 40). Moreover, the fact that Rehberg, described to Kant by J. B. Jachmann as "an ardent admirer" and "the finest mind among all your students" as late as October 1790 (Br, 11:225), turns the Kantian critique of metaphysics against both Kant and the French Revolution should not be understated. His *Untersuchungen* is nothing less than a conservative insurrection within the frontiers of Kantianism. Taken together, then, Kästner and Rehberg force Kant to face an unattractive dilemma: *a priori* ideas of practical reason are either useless or dangerous when applied to the domain of politics.

As in 1781, however, Kant writes in his drafts for "Theory and Practice" that if he were to concede that "the empiricists [...] are the genuine possessors of wisdom about the principles of the state," then "rationalists" like himself would be "rightly banished to their school, where they must leave the judgments entirely to whomever has power" (VATP, 23:127). Kant is thus unwilling to reduce political justice to the lens of experience and abandon the rigorous distinction between 'ought' and 'is' enshrined by transcendental idealism. "All types of government are only forms of the presentation of an idea," he says. Whether the idea of a perfectly just state "has objective reality [...] cannot [be] determine[d] from experience but only from moral principles," for its "[o]bjective reality is secured through a command that it must be brought about" (VATP, 23:134, 136). For Kant, the authorization to legislate *a priori* norms in the political sphere remains an inalienable right of reason.

If the critical philosophy cannot renounce the prerogative of practical reason to give law to politics, then Kant must show that its ideas can meaningfully impact the world without turning into the violent enthusiasm for Rousseauian abstractions diagnosed by Rehberg. In other words, just as he did in the Transcendental Dialectic, Kant must supersede the opposition between skepticism and dogmatism by defending the distinctly regulative role of *a priori* norms. This, we will now see, is one of the central themes of Kant's post-revolutionary political writings.



## 5 ‘The Worthy Gentleman’: Kant vs. the Conservatives in “Theory and Practice”

Kant frames “Theory and Practice” as a rebuttal to the so-called worthy gentleman (*Ehrenmann*) who denies the applicability of rational principles to the spheres of morality, politics, and the philosophy of history (TP, 8:277).<sup>40</sup> Unlike the ignorant, who reduce everything to experience and so grant no role to abstract rules whatsoever (TP, 8:276), the worthy gentleman is said to accept the validity of theory, but only within the contours of the academy. Why? Even an idea that is “*thought* quite well and irreproachably (on the part of reason)” may prove useless or, as Rehberg had alleged, outright harmful if put into practice. And so, the worthy gentleman demands that theorists bow to his wisdom based on experience (*erfahrende Weisheit*) in all practical matters and restrict their speculative hypotheses to the schools. As Kant indicates later in the essay, the worthy gentleman’s aversion to theory has deleterious implications: by emphasizing the uncertainty and potential danger of putting rational political principles into practice, the worthy gentleman seeks to deprive the people of the normative resources for assessing the rightfulness of existing states, and thus to cultivate a passive deference to authority (TP, 8:305–306).

The term ‘worthy gentleman’ does not appear again in Kant’s writings, at least not in the sense it is used in “Theory and Practice.” Yet the standpoint he represents is neither new nor limited to a single essay of Kant’s. As we have seen, Kant’s vindication of the idea of the perfect republic in the first *Critique* is also counterposed to a supposedly shrewd empiricism that doubts the feasibility of *a priori* norms in politics. The position of the worthy gentleman also recurs in various guises as an argumentative foil for Kant throughout the 1790s. In the opening paragraph of “Perpetual Peace,” Kant contrasts two kinds of politician, the theoretical and the practical one. In the eyes of the latter, the theoretical politician is nothing more than a school thinker or philosopher (*Schulweisen*) “who, with his ideas that are empty of all content (*sachleeren Ideen*), poses no danger to a state, which must proceed on principles derived from experience” (ZeF, 8:343).<sup>41</sup> Similarly, in the *Doctrine*

<sup>40</sup> Karin de Boer has pointed out to me that ‘worthy gentleman’ is an inexact translation of *Ehrenmann*, which is better rendered as simply ‘gentleman’ or ‘man of honor.’ While that may be the case, both Gregor (in Kant 1996a) and Nisbet (in Kant 1991, 63) translate *Ehrenmann* as ‘worthy gentleman,’ and this term has accordingly entered the English literature on Kant’s political philosophy. See, for instance, Henrich 1993, 97 (translated by Richard L. Velkley), and Maliks 2014, 49. For these reasons, I have retained ‘worthy gentleman.’

<sup>41</sup> Translation slightly modified from Kant 1996a.

of *Right*, Kant distinguishes his pure concept of right from the empirical notion employed by jurists or legal scholars (*Rechtsgelehrter*) (MS, 6:229). Though the jurist is well-versed in positive law and its application to concrete cases, he lacks a necessary and universal criterion of justice. Whether the law of the land is objectively right thus remains hidden from the jurist, “unless he leaves those empirical principles behind for a while and seeks the source of such judgments in reason alone, so as to establish the basis for any possible giving of laws” (MS, 6:230). Without the *a priori* principle of right supplied by Kant, the jurist must assume that law is nothing but the contingent result of various empirical influences such as history, custom, and raw authority. “Like the wooden head in Phaedrus’s fable,” Kant concludes, “a merely empirical doctrine of right is a head that may be beautiful but unfortunately it has no brain.”

Though the details vary based on the topic at hand, Kant’s reply to the ‘worthy gentleman’ and his various successors is essentially the same as in 1781. When it comes to the actions of rational beings, he writes, “the worth of practice rests entirely on conformity with the theory underlying it, and all is lost if [...] empirical and hence contingent conditions [...] are made conditions of the law itself.” Accordingly, Kant never tires of countering the misguided desire of the worthy gentleman and his various analogues “to reform reason by experience” by subordinating ‘ought’ to ‘is’ (TP, 8:277).

The contents of “Theory and Practice” suggest that Kant uses the worthy gentleman to represent the three named antagonists in the essay: Garve, Hobbes, and Mendelssohn. Several additional candidates have also been proposed, including Edmund Burke, Justus Möser, Friedrich Gentz, and Gottfried Achenwall.<sup>42</sup> Kästner and Rehberg, as I have argued above, are also clearly relevant.

