

FIL 4330, spring 2020
Professor Reidar Maliks
GM 219, Tuesdays 10:15-12:00
Office GM421

Kant's legal and political philosophy

This seminar aims to give a comprehensive introduction to Kant's legal and political philosophy. The first part explores Kant's view of the state's historical development and its significance for individual morality. The second part explores Kant's concept of right and his justification of the state, as well as the right of nations and cosmopolitan right.

Texts by Kant

Kant, "An answer to the question: What is enlightenment?", in *Immanuel Kant, Practical Philosophy*, edited by Mary Gregor (Cambridge: Cambridge University Press, 1996), pp. 17-22.

Kant, "Idea for a Universal History with a Cosmopolitan Aim", in *Immanuel Kant, Anthropology, History, and Education*, edited by Günter Zöllner and Robert B. Loudon (Cambridge: Cambridge University Press, 2007), pp. 108-120.

Kant, *Critique of the Power of Judgment*, edited by Paul Guyer (Cambridge: Cambridge University Press, 2000), pp. §§ 84 and 84, pp. 297-303.

Kant, "Conjectural beginnings of human history", in *Immanuel Kant, Anthropology, History, and Education*, pp. 163-175.

Kant, "On the relation of theory to practice in the right of nations considered from a universally philanthropic, that is, cosmopolitan view, in *Immanuel Kant, Practical Philosophy*, pp. 304-309.

Kant, "An old question raised again: Is the human race constantly progressing?", (in *The Conflict of the Faculties*), in *Immanuel Kant, Religion and Rational Theology*, edited by Allen W. Wood and George Di Giovanni (Cambridge: Cambridge University Press, 1996), pp. 297-309.

Kant, *Toward Perpetual Peace* in *Immanuel Kant, Practical Philosophy*, pp. 317-351.

Kant, *Metaphysical first Principles of the Doctrine of Right*, in *Immanuel Kant, Practical Philosophy*, pp. 365-492.

Scholarly literature

Allen W. Wood, "Kant's Philosophy of History," in *"Toward Perpetual Peace" and Other Writings on Politics, Peace, and History*, ed. Pauline Kleingeld (New Haven: Yale University Press, 2006).

Pauline Kleingeld, Kant, history, and the idea of moral development", in *History of Philosophy Quarterly* Volume 16, Number 1, January 1999. https://www.jstor.org/stable/27744805?seq=1#metadata_info_tab_contents

Peter P. Nicholson, "Kant, Revolutions and History", in *Essays on Kant's Political Philosophy*, edited by Howard Williams, The University of Chicago Press, 1992, pp. 249-268.

Pauline Kleingeld, "Kant's theory of peace", in *Cambridge Companion to Kant and Modern Philosophy*, edited by Paul Guyer, Cambridge University Press 2006. <https://www.rug.nl/research/portal/files/2877731/kants-theory-of-peace.pdf>

Lea Ypi, 'Natura Daedala Rerum? Justification of Historical Progress in Kant's Guarantee of Perpetual Peace', *Kantian Review*, vol. 14 (2010): 118–48. <https://www.cambridge.org/core/journals/kantian-review/article/natura-daedala-rerum-on-the-justification-of-historical-progress-in-kants-guarantee-of-perpetual-peace/4666D089DA2B0542BA2D2E4A7B08D95B>

Arthur Ripstein, *Force and Freedom: Kant's Legal and Political Philosophy* (Cambridge, MA: Harvard University Press, 2009), Chapter 1-3; 7; 10-11.

Arthur Ripstein, Just War, Regular War, and Perpetual Peace, in *Kant-Studien*, Volume 107, Issue 1, Pages 179–195. <https://www.degruyter.com/view/j/kant.2016.107.issue-1/kant-2016-0009/kant-2016-0009.xml?rskey=5LJqmW&result=5&q=Ripstein>

Recommended readings

Frederick Rauscher, Kenneth R. Westphal, eds., *Kant: Lectures and Drafts on Political Philosophy*, (Cambridge, Cambridge University Press, 2016).

Samuel Fleischacker, *"What is Enlightenment?"*, (New York, Routledge 2013).

John Christian Laursen, "The Subversive Kant: The Vocabulary of 'Public' and 'Publicity,'" *Political Theory* 14, no. 4 (November 1986): 584–603

Ciaran Cronin, (2003) "Kant's Politics of Enlightenment," in *Journal of the History of Philosophy*, vol. 41, no. 1:51-80.

