

IN DEFENSE OF A «*SPIRIT OF FREEDOM*»
KANT'S CRITIQUE OF HOBBS IN *THEORY AND PRACTICE*

EM DEFESA DE UM «*ESPÍRITO DE LIBERDADE*»
A CRÍTICA DE KANT A HOBBS EM *TEORIA E PRÁTICA*

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Abstract: The following essay aims to elaborate a comparative study between the political theories of Kant and Hobbes, based on the second part of the Kantian essay *Theory and Practice*. The first part of the essay studies the legitimizing sources suggested by Kant and Hobbes to explain the need for a civil state. The second part analyzes the three republican principles suggested by Kant and compares them with the Hobbesian proposal. The third part studies the direct critique of Kant to Hobbes; it shows how Kant presents his critique in a way that highlights his principle of independence, absent in Hobbes. Finally, starting from an important point of convergence between the authors – the defense of an absolute duty of obedience –, other interpretative possibilities are explored in order to investigate the possibility of finding a recognition or a prudent openness to the question of disobedience.

Keywords: Kant, Hobbes, civil state, republicanism, obedience, principle of independence.

Resumo: O presente ensaio visa elaborar um estudo comparativo entre as teorias políticas de Kant e Hobbes, com base na segunda parte do ensaio kantiano, *Teoria e Prática*. A primeira parte do ensaio estuda as fontes legitimadoras sugeridas por Kant e Hobbes para explicar a necessidade de um estado civil. A segunda parte analisa os três princípios republicanos sugeridos por Kant e compara-os com a proposta hobbesiana. A terceira parte é dedicada ao estudo da crítica direta de Kant a Hobbes;

Resumé: Le présent essai vise à élaborer une étude comparative entre les théories politiques de Kant et de Hobbes, basée sur la deuxième partie de l'essai kantien, *Théorie et Pratique*. La première partie de l'essai étudie les sources de légitimation proposées par Kant et Hobbes pour expliquer la nécessité d'un état civil. La deuxième partie analyse les trois principes républicains suggérés par Kant et les compare à la proposition hobbesienne. La troisième partie est consacrée à l'étude de la cri-

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mostra-se como Kant pretende pôr em evidência o seu princípio da independência, ausente em Hobbes. Finalmente, partindo de um importante ponto de convergência entre os autores – a defesa de um dever absoluto de obediência –, exploram-se outras possibilidades interpretativas a fim de investigar a possibilidade de encontrar um reconhecimento ou uma abertura prudente à questão da desobediência.

Palavras-Chave: Kant, Hobbes, estado civil, republicanismo, obediência, princípio da independência.

tique directe de Hobbes par Kant. On montre comment Kant entend mettre en valeur son principe d'indépendance, absent chez Hobbes. Enfin, à partir d'un point de convergence important entre les auteurs – la défense d'un devoir absolu d'obéissance –, d'autres pistes interprétatives sont explorées afin d'interroger la possibilité de trouver une reconnaissance ou une ouverture prudente à la question de la désobéissance.

Mots-clés: Kant, Hobbes, état civil, republicanisme, obéissance, principe d'indépendance.

Kant's essay *On the common saying: That may be correct in theory, but it is of no use in practice* (*Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis*), published in 1793 in the *Berlinische Monatsschrift* and commonly referred as *Theory and Practice*, is divided into three parts and presents us a summary version of the author's practical philosophy. While the first part, written against Christian Garve, shows why theory applies to practice for the *private individual*, that is, in regard to morals, the second and third parts are, in turn, devoted to the Kantian Doctrine of Law. Thus, the second part, against Hobbes, shows why theory applies to practice for the *statesman*, that is, in regard to politics; finally, the third part, against Moses Mendelssohn, shows why theory applies to practice according to a cosmopolitan perspective, where man is considered as a *citizen of the world*.

The present essay is dedicated to the study of the second part of *Theory and Practice*. Although perhaps little studied, the essay written by Kant against Hobbes presents us a summary, but clear and rigorous, version of his political philosophy. Having in 1784 published the *Idea for a Universal History from a Cosmopolitan Perspective* (*Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht*), where some of the most essential aspects of his theory were already being outlined, although in conjunction with his philosophy of history, Kant shows in his 1793 essay a greater deepening and refinement of certain theses of 1784, while, at the same time, preceding what will then be presented in a consolidated form in the 1795 essay, *Toward Perpetual Peace* (*Zum ewigen Frieden*).

Our essay elaborates a comparative study between the Kantian and the Hobbesian political theory. We intend to understand how Kant reads Hobbes and how his critique of Hobbes positively influences his political theory; at

the same time, however, we intend to investigate possible points of contact between the two authors. Kant actually only offers one direct, and rather short, critique of Hobbes. However, what he previously mentions allows us to clearly show the distinction between the two theories in question. Thus, the first and second parts of our essay are dedicated to the moment of the second part of *Theory and Practice* which precedes the presentation of Kant's critique of Hobbes and where the author shows some of the essential aspects of his political thought. Then, in the third part, and in the light of what we discuss before, we analyze Kant's critique. Finally, in the last part, and parting from a fundamental point of convergence between the authors, namely, the defense of a duty of absolute obedience to the sovereign, we explore the possibility of finding, even so, a mild recognition or a prudent openness to the issue of disobedience.

In order to better illuminate some of the aspects of Kant's theory that are sometimes outlined in less detail in *Theory and Practice*, we resort, when necessary, to other texts written by Kant, before or after 1793. As for Hobbes, we have in consideration the author's political theory as it is presented in the 1651 text, the *Leviathan*. However, it is worth mentioning that Kant's critique of Hobbes is built on his reading of 1642's *De Cive*. The option to analyze, even so, the 1651 work is linked to our observation that Kant's critique is, in fact, quite generic and, moreover, frequently suggested even in relation to the *Leviathan*. Thus, in order to establish a more accurate comparison between the authors, we opted for the *Leviathan*, which offers a better sketch of the Hobbesian theory.

