

# Practical Philosophy from Kant to Hegel

*Freedom, Right, and Revolution*

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University Printing House, Cambridge CB2 8BS, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,  
New Delhi – 110025, India

79 Anson Road, #06–04/06, Singapore 079906

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[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9781108497725](http://www.cambridge.org/9781108497725)

DOI: 10.1017/9781108647441

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First published 2021

*A catalogue record for this publication is available from the British Library.*

ISBN 978-1-108-49772-5 Hardback

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# Contents

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<i>List of Contributors</i>	page vii
<i>Acknowledgments</i>	viii
<i>List of Abbreviations</i>	ix
Introduction	1
JAMES A. CLARKE AND GABRIEL GOTTLIEB	
1 The Original Empty Formalism Objection: Pistorius and Kant	10
PAUL GUYER	
2 Freedom and Ethical Necessity: A Kantian Response to Ulrich (1788)	28
KATERINA DELIGIORGI	
3 Maimonides and Kant in the Ethical Thought of Salomon Maimon	45
TIMOTHY QUINN	
4 Erhard on Right and Morality	61
JAMES A. CLARKE	
5 Erhard on Revolutionary Action	80
MICHAEL NANCE	
6 Elise Reimarus on Freedom and Rebellion	99
REED WINEGAR	
7 Freedom and Duty: Kant, Reinhold, Fichte	118
DANIEL BREAZEALE	
8 Fichte's Ethical Holism	138
OWEN WARE	
9 Jacobi on Revolution and Practical Nihilism	157
BENJAMIN CROWE	

10 The Political Implications of Friedrich Schlegel's Poetic, Republican Discourse 174  
 ELIZABETH MILLÁN BRUSSLAN

11 The Limits of State Action: Humboldt, Dalberg, and Perfectionism after Kant 192  
 DOUGLAS MOGGACH

12 Echoes of Revolution: Hegel's Debt to the German Burkeans 213  
 REIDAR MALIKS

13 Public Opinion and Ideology in Hegel's *Philosophy of Right* 229  
 KAREN NG

*Bibliography* 249  
*Index* 261

10 The Original Position of Hegel's Philosophy of Right  
 PAUL GUYER

28 Freedom and Ethical Necessity: A Kantian Response  
 KATHARINA DELICIORI

42 Hegel's Philosophy of Right and Kant in the Ethical Theory  
 TIMOTHY QUINN

61 Ethical Right and Morality  
 JAMES A. CLARKE

80 Ethical and Revolutionary Action  
 MICHAEL RANCE

92 Ethical Remnants on Freedom and Rebellion  
 KED WINGGAR

118 Freedom and Duty: Kant, Reinhold, Fichte  
 DANIEL BRESHALE

136 Fichte's Ethical Holism  
 OWEN WARE

157 Hegel on Revolution and Practical Philosophy  
 BRADAMIN CROWE



## 10 The Political Implications of Friedrich Schlegel's Poetic, Republican Discourse

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*Elizabeth Millán Brusslan*

Poetry is republican discourse: a discourse which is its own law and end unto itself, and in which all the parts are free citizens and have the right to vote.  
(*PH*, 8. Translation modified; *KFSA*, 2: 155)

As John Stuart Mill pointed out in his path-breaking essay, "The Subjection of Women" (1869), laws would never be improved if we did not have people with *better* moral sentiments than the existing laws. Even earlier, Mary Wollstonecraft argued for the rights of women in her *A Vindication of the Rights of Women* (1792). At the time Wollstonecraft and Mill wrote their treatises on women, the Glorious Revolution had long since established democracy as the ruling system of government in England. Meanwhile, in German-speaking lands, there were attempts to bring attention to social injustice and the deleterious effects of narrowly scripted gender roles.<sup>1</sup> However, in contrast to the situation in England, at the time that Friedrich Schlegel was attempting to defend the rights of women, the leading philosophers in German-speaking lands were still arguing that democracy was necessarily despotic. Such claims kept power in a limited number of, mostly male, hands.

In what follows, I shall explore Schlegel's efforts to weave social reform into his thought and to apply his better moral sentiments to the cause of greater freedom for all. Schlegel's push to include women in political decision-making and to recognize their equality as free thinkers was a necessary, even if, alas, not a sufficient condition to create the enlightened society envisioned by Kant.

To unpack the details of the story of Schlegel's progressive political views, we have to look at the relation between early German Romanticism and the Enlightenment. The early German Romantics were not opposed to the Enlightenment project, but they did critique certain limitations of the

With thanks to Gabriel Gottlieb and James A. Clarke and to the participants of the Cincinnati workshop, whose comments on a draft of this paper helped me to sharpen several points.

<sup>1</sup> While I will not discuss his writings in defense of the rights of Jews, Schlegel was an early defender; see *KFSA*, 7: 470–82.

Enlightenment thinkers.<sup>2</sup> Indeed, as Frederick Beiser has made clear in his work, while the Romantics were critics of the *Aufklärung*, they were also its disciples.<sup>3</sup> A closer look at Schlegel's critique of Kant will bring the relation between early German Romanticism and the Enlightenment into sharper focus.

Kant penned definitive defenses of freedom, yet he did not push for the social enactment of freedom in regard to the emancipation of women. Schlegel in his fragments, in his novel, *Lucinde*, and in some of his essays makes an explicit call to redress the exclusion of women from education and from participation in the philosophical world. Why does Schlegel pick up on, while Kant ignores, the subjection of women as a problem that philosophers should address?

