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*Kant and Arendt on Barbaric and Totalitarian Evil*

HELGA VARDEN

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Helga Varden is Professor of Philosophy and Gender and Women Studies at the University of Illinois at Urbana-Champaign. She has held visiting positions at the University of Chicago, Northwestern University, and the University of St. Andrews, and she is an executive editor of the *Journal of Canadian Philosophy*. Her main research interests are Kant's practical philosophy, legal-political philosophy and its history, feminist philosophy, and the philosophy of sex and love. In addition to her *Sex, Love, and Gender: A Kantian Theory* (Oxford University Press, 2020), Varden has published many articles on a range of classical philosophical issues including Kant's answer to the murderer at the door, private property, care relations, political obligations, and political legitimacy, as well as on applied issues such as privacy, poverty, non-human animals, and terrorism. The talk delivered here—"Kant and Arendt on Barbaric and Totalitarian Evil"—on how to theorize political evil, points both backward to a theme running through *Sex, Love, and Gender* and forward to a central theme in her new book project on Kant's transformation of the social contract tradition.

## EDITORIAL NOTE

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KANT AND ARENDT ON BARBARIC AND TOTALITARIAN  
EVIL

HELGA VARDEN

INTRODUCTION<sup>1\*</sup>

THIS PAPER brings together ideas from two Königsbergers—Immanuel Kant and Hannah Arendt—on the topic of the worst political evils.<sup>2</sup> Kant calls this kind of evil “barbaric”, while Arendt calls it “totalitarian,”<sup>3</sup> and characteristic of all such political evil is that the legal-political institutions are used as means to facilitate or perpetrate wrongdoing to people subjected to their power. Barbarism, therefore, whether Kant’s or Arendt’s, involves, to use another of Arendt’s phrases in a slightly revised way, violently denying someone else “the right to have rights” to freedom in some existentially important regard (Arendt 1948/1973: 296-8). In addition, I use their works to argue that all barbarism involves state-facilitated or organized absence of law and freedom as well as the presence of violence that seeks to make its victims suffer into numbness. Barbaric violence is therefore not striving to kill or enslave *as such* (though it often involves and leads to this too). Rather, barbaric violence ultimately strives to make human beings suffer so as to bring them down to a functioning level that may be described as existential numbness (“living dead”), which is why risking lethal danger or committing suicide can open up as felt ways out for those subjected to it.

At the center of barbaric violence, there is, to use Kant’s terms, a “depraved heart,” which, as Arendt also describes the direction of totalitarian violence, strives to destroy human dignity in the name of protecting or

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1 \* Acknowledgements.

2 In many ways, this paper aims to deliver on the promissory note 16, p. 157 in my (2020) *Sex, Love, and Gender: A Kantian Theory*, Oxford: Oxford University Press.

3 This is not the only way to read these two thinkers, but it is one that takes seriously what they encourage us to do with their writings, namely to use them to think for ourselves. For example, see Arendt’s related comments in “Remarks” (in *Thinking without a Banister: Essays in Understanding*, New York: Schocken Books, 2018): “each time you write something and you send it out to the world and it becomes public, obviously everybody is free to do with it what he pleases, and this is as it should be... You should not try to control whatever may happen to what you have been thinking for yourself. You should rather try to learn from what other people do with it” (p. 476). Also see Kant’s encouragement: “Sapere aude! [Dare to be wise!] Have courage to use your *own* understanding [“Verstand”]” (WE 8: 35) in “An Answer to the Question: What is Enlightenment?” in Mary J. Gregor (ed./transl.), *Practical Philosophy*, New York: Cambridge University Press, 1996. Relatedly, an aim here is to explore how ways in which we can use the writings of Arendt and Kant to address topics that the philosophical resources of either alone cannot do on its own.