1. Different foundations: the Kantian idea of an original contract

The Hobbesian method used in the *Leviathan* to demonstrate the rising and necessity of the civil state consists, as it is commonly known, in the construction of an anthropological theory. That is why Hobbes says in the Introduction of his work that, in order to discover the matter and the artificer of the state, it is necessary to retreat to the study of human nature and its most universal characteristics:

[...] for the similitude of the thoughts, and passions of one man, to the thoughts, and passions of another, whosoever looketh into himself, and considereth what he doth, when he does *think, opine, reason, hope, fear, &c.* and upon what grounds; he shall thereby read and know, what are the thoughts, and passions of all other men, upon the like occasions.²

² Thomas Hobbes, *Leviathan*, edited and introduction by J. C. A. Gaskin (Oxford: Oxford University Press, 1996), 8. The edition of Hobbes's work that we choose to use preserves the old spelling, in force in the 17th century. We therefore reproduce it faithfully.

Hobbes' work will consist, therefore, in looking for those traits of human nature which, being found in each and every man, foment discord and reveal the need for a common coercive power. Let us recall some of the essential points of the Hobbesian argumentation. In a state of nature, men find themselves in a position of equality, which is manifested in their ability to equally fight for and carry out their personal ends. Such equality fosters mutual distrust³: since there are no rules that state what is just, each individual resorts to the most convenient strategies to achieve their ends and guarantee their self-preservation, and the only barrier they find are other men, equipped with the same fundamental motivations and abilities. Namely, fueling the quarrel between individuals are three fundamental traits of human nature: competition, diffidence, and glory⁴. Hobbes' conclusion is categorical: in such state, "every man is enemy to every man"⁵ and coexistence among all, in addition to being dangerous, is precarious, insofar as it is subject to the constant struggle of each one for survival and preservation of what it claims as its own. We arrive at the famous expression according to which the state of nature is characterized by a *war of every man against every man*⁶. The rising of the civil state will have its origin in the mutual recognition of the need for a common coercive power, capable of putting an end to the constant danger of war between individuals⁷. The Hobbesian state will, thus, have as its main function the prevention of internal conflicts and the safeguarding of peace and security of the commonwealth.

Now, if we try to compare the method used by Hobbes and the one that Kant proposes in his political philosophy, we can perhaps immediately find an apparent similarity between the authors. To do so, let us return to Kant's 1784 essay, *Idea for a Universal History from a Cosmopolitan Perspective*, in which the concept of unsociable sociability is presented. Here, Kant says:

The means that nature employs in order to bring about the development of all of the predispositions of humans is their antagonism in society, insofar as this antagonism ultimately becomes the cause of a law-governed organization of society. Here I take antagonism to mean the *unsociable sociability* of human beings, that is, their tendency to enter into society, a tendency connected, however, with a constant resistance that continually threatens to break up this society.⁸

³ Hobbes, *Leviathan*, Chapter XIII, 83.

⁴ Hobbes, *Leviathan*, Chapter XIII, 83.

⁵ Hobbes, *Leviathan*, Chapter XIII, 84.

⁶ Hobbes, *Leviathan*, Chapter XIII, 84.

⁷ Hobbes, *Leviathan*, Chapter XV, 95-96.

⁸ Immanuel Kant, "Idea for a Universal History from a Cosmopolitan Perspective", in *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, ed. and

Unsociable sociability is the expression chosen by Kant to describe a fundamental antagonism of human nature, from which civilizational progress is unleashed. According to Kant, this unsociable sociability is characterized by a double predisposition for man to want, on the one hand, to fulfill himself as an individual at the level of a politically organized community, and on the other hand, to carry out his selfish motivations without any kind of restrictions. Like Hobbes, Kant finds in human nature certain social and unsocial features that generate a situation of imminent conflict, which can only be solved through the institution of a legal state. However, what immediately matters for us to recognize as different in Kant when compared to Hobbes is the way in which this antagonism is *productive*⁹ and, therefore, should not be, as it happens in the Hobbesian theory, *suppressed* by the coercive power that arises with the birth of the state. Rather, it should only be limited according to the rules that allow a peaceful coexistence between all. The Kantian antagonism has, therefore, a positive value: it imparts dynamism in the relation between individuals and triggers the political progress of the human species.

However, in the 1793 essay, Kant changes his focus and now intends to show how the necessity of a civil state can be demonstrated without resorting to an anthropological theory. Let us hear Kant's words in *Theory and Practice*:

But the concept of an external right as such proceeds entirely from the concept of *freedom* in the external relation of people to one another and has nothing at all to do with the end that all of them naturally have (their aim of happiness) and with the prescribing of means for attaining it; hence too the latter absolutely must not intrude in the laws of the former as their determining ground. *Right* is the limitation of the freedom of each to the condition of its harmony with the freedom of everyone insofar as this is possible in accordance with a universal law; and *public* right is the sum of *external laws* which make such a thoroughgoing harmony possible.¹⁰

Indeed, Kant now intends to show how the birth of the civil state, and the corresponding system of obligations and duties that arise with it, can be solely deduced from the principle of freedom, considered here as *power of*

introduction by Pauline Kleingeld, translated by David L. Colclasure (Yale University Press, 2006), 8:20 (6).

⁹ José Gomes André, "O conceito de antagonismo na filosofia política de Kant", *TRANS/FORM/AÇÃO: Revista De Filosofia* 35, no. 2, (2012), 33-37. Os sublinhados provêm do texto kantiano.

¹⁰ Immanuel Kant, "On the common saying: That may be correct in theory, but it is of no use in practice", in *Immanuel Kant, Practical Philosophy*, translated and edited by Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 8:289-290 (290).

choice. The unrestricted freedom of one may interfere with the unrestricted freedom of another; therefore, the need to articulate each one's power of choice through the creation of a set of positive and universally applicable rules that guarantee a peaceful coexistence between all fully legitimizes the state, without the need to resort to any empirical, historical or anthropological theories¹¹. In addition, we see how in Kant the focus of his political theory is primarily placed on freedom and the need for its preservation. Something important emerges from this: namely that, for Kant, to the extent that the state is legitimized *a priori*, each individual is the formal legislator of the laws to which he obeys.