To address this question, I will focus upon what was unique about Schlegel's philosophical lens, a lens uniquely suited to capture social injustice. I shall do this by examining the roots of his philosophical pluralism and his project of blending philosophy and poetry. Schlegel's push to blend disciplines was part of a project to reform our approach to truth, a topic that I will explore in Sections 1 and 2 of this paper. The new philosophical lens developed by Schlegel allowed him to see what other thinkers overlooked and to address urgent social issues that needed attention. The reforming spirit of Schlegel's thought is most systematically developed in an essay on Kant's *Toward Perpetual Peace*, and so in Sections 3 and 4, I will analyze that essay and Schlegel's critique of it to more clearly present the political implications of Schlegel's thought.

## 1 Romantic Critique and the Revolutionary Power of the Call for a New Relation between Poetry and Philosophy

Friedrich Schlegel was the leading philosopher of the movement that came to be known as *Frühromantik* or early German Romanticism, which blossomed between 1794 and 1808. The hybrid identity of early German Romanticism has made its reception more difficult, for a philosophy modeled on the natural sciences was and remains a reliable way to distinguish philosophy from *mere* poetry. The early German Romantics, however, resisted such distinctions between philosophy and poetry. Many of the fragments published in *Das Athenäum*, the short-lived journal edited by Friedrich and August Wilhelm Schlegel between 1798 and 1800, reflect a view of philosophy that embraces uncertainty, openness, and poetry, and rejects a view of philosophy as modeled on a science offering final words. A more intimate relation between philosophy and poetry is part of a project to step out of mastery and domination and open

<sup>2</sup> See Cassirer 1968; Starobinski 1983; Frank 1993.

<sup>3</sup> Beiser 1996: 318.



more space for freedom, not only in our search for knowledge, but also in our lived social lives.

As Rüdiger Bubner points out, the work of the early German Romantics is set against a backdrop of hermeneutical challenges posed by the forces of social transformation, forces which he claims upset our understanding of how the new relates to the old.<sup>4</sup> The challenge of understanding the new in relation to the old, a challenge most urgent within the context of the revolutionary zeal sweeping through continental Europe during the 1700s, was one to which the early German Romantics enthusiastically rose. Schlegel emphasizes philosophy's role as a cultural tool: political, literary, and philosophical events mark the age to which he belonged, and he firmly believed that philosophers must be prepared to respond to the transformation of culture in innovative and socially progressive ways. In *Athenäum Fragment* Nr. 216, where Schlegel claims that, "The French Revolution, Fichte's philosophy, and Goethe's *Meister* are the greatest tendencies of the age," he is calling for attention to be paid to the transformation of culture as a whole, a culture informed not only by a major political event (the French Revolution), but also by innovations in philosophy (Fichte's *Wissenschaftslehre*) and literature (Goethe's *Wilhelm Meister*) (*PH*, 46; *KFSA*, 2: 198). The "age" is the whole of which political, philosophical, and literary events are parts, parts that should come together to form some sort of cohesive unity.<sup>5</sup> The call to unify poetry and philosophy in the service of social change developed in a period of revolution and radical revolutions.

Schlegel dismissed as historically myopic any view of philosophy that laid claim to having established truth with absolute certainty. As he was fond of reminding his readers, the search for truth involved an infinite progression, one without end or closure: indeed, one could not *be* a philosopher, but only *become* one.<sup>6</sup> Change, openness, and uncertainty are hallmarks of Schlegel's thought.

Part of what distinguishes the philosophical contributions of the early German Romantics from their idealist counterparts is a move away from the comfort of final words. In his recent book, Fred Rush nicely contrasts German Idealism and early German Romanticism, noting that the cultural stability sought by the German Idealists, and their "obsession with rigorous systematicity" were their coping mechanisms to deal with the philosophical anxiety in the wake of political and philosophical revolutions of the period.<sup>7</sup> As Rush

<sup>4</sup> Bubner 2003: 185ff.      <sup>5</sup> For more on Schlegel's tendencies fragment, see Saul 2003: 57–101.

<sup>6</sup> In *Athenäum Fragment* Nr. 54, Schlegel writes: "One can only become a philosopher, not be one. As soon as one thinks one is a philosopher, one stops becoming one" (*LF*, 24; *KFSA*, 2: 173). This theme of becoming is part of the Romantic project to make philosophy an infinite task. See Frank 1997.

<sup>7</sup> Rush 2016: 99.

notes, the early German Romantics were not as concerned with cultural stability as their Idealist counterparts:

The overall impression one takes from Schlegel is that he is intent on holding in abeyance any rush to false stability and insisting that one adopt an explicitly experimental attitude towards life and mind. He is content to allow German intellectual life in the wake of Goethe, Fichte, and the French Revolution to messily develop from out of its historically contingent native internal conceptual resources without antecedent philosophical gerrymandering. More generally one can say that the Jena circle is primarily interested in the phenomenon of how thought and value *emerge* from their historical context.<sup>8</sup>

With this characterization, Rush offers us invaluable signposts for understanding Schlegel's Romantic philosophy. The avoidance of philosophical gerrymandering referenced by Rush was part of the Romantic move from artificial and sometimes unjust boundaries that hampered the development or cultivation of members of the societies they were seeking to reform.