Although the worthy gentleman is likely a composite of several thinkers, I aim to show in the next section that Rehberg’s skepticism is of particular importance to Kant’s response to counter-revolutionary conservatism in the 1790s. As we will see, Kant’s insistence on the regulative status of the original contract is meant both to defuse Rehberg’s doubts about the applicability of the general will to experience, and to distance himself from Jacobinism and Rehberg’s claim that metaphysical *Schwärmerei* is responsible for the violent paroxysms of the Revolution.

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<sup>42</sup> See Maliks 2014, 49. Later, Achenwall is cited as one of many estimable (*achtungswürdig*) and upright (*wacker*) men who holds that rebellion against the state is justified in certain circumstances (TP, 8:301).

## 6 Between Danton and Rehberg: Kant's Idea of the Original Contract

The overall aim of this section is to show that Kant's first dedicated statement on politics after 1789 establishes a moderate stance between the extremes of radical Jacobinism and conservative reaction to the Revolution. Though the stakes have changed, as in 1781, Kant's position remains a product of his 'preeminently practical' Platonism and its defining commitment to the regulative role of the idea in politics. More specifically, I argue that Kant's presentation of the original contract in "Theory and Practice" serves a double polemical function that turns on two inter-related aspects of the original contract: (1) its metaphysical status as a regulative idea of reason that is expressly distinguished from a fact (*Factum*) of experience; and (2) its criterion of legitimacy, namely, the omnilateral consent of the people (8:297). As we will see, Kant uses (1) and (2) as the conceptual basis for a twofold polemic against, on the one hand, Rehberg's skeptical treatment of the general will and, on the other, the metaphysical assumptions behind Jacobinism exemplified by Georges Danton.

My argument will proceed in four steps. I will begin by outlining Kant's conception of the original contract and its ideal, *a priori* principle of omnilateral agreement. Next, I will show how the ramifications of Kant's view function as a response to Rehberg's skeptical objections to the applicability of the general will in the *Untersuchungen*. Third, I will discuss Kant's criticism of Danton's employment of the original contract. Lastly, to better understand Kant's treatment of Danton, I will consider Kant's reflections on revolutionary enthusiasm for ideas of reason.

### 6.1 The Original Contract's Ideal of Collective Self-Legislation

The idea of the original contract has two primary roles for Kant. First, it represents the origin of the state (TP, 8:289). In line with the social contract tradition, Kant appeals to the original contract as a counterfactual device for showing that the normative basis for civil society rests with the consent of the governed. But Kant departs from his predecessors by framing the impetus for the social contract in purely *a priori* terms, that is, as a duty of right, rather than in terms of empirical motives, such as personal advantage or the fear of violence. For Kant, individuals who "cannot help mutually affecting one another" through their actions ought to enter into a rightful civil condition, in which the highest, unopposable power of the state secures the reciprocal limitation of the freedom of each in accordance with universal law (TP, 8:289). It is not the hope for happiness or the danger of hostility

ity that justifies the social contract, but the absence of a lawful regulation of the actions of individuals who unavoidably impact one another through their freedom (ZeF, 8:349n; MS, 6:307–308, 311–312, 315–316). Crucially, the original contract yields an abstract, juridical conception of ‘a people,’ for the latter is just the *a priori* idea of the artificial legal entity created by the consent of many to unite for the common end of safeguarding right through the institution of the state.<sup>43</sup> Empirical definitions of a ‘people’—whether in terms of a unifying culture, history, language, religion, class, etc.—have, strictly speaking, no place in Kant’s doctrine of right.<sup>44</sup>

Second, the standard of general consent modelled by the inaugural contract also serves as the rational norm by which to assess the legitimacy of every subsequent act of legislation in a state. The original contract “bind[s] every legislator to give his laws in such a way that they *could* have arisen from the united will of a whole people,” for “[t]his is the touchstone of any public law’s conformity with right” (TP, 8:297). Now, Kant stresses that the type of consent contained in the idea of the original contract concerns the mere *possibility* of the universal accord of a people, that is, what it *could* collectively legislate *a priori*. The original contract requires that it is possible, or “not self-contradictory,” to conceive of a law as the shared will of a people, an “infallible standard” that renders a law “in conformity with right” and thus “beyond reproach” (TP, 8:299). Whether a people *would* in fact consent to a given law, or really *does* consent to it, is irrelevant to its rightfulness: the factual agreement of a people entails judgments about the effects of a law on its happiness, and such prudential calculations cannot provide a necessary and universal criterion of right (TP, 8:297–298). This leads to the question of how exactly Kant’s notion of possible omnilateral consent guarantees the rightfulness of law *a priori*.

According to Kant, the idea of the original contract authorizes the use of public coercion to hinder the actions of individuals for the sole purpose of upholding the rightful co-existence of their outer freedom. The original contract thus places stringent restrictions on what should count as a valid law. A law that limits freedom for any end other than right, such as happiness, is an arbitrary and unjust use of state power. This normative requirement is captured by Kant’s idea of the *a priori*

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<sup>43</sup> A civil constitution is “the act of the general will by which a multitude becomes a people” (ZeF, 8:352). Similarly, at MS, 6:322n, Kant says that the people “owes its existence only to the sovereign’s legislation.”

<sup>44</sup> This is not to say that Kant thinks that such anthropological factors have no political import whatsoever. Indeed, we will see below that Kant appeals to certain empirical features that supposedly pertain to the French people in some of his assessments of the Revolution. For further discussion of the relationship between Kant’s juridical and anthropological conceptions of ‘the people,’ see Rauscher 2022.

consent of the people. A people, understood in Kant's juridical sense, could not possibly consent to the hindrance of its freedom for the sake of its happiness. For the original contract only warrants a government to limit freedom on behalf of freedom (MS, 6:340; cf. 230–231, 315–316). Put another way, Kant adopts Rousseau's dictum that the general will is "incapable of doing wrong to anyone [...] since all decide about all, hence each about himself," and "it is only to oneself that one can never do wrong," to show that the mere idea of a self-legislating people is contrary to the use of state coercion apart from right (TP, 8:295–96).<sup>45</sup> Unlike Rousseau, however, Kant claims that the incompatibility between an arbitrary employment of public power and the omnilateral consent of a people holds independently of experience. Appealing to the actual views of a given people in matters of legislation only risks importing illicit empirical considerations like happiness into the purely rational domain of right.