Consequently, for Kant, and contrary to Hobbes, the contract through which a civil constitution is instituted is not an historical fact, but an *idea of reason*: Kant calls it an *original contract*. Insofar as the existence of law will always be necessary in a community of free rational beings, the need for a civil state is prior to any empirical claims and reveals itself as an «unconditional and first duty»¹² of humankind. Being an idea of reason, the contract does not lose for that reason its value: to the extent that all rational beings intuitively recognize the need for a civil legislation which guarantees the proper articulation of all individuals' freedom, the original contract has a guiding value with great relevance from a practical point of view:

But it is by no means necessary that this contract (called *contractus originarius* or *pactum sociale*), as a coalition of every particular and private will within a people into a common and public will [...], be presupposed as a *fact* [...] – as if it would first have to be proved from history that a people, into whose rights and obligations we have entered as descendants, once actually carried out such an act, and that it must have left some sure record or instrument of it, orally or in writing, if one is to hold oneself bound to an already existing civil constitution. It is instead *only an idea* of reason, which, however, has its undoubted practical reality [...]¹³

¹¹ Pedro M. S. Alves presents this same argument in “Moral e Política em Kant”, in Leonel Ribeiro dos Santos and José Gomes André (Eds.), *Filosofia Kantiana do Direito e da Política* (Lisboa: Centro de Filosofia da Universidade de Lisboa, 2007), 176-178.

¹² Kant, “On the common saying: That may be correct in theory, but it is of no use in practice”, 8:289 (290).

¹³ Kant, “On the common saying: That may be correct in theory, but it is of no use in practice”, 8:297 (296).

2. Three *a priori* principles: an outline of the republican constitution

Having understood how the foundation of the civil state finds different legitimizing sources in Kant and Hobbes, we are now able to continue following the path proposed by Kant in his 1793 essay. What Kant will propose next are three *a priori* principles that, not only limit, but also guide the sovereign's action. These principles constitute what Kant, in the 1795 essay *Toward Perpetual Peace*, will call a *republican constitution*¹⁴. Before continuing, we must clear up a misunderstanding that could then arise when talking about republicanism: in Kant, the republican constitution describes, not as one might think, the actual distribution of sovereignty, but *the way in which the sovereign should govern*¹⁵ – that's why these are three non-written principles with, however, great practical relevance. For Kant, these *a priori* principles define a sound governance that aspires to stability and durability. They allow for the coordination of three constitutive dimensions of the civil state: that of the sovereign's *power*, that of the force and applicability of the *law*, and that of the fundamental *freedom* of the subjects. Kant proposes these principles, which we will in the following pages analyze, as follows:

Thus, the civil condition, regarded merely as a rightful condition, is based *a priori* on the following principles:

1. The *freedom* of every member of the society as a human being.
2. His *equality* with every other as a *subject*.
3. The *independence* of every member of a commonwealth as a *citizen*.

¹⁴ Immanuel Kant, "Toward Perpetual Peace", in *Immanuel Kant, Practical Philosophy*, translated and edited by Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 8:349-350 (322). In *Toward Perpetual Peace*, however, Kant will give different names to these three principles, keeping them, however, associated with the same dimensions of man. Thus, the principle of freedom as a *human being* remains the same, but the principle of equality as a *subject* becomes the principle of dependence, and the principle of independence as a *citizen* becomes the principle of equality. What we will study next will allow us to clarify it better, but the change of the names in no way compromises the ideas that in general cover Kant's republican theory; rather, it allows us to comprehend the different valences and the interdependence of the principles: the subject is ultimately *dependent* on the sovereign, but, by being so, assumes a position of *equality* in regard to the other subjects; and the citizen is *equal* to other men insofar as he assumes an active role in society that belongs to subjects, but, by doing so, he is at the same time *independent* because he can, through the public use of reason, think beyond the frame of the state's rules and, moreover, publicly suggest amendments to the law.

¹⁵ Kant, "Toward Perpetual Peace", 8:352 (324).

These principles are not so much laws given by a state already established as rather principles in accordance with which alone the establishment of a state is possible in conformity with pure rational principles of external human right.¹⁶

2.1. Freedom as a *human being*

The principle of freedom aims to preserve the individuals' dignity as *human beings*, insofar as they are free and this freedom cannot be, as we saw earlier, usurped. The state must, therefore, act in such a way as to prevent conflicts between individuals. With this end, it creates a set of positive laws that define private property and promote a stable coexistence between all. However, with regard to the personal life projects and conceptions of good that each one assumes, and with the exception of those cases in which the achievement of these projects violates the possibility of others doing the same, the state can never intervene or promote a totalizing conception of good, to which everyone is obliged to adhere¹⁷. The duty of the sovereign is, therefore, composed of two simultaneous functions: that of thinking the community and the way in which it can interact without internal conflicts, and that of creating a space of private autonomy for each individual, in which there are no limitations regarding the attainment of their life projects. The government that thinks the community in such way is called a *patriotic government*; on the contrary, the government that limits the private life of individuals is a *paternal government*, to which Kant vehemently opposes:

Not a *paternalistic* but a *patriotic* government (*imperium non paternale, sed patrioticum*) is the only one that can be thought for human beings, who are capable of rights, and also with reference to the benevolence of the ruler. In a *patriotic* way of thinking everyone in a state (its head not excepted) regards the commonwealth as the maternal womb, or the country as the paternal land, from which and on which he has arisen and which he must also leave behind as a cherished pledge, only so as to consider himself authorized to protect its rights by laws of the common will but not to subject the use of it to his unconditional discretion.¹⁸

¹⁶ Kant, "On the common saying: That may be correct in theory, but it is of no use in practice", 8:290 (291).

¹⁷ Kant, "On the common saying: That may be correct in theory, but it is of no use in practice", 8:290 (291).

¹⁸ Kant, "On the common saying: That may be correct in theory, but it is of no use in practice", 8:291 (291-292).