Schlegel dedicated many fragments and several essays to the unjust treatment of women, both in philosophy and in life. As he noted in *Athenäum Fragment* Nr. 49, "Women are treated as unjustly in poetry as in life. If they're feminine, they're not ideal, and if ideal, not feminine" (*PH*, 24; *KFSA*, 2: 172). Schlegel argues that looking anew at the history of women in philosophy and art would liberate them from the narrowly scripted roles that confined them to the private, domestic sphere with little public presence or power, and certainly with no affinity for the discipline of philosophy. In *Über die weiblichen Charaktere in den griechischen Dichtern* (On the Female Figures of the Greek Poets) and *Über die Diotima* (On Diotima), Schlegel observes that the Greeks were able to provide a community that enabled individual women to progress and to attain high levels of *Bildung* (*KFSA*, 1: 45–115). According to Schlegel, the Greeks' higher level of *Bildung* is reflected in their art, an art in which both men and women are represented as fully developed human beings, an art in which humanity is the genus to which both men and women belong and participate equally. To support this point, Schlegel provides a detailed analysis of several female characters from Greek drama and poetry (e.g., Helen, Penelope, Circe, Calypso, etc.) and discusses the strengths and virtues accorded to them by their authors. He contrasts this to the way in which women were presented in Germany during his lifetime, as domestic, limited beings. Schlegel claims that the ancients offered a broader vision of the talents and possibilities of women than the pathetically narrow one offered by his contemporaries.

<sup>8</sup> Rush 2016: 99.



Penelope, for example, is lauded by Homer for her loyalty and forbearance and represents the beloved homeland for which Ulysses yearns, thereby giving the poem continuity and center (KFSa, 1: 54). Although Penelope embodies some domestic virtues, these do not limit her influence or the sphere of her power. In *Über die Diotima*, Schlegel emphasizes that “femininity and masculinity should be subsumed under the higher category of humanity” (KFSa, 1: 54). Schlegel condemns the practice of characterizing humans by emphasizing their gender-specific characteristics. He writes: “What is uglier than overdone femininity, what is more repulsive than exaggerated masculinity, which dominates our customs, our opinions, and our best art . . . Only independent femininity, only soft masculinity is good and beautiful” (KFSa, 1: 92–3). With a bit of the sort of playfulness that often led others to misunderstand his work, Schlegel emphasizes that both men and women should be liberated from narrow gender-based views and that the way toward this liberation is opened by an ideal of humanity that supersedes narrow gender roles. He chides Schiller and Jacobi for creating portraits of women that were woefully restrictive.<sup>9</sup> A leading culprit in the narrow script for women was the view of marriage at the time.

Schlegel’s own view of marriage is developed through his fragments and in his novel, *Lucinde* (1799).<sup>10</sup> *Lucinde* is essentially an anti-*Woldemar* novel and as such a feminist novel. One of Schlegel’s most important objectives in this novel is to present a true partnership between a man and woman, and in so doing, to criticize conventional concepts of love and marriage, which placed women in a subservient role to men. *Lucinde* is a type of *Bildungsroman*; it is the story of how one character, Julius, develops into a human being. Although the narrator is Julius, the novel carries the name of Julius’ beloved, Lucinde. The title underscores the important role that Lucinde plays in Julius’ development. In order to develop into a cultivated human being, Julius needs the relation of love he shares with Lucinde. Their marriage is one of mind, soul, and body – of two free individuals, not two narrowly scripted roles. Julius does not need Lucinde to knit his socks (one of the images from Schiller’s poem, *The Worth of Women*); he needs her in order to develop into a developed human being, to cultivate himself.

<sup>9</sup> He found Schiller’s “The Worth of Women” (1796) to be a laughable depiction of women as merely domestic beings meant to serve men. In KFSa, 2: 6, he writes that men like those depicted by Schiller should be bound. Schlegel also objected vehemently to the view of marriage and women presented in Jacobi’s novel, *Woldemar*. See his review of *Woldemar* (KFSa, 2: 57–77). In particular, Schlegel cannot understand why Jacobi believes that friendship and marriage are mutually exclusive.

<sup>10</sup> KFSa, 5: 1–92. *Lucinde* was written from November 1798 to May 1799. The first printing was in 1799. It has been translated by Peter Firchow in *LF*.

For Schlegel, the ideal of humanity is a unity, a seeing of the self in the other. In *Lucinde*, genders are presented as roles that we take on, even play with, not as categories that determine and dominate us. In a section entitled, "A Dithyrambic Fantasy on the Loveliest Situation in the World," Julius reflects upon the interplay between gender roles in the following way:

When we exchange roles and in childish high spirits compete to see who can mimic the other more convincingly, whether you are better at imitating the protective intensity of the man, or I the appealing devotion of the woman. But are you always aware that this sweet game still has quite other attractions for me than its own – and not simply the voluptuousness of exhaustion or the anticipation of sweet revenge? I see here a wonderful, deeply meaningful allegory of the development of man and woman to full and complete humanity. (*LF*, 49; *KFSA*, 5: 18)

Schlegel's goal was to help both genders overcome the confines of the gender scripts that prevented their full cultivation, confines that also stood in the way of social progress. An important document in Schlegel's battle against the customs and caprices that limited both men and women in their development is an open letter he wrote to his wife, Dorothea – *Über die Philosophie: An Dorothea* (1799). In this letter he presents his arguments concerning the reasons why the study of philosophy is indispensable for women. The letter is a reaction against views like Schiller's and Jacobi's, which confined women to the private realm of the home. In the letter to Dorothea, Schlegel argues that philosophy is indispensable for women and that the domestic confines of women are unacceptable. Schlegel argues that society has made a mistake in confusing the contingent, socio-politically orchestrated situation (*Lage*) of women for their vocation (*Bestimmung*). Schlegel recognized that the *Lage* of women was one of limitation, oppression, domesticity, but that this was not the proper way to define the capacities and potential of women. His view that women should study philosophy is part of his attempt to open space for the *Bestimmung* of women in society. For Schlegel, philosophy deals with the unconditioned in human knowledge, it abstracts from all limitations, therefore it is an important tool in combatting the social ills that plagued women at that time, a narrow, confined realm of intellectual activity.

