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CONVERSATIONS WITH KANT: ON THE RIGHT TO REVOLUTION

Abstract: It is often argued that Kant's understanding of the right to revolution is contradictory. On the one hand, he expresses enthusiasm for the French Revolution and the ideas on which it rests, while on the other, he openly denies the existence of a legal right to revolution. This paper aims to make Kant's position plausible by showing that he does not deny the right to revolution in all states, but only in those that fulfill the purpose for which they were created, which is to protect the rights and freedoms of all citizens.

Keywords: state, legal right, rebellion, reform, public use of reason, freedom, state of nature.

Immanuel Kant is considered one of the greatest sympathizers of the French Revolution (see: Beiser 1992:36), the father of liberalism and the Enlightenment movement, a fighter for the autonomy of each individual, and a philosopher who placed the problem of human freedom at the core of his teaching. He openly writes about the enthusiasm that the French Revolution generated among its observers, attributing it to the "moral predisposition in the human race" (SF 7:85).¹ At the same time, Kant unequivocally and vehemently rejects the right to revolution in many of his

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1 The following abbreviations have been used: MS: *Die Metaphysik der Sitten*; RGV: *Die Religion innerhalb der Grenzen der bloßen Vernunft*; SF: *Der Streit der Fakultäten*; TP: *Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis*; WA: *Beantwortung der Frage: Was ist Aufklärung?*; ZeF: *Zum ewigen Frieden*; Refl: *Reflexionen*. The numbers refer to volume and page in the Prussian Academy edition. Translations are from *Immanuel Kant: Practical Philosophy*. Ed. Mary J. Gregor, Cambridge: Cambridge University Press, 1996., *Immanuel Kant: Religion and Rational Theology*. Ed. Allen Wood, Cambridge: Cambridge University Press, 1996.,

published works (see: MS 6:320, ZeF 8:381, TP 8:302). He condemns all forms of rebellion², even those directed against an unjust ruler who violates the rights of citizens (see: TP 8:300).

Kant's views on revolution seem paradoxical and confusing to his readers and scholars, who have been trying for decades to find a solution that will make Kant's position consistent. His contradictory claims have raised and continue to raise a number of questions, such as: "If revolution is always wrong, how can the spectators of the French Revolution, including Kant himself, justify this feeling of enthusiasm?" (Surprenant 2005:151); "How are we to reconcile Kant's denial of the right to resist the sovereign with what appears to be an endorsement of the French Revolution in his essay 'The Conflict of the Faculties?'" (Zreik 2018:197); How can the human right to freedom, which Kant believed belonged to every human being (see: MS 6:238), be reconciled with the denial of the right to resist an unjust sovereign?

Various attempts have been made by Kant scholars to resolve these contradictions, but no consensus has yet been reached. Some authors suggest that Kant betrayed the basic principles of his practical philosophy and that the condemnation of the revolution in his published works was out of fear of Prussian censorship (see: Maliks 2014:113, Beiser 1992:52–53), while others have tried to reconstruct "what they take to be a more consistent Kantian view, where his basic principles would support a right of resistance" (Maliks 2014:113). Understanding his position is made even more challenging by the fact that Kant did not write a systematic and comprehensive work on revolution, and that his views were presented in several books and articles published at different times.

This text seeks to make Kant's position plausible by arguing that he believed there was no right to revolution as long as the state fulfilled its

and *Immanuel Kant: Notes on Metaphysics*. Ed. Paul Guyer, Cambridge: Cambridge University Press, 2005.

2 In *Metaphysics of Morals*, Kant mentions various types of civil disobedience, such as resistance, rebellion, and revolution (MS 6:320), but he never explains the difference between these terms. Peter Nicholson believes that the terms used by Kant can be roughly divided into three categories. The term "resistance" has the widest scope and refers to civil disobedience in the broadest sense; "rebellion" has a narrower meaning and presumably refers to armed resistance by which the sovereign is forced to act in a certain way or to abdicate power; and "revolution" refers to a special kind of rebellion and has the narrowest meaning of these three terms (Nicholson 1976:215). Although Nicholson's terminological explanations may be correct and useful in some cases, reading Kant's text reveals that he did not attempt to make precise distinctions between these terms, especially not between "rebellion" and "revolution" which he uses interchangeably (Nicholson 1976:216). Therefore, all of the above-mentioned terms will be treated as synonyms in this paper.

