

That Beiser's work stimulated me to think about this issue is only another example of its extraordinary accomplishment. I am not aware of any other work that has covered this rich and fascinating period in the history of modern philosophy with equal breadth and depth. While I might have wanted Beiser to have revealed a little more of his own view of the philosophical merits of the positions he has discussed, from what I know of the various figures he treats, which is certainly not as much as he does, I could find no errors in what he says. For outright criticism, I would have to confine myself to the history of architecture: Alois Riehl's house in the Berlin suburb of Neubabelsberg was not designed in 1906–7 by the 'up-and-coming Walter Gropius' (p. 532), but by the 20-year-old and totally unknown Ludwig Mies van der Rohe. But even Homer nods! Otherwise, *The Genesis of Neo-Kantianism* is to be recommended without reservation to every serious student of Kant.

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Reidar Maliks, *Kant's Politics in Context*
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Reidar Maliks identifies three stages in the development of Kant's political philosophy, and he explains the two transitions as responses to developments in Kant's historical and intellectual contexts. Before the French Revolution Kant's political philosophy was an extension of his moral philosophy. In *Theory and Practice* he responds to the revolution, criticizes conservative defenders of the old world order and corrects misappropriations of his moral philosophy by radicals. Finally, in response to criticisms of *Theory and Practice* Kant elaborates and refines his theory of right in *Perpetual Peace* and the *Doctrine of Right*. Though I doubt that the final form of Kant's political philosophy is as context-sensitive as Maliks suggests, *Kant's Politics in Context* will be very useful to anyone interested in Kant's political philosophy and its development and context.

The general thesis about the development of Kant's political philosophy and its causes is instantiated in Maliks's discussion of some thorny issues. In the following I sketch, under four headings, his treatment of these issues.

Then I discuss what Maliks's contextualization of Kant adds to our understanding of his political philosophy.

Freedom and authority

Both critics and followers of Kant looked to his moral philosophy for his views on the French Revolution. The formula of humanity appears to assert an equal dignity for all human beings, an idea that can be used to defend human rights and resistance to tyrannical or despotic government (pp. 46–8). Yet, in *Theory and Practice* Kant does not rely on the formula of humanity or otherwise ground his theory of right directly on the categorical imperative, instead he defines right in terms of external freedom.

The idea that right must be understood in terms of the universally consistent exercise of external freedom was not new to *Theory and Practice* (pp. 32–8) – it appears in the *Critique of Pure Reason* (1781), the Feyerabend lecture notes (1784) and Kant's review of Hufeland (1786). But in *Theory and Practice* Kant goes further and defends popular sovereignty and republicanism as conditions of (rightful) external freedom (pp. 50–4). A republican constitution secures the equal freedom of members of society as human beings, the equality of subjects and the independence of citizens. Maliks explains that these concepts (human being, subject, citizen) have different extensions (pp. 52–4, 91–2). As human beings all residents (including resident aliens) have a right to freedom from paternalistic legislation; as subjects all members of society should enjoy equality before the law and equal opportunity for access to offices; but only property-owning adult men are citizens who have the right to vote. The rights of freedom and equality offer a refusal of hereditary privilege and, as such, support the attack on aristocratic nobility under way in France (pp. 52–4).

Maliks reads section II of *Theory and Practice* as primarily directed against conservatives, the 'men of practice' such as Gentz, Garve, Rehberg and Möser (pp. 37, 49–50, 122–3). He shows how these intellectuals all penned critical replies to *Theory and Practice* – mostly in defence of hereditary privilege and established custom as the source of norms of right (pp. 55–60). Kant replied to these criticisms in *Perpetual Peace*, the *Doctrine of Right*, *On Turning out Books* and *Conflict of the Faculties*. The result was a reaffirmation of popular sovereignty, republicanism and the rejection of hereditary privilege, consequentialist theories of justice (such as Wolffian perfectionism) and custom as source of political norms (pp. 60–5).

Whereas Kant's rejection of hereditary privilege and defence of republicanism support the French Revolution, his rejection of the right to revolution and strict limitations on political rights can be (and were by many) seen as criticisms of the revolution. Kant's radical followers were disappointed. Fichte, Jakob, Heydenreich, Erhard, Bouterwek, Bergk and others penned critical responses to Kant, mostly charging that he failed to draw the radical

and revolutionary conclusions implied by both his moral philosophy and the rights of equal freedom.

