

# KANT ON RIGHTS, STATE AUTHORITY, AND THE FALLACIOUSNESS OF REVOLUTION

Written by *Rocco A. Astore*

*Master of Arts*

---

## **Abstract:**

In his *Metaphysics of Morals*, specifically, *the Doctrine of Right*, Enlightenment philosopher Immanuel Kant addresses issues regarding the scope of the sovereign's, ruler's, judiciary's, and the people's roles, as outlined in their civil constitution. As hypothesized by Kant, although the people hold claim to rights distributed throughout their native or adopted country, they nevertheless do not possess the right to revolution, even under instances of tyranny. One problem arising from this odd Kantian conclusion is why is it that the authorities of the state, when thought of as the sovereign, ruler, and judiciary, possess exclusive rights that are absent in the people. First, this essay will address the nature of the people's rights, as well as those powers Kant associates with the sovereign, ruler, and judiciary, respectively. Next, this piece will explore why it is that Kant believes the people, under no circumstance, should ever engage in revolution, or resistive practices. Lastly, this piece will argue in favor of Kant's anti-revolutionary views, because although the people possess inner freedoms that neither they nor any other aspect of the state can lawfully alienate, the state's civic dignities still possess authority over external freedom. Thus, for the protection of the people, the state's authorities must uphold and enforce the laws of the civil constitution so that the entirety of the civil society continues to be a realm in which all could remain internally free and enjoy their rights in a rightful setting.

## Introduction

Issues concerning the relationship between the authorities of the state, or those governing bodies in a lawful realm, and the state's members appear in philosopher Immanuel Kant's *Metaphysics of Morals*. To Kant, dignities of the state, such as the sovereign, ruler, and courts each bear unique powers that the people either lack entirely or possess only minutely. Nevertheless, Kant insists that people do bear and harbor freedoms; however, these privileges stop at revolution; for Kant does not adhere to the view that revolution is ever justifiable, even under tyrannous conditions. Thus, how could it be that the state's authorities must ensure people's freedom when none could grant them the right to partake in occasioning its demise, even if they choose? This essay will start by detailing Kant's understanding of rights as well as those distinguishing each state apparatus from the other. Afterward, this piece will describe why Kant believes people possess rights, despite them lacking the privilege to ever revolt against the state's administrative facets in a way that is lawful. Finally, this essay will invite readers to apply Kant's views regarding internal and external freedom, to support his position that the authorities of the state, which possess control over external freedom, is necessary for the continued recognition of inner freedom, which revolution ultimately threatens.

### **Kant on Rights and the Powers of the State**

As understood by Kant, there exist both shared and unique rights that each governing body, composing the powers of the state feature and exercise.<sup>1</sup> By rights, the reader may understand the freedoms that every person possesses, to live in such a way that does not interfere with the establishment of another's will when appropriately aligned with the laws of the state binding

---

<sup>1</sup> Kant, Immanuel., M. Gregor trans., L. Denis., ed., *The Metaphysics of Morals* (Cambridge: Cambridge University Press., 2017)., 99.

all.<sup>2</sup> That is, no person, acting in a fashion which puts the manifestation of anyone's will in jeopardy, could claim to be rightfully concretizing his/her will in a civil setting.<sup>3</sup>

One reason for this is that people's ability to choose falls into two species of freedom, that which is positive, and that which is negative. To Kant, an instance of negative freedom is findable in one who gives into the influence of compulsion alone, including his/her base desires or another's sway gaining the upper hand in his/her decisions, negating that individual's ability as a person to objectify his/her will as he/she sees fit.<sup>4</sup> That is because, coercion, as popularly understood, ultimately disregards the universally binding moral law as played out in human affairs and interactions.<sup>5</sup>