In varied literary forms – his letter to Dorothea, in his novel *Lucinde*, and in his fragments – Schlegel pushed for the recognition of women as equal intellectual partners in society. Schlegel's critique of culture was far-reaching, and he was frustrated by any work of critique that did not address the pressing issue of women's rights.

Schlegel held Kant's *Critique of Pure Reason* in high esteem, regarding it as an intellectual guidepost. In a letter to his brother August Wilhelm from 1793, he claims that "the Critique of Pure Reason is eternal" and that "Kant's theory is the first I could understand something of and the only one from which I hope to learn much" (*KFSA*, 18, xxi). These words of praise notwithstanding,

Schlegel was frustrated by the limitations of Kant's work. Indeed, in a set of fragments on Kant from 1796–7, he writes, "Kant is in principle highly uncritical [*Kant im Grunde höchst unkritisch*]" (KFSa, 18: 21). Kant's critical philosophy provided the tools necessary to submit claims of knowledge and values to critique, in other words to delineate the kinds of claims that could be justifiably made, but it did not go far enough in looking critically at philosophy itself or at some of the unjust distributions of power in society. I will now present a brief overview of the Enlightenment project through the lens of Kant, a thinker who not only shaped Enlightenment thought in German-speaking lands, but who also had a strong influence upon the development of German Romanticism in general, and on Friedrich Schlegel's thought, in particular.<sup>11</sup>

## 2 Away from Kant: Schlegel's Historical Turn and Its Implications

In his essay on Kant's *Toward Perpetual Peace*, Schlegel develops his critique of Kant's limitations. In his rather impudent essay, "On Incomprehensibility," Schlegel expresses his discontent with the achievements of the "Critical Age": "[We] have the honor to live [in] that age which has, in a word, earned the modest but highly suggestive name of the Critical Age, so that soon everything will have been criticized – except the age itself" (OI, 120; KFSa, 2: 364). A Critical Age that criticizes everything except itself is not a fully critical age; one could say that it is "half-critical." Schlegel is after a critique of critique, a philosophy of philosophy, attempting, through his conception of historical critique, to achieve a meta-philosophy, a way of looking critically at philosophy itself, as a discipline that has developed through history. The very first fragment of the *Athenäum* gives expression to Schlegel's concern with making philosophy the subject of philosophy: "Nothing is more rarely the subject of philosophy than philosophy itself" (PH, 18; KFSa, 2: 165). With characteristic irony (of just the sort that led so many of his contemporaries to misunderstand him), in *Athenäum* Nr. 56, Schlegel describes his push to criticize philosophy as just retaliation for the failure to develop a robust meta-philosophy: "Since nowadays philosophy criticizes everything that comes in front of its nose, a criticism of philosophy would be nothing more than justifiable retaliation" (PH, 25; KFSa, 2: 173).<sup>12</sup>

Schlegel's charges against the limits of Kant's "critical philosophy" are rooted in his desire to develop a critical philosophy of philosophy itself. Just as the Critical Age criticizes all but itself, Kant does not criticize his "critical philosophy," and so Schlegel calls Kant a "half critic," later explaining that:

<sup>11</sup> For more of Kant's influence on the early German Romantics, see Kneller 2007.

<sup>12</sup> Cf. KFSa, 18: 40, Nr. 228.



"[A] critique of philosophizing reason cannot succeed without a history of philosophy. [This] is proved to us by Kant himself. His work as a critique of philosophizing reason is not at all historical enough even though it is filled with historical relations and he attempts to construct various systems" (*KFSA*, 12: 286; my translation).

When Schlegel calls Kant a "half critic [*halber Kritiker*]," he is pointing to the limitations of Kant's critical project. Without a historical perspective, claims Schlegel, when we come to judge other systems we can only judge them according to our own system. Hence, all assessments of other systems ultimately presuppose the validity of one's own systems and are self-referential. So, Kant is unable to critique his critique: he can claim the legitimacy of scientific knowledge only within his own system. Schlegel believes that the philosopher must also be a philologist and a historian in order to be a good critic.<sup>13</sup> Kant, he claims, failed to incorporate history and philology into his critique:

The critic has much in common with the polemicist; only he is not concerned with destruction but rather merely with sifting [*sichten*], with cleansing prior philosophies of their slag [*Schlacken*]. Kant's aim is not polemical; he says that the critic must attempt to place himself, with greatest versatility and universality, in the standpoint of each system, must grant each system its due rights, yet this does not often occur in Kant's work. The idea, nonetheless, that a critique must precede philosophy itself is entirely Kant's discovery and is certainly useful: he approximated his ideal here and there; this would have happened much more often had he been more of a philologist and had paid more attention to the philological, critical history of philosophy. (*KFSA*, 12: 291; my translation)

Schlegel exhibits sympathy and praise for the path opened by Kant's critical philosophy and yet he offers a clear criticism of Kant's failure to develop "critique" fully enough – to connect philosophy to history, to develop a historical critique, in short, to develop a comparative framework for philosophy. Kant's historical myopia is what leads Schlegel to claim that "Kant is in principle highly uncritical"<sup>14</sup> and that "philosophy must be critical but in a much higher sense than in Kant."<sup>15</sup> Recall that Schlegel's essay on Diotima and on the feminine characters of Greek poetry expanded his historical horizon to uncover new insights that were meant to shed light on how utterly unenlightened the present view of women was. Schlegel believed that to be fully (as opposed to half) critical, philosophers had to engage in wide-spanning historical investigations.