Let us compare Kant's position with that of Hobbes, in particular, with the way in which the latter conceives the restriction of individuals' religious freedom. According to the author of the *Leviathan*, religious power must be unified with civil power in order to guarantee greater consonance and homogeneity within the community¹⁹. The existence of two sovereign powers would create a distinction between two types of rules to be followed, which would in turn trigger the always imminent risk of dissent and conflict within the political community – something that Hobbes precisely wants to avoid. Kant would disagree. Speaking enthusiastically of Frederik II, Kant advocates in the essay *An Answer to the Question: What is Enlightenment?* (*Beantwortung der Frage: Was ist Aufklärung?*) the sovereign's non-interference in the religious freedom of his subjects and sustains that such freedom must be based, not on simple tolerance, which presupposes the assumption of a posture of superiority in relation to those who the sovereign *chooses to tolerate*, but on the *full acceptance* of the choices regarding the private life of each one:

A prince who does not find it beneath himself to say that he considers it his *duty* not to prescribe anything to human beings in religious matters but to leave them complete freedom, who thus even declines the arrogant name of *tolerance*, is himself enlightened and deserves to be praised by a grateful world and by posterity as the one who first released the human race from minority, at least from the side of government, and left each free to make use of his own reason in all matters of conscience.²⁰

2.2. Equality as a *subject*

Let us now turn to the principle of equality. According to such principle, each man is equal to the other as a *subject*. The same is to say that the law applies to everyone equally. If, as we have seen, law is born from the need to preserve the individuals' freedom, the principle of equality now shows how this freedom cannot be usurped, neither by the sovereign (something we saw with the rule of freedom), *nor* by the individual himself. Therefore, he is not allowed to create an “extra-juridical” rule through which he withdraws from his freedom and becomes, for example, a slave²¹. But the rule of equality also intends to highlight the way in which the social ascension of individuals

¹⁹ Hobbes, *Leviathan*, Chapter XXIX, 218.

²⁰ Immanuel Kant, “An answer to the question: What is Enlightenment?”, in *Immanuel Kant, Practical Philosophy*, translated and edited by Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 8:40 (21).

²¹ Kant, “On the common saying: That may be correct in theory, but it is of no use in practice”, 8:293 (294).

must be based, according to Kant, on merit. Inasmuch as all are governed by equal laws, no one can claim for himself, for example, hereditary rights that give him special advantages. Thus, the social ascension of each one will depend solely on “his talent, his industry and his luck”²².

However, a point of great convergence between Kant and Hobbes can be drawn from this principle, namely, the duty of unconditional obedience that it entails. In fact, if the law is equal for all, obedience to it must also be absolute. Kant is quite explicit on this point when he states:

From this it follows that any resistance to the supreme legislative power, any incitement to have the subjects’ dissatisfaction become active, any insurrection that breaks out in rebellion, is the highest and most punishable crime within a commonwealth, because it destroys its foundation.²³

Note how the Kantian argument against disobedience is indebted to the Hobbesian logic about the creation of the civil state, according to which the sovereign is the actor of the actions of which the subjects are authors²⁴. For Kant, to the extent that the State is legitimized *a priori* and its creation is the result of a commandment of reason, recognized by all rational beings, disobeying the sovereign would be equivalent to disobeying ourselves. Thus, breaking this pact for any empirical or circumstantial considerations would destroy a formally justified state. Furthermore, since the emergence of the civil state is born out of the mutual recognition of the need for a common coercive power able to judge impartially, disobedience would go against this logic: it would imply transferring sovereignty to the subjects, who would now claim for themselves the capacity to judge. This would raise the so-called *problem of the third-judge*: once the subject has argued that the sovereign’s actions are incorrect, a third judge would be needed to evaluate the two parties’ arguments and choose which one is correct; however, in doing so, the third judge would ultimately become the sovereign who decides what is right and wrong²⁵. Kant’s conclusion is, therefore, the following: once instituted, the sovereign claims for himself an inviolable and non-transferable coercive power; and, since it was authorized by the subjects, there is no room for disobedience.

Also for Hobbes, insofar as the civil state is born from a civil pact where each person agrees with each person to abandon the state of nature and

²² Kant, “On the common saying: That may be correct in theory, but it is of no use in practice”, 8:292 (293).

²³ Kant, “On the common saying”, 8:299 (298).

²⁴ Hobbes, *Leviathan*, Chapter XVII, 114.

²⁵ Kant, “On the common saying”, 8: 300 (298-299).

submit to a common authority, each individual is the legitimizing source of the sovereign's actions. To disobey the sovereign amounts to a breach of the covenant to which all have agreed²⁶. For this reason, Hobbes explicitly calls for an absolute and unconditional obedience of the subjects. After all, only through their total cooperation and submission to the sovereign's power can the state remain stable and unified:

For the prosperity of a people ruled by an aristocratical, or democratical assembly, cometh not from aristocracy, nor from democracy, but from the obedience, and concord of the subjects: nor do the people flourish in a monarchy, because one man has the right to rule them, but because they obey him. Take away in any kind of state, the obedience, (and consequently the concord of the people) and they shall not only not flourish, but in short time be dissolved.²⁷

2.3. Independence as a *citizen*

Finally, the principle of independence. The principle of independence preserves the dignity of individuals as *citizens* – and to be a citizen means, in Kant's words, to be a *co-legislator* of the law²⁸. For Kant, and as we have been confirming, the law is not born of an autonomous will, qualified to autocratically define the set of positive laws for its state, but of a common will, or rather, a *general will*²⁹. While obedience to the law is strict, the laws that individuals obey must be those that each person gives himself. Now, how is this possible? After all, although the State is legitimized *a priori*, this does not guarantee that, once instituted, the sovereign does not assume a despotic way of governing. How, then, can the subject be a co-legislator of the law to which he must unconditionally obey? The answer is given in more detail in Kant's 1784 essay *What is Enlightenment?*. There, Kant makes the famous distinction between public and private use of reason³⁰. He tells us:

²⁶ Hobbes, *Leviathan*, Chapter XVIII, 116.

²⁷ Hobbes, *Leviathan*, Chapter XXX, 224-225.

²⁸ Kant, "On the common saying: That may be correct in theory, but it is of no use in practice", 8:294 (294).

²⁹ Kant, "On the common saying: That may be correct in theory, but it is of no use in practice", 8:295 (295).

