

Why Even Kantian Angels Need the State:

Comments on Robert Hanna's "Exiting the State and Debunking the State of Nature"

¿Por qué incluso los ángeles necesitan el Estado?

*Comentarios sobre el artículo de Robert Hanna "Saliendo del
Estado y deconstruyendo el estado de naturaleza"*

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Abstract

Against a widely-held interpretation of Kant's political philosophy, according to which Kant holds that all finite rational beings have an innate right to freedom as well as a duty to enter into a civil condition governed by a social contract in order to preserve that freedom, Robert Hanna contends that Kant is in fact an anarchist. Hanna's argument for his novel thesis that Kant ultimately views the State as an unjustifiably coercive institution that should be eliminated depends heavily on the claim there is an outright conflict between Kant's political theory in *The Doctrine of Right* and Kant's ethics. I argue that we should resist Hanna's provocative claim that Kant's ethics directly falsifies his official political theory. Further, I suggest that even morally autonomous Kantian angels need the State to guarantee the protection of their external freedom and to promote justice.

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According to what would seem to be an uncontroversial, even uncontested, view concerning the basic tenets of Kant's political theory, Kant holds that all finite rational beings have an innate right to freedom as well as a duty to enter into a civil condition governed by a social contract in order to realize and preserve that freedom. Although Kant recognizes that we give up an absolute right to freedom in agreeing to come together in civil society and to abide by coercive juridical laws, we do so for no other reason than to guarantee the protection of our external freedom, defined as "independence from being constrained by another's choice, insofar as it can coexist with the freedom of every other in accordance with a universal law" (MM 6:237).¹ This is to say that, on a conventional reading of Kant's political philosophy, Kant clearly believes that there is a rational justification for the existence of the State and its coercive political authority, namely, our interest in securing our right to external freedom—freedom of choice and action. Against this orthodox interpretation of Kant, Robert Hanna contends that Kant is in fact an anarchist who ultimately views the State as an unjustifiably coercive institution that should be eliminated (Hanna 2017).

Hanna's argument for his novel interpretation of Kant's "true" political philosophy takes three central steps. After distinguishing between two conceptions of enlightenment—"enlightenment lite" and "heavy duty or radical enlightenment" (step 1)—Hanna claims that there is an outright conflict between Kant's official political theory in *The Doctrine of Right* and his ethics (step 2), and that Kant's real political theory—a version of radical enlightenment—can be found in *Religion within the Boundaries of Mere Reason* (step 3). According to the Kantian political theory Hanna uncovers from *Religion*, there is no adequate rational justification for coercive political authority, and we should exit the State in order to create a worldwide ethical community in a world without any States or State-like institutions. In the service of defending his heterodox reading of Kant, Hanna sets out a devastating (and often highly amusing) critique of the pervasive Hobbesian account of human nature that has been a common source of justification for the State's existence, and concludes with a sort of call to arms, challenging Kantians to embrace an existentialist Kantian cosmopolitan anarchism and to cultivate a political-aesthetic attitude of reverence for humanity.

¹ All references to Kant are to *Kants gesammelte Schriften* edited by the Königlich Preussischen (now Deutschen) Akademie der Wissenschaften (Berlin: G. Reimer [now de Gruyter], 1902-). Citations in this essay include the volume and page number in this standard Academy edition of Kant's complete works. All English translations are from Gregor, Mary (ed.) *Practical Philosophy in The Cambridge Edition of the Works of Immanuel Kant* (1996). The following abbreviations are used for Kant's works cited here: *Groundwork of the Metaphysics of Morals* – Gr; and *The Metaphysics of Morals* – MM. *The Doctrine of Virtue* comprises the first part of *The Metaphysics of Morals*, and *The Doctrine of Virtue* comprises its second part.

“Exiting the State and Debunking the State of Nature” is a rich and stimulating paper, one that raises a number of interesting questions about Kant’s views concerning human nature, the state of nature, the role of the State, the legitimacy of political coercion, and the relation between politics and ethics. My comments focus primarily on Hanna’s provocative claim that there is an “unbridgeable gap” between Kant’s official political theory in *The Doctrine of Right* and his ethical theory (step 2)—a charge I think we can resist. I will, however, suggest that the aesthetic-political attitude of reverence for humanity that Hanna so eloquently articulates is one that we should readily endorse.