Political rights

That Kant in *Theory and Practice* limits political rights, in particular the franchise, to property-owning males has been the source of much disappointment and confusion. As Maliks writes, Kant apparently substitutes the old aristocracy with ‘a new *bourgeois* elite, based on gender and financial position’ (p. 53). How can this be consistent with the equal liberty of all members of society?

In *Theory and Practice* Kant distinguishes between citizens and non-citizens; only the former have full political rights. The distinction is based on the idea that being one’s own master (*sui iuris*) is necessary for qualifying for the political rights of citizenship. Being one’s own master, in turn, is tied to financial independence and ownership of property. Thus financial independence and ownership of property are necessary conditions for citizenship and, Kant maintains, women and dependent workers are not citizens.

Kant’s radical followers were disappointed. Bergk, Fichte, Pörschke and Tieftrunk argued that Kant’s principles entail the democratic principle of equal voting rights for all subjects; Heydenreich, Schlegel and Jakob accepted exclusions, but rejected that property could serve as condition of citizenship (pp. 95–101).

When Kant returned to the issue in the Doctrine of Right he did not, however, change his position in any of the manners suggested by his radical followers. There Kant allows that all subjects are citizens, but distinguishes between active and passive citizens where only active citizens have the right to vote. Moreover, while Kant no longer draws the distinction between voters and non-voters in terms of property, but instead draws it along the lines of civil independence, meaning answering to no other masters than the state (p. 108), the outcome is basically the same: women and dependent workers do not have the political rights of citizenship.

How are these exclusions consistent with equal freedom? The answer is, according to Maliks, that equal freedom requires freedom from subjection to other persons and that in a republic all subjects enjoy the civil liberties that secure this freedom: Kant ‘did not think that those who lack the right to vote are for that reason subject to the domination of others ... A person’s freedom is not defined by the right to vote, but by living under a republican government’ (pp. 90, 107). Voting keeps the government accountable, but it has no intrinsic relation to non-domination. Freedom is secured by the government acting in accord with a republican constitution.

But what about putative republics where some (whether the king, the nobility or other subset of society) use the laws to serve themselves rather than justice?

Revolution

This question leads us to another source of dissatisfaction with Kant's political philosophy: his rejection of the right to revolution. According to Maliks, Kant's rejection of this right in *Theory and Practice* is primarily directed against the ideas that revolution could be justified by the sovereign's breach of a social contract or by the sovereign's failure to satisfy some consequentialist standard (pp. 120–3).

Kant's radical followers saw a mistaken rejection of the French Revolution. While they agreed that there can be no legal right to resist a despot, they insisted that there is a 'moral right, as well as a duty' (p. 129) grounded on the idea of equal freedom, so that 'a despotic ruler dissolves the legal bonds of society and the people is returned to the state of nature and entitled to act collectively to create a new republican constitution' (p. 129).

In the Doctrine of Right Kant makes clear that the overthrow of Louis XVI in 1789 was constitutional, and so not a revolution. Thus 'Kant was able to have his cake and eat it too; to reject the right of revolution, yet approve of the events of 1789 both from a juridical and a historical perspective' (p. 135). Moreover, the prohibition on resisting a (sufficiently) legitimate authority is consistent with a 'right to resist an imposter who sets himself up as sovereign but who lacks a legitimate authority' (p. 139). Accordingly, Kant can allow resistance to the imposter masquerading as legitimate authority, but prohibit resistance to (sufficiently) rightful civil authority.

International right

The last topic Maliks discusses is Kant's theory of international right and international society. One hard question is whether Kant thought that international right can be secured by a voluntary federation of republics or requires a coercive world state. In *Idea for a Universal History* and *Theory and Practice* Kant appears to lean towards a coercive world state, but in *Perpetual Peace* he denies 'that the right of nations could be coercively enforced' and instead defends a non-coercive federalism of free states (p. 155). The underlying hope is that war is the business of despots and that the 'pacific nature of republics' (p. 156) means that 'republicanism is the cause of peace' (p. 158).