purpose: the preservation of the rights and freedoms of its citizens. However, if the state does not perform its primary function, it resembles the state of nature, and citizens have no duty to respect it, but rather to fight for a new civil society by all available means, even violent. In this way, we will show that Kant's understanding of revolution is inconsistent only at first glance, until we become acquainted with his political philosophy. In the first part of the paper, we will see on what grounds Kant rejected the right to revolt (even against imperfect rulers), as well as why he believed that returning to the state of nature is always worse than respecting the current government. The second part emphasizes the importance of the public use of reason and reform in Kant's political philosophy. According to Kant, as long as these elements are present in the state, the government should be obeyed because there is a possibility of changing and improving existing laws that citizens consider unjust. In the third part of the text, we will quote passages from Kant's works to show that he believed that in cases when the government does not respect basic human rights and freedoms, it loses legitimacy and the people have the right to revolt. In this way, we will show how, relying primarily on Kant's own words, his understanding of the revolution can be made plausible.

Is there a (legal) right to revolution?

Suppose we live in a state where the government is corrupt and the sovereign is unjust.³ More and more citizens are dissatisfied with the ruling regime and plan to organize a rebellion against it. Let us also imagine that Kant is one of our fellow citizens, and several of our compatriots ask him to join in organizing the revolution. Kant's answer would probably be the following:

“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. And this prohibition is *unconditional*, so that even if that power or its agent, the head of state, has gone so far as to violate the original contract and has thereby, according to the subjects' concept, forfeited the right to be legislator inasmuch as he has empowered the government to proceed quite violently (tyrannically), a subject is still not permitted any resistance by way of counteracting force” (TP 8:300).

3 This assumption raises old dilemmas. Even the Roman philosopher Seneca, in his treatise *On Leisure (De Otio)*, argued that a wise man should not participate in any government that is corrupt (see: Plećaš & Nišavić 2022).

Kant would, therefore, unequivocally refuse to join the revolution and would reject any possibility of a legal right to resist the ruler. His argument is based on the claim that positive legislation cannot contain a law that would allow its destruction (see: MS 6:321). The constitution cannot contain any article that allows resistance to the sovereign, because if any opposition to absolute and supreme power were allowed, that power would be neither absolute nor supreme, which would create contradictions. Therefore, no legal institution based on the principles that lead to its dissolution is possible (see: MS 6:372). Revolution denies established laws and implies a return to the state of nature, which is why positive legislation unequivocally condemns it. Beck argues that we should not be surprised by Kant's argument, as is it clear, obvious, and simple. "Revolution abrogates positive law; therefore, positive law and its system condemn revolution" (Beck 1971:414). Hence, there is no legal right to rebel against a legitimate government. The ban on raising a revolution is unconditional and no exceptions are allowed.

Although we can agree with Beck that Kant's legal argument is obvious⁴, it is very likely that Kant's fellow citizens would be dissatisfied with the offered answer and insist on additional explanations. Even if they agreed that the constitution could not contain a basis for its own abolition, they would probably ask: "Isn't even a return to the state of nature better than living in an unjust society?"

To understand why Kant believed that a return to the state of nature is inadmissible and that any government is better than a state of powerlessness (see: TP 8:300), we must briefly recall the basic elements of his political philosophy and explain the relationship between Kant's understanding of justice and the state. Basic human rights cannot be guaranteed in a hypothetical state of nature, which represents a state of powerlessness, which is why it is necessary to abandon it and form an orderly civil society.⁵ By remaining in the state of nature, an individual cannot protect their property and their rights, which in those circumstances are only provisional (see: MS 6:257), because there is no contract "in which we reciprocally commit ourselves to guaranteeing each other's rights" (Korsgaard

4 In addition to the provided legal argument against the right to revolution, Kant offers at least two other arguments against the right to revolt in his works: the argument based on publicity (see: ZeF 8:381) and the argument based on the principle of happiness (see: ZEF 8:379). An analysis of these arguments exceeds the scope of this paper.

5 According to Kant, the state of nature is just a hypothetical, transcendental idea, which allows us to see the importance of the existence of social institutions, not a historical state that once existed and in which people lived without the rule of law and protection of their rights (see: Korsgaard 1997:303; Smajević 2020:208).

1997:302). The state of nature is always a state of injustice, or at least “a state *devoid of justice* (*status iustitia vacuus*), in which when rights are *in dispute* (*ius controversum*), there is no judge competent to render a verdict having rightful force” (MS 6:312). That is why Kant contended that each individual has the right to “impel the other by force to leave this state and enter into a rightful condition” (MS 6:312) in which institutions for a fair trial and the realization of each individual’s personal freedom will be established. A legal condition can only exist within political society.