On the alleged gap between Kant’s official political theory and his ethics

In charging that there is an unbridgeable gap between Kant’s political theory in *The Doctrine of Right* and his ethics, Hanna draws our attention to the axioms or synthetic *a priori* propositions of right and virtue—these are the fundamental principles of reason that define or govern the two spheres of the moral, as Kant understands it. On the one hand, the axiom of right says that human beings are essentially self-interested and need to be protected from one another by the coercion of the State, which functions to secure external freedom. On the other hand, the axiom of virtue says that human beings are capable of morality and autonomy and of acting non-egoistically. The former axiom is based on the empirical fact of human egoistic self-interested desires, and the latter axiom is based on the idea that rational agents are capable of acting in accordance with the moral law from respect for the law alone (a non-empirical motive), or able to fulfill their duties solely from the motive of duty. As Hanna sees it, there is a straightforward contradiction here between both the axioms of right and of virtue and the different underlying conceptions of human nature on which these axioms are based. That is, Kant’s political philosophy starts from what Hanna terms the “enabling assumption” that we are all essentially egoistic and self-interested, whereas Kant’s moral philosophy depends crucially on the idea that we are autonomous agents capable of acting as morality dictates for no other reason than that it is intrinsically right—that is, from duty, and without any further motive of self-interest. Hanna reasons that, *if* we accept the assumption about human nature underlying Kant’s official political theory, we might be inclined to accept the idea that the protection of external freedom depends on the State functioning as an executive control mechanism. But why should we accept Kant’s neo-Hobbesian account of human nature in the state of nature, especially when it conflicts with his more optimistic—and, by Hanna’s lights, more realistic—view of our nature as autonomous moral agents?

I suggest that Hanna’s charge that there is a clear conflict or outright contradiction between Kant’s official political theory and his ethics raises two broad interpretive questions that deserve further scrutiny.

Question #1: *What exactly does Kant’s ethics imply about our nature as finite rational beings, and does Kant’s thesis that human beings are capable of acting autonomously and acquiring virtue “directly falsify” his political philosophy* (Hanna 2017, p. 173)?

In his foundational works in moral theory, especially the *Groundwork of the Metaphysics of Morals* and the *Critique of Practical Reason*, Kant treats autonomy as a property of the rational will, and plainly holds that finite rational agents possess the requisite freedom to abide by the moral law and to act on maxims (or subjective policies of action) that conform to the Categorical Imperative. Moreover, when he sets out his full account of virtue as a character trait in *The Doctrine of Virtue*, Kant claims that rational agents with autonomy are capable of cultivating virtue—moral self-mastery or strength of will, where strength involves a firm disposition to do one’s duty from the motive of duty and the force to withstand all temptations to transgress the moral law (MM 6:394, 396-397, 405). On Kant’s portrayal, the virtuous agent possesses the power of self-command (*Selbstbeherrschung*) to control and to rule over her sensible feelings and inclinations and to abide fully by morality’s dictates from respect for the law alone, in spite of any obstacles that might stand in the way. Relying on a long tradition in which ideals of personal or moral self-governance are modeled on notions of political governance, Kant explicitly associates his conception of virtue with what he terms the “autocracy of pure practical reason,” where autocracy stands for a very broad form of rational self-rule or self-governance that goes beyond autonomy (moral self-legislation).² Thus, according to Kant’s considered account of moral character, the genuinely virtuous or autocratic agent is one in whom reason has not merely legislative but executive authority—she gives herself moral laws that she takes to be valid solely because of their authority for all rational beings, and she has the power or strength of will to execute those laws in a way that shows full rational self-command.

It is crucial to see, however, that nothing here indicates that autonomous Kantian moral agents who are capable of developing virtue do not need the State to guarantee their right to external freedom. I take the following points to indicate that Kant’s political theory is not undermined by the account of moral agency central to his ethics.