This universal moral law, Kant calls the categorical imperative, or that command which, if followed, guarantees that one is acting rightly.<sup>6</sup> That is because if one embraces the categorical imperative, that person could rest assure that he/she is acting in such a way that maintains his/her individual choice without treading on the ability all other persons possess to act freely, or void of manipulation.<sup>7</sup> In other words, when one follows a code of conduct, or maxim, which guarantees that if everyone acts like he/she, and if that standard of behavior could only produce a result which never bars the free exercise of another's agency, then that maxim compliments the moral law, rendering that person and maxim fit for civil society.<sup>8</sup>

Moreover, this instance of positive freedom, or that which one may do because it is always moral to do, Kant believes, is a feature of constitutional states where governing bodies assists

---

<sup>2</sup> *Ibid.*, 26-27.

<sup>3</sup> *Ibid.*, 32-33.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*, 18

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*, 18-19.

<sup>8</sup> *Ibid.*, 18-19, 21.

in securing and promoting such liberty.<sup>9</sup> Now to Kant, the powers of the state, such as its sovereign, ruler, and judiciary all play crucial roles in maintaining how, why, and under which circumstances can the state have the authority, or rightful claim to interfere with an individual's willful act.<sup>10</sup> In other words, Kant supports the position that the authoritative aspects of the state bear powers that only they could execute rightfully, such as in the case of hindering a person who is a hindrance to the freedom of another.<sup>11</sup>

First, Kant would claim that, ultimately, only an authoritative aspect of the state can legitimately block one from interfering with another's ability to choose in a free manner.<sup>12</sup> One reason why Kant would believe this is that a hindrance to a hindrance to freedom could only arise if freedom were intelligible, initially.<sup>13</sup> From this, Kant claims that the state alone has the right to restore this freedom, for it, as the only realm in which the rights of persons could arise and persists, is a central prerequisite for the understandability of those rights when viewed from one or more perspectives.<sup>14</sup> That is because the recognition of rights relies on the state as that source in which rights become acknowledgeable, and Kant would assert that only the state could legitimately rectify hinderances to freedom, for it alone enables those rights to develop in a way that becomes comprehensible to people.<sup>15</sup> Hence, because it is the state alone that serves as that realm in which all people possess recognized rights, it is only fitting that the state and its branches address wrongs, such as removing blockages to any of its members' freedom.<sup>16</sup> That is because it is only in a coexistent community that the awareness of rightful, positive freedom, could sprout, and be free from impediments to its expression, and where negative

---

<sup>9</sup> *Ibid.*, 20-21, 97, & 99.

<sup>10</sup> *Ibid.*, 32-33.

<sup>11</sup> *Ibid.*, 28.

<sup>12</sup> *Ibid.*, 28-30, 97, & 99.

<sup>13</sup> *Ibid.*, 30, 34, 97, & 99.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

freedom, or the lack of living up to one's personhood due to compulsion, desire, or aversion, arises most limitedly.<sup>17</sup>

Now, one facet of the state's authority, the sovereign, Kant describes as being the embodiment of the general will, or that acknowledged rule of law which all members of a state are to follow.<sup>18</sup> To Kant, the sovereign is that arm of the state's power which derives from the general will of the people, and it is precisely citizens who are those that pave the way for its legislative authority.<sup>19</sup> That is because the legislative authority contains the laws that all succumb to, and it is the members of a state, where the recognition of everyone's rights under the universal moral law, when understood civilly, become concrete.<sup>20</sup> In other words, Kant adheres to the view that the legislative power of the state is, in fact, the manifestation of the general will, or that collective maxim which the people are to follow, based on their accepting to live in a civil state.<sup>21</sup>

Another aspect of the sovereign is that it is to reflect the equal ability that the state recognizes in each of its citizens, who have the acknowledged right to conduct their lives as they see fit when regulated by the law, or that political expression of the categorical imperative.<sup>22</sup> That is, a citizen, or a self-master, helps to constitute the general will of the people which must fall under the categorical imperative, or that universally binding moral law, for no one's freedom, could ever lawfully overstep the bounds of another.<sup>23</sup> Hence, one may assert that the legislative power of the state, although deriving from the people's will ideally being in unison with itself, must still be the guarantor of that will, to remain to be accessible to all who do or will become

---

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*, 99.

