

EXTENDING THE SPHERE: ENLIGHTENMENT LESSONS
FOR THE MODERN STATE

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Abstract. Three facets of modern statehood - freedom, community, and diversity - are mirrored in three strands of political thought - liberalism, republicanism, and federalism. During the Enlightenment, two thinkers, Immanuel Kant and James Madison, devised distinct though compatible formulations of these strands that hint at an engagement rather than an exclusion of difference. Federalism, for Kant and Madison, provides the structure from which to expand and integrate notions of rights and responsibilities. While grounded in their eighteenth century context, these men began a discussion and practice of government with implications for today.

TWO Enlightenment thinkers, Immanuel Kant and James Madison, provide keen insight into the problem of difference: How should a modern state deal with human diversity? Unlike Montesquieu, who believed that republics necessitate smallness of size and “homogeneity” of interest (Levy 2006, p.51), Kant and Madison foresaw large, potentially diverse nations. Against Rousseau, whose thought contains “the seed of nationalism,” (Engel 2005, p.515), Madison recognized the dangers of such ideology. In his words, “America was indebted to immigration for her settlement and prosperity. That part of America which had encouraged [it] most had advanced most rapidly in population, agriculture and the arts” (Madison 1787, p.147). By blending moral and political theories, Kant and Madison sought a model polity based on freedom and tolerance (as understood in the eighteenth century). Yet, though both men reversed conventional wisdom in ways still relevant today, a comparative study along philosophical lines has not been attempted.⁵ I hope to remedy this oversight, arguing for the complementary nature of their answers to the problem of difference.

This paper will proceed in three parts. First I describe the core of liberalism - freedom of belief and expression - as interpreted by Kant and Madison. Second, republican traditions of civic virtue and representative government are discussed as corrective measures to freedom’s possible collapse into immorality and despotism. Finally, federalism is explored as a structural answer to diversity, with Kant proposing a world federation and Madison applying it to more

⁵William Ossipow has written a textual analysis of Kant’s essay *Perpetual Peace*, citing possible echoes of James Madison’s *Federalist 51*. (Ossipow, William, “Kant’s *Perpetual Peace* and Its Hidden Sources,” *Swiss Political Science Review* 14 (2008): 357-389.)

domestic concerns. Though a direct transfer of thought from the Enlightenment to today is inadvisable, to understand our current dilemmas we must go back to a time when difference was emerging as a strength rather than a liability.

I. LIBERALISM: FREEDOM IS DIGNITY

i. Belief

Of all human freedoms, freedom of belief is central to both men's philosophies. In his influential essay, *What Is Enlightenment?*, Kant declares, "I have portrayed matters of religion as the focal point of enlightenment, i.e. of man's emergence from his self-incurred immaturity" (Reiss 1970, p.59). He is referring, not to freedom *from* religion, but to freedom *of* religion - freedom to seek truth for oneself. His writings reveal a synchronism of sorts, for Kant lived his most prolific years under the "enlightened absolutism" of Frederick II ("the Great") of Prussia, a monarch who embodied at least a pragmatic approach to tolerance. His policies sought immigrants from diverse religious backgrounds who could contribute to the economic advancement of the Prussian state (Harrington and Smith 1997). While Kant's own religious sentiments are unknown, he clearly absorbed some of his Pietist upbringing.⁶ At the same time, he reacted against its dogma and emotionalism, seeking a rational approach to religion (Rohlf 2010).

In Madison's writings, he likewise holds religious freedom to be the foundation of enlightenment. For him, "Religious bondage shackles and debilitates the mind and unfits it for every noble enterprise" (quoted in Sheldon 2003, p.30). Like Kant, Madison's personal religion has been a matter of debate. As a political figure, he adhered to a strict interpretation of the separation of church and state, keeping his own beliefs private. Early in his political career, Madison came to the realization that an official state church was

⁶Pietism was a branch of Lutheran Christianity popular in the 17th and 18th centuries. It emphasized individual faith and emotional conversion.

a hindrance to the core values of Christianity, including brotherly love. In a draft resolution ending state support of Anglicanism in Virginia, Madison replaced the word “toleration” with the words, “all men are equally entitled to the full and free exercise of [religion] according to the dictates of conscience” (Ibid, p.31). A similar push was made by Madison during the Constitutional Convention of 1776, especially in debates over the Bill of Rights. Madison was vocal on the issue of personal conscience, spearheading the creation of a free exercise clause, which guaranteed freedom of belief in the First Amendment.

ii. Expression

In addition to belief, Kant and Madison upheld freedom of expression - though doubtless with more reservations than today. In eighteenth-century Prussia, “Conversation was important because it permitted the sharpening and refinement of judgment...Kant observes that this process of self-liberation through reason has an unstoppable social dynamic” (Clark 2006, p.247). Of course, Kant’s commitment to free speech was necessarily limited. He himself exercised caution when voicing criticisms of Frederick’s government and was occasionally the target of official censors. Quietly subversive on religion and politics, “[Kant’s] message to the Prussian monarch was that the rationale for the official policy on religious expression could also be extended to public expression of political questions without undermining his absolute authority” (Cronin 2003, p.68). That Kant had to say such things diplomatically should not lessen his aim.