The state and justice are inextricably linked because justice can only exist in the state; the state is the source of justice. Citizens must obey the state to which they belong. The duty to form a state, as well as the duty not to resist the sovereign, is based on the need for a clear and solid legal framework that ensures the freedom and autonomy of all citizens. From all the above, we understand why Kant believed that maintaining the existing civil society (no matter how deficient it may be) was always better than returning to the state of nature. By entering civil society, the people unite under a general legislative will, embodied in government and sovereign, which has the task of protecting the rights and freedoms of all citizens. Even if the current government is corrupt and does not complete its task in the best possible way, it is still better than a state of complete anarchy and powerlessness with no legitimate judge to resolve ongoing disputes. Korsgaard stresses that “the imperfections of the actual state of affairs are no excuse for revolution – if they were, revolution would always be in order” (Korsgaard 1997:319).

Reform instead of revolution?

After hearing Kant’s explanation, the fellow citizens who invited him to join them in their rebellion against the current government would most likely feel hopeless: even if they adopted Kant’s argument, they would still believe that they live in an unjust society that restricts their freedom, violates their rights, and makes them unhappy. They would probably conclude that Kant believes that citizens never have the right to fight for a more just and egalitarian society, and that the established laws, however flawed, can never be changed by legal means.

However, this is by no means Kant’s view. His compatriots would be surprised if Kant told them that every citizen “has complete freedom and is even called upon to communicate to the public all his carefully examined and well-intentioned thoughts about what is erroneous” (WA 8:38) and thereby incite changes in society. As Surprenant puts it: “Kant’s posi-

tion is not that laws in a state are unable to be changed, but rather the legitimate mechanism for change is internal, coming from the legislators themselves, not the citizens – at least not through the use of coercive force. The method available for citizens to incite change in the policies of the government is through non-coercive means, through speech and writing for example” (Surprenant 2005:156). Although he does not justify revolution, Kant believes that every individual that sees the unfairness of the political system is called upon to speak about it publicly and thereby contribute to the necessary changes.

To explain when and where citizens can publicly express their opinion, Kant introduces a distinction between private and public use of reason, where the former must be “narrowly restricted,” while the latter “must always be free” (WA 8:37). “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” (WA 8:37). Whether a teacher, professor, clergyman, or soldier, every citizen is obliged to show obedience to the state and perform their service as prescribed by law. While performing their duty, no citizen may question the correctness of the orders received from the state. Kant says “it would be ruinous if an officer, receiving an order from his superiors, wanted while on duty to engage openly in subtle reasoning about its appropriateness or utility; he must obey” (WA 8:37). Here again we see Kant’s view that the state’s established legal system must be respected without exception.

However, although no citizen has the right to refuse or question their performance of official duties, every citizen, as a scholar, has not only the right but also an obligation to “publicly expresses his thoughts about the inappropriateness or even injustice” (WA 8:38) of state decrees. In Kant’s words:

“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. 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. Thus, *freedom of the pen* is the sole palladium of the people’s rights” (TP 8:304).

If the state encourages freedom of thought, speech, and writing, the reform of the existing system and the progress of society are highly probable (see: MS 6:355). The sovereign, as a human being, is fallible and the principles on which they act may be unjust and sometimes even cruel. That is why every individual must have the right to draw attention to laws and principles that they consider incorrect, which should compel the sov-

ereign to implement reforms and amend existing laws. The reform cannot be carried out by anyone other than the holder of the legislative power, because it is the only legitimate way to achieve a just socio-political system (see: MS 6:321–322). Reform leads to progress and restoration of the state, while revolution returns us to a state of lawlessness. Kant concludes that he, unlike Hobbes, believes that “the people too has its inalienable rights against the head of state, although these cannot be coercive rights” (TP 8:304).

Therefore, although Kant would not join his fellow citizens in resisting legitimate authority and would instead draw their attention to the illegitimacy of such an act, he would not advise them to be passive and suffer injustice but rather give them clear instructions on how to try to solve the problem. He would invite them to speak and write publicly about the injustices present in society, while also drawing their attention to the fact that they must not do so in their workplace where they have the duty to respect state orders. Listening and reading the citizens’ observations should make the sovereign understand the importance and necessity of changes and their implementation. “If these reforms are necessary, it is a duty for the government to undertake them, as it is the only legitimate way of realizing the highest political good” (Reiss 1956:186). Kant firmly believed that social progress can be achieved in this way, while revolution would only lead to chaos and lawlessness. However, it should be noted that “reforms can be brought about only within a considerable interval of time” (Reiss 1956:186), not in a day, week, or month. That is why Kant would probably advise his fellow citizens to be patient and persistent.