Kant echoes the Transcendental Dialectic by claiming that the original contract's *a priori* standard of general consent, though "*only an idea* of reason," has "undoubted practical reality," namely by functioning as a regulative norm for actual legislation in experience (TP, 8:297). He illustrates this with two contrasting examples. First, Kant claims that the original contract rules out a hereditary nobility (TP, 8:297). Even if there are compelling prudential grounds for having an aristocracy, the general will could not possibly approve a legal framework that coercively prevents the majority from attaining rights and privileges that are granted to others due to the unearned accident of birth (TP, 8:292–94; cf. ZeF, 8:350–351n; MS, 6:328–329; ÜB, 8:433–434). Rather, every subject in a commonwealth should be equally entitled to pursue "any level of rank [...] to which his talent, his industry, and his luck can take him" (TP, 8:292). The regulative idea of omnilateral consent derived from the original contract thus renders all existing schemes of hereditary privilege "unjust" on *a priori* grounds (TP, 8:297). Second, Kant considers a war tax that fails to garner the actual consent of a people because of its view that the war may not be necessary. Such factual opposition to a law does not make it unjust, "because it is always still *possible* that the war is unavoidable and the tax indispensable" (TP, 297n; cf. ZeF, 8:350; MS, 6:345–346). The tax could only be unjust if levied unequally against individuals within the same social rank (e. g., landowners). In that case, the measure would constrain freedom in an arbitrary manner that does not apply in the same way to all relevant individuals, and thus could not possibly be an object of omnilateral consent.

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45 Cf. MS, 6:313–314. For the claim that general will is always right, see Book II, Ch. 3–4 of *The Social Contract* in Rousseau 1987, especially 157.

## 6.2 Kant vs. Rehberg Redux: Four Consequences of the Original Contract

Having outlined Kant's transformation of the *volonté générale* into an ideal standard of justified public coercion entirely divorced from the empirical agreement of a people, we can now turn to the implications of Kant's view for Rehberg's arguments against the applicability of rational norms to politics. Four points are worth emphasizing. While I think that each of these points can be drawn from Kant's account of the original contract in "Theory and Practice," I will use his other writings to flesh them out.

(1) *The Problem of Unanimity*: By severing omnilateral consent from the actual judgment of a people, Kant avoids the objection that unanimous agreement on an act of legislation is impossible in the real world, for there will always be at least one dissenter who withholds her approval to a law (ZeF, 8:352). The original contract thus eliminates the possibility of "a contradiction of the general will with itself and with freedom" created by the existence of a sole dissenter whom the state must coerce to follow a non-consensual prescription. Contra Rousseau, no one needs to be "forced to be free" by another.<sup>46</sup> Note that Kant takes the unanimity problem to be endemic to direct democracy, since it requires that *all* citizens act as a government united by a single will.

(2) *The Problem of Republican Self-Mastery for All*: Because the rational standpoint of a people's possible self-legislation "regard[s] each subject [...] as if he has joined in voting for such a will" (TP, 8:297), the original contract obligates the government to conceive of *all* its constituents as co-legislating citizens, regardless of whether they in fact meet Kant's empirical qualifications for the franchise (i. e., economically self-sufficient adult males) (TP, 8:294–296; cf. MS, 6:314–315). This creates an entirely conceptual version of the republican status of self-mastery (*sui juris*), "independence from being constrained by another's choice" (MS, 6:237–38), that is conferred upon every member of a state in virtue of an act of *a priori* rightful legislation.<sup>47</sup> The idea of the original contract enables the government to con-

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<sup>46</sup> Rousseau 1987, 150.

<sup>47</sup> According to Quentin Skinner, the legal status of *sui juris* found in Roman law, which refers to individuals whose freedom is not subject to domination by the choice of another (unlike children or slaves, who lack such civil independence), is an essential point of reference for what he calls the neo-Roman republican tradition embodied by works like Machiavelli's *Discourses on Livy*. See Skinner 1998, 36–57. The importance of this neo-Roman conception of freedom to Kant is noted by Ripstein 2009, 42–43. However, as I argue in the following paragraphs, Kant also departs from Skinner's account of the neo-Roman republican tradition by separating civil independence from actual self-government. See Skinner 1998, 74–76.

ceive of each of its subjects *as if* they were independent co-legislators, so that the state is ruled *as if* it were wholly comprised of republican citizens who only obey self-given laws. Accordingly, even individuals excluded from citizenship due to empirical variables (age, gender, class) can respect the law as if it were a product of their own will, an important factor in maintaining the order and stability of a state through a public “*spirit of freedom*” (TP, 8:305–06). Contra Rehberg, then, Kant’s regulative idea of omnilateral consent reduces the seemingly impossible demand for a constitution in which “each one, while uniting with all, nevertheless obeys only himself” to an allegedly simple “thought experiment” available to anyone.<sup>48</sup>

(3) *Political Representation and the Problem of Stability and Continuity*: Relatedly, the strictly ideal character of collective self-legislation established by the original contract dissociates Kant’s republicanism from a particular type of government administration, mostly notably direct democracy, which with Kant says a republican constitution is often confused (ZeF, 8:351–52). For Kant, the legislative authority of a people is an *a priori* idea, an “invisible” norm (TP, 8:294n) or “thought-entity (*Gedankending*)” (MS, 6:338). Like any idea, popular sovereignty must be represented (*repräsentirt*) to exist in actuality, namely, by the highest, coercive power of the state (TP, 8:304).<sup>49</sup> Because Kant uses the language of representation to refer to elected representatives (*Repräsentaten*) (TP, 8:296), it is easy to conflate his notion of a representative (*repräsentativ*) system of government, “in which alone a republican kind of government is possible” (ZeF, 8:353), with government by popularly elected officials. But this is a mistake. For Kant, the state is primarily ‘representative’ in the sense that the original contract construes it as an empirical instantiation of the *a priori* norm of a people under self-given law—that is, as *respublica phaenomenon*, the imperfect image or copy of the Platonic original, *respublica noumenon* (SE, 7:90–91). As we have seen, the capacity of the state to represent the general will through the conceptual device of the original contract does not require the actual consent of the governed through measures like elections or plebiscites.

This helps to explain the significance of Kant’s distinction between the mode (or inner spirit) of governance (*Regierungsart*) and the form (or outer letter) of the

<sup>48</sup> I adopt the term ‘thought experiment’ to refer to this aspect of the original contract from Kersting 1992, 158.