This “unstoppable social dynamic” was especially visible in the birth of a new nation across the ocean from Prussia. The United States was born in a frenzy of debate and argumentation - witness *The Federalist Papers*, *The Pacificus-Helvidius Debates*, and the entire process of Constitutional ratification. Madison was a leading voice in these debates, arguing (respectively) for expanded federal government, restrictions on executive power, and, ultimately, a delicate calibration of checks and balances. Carter and Kobylka (1990)

emphasize Madison's own belief that "public opinion set the bounds of government and that debate, written or spoken, informed and elevated it" (p.47). Unlike earlier conceptions of the *agora* or marketplace, in which proximity to power determined politics, Madison imagined a national sphere "grounded in attachment to common values of self-government" (Ibid, p.50). In this version, decentralized governance is coupled with the legal and logistical web of a national bureaucracy. This nesting and interconnectivity of power relations was made possible through the medium of conversation and the insight that "leadership is reciprocal" (Ibid, p.45). For the first time, we can see the emergence of a less hierarchical and more relational form of democracy.

II. REPUBLICANISM: MAN IS(N'T) MORAL

i. Civic Virtue

Kant and Madison, with their commitment to freedom balanced by their realistic assessment of human nature, tempered liberalism with republicanism, especially the latter's emphasis on civic virtue and representative government. Kant is considered "the founder of modern republicanism in Germany" (Dann 2002, p.63). It cannot be accidental that he was also one of Germany's most influential moral philosophers. Kant's morality makes instrumental use of politics, but always in a subservient role (Riley 1979). Government, liberally defined, should promote negative freedom, which Hobbes famously termed "the absence of Opposition" (quoted in Skinner 2002, p.187). Negative freedom allows greater scope for its positive counterpart, "the possibility of acting – or the fact of acting – in such a way as to take control of one's life and realize one's fundamental purposes" (Carter 2007). Positive freedom is moral freedom, an active rather than passive force. All freedom, however, depends on the social contract, which Williams (2001) describes as "a *moral* idea underlying a successful civil society" (p.695; emphasis added). Republicanism thus rests on an active and enlightened citizenry, just as politics rests on morality.

Similarly, in eighteenth-century America, republicanism was not a party but a philosophy of civic-mindedness. Classical and Christian virtues became entwined in “a fusion of personal and public virtue” that the founders of the American union upheld as key to a strong and free republic (Vetterli and Gary Bryner 1987). The framers of the Constitution recognized that “liberty requires individual restraint,” considering a virtuous citizenry to be “a precondition” (Ibid, p.6) for popular sovereignty and representative government. Madison’s own view of human nature is encapsulated in *Federalist 55*: “As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust; so there are other qualities in human nature, which justify a certain portion of esteem and confidence” (Madison 2008, p.277). It is this peculiar mixture of good and bad, virtue and vice, that led Madison to temper personal and political prerogatives with legal and structural constraints - for instance, making government accountable to the sovereign people.

ii. Representative Government

Since the supporter and guarantor of civic virtue is a virtuous government, the central dilemma of Enlightenment republicanism was how to balance the powers of republican government with the necessity of imposing constraints on those powers. Ruling in accordance with the will of the majority - representative government - was one solution to this dilemma. It is here that Kant and Madison offer a break with traditional republicanism and provide actionable advice to the modern state.

In *The Metaphysics of Morals*, Kant states that “any true republic...is and cannot be anything other than a representative system of the people...” (Reiss 1970, p.163). Indeed, Kant believes it is this principle of representation that differentiates the modern republic from its old European counterparts. Significantly, he does not limit republics to a certain size or geographic distribution. Riley (1983) notes that for Kant,

a republic is not a small, popular state (or city) in which

all the citizens can actually assemble in person to consent to fundamental laws, as in Rousseau; just laws for Kant need only correspond to the Idea of an original contract - that is, be such that reasonable men could commit to them (p.131).

While Kant was indebted to Rousseau's moral philosophy, he transformed Rousseau's direct democracy into a republic commensurate with global realities. For a state to be legitimate, it must be based on "the *Idea* of an original contract" - a theoretical rather than actual accord. Men must be "reasonable" to commit to this contract, but there were no other explicit limitations regarding its scope.