<sup>13</sup> Cf. *KFSA*, 18: 34, Nr. 163: "The critical method is at one and the same time philosophical and philological."

<sup>14</sup> *KFSA*, 18: 21, Nr. 35. Cf. *KFSA*, 18: 21, Nr. 36.

<sup>15</sup> *KFSA*, 19: 346, Nr. 296.



Schlegel's notion of critique opened his thought to a consideration of groups that had been neglected by Kant's critique. Far from being unphilosophical and politically irrelevant because of its push toward poetry, early German Romanticism, precisely because of its emphasis on poetry, became a potent political tool of social change. Emphasizing the connection between poetry and politics in early German Romanticism, Nicholas Saul writes:

Whenever Romantic writers use the term "Poesie," it connotes this implicit critique of philosophy. In the end, poetry becomes for the Romantics a mythical entity. Their texts are not only to realise philosophy's project, but also to incarnate absolute poetry. In this sense poetry becomes a cult, and the cult of poetry comes to embody Germany's post-revolutionary answer to the French religion of reason. The abstract quality of some of these procedures should not mask their political status as a response to the Revolution. "Poesie," said Friedrich Schlegel, is a republican discourse.<sup>16</sup>

One way to unveil what Schlegel meant when he claimed that poetry is republican discourse is to take a close look at the political implications of his response to Kant's essay on perpetual peace. I turn now to a brief overview of Kant's essay, to provide context for Schlegel's conception of republican discourse.

### 3 Kant, Schlegel, and Democracy

The publication of Kant's *Toward Perpetual Peace* was occasioned by the peace treaty signed between Prussia and France on April 5, 1795. Kant opens with a grim, yet witty description:

#### *Toward perpetual peace*

It may be left undecided whether this satirical inscription on a certain Dutch innkeeper's signboard picturing a graveyard was to hold for human beings in general, or for heads of state in particular, who can never get enough of war, or only for philosophers, who dream that sweet dream. (*TPP*, 8: 343)

In the essay, Kant's goal is to provide a concrete political consideration of peace that is in keeping with his principle of right. The six preliminary articles provide a list of what is to be prohibited if enduring peace between states is to be achieved. Implicit in this list are certain premises from Kant's critical philosophy, his moral philosophy, and his philosophy of right. The definite articles develop the positive side of Kant's plan for the possibility and guarantee of peace. Here the six preliminary articles find their systematic unity in the answer to the question concerning what the a priori conditions of the possibility of perpetual peace are. This is a question concerning not only the theoretical possibility, but the historical realizability of the guarantee of perpetual peace.

<sup>16</sup> Saul 2003: 72.

In the *Idea for a Universal History from a Cosmopolitan Point of View* Kant claims that: "[T]he problem of the erection of a perfect civil constitution . . . is dependent on the problem of the lawful external relations among states and cannot be solved without [a solution to] the latter" (*UHC*, 8:24, seventh thesis).

Therefore, a theory of the republic must be built into a theory of the international order of right. Kersting observes that Kant makes an important contribution to political philosophy because he argues for the realization of the overcoming of the natural condition not only of individuals, but of each state.<sup>17</sup> The natural condition is one of independence from external law – a condition of lawless or senseless freedom (*gesetzlose Freiheit*). This is opposed to the state of right that is ordered by laws and rational freedom. Only in a republic does a state overcome its natural condition; only when all states of the world have overcome this natural condition can peace reign.<sup>18</sup> Until all states have become states of right, there will always be a threat of war and this threat can lead to an enduring arms race. Kant envisions and outlines a plan for peace that is based on a balance of right. This is possible only if all states are organized according to the principle of right. According to Kant, pure practical reason demands that we work for perpetual peace. Perpetual peace rests in turn upon the ideal of the republic.

Kant claims that the classification he gives of the forms of state (*civitas*) will help us to avoid the common confusion of the republican with the democratic constitution (Schlegel will point out that a relation between a constitution and the state is here presupposed, but never explicated). Kant never tells us why these are commonly confused. We can surmise a possible source of confusion stemming from the political transformations of the late 1700s. The American Revolution of 1776 and the French Revolution of 1789 called into question the tradition of one ruler standing above the power of the people, that is, the vertical structures of power were called into question, making way for a shift to a horizontal structure of political power, an architecture of power that does not place one person or group at the top of a ladder of power, but rather allows all groups to share the power equally, which is the model for democracy, and the view of power that fueled the American and French Revolutions. In the late 1700s, the idea and practice of a democratic republic became more attractive and the voice of the "people" became more powerful. The legitimacy of an enlightened despot such as Frederick the Great lost its firm grounding. Kant, however, continued to hold him in great esteem. In *What Is Enlightenment?* (1784) he calls the "Age of Enlightenment" the "Century of Frederick" (*PP*, 8: 40).

<sup>17</sup> Kersting 1992: 342–66.

<sup>18</sup> Cf. *CJ*, 5: 432–3.



In *What Is Enlightenment?* Kant makes it clear that he does not place much faith in the power of the “people” to rule. In this essay, he insists upon the distinction between the public and private use of one’s reason: there are many cases in which “argument is certainly not allowed – one must obey” (PP, 8: 37). The goal of enlightenment is the “release from one’s *self-incurred* tutelage,” a task, we are told, that women, that fair sex, consider very dangerous, as do the greater portion of mankind (PP, 8: 35; my emphasis). Kant does not consider the conditions of tutelage that may not be self-incurred, but are rather imposed by the existing structures of society. His project of enlightenment is aimed at transforming the individual, not the society. For Kant, a transformation of society amounts to anarchy, chaos, violent revolution. In *Toward Perpetual Peace*, Kant claims that he is providing a classification of the forms of state so that we can avoid confusing the republican and democratic forms of constitution; perhaps it is more accurate to read this characterization as an attempt to delegitimize democracy, condemning it to despotism.