³⁰ On the theme of the public use of reason and its relevance to Kant's political philosophy, see: Leonel Ribeiro dos Santos, "Kant e o exercício da filosofia como criação do espaço público", in *A razão bem temperada: do princípio do gosto em filosofia e outros ensaios kantianos* (Coimbra: Imprensa da Universidade de Coimbra, 2022), 413-446.

For this enlightenment, however, nothing is required but *freedom*, and indeed the least harmful of anything that could even be called freedom: namely, freedom to make *public use* of one's reason in all matters. [...] The *public* use of one's reason must always be free, and it alone can bring about enlightenment among human beings; the *private use* of one's reason may, however, often be very narrowly restricted without this particularly hindering the progress of enlightenment. But by the public use of one's own reason I understand that use which someone makes of it *as a scholar* before the entire public of the *world of readers*. What I call the private use of reason is that which one may make of it in a certain *civil* post or office with which he is entrusted.³¹

The private use of reason corresponds to that use in which each individual, as a member of the community to whom a public office has been assigned, zealously obeys the rules that characterize his function. The private use of reason thus guarantees the effectiveness and stability of life in society. However, each one must also make public use of his reason. Apart from the specific requirements of their position, each individual should have the right to debate on matters related to the political community that, in their opinion, should be publicly discussed in order to promote relevant changes or clarifications.

That is why Kant argues that, strictly speaking, not all subjects can be, due to their circumstances, active citizens. Kant restricts citizenship to men who own property and are not dependent on others for livelihood. Men who are not self-sufficient are, in Kant's view, in an inevitable condition of subservience and constraint. Due to their situation, they are not on an equal footing with the rest and therefore cannot play an active role in the public discussion of the law³².

Moreover, for a public discussion about the law to be possible, it is necessary to guarantee its accessibility to the subjects, that is, its *publicity*. The law is always a *public law*, insofar as it depends on a mutual recognition of it by all individuals who will then obey to it. As Kant states in *Toward Perpetual Peace*, publicity is one of the most essential qualities of law. A law that the sovereign chooses to hide from his subjects is a law that may jeopardize the freedom or equality of individuals – therefore, it becomes suspicious and cannot be acceptable³³.

To be a co-legislator means, therefore, to publicly discuss, to request for clarifications or even to suggest relevant changes in the law. In a sum, it means to intervene in the constant surveillance of the decisions of the state

³¹ Kant, "An answer to the question: What is Enlightenment?", 8:36-37 (18).

³² Kant, "On the common saying: That may be correct in theory, but it is of no use in practice", 8:295-296.

³³ Kant, "Toward Perpetual Peace", 8:331-332 (347-348).

in order to guarantee that they are legitimately grounded. Kant's position in the 1793 essay thus reiterates what in 1784 had already been suggested. There, by associating the phenomenon of Frederick II's growing openness to the freedom of expression of his subjects to a clear mark of the progress that the period of Enlightenment was promoting, Kant thinks the political community in a way that contrasts with that of the philosophical tradition of his time. Now, the subject is also and always a citizen, that is, he must assume an active role of discussion of the law – and it is the duty of the sovereign to allow and create such a public space for discussion:

But the frame of mind of a head of state who favors the first [the matters of religion] goes still further and sees that even with respect to his *legislation* there is no danger in allowing his subjects to make *public* use of their own reason and to publish to the world their thoughts about a better way of formulating it, even with candid criticism of that already given; we have a shining example of this, in which no monarch has yet surpassed the one whom we honor.³⁴

In line with some of the aspects that we have already seen, the principle of independence will also distance itself from the assumptions on which Hobbes' proposal is based. Indeed, Hobbes is clearly in favor of limiting freedom of expression. According to the author of the *Leviathan*, the promotion of ideas contrary to those of the sovereign can attract opponents to the state, putting its stability at risk. Therefore, all books must be, before publication, carefully analyzed. Only those doctrines that promote peace and which are in line with the sovereign's governance should be accepted. All others can be censored or even banned:

[...] it is annexed to the sovereignty, to be judge of what opinions and doctrines are averse, and what conducing to peace; and consequently, on what occasions, how far, and what, men are to be trusted withal, in speaking to multitudes of people; and who shall examine the doctrines of all books before they be published. For the actions of men proceed from their opinions; and in the well-governing of opinions, consisteth the well-governing of men's actions, in order to their peace, and concord.³⁵

³⁴ Kant, "An answer to the question: What is Enlightenment?", 8:41 (21).

³⁵ Hobbes, *Leviathan*, Chapter XVIII, 118.

3. Kant's critique of Hobbes

Finally, we arrive at the moment where Kant presents his critique of Hobbes. The fact that we previously studied the three dimensions that, according to Kant, coexist within the subject after entering the civil state now allows us to show the opposition of the Prussian author to certain aspects of the Hobbesian philosophy. We found that Kant's political theory safeguards not only strict obedience to the sovereign, but also the freedom of individuals and the way in which the state is born with the aim of preserving it. Moreover, Kant adds to this formula the ingredient of citizenship, through which each one does not passively surrender to the sovereign, but rather actively participates in the discussion of the law. Being a citizen implies, therefore, a commitment to the political community.

Although short, Kant's critique will highlight some of the limitations of the Hobbesian theory, namely, the way in which it constantly emphasizes the view of the individual as a subject *only*, and the way in which it sees governance as a closed matter, which does not require any subsequent and successive corrections. To do this, Kant's critique of Hobbes is built around the defense of the principle of independence. Let's see how. Let us begin by quoting his words:

Hobbes is of the opposite opinion. According to him (*De Cive*, Chap.7, §14), a head of state has no obligation to the people by the contract and cannot do a citizen any wrong (he may make what arrangements he wants about him). This proposition would be quite correct if a wrong were taken to mean an injury that gives the injured party a *coercive right* against the one who wronged him; but stated so generally, the proposition is appalling.³⁶

Let's start at the point where Kant seems to be in full agreement with Hobbes. Kant claims that it is true that there is no injustice that the sovereign can commit against his subjects that would ever legitimize a coercive right of these against their head of state. Kant is clearly calling for the denial of any right of disobedience. As we saw earlier, subjects can never transfer to themselves, once they recognize the need for a common external authority, the coercive power that was legitimately given to the sovereign. However, he also tells us that thinking that the sovereign has no obligations towards his subjects and that he cannot commit injustices is terrifying. Let's see why, in the light of what we have been considering about Kant's political theory.