Madison provides an even stronger vision of representative government. In *Federalist 39*, he states that "it is ESSENTIAL to such a government that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it..." (Madison 2008, p.188; original emphasis). This counters Montesquieu, who understood action for the common good to be premised on social cohesion, which in turn requires republics to be small and chiefly homogenous. Madison, however, rejects these premises as invalid. Levy explains that, for Madison, "small republics are not actually homogenous...They are just homogenous enough to allow for local tyranny" (Spencer 2002, p.880). In contrast to Montesquieu and Rousseau then, Madison sides with Hume, who "saw in faction a potential for good..." (Ibid). Hume had earlier questioned the stability of small republics, preferring larger states in which liberty is preserved through a multiplication and balancing of interests. It was Madison, however, who seized on Hume's notion, arguing that by extending the sphere, "[Y]ou make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens..." (Madison 2008, p.54). The practical upshot of this was a vast territorial expansion of the United States, coupled with new problems of governance over distance and diversity.

III. FEDERALISM: FROM NATION-STATE TO GLOBAL STATE?

i. Origins

The practical problems of an extended sphere found some answer in federalism. Federalism, for Kant and Madison, provides the structure needed to enact their liberal republican theories. Defined as the division of authority between territorial units and a central government, this modern usage masks a rich heritage. According to the *Chambers Dictionary of Etymology*, federal or *foederal* arose in English in 1645 and referred to:

a treaty, especially a covenant between God and an individual; formed in English from Latin *foedus* covenant, league (genitive *foederis*; related to *fides*, faith).

Federalism as a form of government follows a path similar to its linguistic origins. Biblical notions of divine covenants were adapted and secularized into social contract theories, which soon developed into state constitutions. Often overlooked, faith (trust) remains federalism's original and most distinct element. Trust allows politics to be founded on community and communication, despite - or perhaps because of - its hard-to-enforce moral core.

For Kant, the social contract requires that men “completely [abandon] their wild and lawless freedom, in order to find again their entire and undiminished freedom in a state of lawful dependence (i.e. in a state of right)” (Reiss 1970, p.140). Likewise, in an unpublished manuscript on *Sovereignty*, Madison refers to “the Theory which contemplates a certain number of individuals as meeting and agreeing to form one political society, in order that the rights, the safety & the interest of each may be under the safeguard of the whole” (Madison 1900). From this “Theory” of man-made covenants stems the legitimacy upon which national, and perhaps even international, statehood rests.

ii. *Trajectory*

Kant often hedges on the parallels between national and international constitutions. In one place, he describes “the distress produced by the constant wars” which must persuade states “to enter into a cosmopolitan constitution” (Reiss 1970, p.90), thus ensuring permanent peace. In the next sentence, however, he backtracks, warning that such a peace “may lead to the most fearful despotism” in the form of an absolute world state. He finally settles on a compromise, advocating “a lawful *federation* under a commonly accepted international *right*” (Ibid, original emphasis). As Cavallar (1994) notes, however, “[T]his true federation has no coercive power” (p.464). Kant’s solution seems to be an evolving world government, with a free federation as “the first step...” (Ibid, p.475). This sentiment is mirrored in Kant’s essay *On Perpetual Peace*, in which he describes “the practicability or objective reality of this idea of federation which is to extend *gradually* over all states” (Reiss 1970, p.104; emphasis added).

If federalism is a structure that must be constructed gradually, the United States is a case of expedited evolution. Initially a league of sovereign states under the Articles of Confederation, the nation’s leaders soon discovered that a lack of central authority was leading to military, financial and, possibly, existential ruin. Anti-Federalists, who opposed centralization on the grounds that it would lead to precisely the kind of tyranny against which they had rebelled, relied on Montesquieu’s description of republics as small and homogenous to rebuff Federalist designs. In his contributions to the *Federalist Papers*, Madison tried to assuage these fears by proposing a complex triangulation of national, state, and local interests. Madison and his allies understood Europe as a cautionary tale of interstate anarchy and sought a constitutional order to prevent the constant wars brought on by a balance-of-powers⁷ scheme (Deudney 1995). The

⁷In international relations, *balance of powers* refers to the idea that no sovereign state is able to dominate another since the designs of one state are

resulting document can thus be viewed as both a domestic and an international contract, one that created a nation while arbitrating relations between various states.

IV. CONCLUSION

The face of the majority - in both Europe and America - is increasingly that of a minority mixture. Likewise, the voice issuing from this multiform face is demanding a rethink of politics and governance. Extending the sphere, in Kant and Madison's time, meant expanding either geographical or ideological spaces. Today that binary view is multiplied, taking in spaces of gender, religion, and even ecology. It would be unfair to put modern conceptions of inclusion and democracy into the mouths of eighteenth-century thinkers. Yet it is equally unfair to consider those thinkers as having little contribution to the modern state. If the only lesson we learn from Kant and Madison is to "extend the sphere," we could do worse than stretching our still rigid notions of statehood and belonging.

counterbalanced by the military and/or political might of another. In domestic affairs, the term is sometimes used to describe the fact that powers are distributed among local and national units, or between different branches of government. Unlike the former, the latter was actively sought by the framers of the US Constitution.

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