<sup>19</sup> *Ibid.*, 99-100.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*, 100.

<sup>23</sup> *Ibid.*

a citizen of the state in futurity.<sup>24</sup> Finally, by being the sole authority that embodies the laws of the state, the sovereign features powers unique to it.

One distinct power that is in the hands of the sovereign, legislative authority, of the state, is that although the people choose their representatives to objectify their general will in the form of laws deliberated by parliament, this power of the state has sole authority over the land.<sup>25</sup> In other words, to Kant, only the sovereign can distribute land, for it alone is the ideal counterpart of that land in which the rights of all go recognized.<sup>26</sup> That is because the people by choosing their delegates to address their concerns in government are already acknowledging that they exist in a civil state in which laws are a reality.<sup>27</sup> From this, it follows that the people by investing their authority into a sovereign legislative authority, to deal with their general will, must adhere to the directives of their sovereign, because they ultimately granted that authority rule over their external freedom.<sup>28</sup> Lastly, because the land of the state is exterior to all, it follows that the sovereign alone possesses the authority to manage it, for it is the only arm of the state which could rightfully claim to be its ideal reflection.<sup>29</sup> That is because no one member of the state could claim to compose the whole of the general will, for it is a totality and not a monadic ideal. While, at the same time, the land, although sometimes preceding the existence of the sovereign, is only intelligible as that plane requisite for the awareness of rights, such as those regarding property, due to the sovereign.<sup>30</sup>

Another source of authority in the state, which Kant addresses, is the power of the ruler, or that being in whom the right to bestow offices, levy taxes for the common good of the state, punish,

---

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*, 107-108.

<sup>26</sup> *Ibid.*, 108.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

and grant clemency, dwells.<sup>31</sup> First, Kant claims that the ruler has the power to bestow offices because of his/her right to execute the law in such a way that the rights of all subjects remain secure by the best administrators available.<sup>32</sup> However, Kant also adheres to the view that a ruler could not abuse his/her power and remove from office those of whom he/she grants these state salaried positions, for if any of these officials are not guilty of a crime, or an act unfit of a citizen, then they still possess the backing of the general will of the people.<sup>33</sup> That is because the head of government, as that chief agent of the general will, once acknowledged, or directed that general will, to support whatever innocent official he/she now seeks to demote, which lacks rightfulness because that ruler cannot lawfully apply the general will against someone who does not deserve it.<sup>34</sup>

Moreover, the issue of levying taxes Kant investigates and finds to be in the authority of the ruler because as that ward of the people, no one should live so undignified that he/she cannot fulfill his/her basic needs, for whether foreign or native, individuals are still citizens of the Earth at birth.<sup>35</sup> As such, one may claim that the downtrodden due indeed possess inherent civil worth, and though they may attempt to remedy their situations by subjecting themselves to the will of another, Kant would not wholeheartedly agree.<sup>36</sup> One reason for this is that no one can genuinely give away his/her personhood, for as a citizen he/she could never renounce his/her freedom and stoop to a level below that of a citizen.<sup>37</sup> At the same time, Kant does believe that those who work day-to-day and those who exists as subjects and live on their master's property, though independently, are not giving away their personhood either, and thus still maintaining

---

<sup>31</sup> *Ibid.*, 109-110, 114.

<sup>32</sup> *Ibid.*, 110.

<sup>33</sup> *Ibid.*, 111-112.

<sup>34</sup> *Ibid.*, 112.