<sup>49</sup> More specifically, Kant says that the state, through the will of its supreme commander (*obersten Befehlshaber*), “gives order to the subjects as citizens (*Unterthanen als Bürger Befehle giebt*) only by representing (*repräsentirt*) the general will of the people.” As a terminological point, note that while Kant usually employs *repräsentieren* and its derivatives to refer to the representative function of government, he also uses *vorstellen*, albeit less often (see MS, 6:338, 341).

state (*Staatsform*) (ZeF, 8:352–353; MS, 6:338–340).<sup>50</sup> The forms of the state refer to the traditional classification of a polity according to the number of its rulers: one (autocracy), some (aristocracy), or all (democracy). Regardless of its form of state, the mode of government is either republican or despotic (ZeF, 8:352).<sup>51</sup> A republican way of government requires (1) the separation of powers and (2) the exercise of state power in a manner that represents the general will. A despotic government violates (1) and (2) by using the state as a means for achieving the private ends of its ruler. Though the terminology has shifted, Kant's distinction between a republican way of government and the three forms of the state is taken directly from Rousseau's *Social Contract*.<sup>52</sup>

For Kant, the key consequence of the difference between the *Regierungsart* and the *Staatsform* is that republican 'representation' of the ideal general will does not depend on the number of people who participate in government.<sup>53</sup> Indeed, Kant

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50 Kant's terminology here is slippery. At ZeF, 8:352, he says that the forms of a state (*Formen eines Staats*) are comprised of: (1) the way or form of government (*Regierungsart, Form der Regierung, forma regiminis*) and (2) the form of sovereignty (*Form der Beherrschung, forma imperii*). But at ZeF, 8:353, he reiterates the contrast between (1) and (2) as the distinction between the *Regierungsart* and *Staatsform*, which accords with §§ 51–52 of the *Doctrine of Right*. I will follow this latter terminology for the contrast between (1) and (2).

51 See also the distinction between paternalistic and patriotic government at TP, 8:290–291; MS, 6:316–317.

52 Here is the passage from *The Social Contract*, Book II, Ch. 6:

I therefore call every state ruled by laws a republic, regardless of the form its administration may take. For only then does the public interest govern, and only then is the "public thing" [i. e., *res publica*] something real. Every legitimate government is republican. [FN:] By this word I do not have in mind merely an aristocracy or a democracy, but in general every government guided by the general will, which is law. To be legitimate, the government need not be made indistinguishable from the sovereign, but it must be its minister. Then the monarchy itself is a republic. This will become clear in the next Book. (Rousseau 1987, 162)

Accordingly, in Book III, Rousseau goes on to discuss the three forms of government (monarchy, aristocracy, democracy) and their compatibility with his republican standard of rule by the general will. Cf. Kant 1993a, 245, in which the *pactum sociale* is said to establish a republic "in the Rousseauian sense," namely, as "a state without regard to the form of the constitution." This passage, which Stark assigns to Kant's drafts for "Theory and Practice," is not included in the *Akademie Ausgabe*.

53 Marey also argues that the "radical ideality" of the general will in Kant means that his notion of political 'representation' is rather broad and abstract, and so should not be conflated with our modern sense of representative government (Marey 2018, 579, 574–75). She also stresses the importance of this point to Kant's distinction between the mode of government and the forms of the state (Marey 2018, 576–77). What is missing in her analysis is an appreciation of the role of Kant's interpretation of the Platonic idea in underpinning these views.



deviates from Rousseau by arguing that a republican way of government does not require the existence of a single citizen with voting rights.<sup>54</sup> As the *Naturrecht Feyerabend* puts it, according to the original contract, even “laws given by a despot could be just if they are so made that they could have been made by the whole people” (V-NR/Feyerabend, 27:1382; cf. 1384).<sup>55</sup> For Kant, a society ruled by a single person without an actual mandate from the people can still be governed in a republican fashion that, at least to some degree, ‘represents’ the general will, for this involves the representation of an idea through an empirical state (whatever its administrative form), and not necessarily elected political representatives (ZeF, 8:372; SF, 7:91).<sup>56</sup> A state in which the will of the people is represented by “guardians of its freedoms and rights,” that is, elected deputies in a parliament (MS, 6:319), better conforms to Kant’s ideal of a perfectly self-legislating republic, and so rulers have a duty to reform existing states in accordance with this norm (ZeF, 8:372; MS, 6:340–341; SF, 7:91).<sup>57</sup> Yet, as has been observed, it is distinctive of Kant’s ‘Platonized’ republicanism that “political representation” of the idea of omnilateral consent through the state is not identical to the “political participation” of citizens in self-government.<sup>58</sup>

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54 In *The Social Contract*, Rousseau insists that the sovereignty of the people cannot be represented, and so a legitimate state requires “fixed, periodic assemblies” in which all citizens reaffirm their general consent to be governed. See Rousseau 1987, 196. The full discussion is found in Book III, Ch. 12–18.

55 Does the autocratic form of state not contradict the separation of powers by uniting all the functions of government in one person? Not for Kant. As V-NR/Feyerabend, 27:1384 indicates, a ‘republican’ monarch would divide the administration of the state through the appointment of independent civil servants and magistrates.

56 Note the explicit re-affirmation of the counterfactual status of omnilateral consent in a republican way of government in *The Conflict of the Faculties*. A monarch can rule in a republican manner “by analogy with the laws that a nation would provide itself in accordance with universal principles of legality” (SF, 7:88). Likewise, the duty of a ruler to govern in a republican fashion does not require that the people “be literally canvassed for their consent” (SF, 7:91).

57 As Byrd and Hruschka (2010, 186) put it, Kant’s republicanism “favors,” but does not require, what we would consider a representative democracy, since this is the form of state that best coheres with the idea of the original contract. This is the case because the absence of citizens institutionally empowered to direct affairs of state invites a despotic concentration of authority in an unaccountable government (MS, 6:339). This claim in the *Doctrine of Right* departs from Kant’s suggestion in “Perpetual Peace” that autocracy is most conducive to a republican constitution (ZeF, 8:353).

58 Zöller 2015a, 33–34. Kersting (1992, 157–158) likewise claims that the idea of the original contract allows Kant to “simulate” the general will without “a real democratic organization of state sovereignty.” By contrast, Kleingeld (2017, 73–74) argues that Kant changes his view after “Theory and Practice” by holding that “right requires that the citizens *do* consent (not individually, but collectively, in parliament) to the laws to which they are subject.” This position is further developed in Gregory 2022, 580–582; 2023, 127–131. One serious problem with this view is that it

The result for Kant is that existing polities, regardless of their type of government, can be reformed according to the *a priori* norm of a republican state without totally abandoning their constitutions. The dynamic power of the idea in Kant's political thought is thus reconciled with legal and institutional continuity; the state evolves through a process of gradual metamorphosis instead of the sudden ruptures of palingenesis (MS, 6:340). In short, Kant's theory both acknowledges and avoids the dangers of the radical break with established law and tradition that Rehberg and other conservatives see as an inevitable consequence of the endeavor to actualize rational self-determination in politics.

