
Review

Kant's politics in context

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Although Kant's importance in various fields of modern philosophy has been well-appreciated, this had not been the case with regard to his political philosophy until very recent times, as a glance at the prevalent texts for introduction to political theory/philosophy would suggest. Political theorists seem to have thought that although Kant's dispersed political writings might be found to provide occasional insights to the way the Enlightenment ethical outlook might be applied to politics, he turns out to be a cursory, confusing and even inconsistent writer when he intends to provide a systematic theory of politics in his *Doctrine of Right*. In line with this, even when John Rawls claimed to creatively appropriate Kantian insights in modern political philosophy, he felt obliged to ignore Kant's political and legal writings and drew upon the ideas borrowed from Kant's ethical philosophy. However, things have started to change gradually, since Rawls aroused a strong interest in Kantian philosophy on the part of further generation of political-legal theorists. As contemporary scholars have increasingly engaged with Kant's political-legal works, the argument that the difficulty in digesting them is because of the distinctive nature of his political-legal vision, rather than the allegedly cursory, confusing or inconsistent nature of Kant's contentions comes to the fore in a stronger fashion.

Reidar Maliks's work, *Kant's Political Context*, contributes to the foregoing literature from an unusual as well as very interesting standpoint. It attempts to 'shed light on how Kant's philosophy developed in the context of the debates the [French] Revolution provoked in the German public sphere, and to contribute to excavating the neglected German republican tradition' (p. 168). Maliks' argument is not simply that the founder of transcendental philosophy was a political animal as well. Beyond this, he suggests that taking into account the historical context of political debates that Kant engaged with is important to understand his political-legal philosophy in a better way. On the one hand, considered from a methodological standpoint, the argument Maliks develops might seem to be suspect. It is difficult to decide whether he is really providing a better understanding of Kant's legal-political philosophy in light of the context of political-public debates Kant had historically engaged with or whether he is reading the foregoing context in light of his prior

understanding of Kant's political-legal philosophy. On the other hand, it is beyond doubt that Maliks' argument succeeds in revealing the significance of Kant's distinctive philosophy of politics and law in the face of alternative political-legal visions found in that period of European intellectual history.

Maliks suggests that Kant develops his political-legal philosophy as a multi-front contention against conventionalism and rationalism. First, Kant, as the philosopher of Enlightenment, subscribed to the ideas of freedom and equality. This made it impossible for him to come to terms with the political thinkers of the conventionalist strand, like Justus Möser, who defended historically developed institutions and small-traditional communities, that is, old estate society, precisely because the idea of equal-rights made very little sense in the context of such institutions and communities.

However, the anti-paternalistic understanding of freedom and equality Kant had gradually developed as the ground of his political-legal philosophy, namely, 'freedom as an equal juridical status of independence from the choice of others', separates him from the proponents of rationalistic visions of politics as well. Kant was sensitive to how despotism and anarchy might emerge from rationalistic visions of politics. Admittedly, this seems to be a kind of worry Kant shares with the conservative critiques of rationalism in politics. Yet, the point of his criticism was different than theirs because it was grounded on a commitment to the idea of an order of equal-freedom rather than a conservative commitment to any order that has historically prevailed and been conventionally sanctified, whatever its any substantial content might be.

Hence, for reasons that are progressivist-liberal rather than conservative, Kant parted company with Wolffian perfectionism that conceived the state as an institution for promoting human perfection and the common good. The Wolffian view justified 'a paternalist state and allowed rulers to engage in a certain amount of what would today be called social engineering in order to promote the common good and individual virtue' (p. 21). Kant had, of course, no objection to ethical perfectionism. However, he thought, perfectionism should be confined to the ethical realm and not be subject to external coercion, that is, political-judicial sanctions. The whole political-legal edifice should be oriented toward the equal-liberty or equal rights, and nothing else; this is the only common good relevant in the political-legal realm. Hence, the Right is so strictly separated from the ethical that there is no place for setting and pursuing ethical ideals by political-legal means. Although Kant makes this explicit in his post-revolution works elaborating a theory of law and the state systematically, his earlier works, like 'Idea for a Universal History', 'What is Enlightenment?' and certain parts of the *Critique of Judgment*, cause some confusion regarding this strict distinction, since they seem to suggest a hyper-permeable relation between foregoing spheres. Indeed, Maliks clarifies this problem very successfully. In the early writings, he suggests, Kant was not seeking to present a philosophy of law and the state, but considering on the conditions of individual agency (pp. 16–38). That is, Kant did not mean to put forward a theory of legitimate

state, but reflected on how the state might contribute to flourishing of individual agents, as far as his writings from the pre-revolution period are concerned.

Paradoxically, rationalism in politics might lead to anarchy as well as despotism. Maliks highlights that Kant developed his own political-legal philosophy in a way that fends off anarchical implications as well. Indeed, here arises the major source of tensions between Kant's own political-legal philosophy and political visions of more enthusiastic supporters of his critical philosophy, like J.G. Fichte, whom Maliks rightfully designates as 'the radicals' of the German public sphere of that period (pp. 9–10). These tensions crystallize around issues such as the scope of right to vote and the right to resist. Although most of contemporary readers would find, at least, some aspects of Kant's arguments in such issues offensive and tend to side with what 'the radicals' argued for, Maliks puts forth the soundness of the principled orientation Kant had in approaching these issues.

Maliks devotes the last chapter of his book to Kant's philosophy of international relations. He argues that a shift in perspective, very similar to the one he elaborated with regard to Kant's philosophy of law and the state, was the case in his theory of international law as well. While the early writings dealing with the right of nations discussed the issue from the standpoint of moral virtue, more precisely, of the possibility of moral progress in history, *Perpetual Piece* and the subsequent works attempted to explain and justify the right of nations as an end that must be pursued for its own sake. The basic difficulty Kant faced in this sphere was to reconcile the idea of state sovereignty with the idea of an international law guided by human rights. The former idea prevented him from developing a philosophy of a federation of states whereby international law is coercively enforced. Yet, he resisted the Hobbesian conclusion that international level was doomed to remain as a state of nature wherein the sovereign states were unfettered. He could envisage a league of 'republican states cooperating voluntarily to sustain an international rule of law' (pp. 166–167). As Maliks argues, this was a position that might be better understood when it is related to the historical context and theories of international peace and justice raised in that context.

In conclusion, Maliks work succeeds in showing that the various aspects of Kant's political-legal philosophy is better understood in light of the questions concerning human existence as they were understood and discussed in the peculiar way within the public context of his age and society. That is, he shows that Kant was a political animal responding to his context, but this does not deny that Kant's critical-transcendental approach to the political questions and the accruing vision of the rightful political legal-order based on the anti-paternalistic idea of external freedom (personal independence) might have trans-contextual soundness and appeal.

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