According to Kant, the form of a state is divided according to its sovereign power (*forma imperi*), that is the number and kind of people who rule, or according to the mode of administration exercised over the people (*forma regiminis*), that is the way the state makes use of its power. There are three forms of sovereignty: autocracy, aristocracy, and democracy. These are characterized respectively as the power of the monarch, of the nobility, and of the people. There are only two forms of government: republican and despotic. These are based on the way a state makes use of its power; this in turn is based on the constitution, which is the act of the general will through which a multitude (*die Menge*) becomes a people (*Volk*).<sup>19</sup>

The issue of the administration of will is critical. Freedom involves following laws we have given ourselves; a person pursues freedom by being her own law-giver. When we are citizens of a state we must, however, submit to external laws: How can this be done without infringing upon our internal freedom? According to Kant, if the state is organized according to the rights of equality, independence, and political freedom, and if the structuring principle is a collectively universal will (the will of reason), then political freedom will not infringe upon internal freedom; legal duties will not conflict with moral

<sup>19</sup> This may not be the best translation of Kant’s parenthetical clarification of what a constitution is. Kant writes that it is, *den Akt des allgemeinen Willens, wodurch die Menge ein Volk wird* (AA, 8: 352). Lewis White Beck translates this as “the act of the general will through which the many persons become one nation.” Hans Reiss, however, translates this as “an act of the general will whereby the mass becomes a people,” and Gregor translates as I have it above (PP, 324). A constitution is a unifying force, through which a collection of individuals becomes a unified group. It seems not unimportant to question whether we will call this group “a people” or “a nation.” I think that for purposes of clarity, the German term *Volk* should be used instead of either of these translations.

duties – the two will be harmonized. The issue of the organization of the state for the prevention of war is the issue of how the general will of the people should be legislated. This is the problem of right: how the arrangement that establishes that the free actions of one individual can be reconciled with the freedom of the other in accordance with a universal law is to be attained. The universal principle of right establishes the condition of external freedom. The principle is the following: "Every action which by itself or by its maxim enables the freedom of each individual's will to coexist with the freedom of everyone else in accordance with a universal law is right" (*MM*, 6: 231).

Why doesn't democracy allow this? According to Kant, only a separation of executive power from the legislative power qualifies a form of government for inclusion in the class of republicanism. The public will must be administered or executed by a will other than the public will, that is, by the ruler, but not as his own will; he must represent the will of the people. Schlegel criticizes Kant here for assuming that a division of power implies representation of the will of the people. One can easily imagine a case in which two wealthy landowners share power; one executes power, and the other legislates. According to Kant's weak criteria, we then have a republic. But we certainly do not necessarily have the representation of the will of the people. Neither the relation between the division of power nor the issue of just representation are adequately elucidated by Kant. He claims that a government must be representative, but a mere division of power does not insure this.

Kant also claims that it is logically impossible that one and the same person could be legislator and executor of his/her will. He writes:

Every form of government which is not representative is, properly speaking, without form. The legislator can unite in one and the same person his function as legislative and as executor of his will just as little as the universal of the major premise in a syllogism can also be the subsumption of the particular under the universal in the minor. (*TPP*, 8: 352)

All dictators are counterexamples to this claim; this is not logically impossible as the analogy suggests. But the analogy does suggest something that is most revealing of Kant's view of power within a state; again the force of the doctrine of absolute sovereignty presents itself. The structure of government upon which Kant bases his classification is built upon an idea of power in which power comes from the top down, in a hierarchy: one in which the will of the people is subsumed by the laws of the ruler. Kant's idea of government structure can only lead to a state with a vertical structure of power. He claims, in fact, that the best form of republicanism is the form in which one rules over many. When one ruler represents the will of the people, we maintain order, as we do in a logical deduction. Only if we move from the "all" form, embodied in the ruler down to the "some" or "each" form, that is, to the people, do we



preserve the essential feature of a republic, that is, a rule of law guaranteed by a constitution and the separation of legislative and executive powers, based upon the consent of the governed. The will of the people must not only be "represented" but must also be rationally and impartially executed. Democracy is anarchy, with "each" against "each" and no division of power possible. Democracy is despotic because it represents a horizontal structure of power, the power of the people, as opposed to the power *over* the people by a monarch or a group of aristocrats.

Despotism is "the autonomous execution by the state of laws which it has itself decreed" (TPP, 8: 96). In a democracy, everyone wishes to be master and because democracy establishes an executive power in which "all" decide for or even against one who does not agree – that is, "all" who are not quite all decide (a contradiction of the general will with itself and with freedom) – democracy is necessarily despotic (TPP, 8: 352). There are several problems with this "deduction": the most serious problem is that if Kant wants to claim that democracy and republicanism are mutually exclusive and bases this claim upon the fact that there exists within the structure of democracy the possibility of the struggle between the "one" and the "all," he has to show that this cannot be otherwise. Democracy can be despotic, but Kant has not shown that it *must* be. Schlegel, in reaction *against* Kant's view of democracy as necessarily despotic, attempts to show that republicanism must be democratic, and that democracy is *not* necessarily despotic.

