

DENYING LIBERTY IN ORDER TO MAKE ROOM FOR FREEDOM: LIBERALISM, CONSERVATISM, AND KANT'S POLITICAL PHILOSOPHY

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Before trying to place Immanuel Kant in the midst of the rivalry between the liberal and conservative traditions, one must clarify the meanings of 'liberalism' and 'conservatism', notions which have been used and abused in a variety of contexts. The most common and the least precise way to define liberalism and conservatism is to provide a list of issues that cause disagreement among their partisans. Proceeding in this way long enough, one discovers the relativity and the historical fluidity of these notions—something commonly seen as liberal in nineteenth century might appear conservative today, something commonly seen as conservative in the United States might seem wildly liberal in Russia (or vice versa). Moreover, a person or a party might be conservative in some respects, while also being liberal in others. This modest result is by no means useless in the overheated political discussions of today, but it does not grant us much terminological clarity.

We can do better if we try to localise the core meanings at the heart of these notions. Liberalism claims ultimate value for individual liberty, while conservatism praises tradition and order. However, these terms are notoriously complex and difficult to define. Besides, analysis of them does not yield a clear answer to the (Moorean) question of why or whether in fact liberty or tradition represent the ultimate value. It seems that an attempt to answer such question inevitably contains a reference to the kind of being, for whom such-and-such is of ultimate value, forcing one to adopt anthropological language.

Whenever one speaks of community, especially that of political sort, one cannot help but assume some anthropological features relevant to its members, which form the basis for the community (and/or, perhaps, create obstacles to it). As a scientific theory is tied to a model of the object it tries to explain, so a political theory, insofar as it is a theory, is committed to a particular anthropological model. This model could be crisp, detailed and exclusive, or it could be fuzzy, minimal and inclusive, or it could fall somewhere in between. One could try to consciously avoid forming a model at all costs, shunning the very idea of universality and ensuing normative burden. Contemporary liberalism is especially wary of anthropological generalisations because they entangle in suspicious foundationalist projects. Indeed, by constructing any idealised model of what is a human being, we endow it with at least some normative power and hence immediately constraint the scope of individual liberty.

Nevertheless, political philosophy cannot avoid being anthropologically charged, because it essentially proceeds from what human beings are at present towards an image of what they should or should not become in the future, when the political restructuring of society solves some of the current problems. One could speak of the contingency of all human identities and communities, but still envision a better society, namely one that is more favourable to privatistic "liberal ironist" (Rorty 1989) or "postmodern bourgeois" (Rorty 1983). One could question the cornerstone modern idea of a universal

human rationality,¹ while longing for a society permitting of a more virtuous life.² One could question the possibility of advancing a robust universal model of the modern self yet state that revealing moral features that form the “background image” (Taylor 1989) of our world is among most difficult and fascinating philosophical tasks.

An author completely renouncing political anthropology would have a difficult time explaining, what kind of creatures she is addressing her political ideas, and why. Contemporary political philosophers, hesitating over anthropological generalisations, might find encouragement in Plato, who deliberately mixed his theory of the state with theory of human being, or in Hobbes, who carefully proceeded from the latter to the former, or in Kant, who put the question of human nature at the beginning of all philosophy. Even the early Rawls, in *A Theory of Justice* pays to ‘moral psychology’³ at least as much attention as he does to the mechanics of ‘theory of justice as fairness’ proper.

Let us focus on one of the most basic and important dilemmas of political anthropology. Carl Schmitt, a political philosopher whose popularity in Russia in the past decade has dangerously outgrown the domain of academic study, formulated it this way:

One could test all theories of the state and political ideas according to their anthropology and thereby classify these as to whether they consciously or unconsciously presuppose man to be by nature evil or by nature good. The distinction is to be taken here in a rather summary fashion and not in any specifically moral or ethical sense. The problematic or unproblematic conception of man is decisive for the presupposition of every further political consideration, the answer to the question whether man is a dangerous being or not, a risky or a harmless creature. (Schmitt 2008:58)