In the first place, it is worth noting that, in spite of holding that all finite rational beings possess the freedom required to conform their actions to the Categorical Imperative from respect for the law (autonomy), and are able to acquire the moral strength of will to overcome all obstacles to duty and to govern themselves fully in accordance with the norms of practical reason (autocracy), Kant maintains that we can never know that anyone has ever genuinely acted from duty. As he writes in the *Groundwork*:

In fact, it is absolutely impossible by means of experience to make out with complete certainty a single case in which the maxim of an action otherwise in conformity with duty rested simply on moral grounds and on the representation of one’s duty. It is indeed sometimes the case that with the keenest self-examination we find nothing besides the moral ground of duty that could have been powerful enough to move us to this or that good action and to so great a sacrifice; but from this it cannot be inferred with certainty that no covert impulse of self-love, under the mere pretense of that idea, was not actually the real

² See Baxley 2010.

determining ground of the will; for we like to flatter ourselves by falsely attributing to ourselves a nobler motive, whereas in fact we can never, even by the most strenuous self-examination, get entirely behind our covert incentives, since, when moral worth is at issue, what counts is not actions, which one sees, but those inner principles of actions that one does not see (Gr 4:407).

As this passage clearly indicates, Kant holds that, for all of which we are capable based on autonomy and autocracy, we cannot know with certainty that any finite rational being has ever acted in a way that displays true or genuine moral worth—that is, non-egoistically.³ Otherwise put, for all that we know based on the conception of moral agency at the heart of Kant's ethics, it is possible that all finite rational agents capable of morality and virtue demonstrate nothing beyond heteronomy of will, acting only from motives of self-interest and its principle of (personal) happiness.

In the second place, and more importantly, since autonomy and virtue concern self-legislation and self-compulsion, whether or not any moral agent exercises her freedom of choice in conformity with moral principles, and does what duty requires of her, is entirely up to her. Kant takes the realm of right or justice to be concerned with external freedom and external legislation, while virtue or ethics is the sphere of inner freedom and internal self-legislation.⁴ Ethical duties, such as the duty of beneficence, are distinguished from juridical duties in that they are based entirely on self-constraint and are self-imposed (MM 6:383). Juridical duties, such as the duty to keep a contract, are coercive duties that are externally legislated, that is, imposed on subjects of right by the State and backed by threat of sanction for noncompliance. The main point here is that, even if we attribute autonomy as a property of the will of every finite rational being in the state of nature, and consequently have reasonable grounds for thinking that human beings in the state of nature are fully capable of conforming their actions to universal law (and of acting altruistically), the best that we could hope for under that scenario is that such beings (freely) constrain themselves to act in ways that can be universalized, conforming their actions to laws that they prescribe to themselves based on their own power of inner freedom. But this means that, without the State to enforce the compliance of juridical duties, the protection of our innate right to external freedom depends entirely on the good will of others, and is thus not guaranteed.

Granted, Hanna can reply by insisting that, outside of the State and State-like institutions, Kantian good-willed agents who have autonomy of will and are capable of cultivating virtue will tend to respect each other's right to external freedom and will not be inclined to trample on the rights of others. This might very well be true, for altruism is *at*

³ In the discussion following the lengthy passage quoted above, Kant goes on to remark that one need not be an enemy of virtue to doubt “whether any true virtue is to be found in the world” (Gr 4:407). Thus, it looks as if Kant's point is not just that we can never know for sure that any morally worthy act has ever been performed—an epistemic point—but that it is possible that no one has ever done her duty from duty—a metaphysical point.

⁴ Indeed, Kant defines the doctrine of virtue as the doctrine that brings inner, rather than outer, freedom under laws (MM 6:380).

least possible for human beings in a pre-State or post-State condition. We can therefore agree with Hanna's claim that, from the perspective of Kant's ethics, the Hobbesian thesis that universal egoism is necessarily true in the state of nature is false—it is false because we know that it is *at least possible* for human beings in a pre-State or post-State condition to be non-egoistic, non-antagonistic, and mutually respectful. It does not follow, however, that, for Kant, there would no longer be a need for the coercive political authority of the State in a world in which altruism is possible. On the contrary, even in a world in which altruism is common, indeed, even in a realm of Kantian angels—a possible world of perfectly virtuous Kantian agents who always do their duty from duty, reliably compelling themselves to act as morality demands—what is necessary to secure a peaceful condition, by Kant's standard, is the *assurance* or *guarantee* of humanity's innate right to external freedom, something that can be achieved only when this right is *enforceable*. In short, even if we could assume that rational agents capable of morality will (freely) abide by moral principles and respect humanity (in themselves and others) in the state of nature, we would still need the State to guarantee the protection of external freedom by coercing universal compliance of this right. This naturally leads to a second key question concerning Hanna's reading of Kant.