realizing it. Moreover, in *The Origins of Totalitarianism*<sup>4</sup> (1948/1973), Arendt suggests that totalitarian political forces are, ultimately, impossible to understand by appeal to “the rules of common sense and self-interest... [because they are forces] that look like sheer insanity” (p. vii); they simply do not track “humanly comprehensible motives” (p. ix). As we will see below, although modern totalitarian barbarism took human evil to a new level (in terms of state-organization and involvement), no barbaric violence ultimately makes any rational, let alone moral sense; barbarism always involves deeply self-deceived strivings to destroy human dignity. In fact, I show how Kant’s account of the propensity to evil and a depraved heart can help explain why and how barbaric violence is always both self-deceived—aims at destroying human dignity in the name of protecting it—and, so, as Arendt emphasizes, involves striving to destroy any truthful description of reality at all (cf. Arendt 1948/73: 9). Barbarism announces itself in two ways: Perpetrators of barbaric violence are always self-deceived in that they are always doing the awful things in the name or under the guise of the good, and barbarism always first appears in historical societies by some social group(s) becoming unprotected against and/or subjected to numbing violence. In its institution, the self-deception used in barbarism typically involves false descriptions of what is happening, of human nature, of law (justice), and/or of freedom, which is also why the social groups initially targeted tend to be characterized by histories of dehumanization and oppression.

More specifically, I propose that we may distinguish between four different types of barbaric evil, two of which can be called instances of ‘pure’ barbarism, while the other two can be called ‘totalitarian’ barbarism. I suggest that we may place Kant’s own examples of barbarism in the category of ‘pure’ barbarism, meaning that they involve the state denying some social groups the legal protection needed to live safely as who they are in private and public spaces. We can furthermore develop Kant’s idea by arguing that pure barbarism comes in two forms, depending on whether the violence is merely legally permitted (passive) or legally required (active) by the state. Exploring these themes is the main focus of section 1 of the paper. In contrast to ‘pure’ barbarism, in section 2 I argue that ‘totalitarian’ barbarism not only legally permits or requires violence against some groups of people, but actively and self-deceptively deploys its legal-political institutions to terrorize segments of its own population or (de jure or de facto) stateless people under its coercive control and thereby involves attacking the legal-political institutions themselves. Totalitarian barbarism also comes in a passive and an active form. The passive form can be described as state-organized, terrorizing absence

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4 Hannah Arendt (1948/1973). *The Origins of Totalitarianism*. New York: Harcourt, Brace, Jovanovich.

of law and freedom since it involves states refusing or stripping some people of their status as citizens or as persons having legal standing to get state protection (and potentially citizenship)—and leaving them with no protection and nowhere good to go to avoid the dehumanizing violence. The second, active and even starker form of totalitarian barbarism involves states using its legal-political system to terrorize a (or some) segment(s) of its own population or stateless people(s) in a totalizing way. In the last two sections of the paper, I show how this analysis is useful to describe important features of actual historical societies—past and present—before bringing Arendt and Kant into dialogue with other important thinkers on violence and oppression to help us see the challenges faced by trying to recognize, theorize, and eradicate barbarism in our actual, historical societies.

## I. KANT ON BARBARISM

This section first briefly outlines Kant’s idea of “barbarism,” including how it differs from the three other possible legal-political conditions, namely “anarchy,” “despotism,” and “republic.”<sup>5</sup> These ideas can then be used to identify different ways in which social groups can be deprived of their basic rights in actual, historical societies. Kant’s own examples of barbarism may, I suggest in turn, be seen as pockets of ‘pure’ barbarism—a category that can be used to capture other historically significant examples too. Finally, I suggest that Kant’s account of the predisposition to good in human nature (of “animality,” “humanity,” and “personality,”) is particularly useful in explaining why and how barbaric violence fundamentally aims at numbing people’s embodied, social, rational, and moral being.