This anthropological dichotomy allows, it seems, for a clear distinction between liberalism and conservatism, taken in the broad sense. Liberalism presupposes that a human being is ‘by nature good’, ‘unproblematic’, or at least beholds the power of self-perfection, to which state coercion serves as mere temporary aid or, quite often, an obstacle. The stance, accordingly, could be anywhere between radical and mild, demanding immediate liberation or advising piecemeal engineering. Conservatism presupposes the opposite, namely, that a human being is a risky creature that needs to be contained by an outer coercive force, be it other humans, social institutions or God. Again, the thrust of the view can vary: that is to say Burke’s conservative position is often seen as a brand of liberalism, ‘conservative liberalism’. This anthropological opposition can be traced in time at least to early Christianity, manifesting itself in views on salvation held by Paulicians, Pelagians and other ‘optimistic’ sects, notably criticised by St. Augustine and, later, by founders of Protestantism. Liberal optimism can be seen as a secular extension of soteriological optimism, presenting itself in medieval political life (*Magna Carta Libertatum*, communal movement, etc.) and taking full form later in classical liberalism of XVII–XVIII centuries.⁴ The anthropological pessimism of classical conservatism was a reaction to the turmoil and bloodshed of the French Revolution. Although one’s circumstances (Heideggerian ‘thrownness’) do predispose one to optimism or pessimism, elaborate political philosophies strive to rise above the contingencies of particularity and develop their anthropological

¹ See MacIntyre (1988).

² See MacIntyre (1981).

³ In his 1991 interview Rawls mentions his wish to further develop the ideas of “the third part of the book, which was the part I liked best, the part on moral psychology” (Aybar, Harlan and Lee 1991:44). The third part of *TJ*, titled ‘Ends’, elaborates the features of a Rawlsian person, such as rationality, goodness, sense of justice, possession of a rational plan of life, and so on, which again can be viewed as an anthropological model, albeit a minimal one.

⁴ For example, Michael Oakeshott connects modern rationalism with Pelagian belief in self-perfectibility (see Oakeshott 1996). It seems that this belief can be ‘imputed’ also to modern sentimentalism (e.g. Rousseau’s).

models with some degree of universality. Kant's philosophy is one of the prime examples of such attempt.

Kant's treatment of the topic of evil has been the subject of ongoing discussion in Anglophone moral philosophy. The emerging agreement seems to have established the importance of this part of Kant's doctrine, previously often regarded as barren or insignificant, to the whole of critical philosophy.⁵ My intention is to approach the topic from the side of political philosophy.

But before we turn to Kant, let us briefly restate the difficulties that haunt liberalism and conservatism in order to see how Kant handles them. A liberal person capable of self-perfection needs freedom to realise this potential. There is some confusion connected with the key liberal notions of 'freedom' and 'liberty', which are often used interchangeably in both political and metaphysical contexts. The *Oxford English Dictionary* limits the difference between the two words to their origin, German and Roman respectively, and not to meaning or use. This loose usage creates concern not only among non-native English speakers (such as the author), but also among prominent philosophers. John Stuart Mill opens up his famous essay *On Liberty* with words of displeasure:

The subject of this Essay is not the so-called Liberty of the Will, so unfortunately opposed to the misnamed doctrine of Philosophical Necessity; but Civil, or Social Liberty: the nature and limits of the power which can be legitimately exercised by society over the individual. (Mill 2002:1)

Since Mill's time the discussions of metaphysical freedom and political liberty have largely taken separate courses, although some interconnections do exist. A positive resolution of the metaphysical problem (should it ever occur) could be used as an argument for further political liberation. Yet liberation can be—in fact, most often is—demanded without metaphysical blessing.