Amélie Rorty, James Schmidt, eds., *Kant's Idea for a Universal History with a Cosmopolitan Aim: A Critical Guide*, (Cambridge, Cambridge University Press, 2009)

Sharon Anderson-Gold, "The Political Foundations of Prophetic History", in Tatiana Patrone, Paul Formosa, Avery Goldman (editors), *Politics and Teleology in Kant*, (Cardiff, University of Wales Press, 2014).

Lara Denis, ed. *Kant's Metaphysics of Morals: A Critical Guide*, (Cambridge, Cambridge University Press, 2010)

Helga Varden, 'Kant's Non-Voluntarist Conception of Political Obligations: Why Justice Is Impossible in the State of Nature'. *Kantian Review*, 13, 2 (2008): 1–45.

Helga Varden, 'Kant's Non-Absolutist Conception of Political Legitimacy – How Public Right 'Concludes' Private Right in the "Doctrine of Right" ', *Kant-Studien*, 101 (2010): 331–351.

Pogge, Thomas W., 'Kant's Theory of Justice'. *Kant-Studien*, 79 (1988): 407–433.

Mark Timmons, ed., *Kant's Metaphysics of Morals: Interpretative Essays*, (Oxford: Oxford University Press, 2002).

Bohman, James, and Lutz-Bachmann, Matthias, eds., *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal* (Cambridge, MA: MIT Press, 1997).

Byrd, Sharon and Hruschka, Joachim, *Kant's Doctrine of Right* (Cambridge: Cambridge University Press, 2010).

Georg Cavallar, 'Kant's Society of Nations: Free Federation or World Republic?', *Journal of the History of Philosophy*, 32 (1994): 461–482.

Ferenc Fehér, 'Practical Reason in the Revolution: Kant's Dialogue with the French Revolution', *Social Research* Vol. 56, No. 1, 1989, pp. 161-185.

George P. Fletcher, 'Law and Morality: A Kantian Perspective', *Columbia Law Review*, 87 (1987): 533–558.

Jürgen, Habermas, 'Kant's Idea of Perpetual Peace: At Two Hundred Year's Historical Remove'. In *The Inclusion of the Other: Studies in Political Theory*, edited by Ciaran Cronin and Pablo De Greiff (Cambridge, MA: MIT Press, 1998).

Pauline, Kleingeld, *Kant and Cosmopolitanism: The Philosophical Ideal of World Citizenship* (Cambridge: Cambridge University Press, 2012).

Christine M. Korsgaard, 'Taking the Law into Our Own Hands: Kant on the Right to Revolution'. In *Reclaiming the History of Philosophy: Essays for John Rawls*, edited by Christine Korsgaard, Andrews Reath and Barbara Herman (Cambridge: Cambridge University Press, 1997).

Ingeborg, Maus, *Zur Aufklärung der Demokratietheorie: rechts—und demokratietheoretische Überlegungen im Anschluss an Kant* (Frankfurt am Main: Suhrkamp, 1992).

Onora O'Neill, *Constructing Authorities: Reason, Politics and Interpretation in Kant's Philosophy*, (Cambridge, Cambridge University Press, 2015)

Howard Williams, *Kant's Political Philosophy* (Oxford: Basil Blackwell, 1983).

Ariel, Zylberman, 'Kant's Juridical Idea of Human Rights'. In *Kantian Theory and Human Rights*, edited by Andreas Follesdal and Reidar Maliks (New York: Routledge, 2014).

Teaching

12 double sessions with seminar.

Compulsory tuition activities:

- Mandatory presence at the seminars (you must be present a minimum of 9 out of 12 times). We expect active participation in class discussions from all the students.
- An obligatory draft of the first essay which you submit in [Canvas](#). To be submitted on Friday, February 28.
- An oral critical presentation of one of the readings in the syllabus. Depending on how many students enrol in the course, the presentations might be in groups.
- You are required to post a paragraph with a question or a critical reflection on the readings in advance of each seminar. It should be posted in Canvas by 12:00 on Mondays.

All the obligatory tuition activities must be accepted as satisfactory in order to be able to hand in the portfolio. The activities are only valid for one semester.

Examination

A portfolio exam which consists of two essays of around 6 pages/2300 words each (literature list not included) which is to be submitted in Inspera. The topics must be approved of by the teacher.

When you write an essay you are entitled to receive individual tutoring. However, this requires that you submit a draft. This is also a requirement - for the first essay - in order to be able hand in the exam.

Please be aware that all compulsory tuition activities must be accepted as satisfactory to qualify for the exam.

Portfolio submission deadline: May 4 at 2:00 PM

Use of sources and citation

You should familiarize yourself with the rules that apply to [the use of sources and citations](#). If you violate the rules, you may be suspected of [cheating/attempted cheating](#).