#### 4 Schlegel's Republican Discourse

Schlegel's critique of Kant's concept of republicanism, which is the subject of his "Essay on the Concept of Republicanism Occasioned by the Kantian Tract 'Perpetual Peace'" (*Versuch über den Begriff des Republikanismus veranlaßt durch die Kantische Schrift zum ewigen Frieden*) (1796) can be understood as an attempt to uncover some of the shortcomings of Kant's view of the Enlightenment and of Kant's generally dismissive view of democracy and the implications of that dismissive view for women. In a fragment from 1796–8, found in one of his many notebooks (First Epoch II), Schlegel tells us that, "A person can endure everything, even suffering, better than truth. One lives not to be happy, also not to fulfill one's duty, but to cultivate oneself" (Nr. 697).<sup>20</sup> As we have seen, *Bildung* is a theme that runs throughout Schlegel's work. Schlegel's aesthetic philosophy and the political critique performed by him in his "Essay on the Concept of Republicanism" – a critique that challenged Kant's view that democracy is necessarily despotic – takes

<sup>20</sup> Beiser 1996: 162.



shape against the backdrop of his view that human cultivation (*Bildung*) was central to the progress of society. And this *Bildung* needed human relationships of friendship and love, and a society that valued art. As Schlegel writes: "The only valid political fiction is that based on the law of equality: the will of the majority should be the surrogate of the general will. Republicanism is therefore necessarily democratic, and the unproven paradox that democracy is necessarily despotic cannot be correct" (*ECR*, 102). In this context, the fiction is the form of representation, and it is related to political power: "The power of the majority of the people, as an approximation to universality and as a surrogate of the general will, is the *political power*" (*ECR*, 104).<sup>21</sup>

We do well to keep in mind Schlegel's *Bildungs*-project and the value he placed on cultivation, while also considering how this project guided Schlegel's critique of Kant's essay. For if Schlegel is correct, that we live not to be happy or to fulfill our duty, but to cultivate ourselves (much of his philosophical work was carried out in this spirit of cultivation or *Bildung*), then it is with the notion of *Bildung*, I would like to suggest, that we find the guiding concept to understand Schlegel's political critique and the guiding force of much of the aesthetic and philosophical tasks he set for himself.

Schlegel begins his review with praise for the spirit of Kant's project in *Toward Perpetual Peace*. Schlegel opens his "Essay on the Concept of Republicanism" without a trace of the impudent spirit of his claims that Kant is not critical enough. In the opening lines we find the sort of praise of Kant we saw in Schlegel's letter to his brother, in which he declared that Kant's *Critique* was eternal. He writes:

The spirit that breathes in the Kantian essay *Perpetual Peace* must benefit every friend of justice, and even our most distant progeny will admire in this monument the elevated frame of mind of the venerable sage. His bold and dignified discourse is unaffected and candid, and it is spiced with a biting wit and a clever spirit. It contains a rich abundance of fruitful ideas and new insights for politics, morals, and the history of humanity. For me, the opinion of the author concerning the nature of *republicanism*, and its relations to other kinds and conditions of the state, was especially interesting. The examination of it occasioned me to think through the subject anew. Hence arose the following remarks . . . (*ECR*, 95)

While Schlegel is effusive about the "spirit" of Kant's *Toward Perpetual Peace*, the "letter" of the essay is another matter, and it is with the letter or the specific arguments that Schlegel begins his critique: a critique of Kant's definition and deduction of the concept of republicanism. As I discussed in Section 3, this deduction leads Kant to the conclusion that democracy is necessarily despotic. Schlegel reveals this to be an unsubstantiated paradox that cannot be right.

<sup>21</sup> Schlegel says this explicitly at *ECR*, 103.



According to Kant, the civil constitution of every state should be republican because only this type of constitution is based upon freedom, equality and the principle of dependence of all upon a single common legislation (note here that Kant does not follow the triad established by the French Revolution of freedom, equality, and fraternity) (*TPP*, 8: 350). Kant claims that the republican constitution is practically necessary because it is the only one that springs forth from the idea of the original contract. But what is the idea of the original contract grounded upon if not the principles of freedom and equality? If this is the case, then, claims Schlegel, Kant is caught in a circle. Moreover, Kant claims that “no definition of juridical [rightful] dependence [*rechtliche Abhängigkeit*] is needed, as this already lies in the concept of a state’s constitution as such” (*TPP*, 8: 350n. 2). But if juridical dependence is already contained in the concept of a civil constitution then it cannot be a characteristic of the republican constitution. In light of these problems, Schlegel suggests that the practical necessity of political freedom and equality must be deduced from another, “higher position.” Schlegel’s point is that the concept of a republican constitution is not exhausted by the characteristics of freedom and equality as Kant has presented them. An interesting parallel is found in the *Oldest Systematic Program of German Idealism*. The author writes that:

Only that which is the object of *freedom* is called *idea*. We must therefore go beyond the state! – Because every state must treat free human beings like mechanical works; and it should not do that; therefore it should *cease*. You see for yourself that here all the ideas, that of eternal peace, etc., are merely *subordinate* ideas of a higher idea. At the same time I want to set forth the principles for a *history of the human race* here and expose the whole miserable human work of state, constitution, government, legislature – down to the skin. (*OSP*, 161–2)

Tendencies toward strands of anarchism in Romantic thought notwithstanding, it is not Schlegel’s goal to destroy the state. Schlegel *does* want to subordinate Kant’s postulate that all constitutions must be republican to a higher principle, namely to the political imperative that we should strive for the establishment of a community of humanity (*Gemeinschaft der Menschheit*).