Let us assume that a liberal is someone who demands further political liberation by limiting the sphere of regulation by authority. There are numerous and often misguided criticisms advanced against liberalism. I shall mention four among those that do seem to have weight. Even some liberal thinkers, such as Isaiah Berlin, point out to the first difficulty: basic liberal values, such as liberty and equality, may conflict.⁶ This unavoidable tension could have been accepted and tolerated as a matter of fact, but there are other problems. Second, as many illiberal voices have claimed, liberalism is unstable and inevitably leads to dramatic decline of moral and political life. Plato in his *Republic* provides paradigmatic criticism of 'democratic man', who's torn by paltry desires and who can be mobilised, given shape only by tyranny, which inevitably arrives.⁷ Carl Schmitt comments on political decline, stating that liberalism blurs the fundamental political distinction between friend and enemy, trying to hide it in economic competition and endless and indecisive parliamentary discussions:

Liberalism [...] has attempted to transform the enemy from the viewpoint of economics into a competitor and from the intellectual point into a debating adversary. In the domain of economics there are no enemies, only competitors, and in a thoroughly moral and ethical world perhaps only debating adversaries. (Schmitt 2008:69)

This makes liberalism a non-viable doctrine, not a theory of the political, but a dangerous denial of real politics, again, leading to disorder or disaster. Finally, there is a more formal and abstract charge, namely, that liberal methodological individualism is a kind of atomism, offering a one-sided reductionist view of social and political whole. For example,

⁵ See Muchnik (2006; 2009), Formosa (2007), Anderson-Gold and Muchnik (2010) and Loncar (2013).

⁶ See Berlin's *Two Concepts of Liberty* and the ensuing discussion of value pluralism (Berlin 1969:118–172).

⁷ See *Republic*, 559e–562b (Plato 1997:1169–72).

Charles Taylor points at ‘primacy-of-right theories of Hobbes and Locke as the source of today’s delusion of human being’s self-sufficiency.’⁸

The conservative tradition, on the other hand, has its own set of problems. The reproach classical conservatives levelled against liberalism was set in anthropological language: they criticised their naïve enthusiasm in estimating human nature. Hoping to liberate fellow human beings, revolutionaries unleashed human vices. Edmund Burke writes:

Government is not made in virtue of natural rights, which may and do exist in total independence of it, and exist in much greater clearness and in a much greater degree of abstract perfection; but their abstract perfection is their practical defect. By having a right to everything they want everything. Government is a contrivance of human wisdom to provide for human wants. Men have a right that these wants should be provided for by this wisdom. Among these wants is to be reckoned the want, out of civil society, of a sufficient restraint upon their passions. Society requires not only that the passions of individuals should be subjected, but that even in the mass and body, as well as in the individuals, the inclinations of men should frequently be thwarted, their will controlled, and their passions brought into subjection. This can only be done by a *power out of themselves*, and not, in the exercise of its function, subject to that will and to those passions which it is its office to bridle and subdue. (Burke 1951:57–8)

The state (and the church, which we’ll leave aside) are called up first and foremost to contain human vices and mobilise individuals in service of the whole. A mass, a crowd, a majority, a multitude cannot handle this vital task. As with liberalism, one should differentiate between the strategy of containment and enforcement in particular issues (which can easily be part of a generally liberal worldview) and an attempt to proclaim this principle as only meaningful solution and hence push it to the extreme.

Totalitarianism is the obvious danger. Repelling liberal ideas, a conservative might rush to the opposite extreme (one too familiar): collectivism instead of individualism, universal ideology instead of pluralism, paternalism and statism instead of liberty and autonomy, et cetera. Another problem is that, being a theory of containment, conservatism strives to contain all change, hence also development, progress, even the future. In its extreme religious forms conservatism is set against nature, contrasting its imperfection with the perfection of the transcendent. We can trace this tendency back to Plato and Neoplatonism; it is evident in medieval thought, and in de Maistre, Donoso Cortes in modern times. Contemporary religious conservatism is rooted in precisely that transcendent domain, which liberals demand to be expelled from the public space as a source of fundamental conflict. If taken to the limit, the conservative pessimist worldview starts to resemble gnosticism: natural, secular, immanent, with its constant flux and degradation, our world is contrasted with the immaculate transcendent and is thus devalued⁹. This inherent attitude makes conservatism an unsuitable strategy or even an obstacle in effort to create a better life for human beings on Earth. Conservatism can be a meaningful and reasonable approach to issues, but can hardly pretend to be an all-encompassing political philosophy. A worldview can contain negations, but it cannot consist of negations. Someone wishing to affirm and ‘prove right’ this negative worldview would have to proceed by humiliating human nature in order to demonstrate its evil—or, more radically, in a fit of hatred, turn the world into ‘radioactive ash’.