<sup>35</sup> *Ibid.*, 110-111.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

their freedom.<sup>38</sup> Now it is the ruler who has the power to levy taxes, for as the agent of the general will of the people, his/her role is most suitable to prevent that will from ever experiencing subjugation, by any of its members, losing their personhood, or freedom.<sup>39</sup> Hence, because no one could become a non-citizen in the cosmopolitan sense, and because one's inability to give away one's dignity as a person, or freedom as a laborer, helps to rationalize why care, in the form of taxes, to help support all members of a state, including the unfortunate, is an issue fittingly addressable by the ruler.<sup>40</sup>

Also, Kant draws his readers' attention to why it is that the ruler possesses the power to punish, as well as the authority to grant clemency.<sup>41</sup> First, Kant asserts that the right to punish is that right of the ruler to inflict pain upon those who partake in damaging his/her person. That is, a crime against a ruler's person is, in part, an example of a private crime, where civil courts hold power to judge how to remedy that ruler's grievances.<sup>42</sup> Now, one may note that to Kant, there also exists public crimes or those that are unfitting to the proper conduct of any member of the state as expected by and outlined in their civil constitution.<sup>43</sup> From this, it follows that the ruler of a state is exempt from punishment for it is not in the authority of any one person to challenge the general will which initially placed that ruler in his/her position of command, as the greatest expresser of that will.<sup>44</sup> That is, to Kant, the only way that a member of the state could "punish" his/her ruler, is if that person withdrew from the civil state.<sup>45</sup> However, Kant would claim that not even this is a genuine punishment, for even if all people left their ruler's dominion, they

---

<sup>38</sup> *Ibid.*, 100-101, 110-111.

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*, 113-114.

<sup>41</sup> *Ibid.*, 114.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*, 100-101, 114.

<sup>44</sup> *Ibid.*, 114-115.

<sup>45</sup> *Ibid.*, 102.



would still not be redressing or directly causing pain to that ruler as he/she did to them, and thus, not subtract from the scope and power of his/her rulership position.<sup>46</sup>

Furthermore, the right to grant clemency, which may be that power unique to a ruler, Kant also describes. To Kant, one interesting way to understand punishment and how the ruler could adequately rectify a penalty is by taking the position that no one wills a punishment instead they involve themselves in, and will, punishable acts.<sup>47</sup> As such, one may infer that the purity of the will which people have remains unscathed and accordingly, there does exist wrongs which are commutable, resolvable, and remittable by the ruler's authority.<sup>48</sup> However, Kant does note that crimes between subjects are not excusable by the ruler because his/her role is one which encompasses the totality of the state's executive authority.<sup>49</sup> Thus, unlike the issuing of legal verdicts, like that found in cases addressed by the civil courts, it is crimes against the ruler's public station, or the agent of the state's will itself, that are excusable only by that ruler, as he/she who alone harbors the authority to enact the will of that civil community.<sup>50</sup>

Next, Kant examines the judiciary branch or that authoritative force of the state which awards to each what is his/her as proper to the law of the state, in the being of a judge.<sup>51</sup> That is, Kant adheres to the view that judges serve as those who deliver verdicts, or sentences, in such a manner that reflects the rightfulness of the laying down of the law, that is appropriate to the given preceding.<sup>52</sup> Moreover, Kant believes that the judiciary deals with both private and public laws, which derive not from a sensible fact that makes laws necessary, instead they are

---

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*, 117.

<sup>48</sup> *Ibid.*, 117, 119

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*, 119.

<sup>51</sup> *Ibid.*,

<sup>52</sup> *Ibid.*, 99, 102, 117, & 119.

necessary *a priori*.<sup>53</sup> One reason for this is that the process by which people may form a civil state, begins with the resolves to refrain from violence against one another, so that the positive aspects of human freedom, such as rights and liberties, could arise.<sup>54</sup> Hence, to better guarantee that all people remain safe externally so that the inner freedom they possess could shine with little to no interruption, gives way to rightful laws, ultimately reflecting the categorical imperative, giving reason to believe that those who freely obey the law are rightful.<sup>55</sup>