(4) *The Problem of Revolutionary Violence*: Finally, Kant's idealization of the original contract divorces popular sovereignty from the specter of revolution.<sup>59</sup> This claim has two dimensions. First, the absence of historical documentation of an original contract cannot be used to question the authority of an existing polity (MS, 6:318–319).<sup>60</sup> Second, and more importantly, it means that the people cannot factually revoke their consent to the original contract in order to oppose the state or withdraw from it. Kant's principle of right underlies an unconditional obligation to obey the government, for, as noted above, the lawful co-existence of outer freedom requires implementation and enforcement by the unopposable power of the state (TP, 8:299–300; cf. ZeF, 8:382–383; MS, 6:318–323). Although the original contract presents subjection to the commonwealth as the product of an omnilateral agreement, the latter is a counterfactual norm that flows from, and so cannot override, the principle of right and the attendant duty to obey the government. For Kant, the general will is an *a priori* idea, or thing in itself (*Ding an sich*), that cannot directly refer to an object of experience, but only to its imperfect appearance (*Erscheinung*), that is, to an actually existing regime that wields irresistible public force (MS, 6:371–372). Since popular sovereignty is an idea of reason that must be represented in reality by an extant governing power, the will of the people

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ignores Kant's distinction between a republican way of government and the three forms of the state introduced in "Perpetual Peace," including his claim that the former "is of incomparably greater concern to the people than" the latter (ZeF, 8:353). Moreover, as mentioned above, Kant reiterates his view that a republican spirit of government does not require the factual consent of the governed at SF, 7:88, 91 (published in 1798). The closest Kant gets to adopting the actual consent of the people as a necessary criterion for a republican constitution is his claim that it requires the actual agreement of the people to go to war (ZeF, 8:350; cf. MS, 6:345–346). See also Kant's claim that judicial officers are selected by the people "as its representatives [...] by a free choice" (MS, 6:317).

<sup>59</sup> For similar analyses of this issue, see Korsgaard 1997, 303–313, and Flikschuh 2008, 393–396.

<sup>60</sup> It is probable, Kant notes, that existing commonwealths began with the violent submission of the ruled to their ruler, and so factual evidence of the voluntary foundation of a civil constitution is in most cases highly unlikely (MS, 6:339).

does not exist outside the current constitutional order. As such, the ideal criterion of the general will cannot be used to justify revolt against the state, that is, the very institution that makes the notion of a people endowed with a common will possible. Accordingly, even a law that fails to meet the standard of possible general consent, and so is unambiguously contrary to right for Kant, does not qualify as grounds for resistance. Rather, the people are only “authorized [...] to make proposals against (*wider ... Vorstellungen zu thun*)” an unjust law in the public sphere (TP, 8:298n).<sup>61</sup> The “freedom of the pen,” as Kant puts it, “is the sole palladium of the people’s rights” (TP, 8:304).<sup>62</sup>

Taken together, these four features of Kant’s idea of the original contract constitute a broad rebuttal of Rehberg’s skeptical assault on the application *a priori* norms to reality. To be sure, Kant’s conception of the original contract has deep roots in documents that precede Rehberg’s work.<sup>63</sup> Still, as I argued in Section 4, Kant’s unpublished drafts for “Theory and Practice” strongly suggest that the essay was in part occasioned by Rehberg’s *Untersuchungen*. If so, the account of the original contract in “Theory and Practice” can be taken as an attempt to refute the claim that meta-physics is responsible for the excesses of the French Revolution.

This reading, we will now see, is reinforced by Kant’s critique of Georges Danton in “Theory and Practice.”

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<sup>61</sup> Translation modified from Kant 1996a.

<sup>62</sup> Ripstein (2009, 336–343) as well as Byrd and Hruschka (2010, 90–91, 181–184) accept the logic of Kant’s rejection of a right to revolution while also arguing that it only applies in states that maintain reciprocally lawful relations between their members. A group or organization that exercises a monopoly on the use of force over others but in no way upholds the postulate of public right (MS, 6:307) is thus not really ‘a state’ in the Kantian sense. Examples include a society that operates like a “den of thieves” (Byrd and Hruschka) and Nazi Germany (Ripstein). In such cases, the argument goes, Kant would say that the individuals involved are in the state of nature, and so the subjugated parties have not only the right but the duty to use force against their oppressors to establish a rightful condition. While I cannot fully address the matter here, it seems to me that one problem with this view is Kant’s claim that revolution is not permitted against even a tyrant to whom “no wrong” would be done if he were removed from power. In this case, “it is still in the highest degree wrong of the subjects to seek their right” by force (ZeF, 8:382; cf. TP, 8:299–300; MS, 6:320).

<sup>63</sup> Besides V-NR/Feyerabend, 27:1382–1383, see R 7664 (19:482) and 7737–7738 (19:504), which date to the 1770s.

### 6.3 Kant vs. Danton: The General Will and the ‘Fact’ of the Original Contract

Kant’s criticism of Georges Danton in “Theory and Practice” (TP, 8:302) involves the same two features of the original contract introduced above: (1) its metaphysical status as a regulative idea of reason, and (2) its role as a criterion for the legitimate exercise of state coercion.

Kant accuses Danton of misunderstanding both points. First, Danton mistakes the idea of the original contract for a fact (*Factum*) (cf. TP, 8:297). This term is rather ambiguous, but a passage from the Appendix to the *Doctrine of Right* provides further clarification. The original contract is an idea “to which no object given in experience can be adequate,” and hence not a *Factum*, in the sense of “an object in *appearance* (to the senses)” (MS, 6:371). Yet, according to Kant, Achenwall and many others likewise misconstrued the original contract “as something that must *actually* have taken place,” that is, as a *Factum* (TP, 8:302). Rather than simply lumping Danton in with Achenwall et al., Kant singles him out for a second error: his misconception of the regulative norm of civil legislation contained in the idea of the original contract, i. e., the general will, as a criterion of political legitimacy that can be fully realized in experience.