Let us now turn to the accusation of methodological atomism. To be fair one has to admit that extreme conservatism is equally prone of holism, which is no less problematic. Finally, there’s existential asymmetry between liberal claim of more liberty for oneself (or one’s social group) and conservative claim of less liberty to others. Does this asymmetry do

⁸ See Taylor (1985:187–210).

⁹ Eric Voegelin advanced the charge of gnosticism against liberalism and modernity in general (see Voegelin 1999). Ironically, the charge also seems to work against conservatism.

more honour to the liberal, who is eager to take more freedom and responsibility, than to the conservative, who is interfering? Does it give the liberal more rights? More sympathy from a disinterested spectator? Does the conservative have reasons that justify his ‘third person’ position, as if acting on behalf of a just arbiter, dictating rules to others but too often making exceptions to her own benefit? When Burke (1951:57–8) is writing about “a power out of themselves”, he seems overly optimistic in his hope that such power could be provided by mere humans.

Immanuel Kant, to whom this finally brings us, does not share Burke’s optimism. Seven years prior to Burke Kant in his *Idea for a Universal History with a Cosmopolitan Aim* sets the anthropological foundation for his strategy of navigating between the extremes of liberalism and conservatism:

[T]he human being is an *animal which*, when it lives among others of its species, *has need of a master*. For he certainly misuses his freedom in regard to others of his kind; and although as a rational creature he wishes a law that sets limits to the freedom of all, his selfish animal inclination still misleads him into excepting himself from it where he may. Thus he needs a *master*, who breaks his stubborn will and necessitates him to obey a universally valid will with which everyone can be free. But where will he get this master? Nowhere else but from the human species. But then this master is exactly as much an animal who has need of a master. Try as he may, therefore, there is no seeing how he can procure a supreme power for public right that is itself just, whether he seeks it in a single person or in a society of many who are selected for it. For every one of them will always misuse his freedom when he has no one over him to exercise authority over him in accordance with the laws. The highest supreme authority, however, ought to be just *in itself* and yet a *human being*. This problem is therefore the most difficult of all; indeed, its perfect solution is even impossible; out of such crooked wood as the human being is made, nothing entirely straight can be fabricated. Only the approximation to this idea is laid upon us by nature. (IaG, 8:23)

This long quote contains remarkable ‘ups and downs’, oscillations between anthropological pessimism and optimism: it starts with conservatively restrained vision of lawless human nature and necessity of coercion by ‘universally valid will’, proceeds to the liberal idea that coercion is instrumental to individual liberty, then to lament on the near hopelessness of finding a decent ruler, and ends with a hint of teleological hope upon ‘nature’. Note that Kant is more pessimistic and conservative than Burke regarding the limitations of ‘power out of themselves’. The *Idea of a Universal History* in general and this Sixth Proposition in particular are sometimes read as ironic,¹⁰ but many distinguished readers here take Kant at face value.¹¹

One sentence requires additional comment: “The highest supreme authority, however, ought to be just *in itself* and yet a *human being*” (IaG, 8:23). Kant’s picture of infinite series of master-animals in need of masters points at a paradox in the notion of sovereignty that is structurally similar to Russell’s paradox: the law requires enforcement by a master, who is therefore beyond the bounds law; yet the master is a human being and therefore has to be bound by law. Russell and Whitehead write about this problem: “Whatever involves *all* of a collection must not be one of the collection”; or, conversely: “If, provided a certain collection had a total, it would have members only definable in terms of that total, then the said collection has no total” (Whitehead and Russell 1927:37). We shall call this the ‘vicious-circle principle’, because it enables us to avoid the vicious circles involved in the assumption of illegitimate totalities.