The main aspect that Kant wants to highlight from his criticism of Hobbes is the idea that the sovereign cannot commit any injustice against his

³⁶ Kant, "On the common saying", 8:303-304 (302).

subjects. We know why Hobbes takes this perspective in the *Leviathan*. According to the author, the notion of justice and injustice does not exist in the state of nature: it is born with civil power and with the creation of laws that follows with it. Once the civil state is instituted, the sovereign's actions, however, cannot be unjust. The emergence of the sovereign's action is the result of a common agreement of all people with all people; therefore, the true authors of the sovereign's action are the subjects. If someone accuses the sovereign of injustice, he is, in fact, accusing himself, as the author of an action that the sovereign only represents in his name – which makes no sense³⁷. Responding to this perspective, Kant begins by agreeing with Hobbes, when he states: “A nonrecalcitrant subject must be able to assume that his ruler does not *want* to do him any wrong.”³⁸. Indeed, for Kant too, insofar as the sovereign's action is legitimized *a priori*, a vote of confidence is required from the subjects. However, right afterwards, Kant states: “For, to assume that the head of state could never err or be ignorant of something would be to represent him as favored with divine inspiration and raised above humanity.”³⁹. Kant's suggestion seems to be that the sovereign may, after all, though he does not intend to, commit injustices. The sovereign is not an *artificial man*⁴⁰; he does not have at all times all the relevant information that would allow him to make the best decisions – therefore, he might be wrong. Already in the *Idea for a Universal History from a Cosmopolitan Perspective*, Kant had shown to be aware of the challenge involved in handing over the governance of a state to an individual who, like the rest, is flawed and experiences internal conflicts (i.e. those related with his moral character):

[...] where does he find such a master? In no place other than in the human species. But such a master is just as much an animal in need of a master. He may thus begin in whatever way he likes, yet it is not at all evident how he is to find a supreme authority of public justice that is itself just, whether he seeks such a supreme authority in an individual person or in a group of people chosen for this purpose. [...] The supreme authority must be just *in itself* but also a *human being*. This task is thus the most difficult of all. Indeed, its perfect solution is impossible: nothing entirely straight can be fashioned from the crooked wood of which humankind is made. Nature has charged us only with approximating this idea.⁴¹

³⁷ Hobbes, *Leviathan*, Chapter XVIII, 117-118.

³⁸ Kant, “On the common saying”, 8:304 (302).

³⁹ Kant, “On the common saying”, 8:304 (302).

⁴⁰ Hobbes, *Leviathan*, “Introduction”, 7.

⁴¹ Kant, “Idea for a Universal History from a Cosmopolitan Perspective”, 8:23 (9).

Kant recognizes the difficulty surrounding the possibility of the state having a perfect sovereign at its head. In fact, in the 1784 essay, he goes further and reveals that it is impossible to ever effectively conquer such ambition. Still, he appeals to its deeply guiding value, which fosters in each new generation the quest for a political improvement. Meanwhile, in the 1793 essay, Kant shows how it is possible to put into practice the task of seeking an improvement in state governance. The solution lies, precisely, in creating and promoting a public space for debate, where each individual intervenes in the discussion of the law, and where, therefore, the sovereign is placed before renewed perspectives, capable of perhaps alerting him to new possibilities of action. After all, it will be the sovereign himself who will benefit from a public discussion of the law, in order to carry out his function in the best possible way. Here is the praise that Kant makes of the principle of independence:

[...] a citizen must have, with the approval of the ruler himself, the authorization to make known publicly his opinions about what it is in the ruler's arrangements that seems to him to be a wrong against the commonwealth. [...] Thus *freedom of the pen* – kept within the limits of esteem and love for the constitution within which one lives by the subjects' liberal way of thinking, which the constitution itself instills in them (and pens themselves also keep one another within these limits, so that they do not lose their freedom) – is the sole palladium of the people's rights.⁴²

This means, on the other hand, that the statement according to which «a head of state has no obligation to the people by the contract» is also not in line with Kant's political theory. The sovereign *has* obligations towards his subjects: first, the obligation to think the law in favor of the community and, therefore, to legislate in accordance with the principles of freedom and equality; but also the obligation to promote and respect their freedom of speech, and to live harmoniously with the idea of being questioned when necessary⁴³. Moreover, Kant sees in the tendency not to allow the people to know and discuss the law a favorable condition to arouse mistrust and eventually trigger movements of disobedience and revolt⁴⁴.

Kant's critique is basically directed at the Hobbesian view according to which the individual transfers *all* his rights once he enters the civil sta-

⁴² Kant, "On the common saying", 8:304 (302).

⁴³ Timo Airaksinen and Arto Siitonen see in Kant's critique this same aim, namely, that of highlighting the possibility of preserving the subjects' freedom of expression without compromising the stability of the state: Timo Airaksinen and Arto Siitonen, "Kant on Hobbes, peace, and obedience", *History of European Ideas* 30, no. 3 (2004), 322-327.

⁴⁴ Kant, "On the common saying", 8:304 (302).

te⁴⁵. For Hobbes, the civil pact that is established between each man with each man determines that the unrestricted freedom of the state of nature is transferred to the sovereign, who will act on behalf of each of the subjects. However, note that Hobbes states in Chapter XXI of the *Leviathan* that there is *one* right that remains intact: the right to self-preservation⁴⁶. According to him, the entry into the civil state takes place to the extent that each individual intends to guarantee his safety and therefore agrees to transfer his rights to a sovereign, capable of better carrying out such a task:

Whensoever a man transferreth his right, or renounceth it; it is either in consideration of some right reciprocally transferred to himself; or for some other good he hopeth for thereby. For it is a voluntary act: and of the voluntary acts of every man, the object is some *good to himself*. And therefore there be some rights, which no man can be understood by any words, or other signs, to have abandoned, or transferred. [...] the motive, and end for which this renouncing, and transferring of right is introduced, is nothing else but the security of a man's person, in his life, and in the means of so preserving life, as not to be weary of it.⁴⁷

If it is under the assumption of seeking and guaranteeing self-preservation that individuals enter the civil state, it will also be under this assumption that they will be able, once under the command of a sovereign, to continue to defend themselves against any threats. From the moment his life is put at risk, the subject can legitimately defend himself and ensure his protection, even if disobeying the sovereign.

