

YOUNG ACADEMICS

by Nomos

Jakub Andrej Filčák

Reading Kant against the State



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European Legal Theory | 7

Edited by
Prof. Lorenz Schulz,
Prof. Maris Köpcke,
Prof. Migle Laukyte and
Prof. George Pavlakos

Jakub Andrej Filčák

Reading Kant against the State

With a Preface by Prof. George Pavlakos

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Foreword

Jakub Andrej Filčák's *Reading Kant Against the State* is an exceptionally original and intellectually ambitious study. Building on a strong philosophical foundation and an impressive command of political, legal, and constitutional theory, Filčák develops an innovative framework for recovering the emancipatory potential of Kant's philosophy of right for contemporary thinking about the State. The thesis combines conceptual and metaphysical analysis with historical and genealogical argument in a manner rarely encountered in graduate work.

At the centre of the study lies a deceptively simple question: why has the State become so difficult to think beyond? Filčák's answer is partly metaphysical. Contemporary legal and political thought simultaneously treats statehood as grounded in territory and territory as a juridical category whose existence already presupposes norm-producing authority. Filčák diagnoses the resulting circularity through a sophisticated use of recent work on metaphysical grounding, distinguishing the structuring from the triggering grounds of statehood. His striking proposal reverses the orthodox explanatory order: government, understood as the capacity to generate a public normative order, structures statehood, while territory supplies a contingent condition of its realisation.

The argument is especially compelling for the range of philosophical resources it brings to bear. Filčák moves from contemporary metaphysics and international law to an imaginative reconstruction of Kant's Original Community of Land, and from there to Marxist jurisprudence and the historical transformation of the modern State. The

resulting synthesis of Kantian philosophy, Marxist theory, and critical theory allows him to identify the contingency of territorial statehood while offering a materialist explanation of its extraordinary historical resilience. Kant thereby emerges as an unexpected resource for challenging the naturalisation of the State and recovering the emancipatory possibilities of civil authority. Particularly impressive is Filčák's incisive use of Pashukanis: by extending his classic critique of the legal form to the State, Filčák argues that Kant's pre-revolutionary conception of civil authority avoids the naturalisation of the State and its collapse into an ideological mirage.

Drawing upon such a plurality of thinkers and traditions carries an obvious risk of cherry-picking, name-dropping, and ultimately superficiality. Filčák's rare achievement is to navigate these complex and extensive bodies of thought with a remarkably steady hand, maintaining throughout the argumentative relevance of the connections he establishes among them. Constructing a genuinely synthetic argument from materials whose mutual relevance must first be uncovered requires an unusually sharp philosophical eye and considerable intellectual discipline; it presents a challenge even to far more mature scholars. Filčák's achievement at this early stage is remarkable. It speaks eloquently to the breadth and quality of his intellectual formation and reflects considerable credit on the teachers and institutions that have contributed to it.

The significance of Filčák's argument ultimately lies in the research agendas it opens up. It aligns with and advances some of the most innovative strands of contemporary legal and political philosophy: research challenging the territorial boundaries of civil association; establishing the contingency of private property and the capitalist mode of production **from the fresh normative foundations provided by civil authority and self-government**; and exploring forms of political membership capable of including those whom existing territorial arrangements exclude. By bringing these concerns within a common philosophical framework, the book provides resources for rethinking the apparent naturalness of the territorial State and exploring alternative forms of juridical and political association. In the course of the book, the reader

Foreword

comes to appreciate civil authority as the grounding concept of political community, with territory occupying a contingent and derivative place within it.

George Pavlakos
University of Glasgow
September 13, 2026

Acknowledgements

I want to thank the present series' Editors and Nomos. I perceive a great risk in publishing early work: it seems likely to appear awkward and transcended, even to the author, all too early. Returning to this text a year after first drafting it, I am pleasantly surprised by being able to stand by it for now. That is a testament to the quality of the Frankfurt magisterial programme, the tireless labours of professor Lorenz Schulz and of Andrés Santacoloma, as well as to the inspiration and aid provided by the programme faculty.

Most of all, I must thank George Pavlakos. Encountering George's work caused me to radically pivot my research trajectory and kindled my faith in the emancipatory potential of jurisprudence. Discussions with George, his comments, and support were indispensable to the text and, which is more, to my education.

Further and not lesser gratitude belongs to Kostia Gorobets, who encouraged an undergraduate to write what he thought rather than what he thought he was expected to write. Were it not for Kostia, I would have taken much longer to write what I thought.

I must finally comment on the limitations of the dissertation. It bears the clumsy fingerprints of a graduate student; benefiting and suffering from naive ambition. The aim was not an encyclopaedia entry. The aim was to operationalise ideas for an emancipatory imperative: opening a juridical imaginary which appears at times hopelessly closed.

Zadar, August 14th 2026

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