The theological worldview allows for a solution that resembles type theory: a sovereign is of a different type than his subjects, so is not member of the set, and then there’s God, a being of yet another type, on meta-level. Secular modern political philosophy does not have

¹⁰ See Solovyov (2005).

¹¹ See Berlin (1990).

this recourse to avoid self-reference, so other strategies are invented (natural law, social contract, division of powers, common will etc.). Kant utilises all of these, but also adds the idea of civil independence that is required to take part in maintaining universal common will.¹²

Kant is often listed among classical theorists of liberalism; however, this treatment omits several important aspects of Kant's political anthropology. It also runs into problems trying to explain away some non-liberal theses of his political philosophy. Just as Kant's theoretical philosophy is an impressive attempt to sublimate the opposition of rationalism and empiricism, his political philosophy, although not as fully articulated, can be seen as an attempt to navigate between the extremes of conservatism and liberalism.

The basis for the attempt is laid down in Kant's anthropology, which contains elements of both liberalism and conservatism without being reducible to them. It is well accepted that his study of human nature falls into two parts, 'pure' and 'empirical'. The distinction is most thoroughly described early in *Groundwork*: "pure moral philosophy" (GMS, 4:389) is concerned with *a priori* investigation of the principles of moral autonomy of a rational being, "practical anthropology" (GMS, 4:388) is an empirical study of human agency. Kant's somewhat derogatory attitude towards the latter, polemically targeted at moral empiricism, is partly responsible for his undeserved reputation of a moral idealist, who is detached from reality. It is true that inner moral law fascinated him even more than the starry heaven, for to him this law lacked any empirical explanation and too often ran against the actual state of affairs. Kant's major works on practical philosophy are devoted to the study of this discrepancy. However, his lesser treatises, lectures, letters, notes present a clear, detailed and quite recognisable image of the actual, 'empirical' human being.¹³

On the one hand, the actual human being possesses the 'predisposition' to the development of moral character as well as the power to choose this course of development. On the other hand, every human is equipped with natural interests, inclinations and the propensity to evil.¹⁴ Can predisposition to good overcome the propensity to evil? Can autonomy, metaphysical freedom, and self-determination overcome heteronomy? Kant's answers to these questions have direct implications for his political philosophy.

And this brings us back to the fundamental divergence between liberalism and conservatism. The question of human good or evil is explicitly discussed in first part of *Religion*. Kant seemingly anticipates Schmitt's distinction when he writes:

At the basis of the conflict between the two hypotheses presented above there lies a disjunctive proposition: *The human being is (by nature) either morally good or morally evil*. It will readily occur to anyone to ask, however, whether this disjunction is accurate; and whether some might not claim that the human being is by nature neither of the two, others, that he is both at once, that is, good in some parts and evil in others. Experience even seems to confirm this middle position between the two extremes. (RGV, 6:22)

Further explication shows that for Kant the predisposition to good is original, it is required for the very possibility of humanness/humanity and personality, however, the propensity to evil is also deeply embedded into human nature, but Kant believes it is 'contingent'. If confronted with the Schmittian question about whether humans are 'dangerous', a Kantian answer would be 'yes, we are'.

Kant's political anthropology contains a tension between optimism and pessimism. It is optimistic insofar as it regards human empirical shortcomings to be surmountable (indeed, overcoming them is our duty). But it is pessimistic insofar as the hope of victory of 'pure' over 'empirical', of freedom over nature, of autonomy over heteronomy is ever problematic. This victory, or, rather, well balanced hierarchy, can only be attained infinitely far away in

¹² See MS, 6:314.

¹³ See Loudon (2000; 2011).

¹⁴ See RGV, 6:29ff.

the future. Moreover, it is by no means guaranteed. “Teleological risk” (Solovyov 2005:291)¹⁵ pervades human history, which is full of downfalls and disasters brought about by nature, but also by both sluggishness and (especially!) hastiness on the part of humanity.