Another insight into the judiciary authority of the state that Kant addresses, is that the highest court of the land, is that court in which decisions are final, or irreversible.<sup>56</sup> One reason why Kant believes that the state's highest court is the say-all when it comes to the finality of a case is that for the necessity of the state's ability to be just, it must recognize a judiciary, which, in turn, acts as an insurmountable limit.<sup>57</sup> This judicial endpoint is necessary to Kant, for without it, justice would have no definite grounding, for in practice it would remain contingent, which the endless amounts of appeals that would arise, would help to prove.<sup>58</sup> That is, no verdict would ever be genuinely final, and if this is the case, the necessity, and steadiness of the laws of the state would be in jeopardy, for one would be able to justifiably assert that those laws are missing a central characteristic required of law.<sup>59</sup> Lastly, this predicament Kant would warn against, for it may ultimately invite revolution, or that dismantling of government which could never be rightful, either legally, morally, or rationally.<sup>60</sup>

### **Kant as Anti-Revolutionary**

---

<sup>53</sup> *Ibid.*, 90, 98-99.

<sup>54</sup> *Ibid.*, 98.

<sup>55</sup> *Ibid.*, 98, 148.

<sup>56</sup> *Ibid.*, 90, 102.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*, 16, 22-23, & 102-103

<sup>60</sup> *Ibid.*, 104, 105-106.

As understood by Kant, revolution is never a legitimate way to redress wrongs committed by the state against the people.<sup>61</sup> One reason why Kant makes this claim is that he believes when the people question or challenge the idea of the legitimacy of the state and its organs of authority, they set themselves up for failure.<sup>62</sup> That is because, practically speaking, whether the state arose from a compact out of the state of nature or established by the might of a ruler, who then allowed for the law, neither option is entirely verifiable.<sup>63</sup> Thus, to Kant, the best way to answer the question of from where the state's authority ultimately derives, is best to overlook, for the reality of the state, as constituted by its general legislative will derived from the people, must first possess a united people, for it to even feature a general will.<sup>64</sup>

Moreover, because the authorities of the state necessarily limit the rights of the people, in their respective spheres of command, it follows that those branches of government, precisely the ruler, who possess only rights and no duties, could never be subject to punishment by the people.<sup>65</sup> One reason for this is that no person of the state possesses the recognized authority that the ruler holds.<sup>66</sup> As such, if a person were to claim that he/she owns the right to revolt against his/her monarch, he/she would, in fact, be claiming that he/she possesses authority higher than the state, which cannot be, for his/her understanding of himself/herself as above the ruler does not possess the backing of the general will.<sup>67</sup> That is because in this scenario there would always remain at least one, that former monarch, who would not agree that his/her challenger possesses the right, or authority to usurp him/her.<sup>68</sup>

---

<sup>61</sup> *Ibid.*, 103-104.

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*, 104.

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*, 102, 104.

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

Also, Kant continues to assert that a constitution could never guarantee or feature the right to revolution for it would be a crime against authority, for it would never make sense, rationally.<sup>69</sup> First, upon investigation, for a constitution to possess a clause that grants the right to revolt or even resists the state's authority, it would, in fact, be supporting the idea that the people overarch the state.<sup>70</sup> Aside from the fact that no person stands above the state in authority, this is also problematic because no one person aside from a lawful ruler could protect another, for he/she would lack the legitimacy to deliver judgment against any wrongdoer.<sup>71</sup> That is because he/she could never execute or direct the general will to punish a menace, rightfully, since he/she as not constitutionally acknowledged as having power more significant than the state, would lack the right to act on that will's behalf.<sup>72</sup> However, this predicament could unfold if it were the case that a constitution included the right to revolution, which, in theory, and practical effect, would render the purity of justice tainted.<sup>73</sup>

Furthermore, Kant focuses his readers on why it is that so-called moderate, mixed, or constitutions which claim to uphold check and balances are, in practice, illusory, and thus, revolution and resistance to the sovereign commander, ruler, or monarch are still void of right.<sup>74</sup> In other words, Kant adheres to the view that in a civil state those who exceed the power of the ruler are those who could resist his/her power.<sup>75</sup> However, this is, in fact, practically infeasible, for even the delegates, or guardians of the people's rights and freedoms, ultimately cave into the will of the monarch, for those delegates themselves invested their lives into the well-being of the state.<sup>76</sup> Consequently, it is solely if these representatives forgo their families, quality of

---

<sup>69</sup> *Ibid.*, 104-105.