What Kant intends, however, to show is that it is not enough to ensure only the minimum of rights for individuals. The individual becomes a subject but does not agree to do so under *any* conditions. Indeed, his freedom must be at the heart of the sovereign's mode of governance; and his freedom to express himself before the community must also be secured. That's why Kant ends his critique against Hobbes by arguing, once again, that strict obedience to the sovereign can be reconciled with a frank freedom of expression of the citizen:

In every commonwealth there must be *obedience* under the mechanism of the state constitution to coercive laws (applying to the whole), but there must also be a *spirit of freedom*, since each, in what has to do with universal human duties, requires to be convinced by reason that this coercion is in conformity with right, lest he fall into contradiction with himself.⁴⁸

⁴⁵ Hobbes, *Leviathan*, Chapter XVII, 114.

⁴⁶ Hobbes, *Leviathan*, 144.

⁴⁷ Hobbes, *Leviathan*, Chapter XIV, 88-89.

⁴⁸ Kant, "On the common saying", 8:305 (303).

4. Venturing beyond: Kant and Hobbes on disobedience

We would like to end our essay by proposing an alternative view on the issue of disobedience. Indeed, the reading we previously proposed on the matter is frequently defended; what we would like to do from now on is to suggest a different interpretation and, therefore, understand whether there seems to be any room for disobedience within the theories of the two authors⁴⁹.

Let's start with Hobbes. As we have seen, the Hobbesian theory seeks to show how the state can be unconditionally preserved and, hence, peace and security assured. Although external threats are unpredictable, internal conflicts can certainly be reduced – it is in this direction that Hobbes' theory moves, while seeking, therefore, the greatest degree of consonance within the commonwealth. What follows from this is that we do not find a justification whatsoever for disobedience. However, there is a passage from the *Leviathan* that we would like to quote and analyze: “It is true that they that have sovereign power, may commit iniquity; but not injustice, or injury in the proper signification.”⁵⁰ We have already seen why, according to the theory proposed by Hobbes, the sovereign never commits injustices: insofar as he does nothing more than represent what the subjects have agreed among themselves as authors, his action is constantly legitimized. However, Hobbes then speaks of *iniquity*. What seems to be at stake here is not so much the question of the legitimacy of the sovereign's action, but the possibility of making a moral assessment of it. It is difficult to confirm this perspective, as Hobbes does not delve into it. However, we seem to be given a clue when, later on, he discusses the functions of the sovereign:

The office of the sovereign, (be it a monarch or an assembly) consisteth in the end, for which he was trusted with the sovereign power, namely the procuration of the *safety of the people*; to which he is obliged by the law of nature, and to render an account thereof to God, the author of that law, and to none but him. But by safety here, is not meant a bare preservation, but also all other contentments of life, which every man by lawful industry, without danger, or hurt to the commonwealth, shall acquire to himself.⁵¹

⁴⁹ Studies on the subject of disobedience, although scarce, have been increasingly developed in recent years. We highlight two, on which we based our study; as for Hobbes, we highlight the essay by Glen Burgess (“On Hobbesian Resistance Theory”, *Political Studies* XLII, (1994), 62-83); as for Kant, we highlight Reidar Maliks' book on Kant and the French Revolution (*Kant and the French Revolution*, Cambridge: Cambridge University Press, 2022), particularly Chapter 4.

⁵⁰ Hobbes, *Leviathan*, Chapter XVIII, 118.

⁵¹ Hobbes, *Leviathan*, Chapter XXX, 222.

Although Hobbes rarely mentions it, the sovereign's function does not consist exclusively in guaranteeing the preservation of the lives of individuals, but also in guaranteeing a certain level of welfare and well-being. Where do these two passages lead us? They certainly do not lead us to a Hobbesian theory of revolution, but they perhaps allow us to trace a little-recognized aspect of his theory. Although there is no room for disobedience, this does not mean that, in Hobbes, there is no concern about *how* the sovereign should govern⁵². If subjects cannot rebel, it is also certain that there are conditions more and less conducive to it. One way to reduce the possibility of internal conflicts is precisely to ensure that the sovereign takes into account the way in which he governs and how he guarantees his subjects a certain degree of well-being. What is at issue here, then, is Hobbes' recognition of certain requirements that must be met in order to more effectively guarantee the goal of his theory, namely, the stability of the state. On the other hand, it shows us how Hobbes thinks, although he rarely chooses to direct the reader's attention to it, some of the aspects that can lead the individual to disobey.

Let us now look at Kant. The problem of disobedience, in the context of Kantian philosophy, is related to the difficulty in giving an *a priori* justification to a right that jeopardizes the civil state (this, indeed, justified *a priori*). There seems to be no Kantian theory of revolution; still, and contrary to what happens with Hobbes, Kant reflects on the question concerning disobedience in greater detail, pondering not only its negative, but also positive aspects. Although *Theory and Practice* does not mention it directly, Kant was living at the time of its writing in a moment of enormous relevance for the European social and political context: the French Revolution. Now, in the 1793 essay, Kant's position is bluntly unfavorable to disobedience. We can think of this posture based on some of the events surrounding the French Revolution. In fact, at the beginning, the Revolution seemed to follow an orderly course; however, until 1793, tempers flared more and more, which culminated with the assassination of King Louis XVI. Thus, if the 1789 project to put an end to the *Ancien Régime* and the creation of the "Declaration of the Rights of Men and of Citizens" was clearly in tune with many of the ideals of his political philosophy, the fact that the Revolution later became successively more radical and chaotic was something that displeased Kant.