Before we move on to the ensuing conservative aspects of Kant’s political philosophy, an important remark is in order. It is beyond doubt that the supreme values and final ends of Kant’s philosophy make him part of the liberal tradition. His moral philosophy is an attempt to show the possibility of emergence of autonomous, that is to say reasonable¹⁶ and free person (free in the metaphysical, not only in political sense) in a civil state. This civil state is to expand qualitatively, bringing the law into conformity with morality, and quantitatively, including all people. Kant’s scathing assessment of paternalism as the worst form of despotism, his view of people’s will as the only criterion of law, his view of law as setting for each person a measure of liberty that wouldn’t interfere with the liberty of other persons, and so on—all easily count as liberal. Claiming the grounds for optimism in his ‘pure’ philosophy, Kant nevertheless looks much more sober in the ‘empirical’ part.

The divergence of Kant’s thought from liberalism comes to the fore when attempts are made to assimilate his ideas to contemporary liberal theories. John Rawls pioneered this approach in recent Anglophone philosophy, and his great effort helped Kant’s moral and political thought regain the spotlight. Rawls claimed that his ‘theory of justice’ had Kantian roots and explored these roots in some detail in the eponymous classic book. Later, facing criticism, Rawls retracted some of the force of his original claim:

[T]he adjective ‘Kantian’ expresses analogy and not identity; it means roughly that a doctrine sufficiently resembles Kant’s in enough fundamental respects so that it is far closer to his view than to the other traditional moral conceptions that are appropriate for use as benchmarks of comparison. (Rawls 1980:517)

However, Rawls’ use of the notions of autonomy, freedom, reasonableness versus rationality, categorical imperative, seems to significantly differ from Kant’s.¹⁷ This seems inevitable, since Rawls’ basic intention to exclude speculative and politically dangerous transcendent ideas (making no exception for transcendental ideas) limited his thought to the domain Kant would qualify as empirical¹⁸. For example, the quasi-Kantian subjects in the ‘original position’, with as few contingent empirical features as possible, were motivated by advancing interests that for Kant would seem have counted as heteronomous. Rawls’ notion of reasonableness, developed in later works to augment the clearly instrumental notion of rationality also seems to fall short of Kant’s strong notion of practical application of universal ideas of pure reason¹⁹. The universalist, metaphysical Kant simply would not fit the dimensions of the liberal egalitarian worldview en bloc, and his ideas proved too interconnected to be used selectively in isolation from each other.

This is even more evident in the case of Robert Nozick’s libertarianism. His *Anarchy, State and Utopia*, another great contemporary classic, contains an attempt to support the idea

¹⁵ This phrase is coined by Russian Kant scholars N. Motroshilova and E. Solovyov (Solovyov 2005:291).

¹⁶ In the sense of *vernünftig*, driven by the ideas of pure reason.

¹⁷ For discussion see Johnson (1974), Darwall (1976), Johnson (1977), Pogge (1981), Taylor (2003), Tampio (2007) and Schoelandt (2012).

¹⁸ Rawls makes a statement about the central importance of this exclusion of the transcendent in modern political life in the introduction to *Political Liberalism* (Rawls 2011:xxviii).

¹⁹ “‘Reasonable’ can also mean ‘judicious’, ‘ready to listen to reason’, where this has the sense of being willing to listen to and consider the reasons offered by others. *Vernünftig* can have the same meanings in German: it can have the broad sense of ‘reasonable’ as well as the narrower sense of ‘rational’ to mean roughly furthering our interests in the most effective way. Kant’s usage varies but when applied to persons it usually covers being both reasonable and rational. His use of ‘reason’ often has the even fuller sense of the philosophical tradition. Think of what *Vernunft* means in the title the *Critique of Pure Reason*! We are worlds away from ‘rational’ in the narrow sense. It’s a deep question (which I leave aside) whether Kant’s conception of reason includes far more than reason” (Rawls 1989:503).

of ‘side constraints’ by reference to the second formula of categorical imperative. In Nozick’s rendition it looks like this: “[...] individuals are ends and not merely means; they may not be sacrificed or used for the achieving of other ends without their consent. Individuals are inviolable” (Nozick 1974:31). The view that the categorical imperative sets side constraints seems well justified (although a reference to the first formula might be more appropriate here). Later on in the book Nozick quotes the second formula in full, but this particular paraphrase seems to omit one important detail. Kant demands that we treat as an end not simply individuals, but *Menschheit*, humanness in each person. He does not mean actual empirical beings with interests and inclinations, which is what a libertarian has in mind. He means, rather, the potential for moral autonomy inherent in each human being—a potential that ought to unfold itself in the history of the species. Kant’s formula is not individualistic, because it tries to balance a particular human being with humankind, or, indeed, with the plurality of reasonable beings. Thus, it is essentially an attempt to balance liberal particularism and conservative holism.