According to Kant, Danton’s transformation of the general will into a *Factum* allows him to declare that “all rights and all property [...] found in the actually existing civil constitution” are “null and void” if not sanctioned by the actual consent of the people (TP, 8:302). Moreover, if the supposed fact of the general will can be used to annul all rights and all property, it can also presumably serve as a warrant for outright revolutionary destruction of the state. But the general will, Kant stresses, cannot have rebellion as its object. As was mentioned above, according to Kant’s juridical notion of ‘a people,’ popular revolt against the government is logically incoherent, for it is only through the existence of the state and its lawful monopoly on coercion that there is a unified ‘people’ at all. Revolution is therefore always the private initiative of individuals working as a criminal mob, a situation that invites chaos and anarchy (TP, 8:302n).

Since the allusion to Danton is terse and obscure, some commentators suggest that Kant’s point may better suit another Jacobin, namely, Robespierre.<sup>64</sup> However, Gianluca Sadun Bordoni has argued that Kant is referring to a September 1792 speech in which Danton claims that “rien ne sera constitutionnel que ce qui aura été acceptée par le peuple.”<sup>65</sup> This certainly fits the basic thrust of the passage. While the lack of

<sup>64</sup> See the editorial note in Kant 1996a, 632–633n7.

<sup>65</sup> See Bordoni 2020, 505. Christoph Wieland framed this “unsinnige Maxime” as follows in the pages of the *Neue Teutsche Merkur*: “es gibt kein Gesetz, das vor dem souveränen Willen des Volkes existiere” (Bordoni 2020, 507).

detail might suggest that Kant's remark is of marginal importance, any direct reference to a major player in the French Revolution like Danton in his first statement on politics after 1789 would have been taken as a crucial indicator of his political sympathies. As such, it is worth examining the implications of Kant's claim that what he sees as illegal actions, like the annulment of property rights and revolutionary insurrection, are speciously justified by Danton and the Jacobins by means of a mistaken conception of the very criterion of collective consent for which Kant himself advocates.

Let us start by recalling two features of Kant's *a priori* model of omnilateral agreement. First, following Rousseau, Kant says that the general will is "incapable of doing wrong to anyone [...] since all decide about all, hence each about himself," and "it is only to oneself that one can never do wrong" (TP, 8:294–95). The general will is not merely a majority decision or an aggregation of individual preferences, but is the unified agreement of an entire people that is "infallible" and "beyond reproach" (TP, 8:299). However, as we saw, Kant concedes that this unimpeachable standard of collective consent is impossible to achieve in experience, since there will always be at least one dissenter to a proposed act of government (ZeF, 8:352). This leads to a second salient aspect of the general will, namely its status as a regulative norm of reason that can only be imperfectly represented by an actual public power and never be actualized in experience.

When Kant criticizes Danton for misunderstanding the *volonté générale* as a fact of experience, he reiterates his view that the general will is only a "principle of reason (*Vernunftprinzip*) for appraising (*Beurtheilung*) any public rightful constitution."<sup>66</sup> The basic contrast is clear: by appealing to the general will to sanction unlawful expropriation and rebellion, Danton goes beyond the regulative function that Kant assigns to it. Although Kant does not spell it out, I think that this point about Danton has an important implication.

Once the general will is understood as a criterion of legitimacy that can be completely attained in reality, it functions as an unassailable justification for superseding existing laws and rights. The unanimous consent of an entire people can now be used as a freestanding, extrajudicial warrant for making legal and constitutional changes, including revolution. By appealing to the complete actuality of the general will in this way, private actors can style themselves as the rightful arbiters of public power who are above and beyond the law. For Kant, the result is a particular form of despotism, according to which unilateral decisions are justified by the fact of an omnilateral consensus that cannot possibly exist in experience.

In sum, Kant's reference to Danton expresses what he takes to be a distinct and grievous error evident in the political doctrine and practice of the Jacobins: by

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<sup>66</sup> Translation slightly modified from Kant, 1996a.

framing the general will as a fact, Danton dogmatically asserts the complete reality of the ideal in a manner that disguises patently unlawful measures as legitimate public acts. Even if Kant does not use this language, his criticism of Danton is analogous to his diagnosis of Plato's enthusiastic belief in the realizability of practical ideas. Put another way, both Plato and Danton use regulative ideas of reason as if they were constitutive principles.

My claim that "Theory and Practice" attributes the injustices of revolutionary Jacobinism to a dogmatic distortion of the regulative principle of the general will raises some questions. A fanatical commitment to the full actuality of the *volonté générale* is not a necessary ingredient of Jacobinism. The public concord to which Danton appeals to justify his actions could also refer to a majority consensus that functions as a legitimate approximation of the unachievable norm of omnilateral agreement. Indeed, this better coheres with Bordoni's proposed source for Kant's remark. In the speech in question, Danton equates the required acceptance of civil law by the people with the assent of "la majorité des assemblées primaires."<sup>67</sup> Likewise, it is not clear that a 'Kantian' conception of the merely regulative role of the general will is sufficient to rule out Jacobinism. In his 1796 essay on republicanism, Friedrich Schlegel acknowledges that unanimous consent is an ideal "political fiction" that cannot be fully realized in experience. Yet he also holds that the actual will of the majority, which includes women and the poor, is an imperfect but valid "surrogate" of the general will that can authorize revolutionary tactics like insurrection and dictatorship in order to overthrow a despotic government and establish a republican constitution.<sup>68</sup> On an historical and a conceptual level, then, it can be argued that Jacobinism does not entail a dogmatic insistence on the complete reality of *a priori* ideas.

Without dismissing this point, I think that the portrayal of Danton in "Theory and Practice" for which I have argued makes sense if we keep Rehberg in mind. As shown above, there is evidence that Kant's essay is meant to respond to Rehberg's skeptical claim that the *volonté générale* does not have a possible referent in experience, and that the ill-fated attempt to implement such an abstract, purely rational norm is the chief cause of revolutionary upheaval in France. Like Rehberg, then, Kant holds that Danton dogmatically mistakes Rousseau's unattainable, *a priori* model of collective self-legislation for an irreproachable practical principle that can

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<sup>67</sup> See Bordoni 2020, 505.