What if the government does not undertake reforms?

While publicly criticizing existing laws and/or their application is allowed in some states (according to Kant, most often in those with or aspiring to a republican system [see: ZeF 8:350]), in others it is prohibited or does not lead to the desired result: the implementation of reforms by the ruler. Public use of reason can be a good way to incite change in the first type of state, while in the second type public speaking is either prohibited or ineffective. If we imagine that Kant lived in a state where “freedom of the pen” is encouraged, then we can say that he gave good advice to his fellow citizens when he recommended public criticism of the government rather than revolution. However, if we assume that Kant and his compatriots lived in a society where public speech and writing were subject to censorship, then the public use of reason cannot bring about the desired changes and the formation of a new, more just order.

If Kant's fellow citizens said that they tried to publicly expose all the injustices of the existing system but were prevented from doing so due to the harsh censorship present in public life, how would Kant respond? Would he allow the right to revolution and on what grounds? Or would he offer another solution? We have reason to believe that Kant would allow the right to revolution at this point.⁶ Several (often overlooked) passages in Kant's writings indicate that he believed that citizens were not obliged to obey the government under all circumstances. For example, in *Religion Within the Boundaries of Mere Reason*, he says that "when human beings command something that is evil in itself (directly opposed to the ethical law), we may not, and ought not, obey them" (RGV 6:100). Then, in *Reflections*, he claims that "the people cannot rebel except in the cases which cannot at all come forward in a civil union, e.g., the enforcement of a religion, compulsion to unnatural sins, assassination, etc." (Refl 19:594–595, see: Beck 1971:412).

While the first passage justifies passive disobedience, the second indicates the conditions under which resistance is justified. Kant seems to think that certain acts of the sovereign do not befit the so-called state or civil order. In other words, when the state prohibits its citizens from publicly expressing their religious, political, moral and other views, and when it imposes immoral and unjust demands upon them, the possibility of justified resistance to the ruler arises. In recent decades, Kant's scholars have begun arguing that Kant does not reject the right to revolution in all states but only within constitutional ones (see: Maliks 2013:33). The argument goes roughly as follows:

"Although revolution is always *prima facie* wrong, it is not wrong to revolt against a civil state when it has failed to create or maintain a condition of civil society" (Surprenant 2005:161). In other words, revolution is always wrong when directed against the unconditional duty to preserve

6 Some authors believe that Kant would allow the right to revolt in situations other than when basic human freedoms are not respected. For example, Byrd and Hruschka (2010) believe that there is the right to rebel against any government that is not republican because Kant argued that "the civil constitution in every state shall be republican" (ZeF 8:350). As Maliks rightly observes, this view is very difficult to defend, primarily because it is inconsistent with Kant's claim that we ought to obey even an imperfect ruler (TP 8:300, Maliks 2013:33). Other interpreters, such as Ripstein, believe that the right to revolution exists when the state does not respect fundamental human rights. "Nazi Germany is the clearest example. These are cases of human rights violation so fundamental that they undermine the organization that commits them" (Ripstein 2009:337). Then, some authors argue that the right to rebel exists only when the state has already been dissolved (see: Maliks 2013:34). All of these authors recognize that Kant allows the right to revolution in certain cases.

civil order (see: Surprenant 2005:163) but it is not wrong if we do not live in a civil society. Citizens enter civil society to form institutions that protect their rights and freedoms and they may even use force to achieve this goal. However, if the ruling regime does not fulfill “the end for which the state exists” (Maliks 2013:29), that is, if there is no constitutional regime protecting the rights and freedoms of citizens, then the current situation resembles the state of nature and citizens have the right and obligation to fight for the formation of the state even by force.

If we follow this line of interpretation⁷, we can conclude that Kant would only allow the possibility of a rebellion in the absence of basic freedoms in society. The state was created to protect our rights and freedoms, and it cannot be called a state if it does not fulfill this. In such a situation, we have the right to assume that Kant would have advised his fellow citizens to revolt.

“If there is no civil society, then there is no civil law and we may use violence to establish it” (Axinn 1971:426). “Individuals have an obligation to resist the institutions of a civil state when the de facto holders of power in that civil state have either returned them to the state of nature or kept them in a state of nature condition” (Surprenant 2005:164).