Kant’s unabashed universalism is alien to the liberal particularist worldview. Armed with empiricist methodology, contemporary liberalism can hardly accommodate ‘bold’ (in Popperian sense) Kantian statements about *a priori* principles of reason, common to all species of reasonable beings. Contemporary liberalism, informed by descriptivism and emotivism, and explicitly pluralistic, is at odds with the Kantian normativist ethos of universal duty and historical teleology. Any attempt to import Kant’s practical philosophy to liberal theory, therefore, faces a difficult choice of either making far-reaching concessions at the level of basic presuppositions or obtaining results that could well be fruitful and original, yet cannot hope to be Kantian.

Let us now turn to the parts of Kant’s own theory that display clear conservative tendencies. First is Kant’s notorious injunction to conform to state authority. Kant scholars often either forego the philosopher’s explicit prohibition of revolution, or take it to be an unfortunate tribute to censorship, expression of feigned loyalism, bland incoherence of thought—anything but a consistent part of Kant’s political philosophy. The final pages of Part I of *The Metaphysics of Morals* (the reply to Bouterwek’s review) contain arguably the sharpest and most problematic summary of Kant’s position: “[T]here is a categorical imperative, *Obey the authority who has power over you* (in whatever does not conflict with inner morality)” (MS, 6:371). It might seem that here Kant is contradicting his own fundamental view by calling conformity to outside power, that is to say heteronomy, a moral duty. Indeed, the context of his statement makes it clear that he’s not speaking metaphysically of moral duty to conform to law as such. He is speaking in the strongest terms of his moral metaphysics about obedience to a particular authority that happens to govern our particular society. Besides that, it is not clear what one should make of his saving clause about ‘inner morality’—if, indeed, it is saving at all. One could try to develop a casuistic virtuosity to use it, but is there a government that would tolerate one’s moral quest without qualifying it as disloyalty or treason?

Kant’s view regarding conformity to authority is often explained as purely formalistic: revolution is illegal. But here he seems to advance a substantive argument with moral force. Defending its logical consistency might be too difficult a task, but we could try to explicate Kant’s inner incentives for making such a strong claim without resorting to the hypotheses of censorship or loyalism. One way is to invoke Kant’s grim, conservative vision of the empirical side of human nature. We should recall that for him entering the civil condition is a prerequisite for moral development. So much so that he readily justifies the coercion to this condition:

[A] human being (or a nation) in a mere state of nature denies me this assurance and already wrongs me just by being near me in this condition, even if not actively (*facto*) yet by the lawlessness of his condition (*statu iniusto*), by which he constantly threatens me; and I can coerce him either to enter with me into a condition of being under civil laws or to leave my neighborhood. Hence the postulate on which all the following articles are based is that all

men who can mutually affect one another must belong to some civil constitution. (ZeF, 8:349n.)

True, morality is the basis, the source and the criterion of law, and morality alone would be enough in the ideal world, in a ‘kingdom of ends’, but Kant has antipathy to dreaminess and accepts that in the real world morality survives only when backed by the force of law. Empirical human beings adopt a moral standpoint, undergo moral *metanoia*, in legal conditions sustained by the state—even though there is no causal link from law to morality (hence Kant’s attitude to paternalism). Legal order—any order, so here Kant agrees with Hobbes—is better than no order at all, because it is condition *sine qua non* the sustainable development of morality is possible. In a state of nature, without a coercive power to enforce the law, a moral person would have either to cast morality aside or perish. Without legal support, the moral order collapses, civil society enters the war of all against all, and human freedom (not liberty—here is where the difference shows) gets extinguished by nature. That is why a dedicated effort to undermine state is for Kant a crime not only against the law, but also against morality.