<sup>68</sup> See Schlegel 1996, especially 96–99, 101–105, 111–12. This requires Schlegel to ignore that the original contract is based on the duty of right to join a lawful civil union overseen by the highest power of the government. He can therefore cite and summarily dismiss Kant's claim (Zef, 8:354) that the pure concept of the state entails "the relation of a *superior* (legislating) to an *inferior* (obeying, namely the people)" (Schlegel 1996, 97).

be fully realized in experience and thereby overturn all existing law. Like Danton, however, Kant is a *rousseauiste* who maintains that the standard of the general will can and should be applied in politics. Yet he departs from both Rehberg and Danton by arguing that popular sovereignty has a strictly regulative function as a norm of justice that can appraise, but never nullify, the legitimacy of current regimes and their laws. Kant's depiction of Danton in "Theory and Practice" thus allows him to, on the one hand, accept Rehberg's charge of dogmatic metaphysical enthusiasm levied against the French revolutionaries and, on the other, to respond to Rehberg's misgivings about the applicability of the general will to reality. By re-purposing Rehberg's diagnosis of revolutionary fanaticism, then, Kant can disavow Jacobinism without sacrificing his commitment to Rousseauian republican principles.

The notion that Jacobins like Danton operate with a dogmatic conception of ideas of reason is reinforced by Kant's remarks on revolutionary enthusiasm in the 1790s, to which I will now turn.

## 6.4 Kant on Revolutionary Enthusiasm

In the published *Anthropology* (1798), Kant claims that reason can give rise to enthusiasm (*Enthusiasm*) through the sensible representation (*Vorstellung*) of examples that conform to its ideas (ApH, 7:253–254, 269). More specifically, Kant attributes the production of enthusiasm to the idea of freedom, understood in both an ethical sense as "freedom under moral laws," and in a political sense as independence from undue constraints on one's "outer freedom" (ApH, 7:268–269). As such, Kant says that enthusiasm is felt in experiences like "spiritual or political speeches to the people," the effect of which is "an enlivening (*Belebung*) of the will" (ApH, 7:254).

In the segment on national character, Kant connects this enthusiasm for freedom to the French Revolution. The French, he says, possess

a *vivacity* (*Lebhaftigkeit*) that is not sufficiently kept in check by considered principles, and to clear-sighted reason it is thoughtlessness not to allow certain forms to endure for long, when they have proved satisfactory, just because they are old or have been praised excessively; and it is an infectious *spirit of freedom*, which probably also pulls reason into its play, and, in the relations of the people to the state, causes an enthusiasm (*Enthusiasm*) that shakes everything and goes beyond all bounds. (ApH, 7:313–134)

In this passage, Kant seems to echo Rehberg: led by an ardent enthusiasm for an abstract spirit of freedom, the French revolutionaries tore down the *ancien régime* with a fervor and rapidity that defies the principled limits of sober reason. As we have seen, however, Kant does not accept Rehberg's view that the republican principles of the Revolution are irredeemably fanatical when put into practice. Accord-

ingly, it is noteworthy that Kant uses the term *Enthusiasm*, and not *Schwärmerei* or *Fanatismus*, to describe the convulsions that upended France. Indeed, the same term is employed by Kant to refer to the momentous enthusiasm for the Revolution exhibited by its disinterested spectators (SE, 7:85–87). This is because *Enthusiasm* involves a more balanced interplay between the competing influences of reason and imagination than *Schwärmerei* (KU, 5:275n; ApH, 7:254; V-Anth/Mron, 25:1262). In fact, Kant favorably describes the “enlivening” (*Belebung*) force of an affect like enthusiasm as a “pathological (sensible) impulse to the moral incentives for the good, as a temporary surrogate of reason” (ApH, 7:253). Thus, in its true (*wahr*) form, *Enthusiasm* “always moves only toward what is ideal and, indeed, to what is purely moral, such as the concept of right” (SE, 7:86).

Nonetheless, as the passage on the French from the *Anthropology* shows, Kant is not uncritical of *Enthusiasm*. He calls it a “blind” feeling that is “incapable of engaging in free consideration of principles, in order to determine itself in accordance with them,” and so “cannot in any way merit a satisfaction of reason” (KU, 5:272n). Regarding its political dimension, Kant cautions that “the mere sensible representation of outer freedom” in a state of enthusiasm “heightens the inclination to persist in it or to extend it into a vehement (*heftig*) passion” (ApH, 7:269).<sup>69</sup> As such, *Enthusiasm* is “fraught with danger,” “not to be wholly esteemed,” and even “deserves censure” (SE, 7:85–86). So while the greater role of reason at work in *Enthusiasm* distinguishes it from “brooding and absurd” *Schwärmerei* (KU, 5:275n), the former is not without serious drawbacks. Kant’s later reference to “revolutionary barbarism” in the *Anthropology*, which includes an allusion to the guillotining of Antoine Lavoisier, also indicates his ambivalence about the *Enthusiasm* for freedom in revolutionary France (ApH, 7:326).<sup>70</sup>

How exactly does this assessment relate to Kant’s treatment of Danton in “Theory and Practice”? According to transcripts of Kant’s anthropology lectures, another reason for wariness about *Enthusiasm* is that it takes “an ideal [...] for something real,” for instance, the unattainable model of the perfect republic (V-Anth/Fried, 25:528–530; cf. V-Anth/Dohna, ms. 60).<sup>71</sup> Still, because the “noble” *Enthusiast* has a “true archetype as his object,” he is not a “base” *Schwärmer* who has “no correct philosophy, but the enthusiasts (*Enthusiasten*) indeed do, only they follow their correct concepts with complete affect” (V-Anth/Fried, 25:531). On this account, Danton can be classified as an *Enthusiast* because he takes a valid but

<sup>69</sup> Translation slightly modified from Kant 2007.

<sup>70</sup> For a different take on Kant’s critique of revolutionary *Enthusiasm*, see Clewis 2009, Ch. 6. Clewis 2018 is also a helpful overview of the topic in Kant.