Schlegel claims that Kant’s analysis of republicanism is limited. According to Schlegel, when we speak of freedom as manifested in the state, we are speaking of a progression with a beginning, a middle, and an end. Kant remains at the beginning of this progression, and the conclusions he reaches concerning the nature of republicanism reflect this short-sightedness. Schlegel first draws our attention to the limitations of Kant’s concept of external (juridical or rightful) freedom (*rechtliche Freiheit*). Kant claims that to understand external freedom to be the privilege (or warrant) “of doing anything one wills so long as he does not injure [or does no injustice to] another” is an empty tautology. Properly understood, juridical or rightful freedom is the privilege (or warrant) “to lend obedience to no external laws except those to which

I could have given consent" (ECR, 96–7). According to Schlegel, these claims are only partially right. For Schlegel, freedom is an idea that can only be actualized in a process of infinite approximation; it is an unfolding process and not a static concept. In the first moment of this progression, freedom is considered in terms of the individual within a state with only the properties of reason available to make the concept of external freedom determinate. In the first moment of this progression, external freedom should be understood in terms of lending obedience to no external laws except those to which one could have given one's consent. But we must go beyond this if we are to come closer to the ideal of freedom. In the second moment, we have a concept of freedom that involves our direct relation to others, and not merely to the laws that connect us to them indirectly. In the second moment, we overcome the differences that exist between citizens concerning rights and have a society in which the only differences in rights are those that the majority has chosen; in this moment the idea of freedom considered as the privilege to do something so long as it does no harm to another is not an empty tautology, for in this moment, human needs and interests are essential to the concept of freedom. In the second moment, we are dealing with a historical concept of freedom. In the third or final moment, we achieve an absolute equality of rights and obligations (*Verbindlichkeiten*) amongst citizens; here all structures of domination (*Herrschaft*) and dependence are overcome: solidarity is absolute; the individual wills freely endeavor to satisfy each other's needs without governance of external authority.<sup>22</sup> This final moment is unrealizable, it serves as the ideal to which all societies should strive. The second moment, however, is realizable; it is the democratic moment.

Paul Kluckhohn defends the thesis that the Romantic concept of the state rests upon the concepts of personality and community (*Persönlichkeit* and *Gemeinschaft*).<sup>23</sup> Beiser makes a similar point in the introduction to his volume on the political writings of the German Romantics, emphasizing the organic conception of the state developed by the Romantics to solve the problems of the tension between absolutism and liberalism, which Beiser describes as forces that "undermined a differentiated society for the sake of centralized authority."<sup>24</sup> He writes: "The romantic critique of the liberal and absolutist traditions then left them with an apparently irresolvable problem. If the absolutist underestimated the value of liberty, and if the liberal underrated the need for community, then it was necessary to reconcile two seemingly irreconcilable ideals: individual liberty and community."<sup>25</sup> The Romantic embrace of community and the development of the Romantics' concept of an organic state marks an important shift from the focus on the individual and

<sup>22</sup> Only in this moment does the state become superfluous, for all power structures are overcome.

<sup>23</sup> Kluckhohn 1925. <sup>24</sup> Beiser 1996: xxvi. <sup>25</sup> Beiser 1996: xxvi.



the relation between the individual and the state that guides Kant's political writings.

Schlegel's view of freedom as an idea that can only be actualized in a process of infinite approximation puts him in a position to uncover the problems with Kant's characterization of democracy as despotic. Schlegel begins with the premise that the realization of the ideal of political freedom is an infinite progress with a beginning, middle, and unrealizable (asymptotic) end. The problem of the state is that there is a gulf between the individual will of each citizen and the universal or general will of the "people." This insurmountable gap cannot be crossed except by some kind of *salto mortale* or by means of a fiction, a surrogate for the universal will that we can locate in history. Schlegel turns to the majority as the surrogate of the universal or general will. Instead of taking a leap of faith, the majority allows us to move from individual wills to the universal will via a process of infinite approximation. If one person presumes to represent the general will or if a group of nobles does, this process of approximation ceases. A political system should be continually evolving, moving toward a state in which the general will and the will of the individual become one and the same; this occurs if we take the empirical majority as the surrogate for the universal or general will and develop a system of representation (power to vote) that allows each citizen to participate in this process of approximation. Schlegel claims that though it may be the case that some voices carry more political weight, so that in some cases votes could be determined not by number but by weight (the degree to which a given individual approximates the general will), this kind of inequality cannot be presupposed, but must be demonstrated. Kant presupposes it. We cannot, without a demonstration, presuppose that certain groups – Schlegel mentions women and the poor – remain outside the realm of political decision-making (Kant holds that only property owners can vote, therefore, the power of indirect representation is not equally accessible to all).

To include more individuals in the *civitas* is Schlegel's goal; his model is one that moves toward inclusiveness in the public sphere. Kant's model is one in which the majority is a political null (*politische Null*), with the result that the majority is treated as a thing (*Sache*) rather than a person. Schlegel shows that the arguments Kant uses in his deduction of republicanism bring him into conflict with the categorical imperative. We have, then, precisely that conflict that a republic is supposed to prevent, a conflict between political and moral duties. Moreover, we have none of the values needed for social change that would help subjugated women, for example, and other groups for whom tutelage was not self-incurred and who were, as a matter of law, excluded from full participation in society. By now we are painfully aware of the results of failing to include all humans under the protective shield of humanity: unjust

exclusions of certain groups of humans, unjust distributions of opportunities and power in society, are just a few of the terrible consequences of this failure. Schlegel's essays, novels, fragments, and his Romantic blending of disciplines created a republican discourse that was and remains an important tool for the project of creating a just, inclusive society.