Another Kantian passage, located in the Conclusion, is even more shocking, especially in view of its limitation of the freedom of speech, which he famously defends in his *An Answer to the Question: What is Enlightenment?* and *On the Common Saying: That May Be Correct in Theory but It Is of No Use in Practice*. He prohibits us to investigate the origins of state authority:

That one who finds himself in possession of supreme commanding and legislative authority over a people must be obeyed; that obedience to him is so rightfully unconditional that even to *investigate* publicly the title by which he acquired his authority, and so to cast doubt upon it with a view to resisting him should this title be found deficient, is already punishable. (MS, 6:371)

And again:

The command ‘Obey the authority that has power over you’ does not inquire how it came to have this power (in order perhaps to undermine it); for the authority which already exists, under which you live, is already in possession of legislative authority. (MS, 6:372)

Kant clearly admits that the historic origin of state power is force and violence. But it all looks evil only in retrospect, from the heights or, perhaps, from the ‘greenhouse’ of morality, which owes its very existence in the empirical realm to this violent foundational act.

A sovereign or lawgiver, whether one person or a group—and here we reach the most dubious part of this interpretation—is logically beyond reproach. There can possibly be no legal grounds to challenge its decisions. And despite Kant’s defence of freedom of speech, there also seem to be no effective moral instruments to influence the authority. If there is a need for reform in the state—and there always is—“the defects attached to it must instead be gradually removed by reforms the state itself carries out” (MS, 6:372). The sovereign becomes an unaccountable *causa sui*. Yes, Kant does declare the need to accord the sovereign’s will with the legislation that people would will for themselves, but the popular will has proven to be fallible and manipulable, and in the situation of unaccountability of authority the declaration remains idle. The only real responsibility of a sovereign becomes maintaining power and order, confronting outside powers and inner propensities to rebellion. This leaves us with a rather Machiavellian picture of a virtuous ruler who loves his country more than his soul and is determined to work with evil in human nature.

This overly realist, conservative—and admittedly provocative—reading of some of Kant’s arguments only balances, evens out widespread idealistic reputation of his moral and political thought. It does not override the essential meaning of progress towards perpetual

peace as the only alternative to the graveyard of humankind, of the ‘kingdom of ends’ as a problematic but indispensable normative ideal for human (and not only human) reason. Even though “only the approximation to this idea is laid upon us by nature” (IaG, 8:23), “it would not be a duty to aim at a certain effect of our will if this effect were not also possible in experience (whether it be thought as completed or as always approaching completion)” (TP, 8:277).

Kant’s philosophy has much to teach us in the contemporary world, where divisions again begin to prevail over unity. Kantian ideas have the force to appeal to liberals and conservatives, cosmopolitans and nationalists, democrats and authoritarians, those in power and those deprived of power. Kant gives us a remarkable example of how to balance a bold vision for the future and a careful attention to everyday detail, how to combine idealism and realism, change and tradition, revolution and evolution. This paper has dealt with the Kantian solution of the dichotomy of liberalism and conservatism. Neither extreme can hope to be a full and sufficient political philosophy, for both are members of a dialectical pair of abstractions, similar to form and matter, universal and individual, motion and rest. This makes the task of denying one in favour of the other futile. In the case of political abstractions the task is also dangerous. Postulating human ‘goodness’ and struggling for complete and thorough liberation of individuals leads to social atomism. Postulating human ‘dangerousness’ and struggling for containment and state coercion, on the other hand, leads to social holism. Kant offers an example of how to combine both tendencies into a fruitful, constructive theoretical model, based on his understanding of human beings as neither inherently good nor evil, but creatures whose natural circumstances provide no other meaningful choice than developing ‘pure’ predisposition to good and containing ‘empirical’ propensity to evil by political and legal means.²⁰

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²⁰ This essay is an abridged translation of a paper published in Russian in *Voprosy Filosofii* journal (Chaly, 2015:66-78).

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