The above quotations help us understand Kant’s enthusiasm for the French Revolution. Dieter Henrich underlines that for Kant this was not a revolution in the conventional sense because there was no resistance to a legitimate ruler (see: Henrich 1996). He argues that Kant believed Louis XVI “abdicated [his sovereignty] and simultaneously returned the Estates to the state of nature” (Henrich 1996:111, Surprenant 2005:152). In other words, at the start of the revolution, Louis XVI was not the legitimate holder of state power but rather a former ruler who abdicated his sovereignty.⁸ Kant’s approval of the French Revolution can therefore be interpreted as support to the people to leave the state of nature and form a civil society, which ceased to exist with the ruler’s abdication.

We can conclude that in his published works, Kant clearly and unequivocally rejects the right to revolution in all cases, except when the rights and freedoms of citizens are threatened to the point that the society they live in can no longer be called a state. When the existing state turns

7 Reidar Maliks emphasizes that “Jeremy Waldron (2006), Arthur Ripstein (2009) and B. Sharon Byrd and Joachim Hruschka (2010) have maintained the view” (Maliks 2013:30).

8 Chris Surprenant claims that “Kant’s position on the French Revolution clearly suffers from historical inaccuracies” (Surprenant 2005:152), which does not change the fact that Kant believed that Louis XVI had illegitimately abdicated (see: MS 6:341) and does not affect the above argument.

into a state of nature⁹, the citizens have the right, but also the obligation, to use all available means to fight for the establishment of a new state order. A state that does not respect the basic rights of its citizens is not a state at all.

Concluding remarks

This paper set out to investigate whether there is a contradiction in the fact that Kant decisively rejected the right to revolution in his juridical-political writings on the one hand, while openly showing enthusiasm for the French Revolution on the other. First, we showed that Kant's legal argument against revolution is based on the claim that no constitution can contain articles that permit its own destruction. Every state was formed as a guarantor of human rights and freedoms, and therefore an attack on it would represent an attack on the freedom of each of its citizens. As a result, from a legal perspective, citizens living in a civil society never have the right to revolution. Later we showed that Kant was aware that governments often make imperfect and unjust decisions. A perfect government in which the ideals of enlightenment, education, and eternal peace are realized is a goal that has not been attained in reality.¹⁰ For that reason, Kant encourages citizens to, through the public use of reason, point out existing injustices in society to the ruler, thereby initiating the implementation of reforms. Finally, we provided arguments in support of the thesis that Kant allows the right to revolution only in cases where the ruler does not implement reforms and the state no longer fulfills the purpose for which it was created – the protection of the rights and freedoms of its citizens. Kant believed that the French Revolution was an example of such a revolution, and therefore his enthusiasm for this event did not contradict his rejection of the legal right to revolt.

In an attempt to show the plausibility of Kant's understanding of revolution, we have only dealt with the legal aspects of the argumentation. However, it is important to note that this is only one possible defense of Kant's position. Among the scholars who have sought to make Kant's posi-

9 Although it is difficult to determine “where exactly should the line be drawn between a highly imperfect regime that is still entitled to obedience, and a regime that has crossed the line and is no longer to count as a juridical condition” (Maliks 2013:36), in this paper we have suggested that the “distinction will revolve around” two questions: “whether reform of the present regime is possible” (Maliks 2013:36) and whether the basic rights and freedoms of citizens are respected.

10 For more on the process of achieving these goals, especially those related to education, see Smajević Roljić (2021).

tion consistent are those who believed that the key to the solution lies in the separation of the *legal* right to rebellion from the *natural* (see: Haensel 1926; Maliks 2014), *moral* (see: Korsgaard 1997), or *philosophical-historical* (see: Beck 1971) rights. We leave the consideration of these possibilities for future research.

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Razgovori sa Kantom: o pravu na revoluciju

Apstrakt: Često se tvrdi da je Kantovo shvatanje prava na revoluciju kontradiktorno. Sa jedne strane, on izražava entuzijazam prema Francuskoj revoluciji i idejama na kojima ona počiva, dok sa druge strane otvoreno negira postojanje legalnog prava na revoluciju. Cilj ovog teksta je da se Kantova pozicija učini plauzibilnom tako što će se pokazati da Kant ne negira pravo na revoluciju u svim državama, već samo u onim koje ispunjavaju svrhu zbog koje su nastale, a to je zaštita prava i sloboda svih građana.

Ključne reči: država, legalno pravo, pobuna, reforma, javna upotreba uma, sloboda, prirodno stanje.