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*, 105.

<sup>73</sup> *Ibid.*, 91-92, 105.

<sup>74</sup> *Ibid.*, 105.

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

life, legacies, financial worth, and anything else they worked hard for, could they begin to claim that they can resist the ruler's might, which is unlikely.<sup>77</sup> Thus, since no one could resist or revolt against the state, or monarch, in reason, and because few would risk their lives for the well-being of the people over the continuity of the state and the way of life it enables, Kant places little clout in the idea that revolution or resistance against the state is constitutionally right.<sup>78</sup>

Another reason why Kant stands opposed to revolution is that he believes that the people cannot rightfully revolt against the legislative authority of the state.<sup>79</sup> Now, as understood by Kant, the very reality, and the possibility of a rightful condition in which people can genuinely embrace personhood and live obediently free, nullifies the legitimacy of revolution against parliament.<sup>80</sup> One reason for this is that the general will, which the legislative authority embodies, is not the will of one; instead it is the totality of the wills present in a civil society, facilitating all to enjoy the absence of obstacles that may hinder their liberty.<sup>81</sup> As such, because a general will alone secures the freedoms of all, and because the people acknowledge delegates of the state, as their representative components helping to compose that general will, a breach by one would spell a disharmony between all, rendering the condition of rightfulness to fall apart *a priori*.<sup>82</sup> Hence, if anyone had the right to revolt against the general will or the legislative sovereign, it should be that his/her power alone would possess the ability to dismantle the rightful condition found in a civil society.<sup>83</sup> Lastly, this cannot be the case, for the general will is not a product of one;

---

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

instead it is a product of many, explaining why one person, as successfully ending a state's legislative will, by reason of right, is hardly convincing.<sup>84</sup>

Kant continues his analysis and critique of rebellion by pointing out that no matter how oppressive the authority of the state, it is never legal or lawful to topple the yoke of that mantle of power.<sup>85</sup> That is because even if a constitution permitted the people's resistance to the top echelons of power in the state, that would invite the people to serve as judge to the powers that be.<sup>86</sup> The problem arising from this is that the people could never genuinely claim to be impartial, for they, if judges of the chief authorities of the state, would be ruling in a case in which they are simultaneously subject and sovereign.<sup>87</sup> Indeed, this would result in a significant skewing of justice, for it is absurd to believe that the people when understood as ultimately their own judges against the state, would rule contrary to their demands.<sup>88</sup> Thus, regardless of the conditions the people demand to remedy, Kant believes that they must obey the state; for it is only the state that could legitimately cede to their claims, as well as address and rectify their grievances.<sup>89</sup>

Another question that emerges from Kant's dissection of the right to revolution concerns what other states should do, when a rebellion succeeds and takes the reins of power of a neighboring state.<sup>90</sup> First, Kant claims that a newly raised government that proceeds from a successful revolution could never indeed claim legitimacy.<sup>91</sup> That is because a revolution could never be a right, as described above.<sup>92</sup> Accordingly, since a revolution is absent of a rightful grounding,

---

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*, 105-106.

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid.*

<sup>90</sup> *Ibid.*, 107.