<sup>71</sup> See also V-Anth/Collins, 25:105–108; V-Anth/Parow, 25:330; V-Anth/Pillau, 25:813; V-Anth/Mensch, 25:1006–1007; V-Anth/Mron, 25:1262; V-Anth/Busolt, 25:1471.



unachievable *a priori* norm—the general will—and transforms it into a type of collective action that can be fully realized in experience. For Kant, however, “[t]aken literally, and considered logically, ideas cannot be presented (*dargestellt*)” in their unconditioned totality (KU, 5:268). Danton thus repeats the paradigmatic error of the dogmatist identified in the Transcendental Dialectic: he rightly affirms the practical import of the idea while failing to acknowledge its strictly regulative status. For Kant, such unchecked enthusiasm for the ideal of republican self-legislation enabled lawless despotism and terror committed in the name of freedom. In this sense, Kant puts his own spin on Rehberg’s claim that metaphysics is to blame for the Revolution. This is only true for those who, like Danton, do not abide by Kant’s critical conception of the Platonic idea.<sup>72</sup>

## 7 Conclusion

In this article, I have argued that Kant’s engagement with the Platonic idea of the republic in the Transcendental Dialectic introduces conceptual elements that became crucial to his mature political thought. On the one hand, the Dialectic shows Kant’s commitment to the regulative norm of a perfectly rightful, autonomous state that allows us to gauge the legitimacy of existing commonwealths and that ought to guide their future development. On the other hand, Kant’s dialectical analysis of the inverse insights and limitations of the dogmatic and skeptical approaches to practical ideas of reason anticipates the polemical dimension of his centrist political stance in the 1790s. Kant’s stress on the strictly regulative status of the idea of the original contract in “Theory and Practice” is meant to distinguish his conception of the *a priori* general will from its conflicting but partially correct interpretations by the figures of the dogmatist/Jacobin (Danton) and the skeptic/conservative (Rehberg). In doing so, Kant’s critical doctrine of the idea provides the normative and rhetorical foundations for his version of stable, republicanizing reform from above that is meant to avoid the extremes of revolution and reaction instigated by the overthrow of the *ancien régime*.<sup>73</sup>

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<sup>72</sup> Though I cannot address the matter here, it is my view that the relationship between (1) Kant’s distinction between *Enthusiasm* and *Schwärmerei*, and (2) his interpretation of Platonic idealism, is rooted in his reception of Rousseau. For textual evidence and preliminary discussion, see Kryluk 2023, 743–750.

<sup>73</sup> I take the language of ‘republicanization’ to refer to Kant’s conception of the reformist process of bringing the empirical state into closer conformity with its rational paradigm from Kersting 1992, 159–163. However, by suggesting that Kant’s reformism is tantamount to conservatism, Kersting misses that his political position is better classified as a kind of moderate, centrist stance given

While I have mainly focused on “Theory and Practice,” the story does not end in 1793. In February 1794, Rehberg published a review of Kant’s essay that drew a direct line from the *Untersuchungen* to the critical philosophy: despite some differences in vocabulary, Kant’s political theory is said to perfectly cohere with *The Social Contract*.<sup>74</sup> Even if “Theory and Practice” professes unconditional opposition to revolution, Rehberg argues that Kant’s claim that all laws that contradict the *a priori* criterion of collective self-legislation are unjust amounts to yet another version of reason’s fanatical demand for the destruction of existing states, all of which involve hereditary privileges. Yet Rehberg fails to acknowledge the merely regulative role Kant attributes to the general will and its implications for his reformist model of political change. It is not surprising, then, that Kant was displeased when he read the review (Br, 11:496–497). Accordingly, Kant’s next major statement on politics, “Perpetual Peace” (1795), contains his most detailed account of his template for orderly, non-violent political progress. This position is embodied by the figure of the moral politician, who is described in the First Appendix of the text, “On the Disagreement Between Morals and Politics with a View to Perpetual Peace” (8:370–380). The moral politician personifies the two features of Kant’s political theory that I have examined in this essay, namely, a commitment to the regulative standard of “the best constitution in accordance with laws of right” (ZeF, 8:372), and a moderate reformism that averts the extremes of revolutionary dogmatism and conservative skepticism.<sup>75</sup>

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its departures from interlocutors who can be placed to Kant’s left *and* to his right on the political spectrum of 1790s Germany (Kersting 1992, 163).

<sup>74</sup> Rehberg 2021, 1174–1175.

<sup>75</sup> For the view that the “political moralist,” the conservative skeptic to whom Kant opposes the moral politician, is a proxy for Rehberg, see Maliks 2014, 63; Gregory 2022, 584–586. Wood (2014, 95) remarks that the other figure Kant contrasts to the moral politician, the radical “despotizing moralist,” is driven by an impetuous “moral enthusiasm.” Though the term is not used in “Perpetual Peace,” I want to suggest that Wood’s assessment reflects Kant’s diagnosis of dogmatic Jacobin *Enthusiasm*.

## Bibliography

ApH	Anthropologie in pragmatischer Hinsicht
Br	Briefe
GMS	Grundlegung zur Metaphysik der Sitten
IaG	Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht
KpV	Kritik der praktischen Vernunft
KrV	Kritik der reinen Vernunft
KU	Kritik der Urteilskraft
MS	Die Metaphysik der Sitten
MSI	De mundi sensibilis atque intelligibilis forma et principiis
OP	Opus postumum
PhilEnz	Philosophische Enzyklopädie
ProI	Prolegomena zu einer jeden künftigen Metaphysik
R	Reflexion
RGV	Die Religion innerhalb der Grenzen der bloßen Vernunft
SF	Der Streit der Fakultäten
ÜB	Über die Buchmacherei
ÜE	Über eine Entdeckung, nach der alle neue Kritik der reinen Vernunft durch eine ältere entbehrlich gemacht werden soll
TP	Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis
VATP	Vorarbeit zu Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis
V-Anth/Busolt	Vorlesungen Anthropologie Busolt
V-Anth/Collins	Vorlesungen Anthropologie Collins
V-Anth/Dohna	Vorlesungen Anthropologie DohnaWundlacken
V-Anth/Fried	Vorlesungen Anthropologie Friedländer
V-Anth/Mensch	Vorlesungen Anthropologie Menschenkunde
V-Anth/Mron	Vorlesungen Anthropologie Mrongovius
V-Anth/Parow	Vorlesungen Anthropologie Parow
V-Anth/Pillau	Vorlesungen Anthropologie Pillau
V-Met/Mron	Vorlesungen Metaphysik Mrongovius
V-Mo/Collins	Moralphilosophie Collins
V-Mo/Mron II	Vorlesungen Moral Mrongovius II
V-MS/Vigil	Vorlesungen Die Metaphysik der Sitten Vigilantius
V-NR/Feyerabend	Naturrecht Feyerabend
V-PP/Powalski	Praktische Philosophie Powalski
V-Th/Mron	Vorlesungen Danziger Moraltheologie nach Mrongovius
VNAEF	Verkündigung des nahen Abschlusses eines Tractats zum ewigen Frieden in der Philosophie
VT	Von einem neuerdings erhobenen vornehmen Ton in der Philosophie
WA	Beantwortung der Frage: Was ist Aufklärung?
ZeF	Zum ewigen Frieden

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