Even if his stance in 1793 on the question of disobedience is categorical, it is still possible to find other essays where Kant's position is no longer so pragmatically unfavorable to the idea of revolution. One of these texts dates from 1798 and bears the title *The Conflict of the Faculties* (*Der Streit der*

⁵² Peter J. Steinberger argues for this same interpretation by showing how we can find in Hobbes the suggestion of a prudential advice to govern well. See Peter. J. Steinberger, "Hobbesian Resistance", *American Journal of Political Science* 46, no. 4, (2002), 862.

Fakultäten). Here, Kant thinks about the French Revolution in terms of his philosophy of history. Before dedicating ourselves to some passages from this text, it is relevant to return to one of the most fundamental aspects of the Kantian philosophy of history that is presented in the *Idea for a Universal History from a Cosmopolitan Perspective*, namely, the conception of progress as a non-linear course of human history. According to Kant, the history of humanity sets in motion a concealed plan of Nature, which teleologically guides the course of events. However, progress cannot be viewed in a linear fashion; in fact, it is fed, as we had the opportunity to mention before, from the unsociability and discord of men:

Humans desire harmony, but nature knows better what is good for their species: it wills discord. Humans wish to live leisurely and enjoy themselves, but nature wills that human beings abandon their sloth and passive contentment and thrust themselves into work and hardship, only to find means, in turn, to cleverly escape the latter. The natural motivating forces for this, the sources of unsociability and continual resistance from which so many ills arise, but which also drive one to the renewed exertion of one's energies, and hence to the further development of the natural predispositions, thus reveal the plan of a wise creator [...].⁵³

Thus, a successive improvement in the civilizational and cultural conditions of humanity depends on everything that we could perhaps consider as obstacles to progress. It is in this sense that Kant seems to see the French Revolution. If, for the Prussian author, any revolution entails risks which cannot be formally justified, it is also true that it can represent a tipping-point that determines a new moment in history, which, although cannot be understood from an individual point of view, will still be relevant to humankind. The conflict of which the French Revolution is a manifestation may, therefore, very well be a propeller of progress. Namely, what Kant values in the French Revolution, now according to *The Conflict of the Faculties*, is the enthusiasm that the non-participants had been showing. The fact that not only the intellectual elites, but also a large part of the population showed interest in the Revolution demonstrated how humanity successively adhered to the values that, in essence, were those of Kantian republicanism⁵⁴:

⁵³ Kant, "Idea for a Universal History from a Cosmopolitan Perspective", 8:21-22 (7-8).

⁵⁴ Immanuel Kant, "The Conflict of the Faculties", in *Immanuel Kant, Religion and Rational Theology*, translated by Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 7:85 (302).

[...] first, that of the *right*, that a nation must not be hindered in providing itself with a civil constitution, which appears good to the people themselves; and second, that of the *end* (which is, at the same time, a duty), that that same national constitution alone be *just* and morally good in itself, created in such a way as to avoid, by its very nature, principles permitting offensive war.⁵⁵

What Kant favors in the 1798 essay is not the very value and legitimacy of the revolution, but the possibilities it brings with it and the *moral disposition* it reveals in individuals to, even through conflict, seek something better – in this case, the pursuit of the ideals of a republican constitution. Therefore, it is not surprising that Kant, still speaking of the French Revolution, states that, even if it had failed, it would still continue to have great value, insofar as it constitutes one of the essential moments in the trajectory of the political progress of humankind. For this reason, the value of this event could not be considered in isolation, but in terms of a broader whole that corresponds to the history of humanity. The French Revolution constitutes, hence, an essential part of the economy of events that feed progress; and even if it had failed, the ideals to which it aspired would later be recaptured, so that the quest for their realization would never cease:

But even if the end viewed in connection with this occurrence should not now be attained, even if the revolution or reform of a national constitution should finally miscarry, or, after some time had elapsed, everything should relapse into its former rut (as politicians now predict), that philosophical prophecy still would lose nothing of its force. – For that occurrence is too important, too much interwoven with the interest of humanity, and its influence too widely propagated in all areas of the world to not be recalled on any favorable occasion by the nations which would then be roused to a repetition of new efforts of this kind; because then, in an affair so important for the human race, the intended constitution, at a certain time, must finally attain that constancy which instruction by repeated experience suffices to establish in the minds of all.⁵⁶

Final remarks

Having reached the end of the path we set out to take, let us list the main conclusions we reached during the course of our study. We first showed how the foundation of the Hobbesian and Kantian political theories find different roots: while for Hobbes it is based on an anthropological theory, Kant shows

⁵⁵ Kant, “The Conflict of the Faculties”, 7:85 (302).

⁵⁶ Kant, “The Conflict of the Faculties”, 7:88 (304).

the need for a civil state based on an *a priori* justification. We also showed how Kant describes three essential dimensions of the individual that must be, not only preserved, but also promoted, once within the civil state: namely, his *freedom as a human being*, his *equality as a subject*, and his *independence as a citizen*. From this tripartite scheme, we saw how Kant's critique of Hobbes moves with the main intention of defending the principle of independence. Meanwhile, we found a fundamental point of convergence between the authors: the defense of a duty of absolute obedience, in accordance with the Hobbesian logic of author/actor. It was with the issue of disobedience that we ended our essay, looking for an interpretation that perhaps contradicted the conclusion we had reached. We saw how, although in both Kant and Hobbes there is no theory of revolution, Hobbes seems to show how the sovereign's mode of governance influences the possibility of subjects disobeying, and Kant seems to show a prudent openness to revolution, when taken from a teleological point of view.

Kant's critique of Hobbes, although perhaps too general, nevertheless reveals a concern that is always latent in his political thought. This concern has to do with the difficulty surrounding the achievement of a healthy and stable government that respects the three principles which constitute a republican constitution. Quite in line with the spirit of the Enlightenment, the principle of independence proposed by Kant assumes, therefore, a fundamental space in his political theory. In a community oriented towards peace and the dissolution of war – be it war waged against an external enemy or against discordant factions within the same society –, only the promotion of an open space of discussion will allow for the successive correction of the sovereign's action and an improvement in the political community. Thus, neither the citizen is passive, nor is the sovereign so far above individuals that he acts despotically: on the contrary, subject and sovereign act in such a way as to preserve the three rules of governance, while always aspiring to a just state.

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