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*

the old monarch, if still surviving after the revolution that toppled his/her rule, possess a legitimate case to incite a counter-revolution, or plead for the assistance of other nations to correct his/her people.<sup>93</sup> However, Kant believes that this query is best resolvable by leaving it to the doctrines regarding the cosmopolitan rights of nations, which state that to maintain the international order, the authority of other countries may intervene in cases such as a surviving monarch seeking to restore peace within his/her dominion.<sup>94</sup>

### **In Support of Kant's Challenges to the Legitimacy of Revolution**

Thus far, this essay attempted to introduce Kant's understanding of rights and freedom, as well as a detailed explanation of his views regarding the powers of dignities of the state and why revolution can never be a genuine, or legitimate right. However, if the general will, embodied by the legislative sovereign, which ultimately derives from the people's inner capacity for freedom, then how is it that that parliament, specifically when toying with freedoms, is to be immune from rebellion. Moreover, how could it be that the sovereign ruler possesses the authority to channel and express the general will of all, if he/she is, ultimately, only one person? Another question arising from Kant's anti-revolutionary perspective is how is it that the chief judicial power of the state, if, ultimately, unchallengeable, possesses the authority to deliver verdicts, if those verdicts are forever unchangeable.

Now, as understood by Kant, the job of the sovereign legislative body is to decide, as delegates of the people, the way in which their sovereign commander or monarch should exude the general will of the people.<sup>95</sup> That is, Kant adheres to the view that representatives in parliaments possess a right acknowledged by the people, for the people could only enjoy their rights due,

---

<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*, 100, 102.

in part, to that legislative body.<sup>96</sup> That is because the people entrust and recognize that body as being the guardians of their rights, and it is the legislative branch that possesses the authority to legitimize the rightful environment in which all people could enjoy their rights.<sup>97</sup> Accordingly, if the people wished to overthrow the legislative body, they would, in fact, be abolishing the condition of right they all enjoy, and as such revert to times earlier, akin to the state of nature where nothing is lawful, and instead, merely provisional.<sup>98</sup> In other words, without the legislative body, no rights could arise, or be necessary, or completely unchallengeable, and as such, if the people were to usurp representative authority, they would bear no say in how their ruler expresses the general will, opening the gates for higher chances of tyrannous managing of the state to actualize.<sup>99</sup>

Next, the legislative authority is immune to rebellion no matter its choices in parliament, including if it appears to limit external liberties.<sup>100</sup> That is because Kant believes the people are internally free alone, for the practical application of a person's freedom cannot overstep the bounds of the external world.<sup>101</sup> Consequently, although the legislative aspect of the state cannot alienate people from their inner freedom, it could regulate their external existence, because by doing so, inner freedom remains securely free to thrive.<sup>102</sup> That is because if the people possessed no limits on their external freedom, many would attempt to encroach on the freedom of others, which would defy the purpose of the legislative authority's right to safeguard and sentry the rights of all.<sup>103</sup> Lastly, because legislative bodies are a reality, and because their commitments rest in the maintenance of the general will, the moral law is

---

<sup>96</sup> *Ibid.*, 99-100.

<sup>97</sup> *Ibid.*, 98, 99-100.

<sup>98</sup> *Ibid.*, 92, 93-94.

<sup>99</sup> *Ibid.*, 104-105.

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*, 34-35.

<sup>102</sup> *Ibid.*, 34-35, 37, & 122-123.

<sup>103</sup> *Ibid.*, 105.



ultimately what the legislative body protects; for it is that law which governs freedom, or that inherent quality housed by all persons.<sup>104</sup>

Also, the problem of how the sovereign commander, monarch, or the ruler of a state could play such a role when as an individual, he/she remains but one person and not the entire community of persons inhabiting the state. To remedy this difficulty, readers should first remember that Kant declares that the sovereign legislature is more like the embodiment of the general will, whereas the sovereign ruler is he/she who possesses the authority, as recognized by the state, including the people, to be the expresser of that will; however, he/she is not that will itself.<sup>105</sup> As such, one may claim that the ruler is he/she who all in the state regard as the channel by which their general will becomes a concrete reality in the state.<sup>106</sup> Hence, a person would be wrong to revolt against the ruler because that monarch does not possess more personhood than another and is, therefore, absent of the authority to act as all would.<sup>107</sup> That is because, although it is correct to assert that the sovereign does not possess more personhood than another; it is nevertheless the case that he/she is that agent who alone has the power to direct the general will in a way fitting for the state.<sup>108</sup> Lastly, this authority, or power to direct the general will derives from the people knowing that their sovereign is their ruler, rendering it feasible to assume that the sovereign is unique as a public person.