Question #2: *Does Kant's political theory depend on the thesis that human beings in the state of nature necessarily act egoistically in the sense of actually requiring the strong enabling condition that Hanna identifies?*

I suggest not, for it seems to me that Kant's account of the justification for the coercive political authority of the State is somewhat different from the way Hanna characterizes it. For Hanna, it is the nasty view of our empirical nature that is the driving force behind Kant's political philosophy, but Kant's primary concern—or at least main emphasis—lies elsewhere, namely in our fundamental interest in securing the rightful exercise of our external freedom.

As Hanna sees it, what motivates Kant's official account of political coercion is the assumption that we are essentially a devilish race of “biochemical puppets” (Hanna 2017, p. 172). We therefore need protection from one another for fear that we would fall back into an outright Hobbesian state of nature or “war of all against all.” The State thus functions as a corrective to our egoistic and antagonistic nature: “So State government is nothing but an *executive control mechanism*, plus a centralized power to coerce (e.g., the police, the army, the NSA, etc.), designed for guaranteeing mutual external freedom in the universal pursuit of egoism/self-interest by all the State's citizens, a Hobbesian ‘leviathan,’ a decision-theoretic *mega-machine State*, made out of human beings” (Hanna 2017, p. 172). Yet, despite the fact that Kant undeniably uses Hobbesian language to describe the state of nature and the problem of establishing a peaceful condition among self-interested rational agents, he ultimately conceives of the State as necessary not merely to correct our tendency toward egoism, but to bring about justice, by guaranteeing the protection of our

innate right to freedom.⁵ Kant claims that we surrender our freedom in order to regain it (MM 6:315), so what we gain by accepting a system of political coercion is the achievement of a completely rightful condition. My suggestion, then, is that Kant sees the State's role not as an executive control mechanism to correct our egoistic and antagonist human nature (as Hanna presumes), but instead as a guarantor of right or justice. In short, if we see the State's function on Kant's official political theory as that of realizing a greater good—namely, right or justice—then the justification for its existence does not depend on the assumption that human beings in the state of nature are always and only egoistic. Although the difference in Hanna's and my characterization of Kant's primary concern in establishing the State might amount to a difference merely of emphasis, the difference (hopefully) serves to underscore my central point that we need not view Kant as wedded to the enabling condition concerning universal egoism that Hanna sees as contradicting Kant's ethics.

In conclusion, although I have attempted to show that we need not view Kant's ethics as undermining his official political theory, I suggest that Hanna's de-biasing strategy in political aesthetics for ridding ourselves of the entrenched Hobbesian account of our egoistic human nature is one that Kantians should happily embrace. In opposition to the pervasive neo-liberal account of human nature as fundamentally egoistic and antagonistic, as it is so powerfully depicted in Dante's *Inferno*, Golding's *Lord of the Flies* and in post-Apocalyptic movies like *Mad Max*, Hanna calls us to the better angels of our nature, by appealing to a fundamentally different, genuinely Kantian political-aesthetic attitude of reverence for humanity ("awe, amazement, and wonder directed at the human nature and the human animal") (Hanna 2017, p. 183). This seems entirely fitting and appropriate as a means for expressing and promoting the very value that Kant places at the centerpiece of his entire philosophical system—humanity as an end in itself, something that has unconditional value and a dignity that goes beyond all price.

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⁵ My basic suggestion here is that Kant thinks of justice as doing more than fundamentally remedying or correcting human beings' tendency not to act sufficiently altruistically. Even if we agree that rational beings in the state of nature do not always act egoistically and are capable of autonomy and virtue, we still need justice, where justice requires, minimally, the assurance that other people will respect the innate right of freedom of others or face punishment for noncompliance. Here, I follow Arthur Ripstein, who has recently argued that, for Kant, "neither justice nor the law is remedial" (Ripstein 2012, p. 44). Ripstein explains that, even if we abstract from all empirical facts about our alleged "crooked timber," or our human tendencies toward selfishness, egoism, and vice, we still need justice, and to fully establish justice, we need States (the rule of law).

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