In the Doctrine of Right Kant confirms this theory of international society and clarifies – partially in reply to mistaken appropriations of his view by radical followers – that the pacific nature of republics 'does not rely on the enlightenment of either a ruler or the people, but on the lawful constitution of

republics' (p. 164). Republican states are not aggressive, since 'their purpose is exclusively to secure the formal principles of freedom among citizens' (p. 164). On the assumption that republics are peaceful, Kant's theory of international relations reconciles state sovereignty and the need for international law, for the behaviour of 'republican states ... is constrained by the rule of law created by their domestic constitutions' (p. 166).

Discussion

Kant's Politics in Context defends claims about how Kant's political philosophy developed and about why it developed in this way. These two strands go together in the main theses: first, that *Theory and Practice* presents Kant's theory of right as a response to the French Revolution and a correction to misappropriations of his moral philosophy for political purposes; second, that the Doctrine of Right reaffirms and develops his theory of right in response to criticisms of *Theory and Practice*.

The claim about the stages in Kant's political philosophy is well documented, but I worry that Maliks overstates how far the Doctrine of Right is a new thing. While there are some substantive differences, for the most part the Doctrine of Right is simply a more thorough and systematic treatment of the theory of right sketched in *Theory and Practice* (basically affirming the same positions on the concept of right, sovereignty, political rights, the right to revolution and international society).

In any case, the more controversial thesis is that Kant's political philosophy developed in response to developments in Kant's context. It is, of course, hard to test this thesis insofar as we have limited knowledge about why Kant wrote what he wrote. Kant's correspondence, drafts, notes, and notes from his lectures are helpful, but the real test of Maliks's thesis is, I submit, the degree to which reading Kant in context helps us understand his philosophy and how it developed. And here I am of two minds. On one hand, Maliks's reading of *Theory and Practice* as a response to the French Revolution, critique of conservatives and correction of various misappropriations of his moral philosophy is fruitful and persuasive. On the other hand, if Kant's intellectual context really were a driving force of the Doctrine of Right, then one would expect Kant to have changed his positions or developed better responses to the damaging criticisms raised by his critics, and to have accepted the improvements to his arguments suggested by his followers. But his arguments concerning, say, the rights of women, the right to revolution and international right remain poor and inconsistent with the underlying principles of right. The fact that Kant did not improve the arguments (or change positions) suggests the limited influence of his intellectual context on the Doctrine of Right. So I doubt that Kant's intellectual context is as important an influence on the Doctrine of Right as Maliks suggests.

In spite of doubts about the influence of context on the final form of Kant's political philosophy I strongly recommend *Kant's Politics in Context*. I learned much from it, and so should anyone interested in Kant's intellectual context, the development of Kant's political philosophy, the early appropriations of Kant's ethics for political purposes or the reception of *Theory and Practice*.

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Over the last thirty years, scholars have paid increasing attention both to the ways Kant's critical project aims to contribute to humanity's moral progress and to Kant's emphasis on the moral, social and political significance of the public use of reason. This welcome trend in the scholarship has not only clarified the premises, unity and purpose of Kant's philosophy; it has also unearthed important questions about Kant's thought. If the public use of reason is to play a central role in humanity's moral progress, how ought we to reason in public? How ought we to address others? How should we respond to those who address us? How ought we to communicate with one another?

Such questions have received too little attention. And to the extent that scholars have addressed Kant's understanding of communication, they have tended to depict an austere Kant, devoted to a technical vocabulary and committed to rigorous but dry logical argumentation – a Kant who is unconcerned with or opposed to the employment of persuasive and poetic speech. Thankfully, Scott R. Stroud's *Kant and the Promise of Rhetoric* presents a decisive refutation of this image of Kant. Stroud demonstrates that Kant's explicit criticisms of rhetoric leave room for a positive account of the forms of communication befitting humans as rational, moral beings and that Kant's moral philosophy both grounds and requires distinctive and dynamic forms of communication in order to achieve its *telos* as a practical philosophy that is active and effective in the world.

The starting point of Stroud's argument is Kant's criticism of rhetoric in the *Critique of the Power of Judgement* (CPJ). Here Kant characterizes rhetoric as 'the art of persuasion, i.e., of deceiving by means of beautiful