Also, Kant believes that the judiciary authority of the state delivers verdicts which are final in nature, or it is not the case that they are reversible or appealable.<sup>109</sup> One reason why Kant makes this claim is that the highest court of the land is that voice of justice, which is impartial, or, in

---

<sup>104</sup> *Ibid.*, 34-35, 105.

<sup>105</sup> *Ibid.*, 123.

<sup>106</sup> *Ibid.*, 122-123.

<sup>107</sup> *Ibid.*

<sup>108</sup> *Ibid.*, 102.

<sup>109</sup> *Ibid.*

civil setting judges only according to that which matches the moral law as understood via right.<sup>110</sup> In other words, a judge is one who decides in a way that would cohere with the state's recognized laws or constitution alone.<sup>111</sup> As such, if the moral law of the land, or constitution, exists in political settings as immutable, or at most only subject to reform and not change, it only fits for a judge, especially of a supreme court, to render unappealable verdicts.<sup>112</sup> Thus, to maintain the rule of law and order in the state, it is requisite for the people to accept the decisions of the chief judiciary, for, without it, the very legitimacy of the state becomes questionable.<sup>113</sup> Lastly, this could be a threat to the state, for if the people could continually uproot everything that is to be necessary for a rightful condition, or state, to survive, then it would render itself without any sturdy law, which is absurd; for to be law, a law must possess at least some degree of permanency.<sup>114</sup>

Moreover, one way in which Kant's view, in support of judicial supremacy, could pan out as negating revolution on grounds deriving from the fact that the law ends with the chief court, is that the law itself knows no necessity. That is, to Kant, only the law could claim total freedom, for there is no law coercing law; instead it is free from all compulsion.<sup>115</sup> Accordingly, if this free quality of law, as delivered by the highest court of the state, were subject to debate, it would imply that an individual's disagreement or grievance against that court's verdict could take precedence, over the law itself.<sup>116</sup> However, since the law is free from all restraints, no one in the state has the authority to topple or use it at his/her discretion, alone. Thus, it is not only dangerous, practically speaking, for a state to allow the decisions of its highest court to be

---

<sup>110</sup> *Ibid.*, 16-17, 18, 102, & 104.

<sup>111</sup> *Ibid.*, 97.

<sup>112</sup> *Ibid.*, 97, 102.

<sup>113</sup> *Ibid.*, 97, 102, & 103-104.

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*, 16.

<sup>116</sup> *Ibid.*, 16, 102.

debatable, it is also illogical to reason that it is possible to assert one's authority over the law, or right. Finally, because it is practically imprudent and analytically impossible to ground authority in one person over the law truly, Kant's embrace of anti-revolutionary ideas regarding the judicial arm of the state is not so prudish after first glance.

### **Conclusion**

This piece sought to describe to readers Kant's theories regarding rights as well as the sovereign's, ruler's, and judiciary's powers and functions, which individuate each authoritative aspect of the state from the other. Next, this essay attempted to state Kant's views as to why a revolution is never a wise option for a people to engage in, including when the state appears to oppress them. Lastly, by addressing some problems faced by the authorities of the state, as to why they legitimately negate revolution from ever being rightful, this essay hoped to support and better secure Kant's anti-revolutionary doctrine of right.

### **Bibliography**

1. Kant, Immanuel., M. Gregor trans., L. Denis., ed., *The Metaphysics of Morals* (Cambridge: Cambridge University Press., 2017)