### I.1 FROM LEGAL-POLITICAL IDEAS TO ANALYZING ACTUAL, HISTORICAL SOCIETIES

Kant proposes that three principles constitute our possible legal-political conditions: law (“Gesetz”), violence (“Gewalt”), and freedom (“Freiheit”). These three principles, he continues, can be combined in four different ways, yielding four distinct (a priori) ideas of legal-political conditions: “anarchy,” which is constituted by the principles of freedom and law, but not the principle of violence; “despotism,” which combines law and violence and excludes freedom; “republic,” which involves all three principles (law, violence, and freedom); and, finally, “barbarism,” which is a condition of violence and neither freedom nor law (A 7: 330f). Much

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<sup>5</sup> I explore these four conditions—including some interpretive-philosophical puzzles—in “Kant’s Four Legal-Political Conditions” (*Norsk Filosofisk Tidsskrift/Nowegian Journal of Philosophy*, forthcoming). I have included core features of this argument as an appendix to this document as it is necessary to understand why Kant deems that the republic both uses all three principles—law, violence, and freedom—and, insofar as the people don’t violate its laws of freedom, only uses rightful coercion (and not violence).

of the secondary literature on Kant over the past couple of decades has discussed how to understand Kant's claim that the postulate of public right—namely the command that if one cannot avoid living side by side with others, one must enter rightful conditions by establishing a public authority, which “can be explicated analytically from the concept of right in external relations, in contrast with violence (*violentia*)” (MM 6: 307). The (liberal republican) line of interpretation I find most persuasive on this issue maintains that Kant's analysis of interactions in the state of nature aims to show that if private individuals interacting in this condition enforce their innate or private rights against one another, there will be an ineradicable element of unjustifiable violence.<sup>6</sup> The only way to eliminate this element of violence is by postulating a *public* person as the omnilateral legal-political institutional means through which interacting persons make their rights enforceable against one another. Hence, public right is the establishment of rightful (public) uses of coercion (“Zwang”) that forcefully limits possible interactions and is fused with laws and freedom and it is the contrary to violence (force that aims at human interactions but that isn't fused with laws and freedom). This is why Kant argues that internally (domestically) a republic solely prevents or “hinders hindrances to freedom under universal” law by subjecting all domestic interactions to coercive laws consistent with and as required by each person's innate right to freedom (MM 6: 237). And it is why the republic's uses of “force” (“Kraft”) or “power” (“Macht”) are correctly described as “coercion” (“Zwang”) that is “rightful” (“rechtlich”) because it lets laws of freedom (law and freedom) set terms of the coercive framework within which people interact—and hence Kant contrasts the republic's use of coercion with mere “violence” (“Gewalt”) on (MM 6: 231).

What about the three other possible conditions—anarchy, despotism, and barbarism? Anarchy is defined as the absence of violence and the presence of freedom and law, meaning that in the best of scenarios all we can achieve is the absence of injustice and the presence of law and freedom. Moreover, anarchy is “devoid of justice” on this analysis (MM 6: 312), because although the principles of freedom govern interactions (provisionally just laws that specify the a priori principles of innate and private right), they are not yet rightfully enforceable (conclusively just laws) (MM 6: 256f, 305-313). In *despotism*, in contrast, there is law and violence—a monopoly on force used against others that is regulated by laws—but no freedom, since the laws are not grounded on universal principles of freedom, but on contingent laws (such as various religious laws or laws grounded on a particular cultural interpretation). Hence, in this condition, there will either be injustice since coercive limits on

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<sup>6</sup> For more on these interpretive traditions, see “Introduction to Part II” of my *Sex, Love, and Gender: A Kantian Theory*.

interaction are not constituted by laws of freedom or, at best, there will be provisional justice and prudential obligations, which occurs insofar as particular areas of interaction are governed by principles of justice as freedom. Finally, under *barbarism* there is only violence and no law and freedom, and hence, in this condition there is necessarily destruction of embodied, rational being. In such a condition, humanity cannot be realized, as humanity is, exactly, the capacity to act freely in morally responsible ways (autonomy). To set ends in a morally responsible way is to set ends of one's own in accordance with laws one gives oneself either on one's own (virtue) or together with others (right).

The above ideas enable us to identify three principled ways in which we can find ourselves without a legally recognized and politically protected right to freedom and, so, without political obligations (*republic*). First, we may choose to live in solitude or together with others in a peaceful state of nature (with no legal-political institutions whatsoever), where there happens to be no uses of coercion and no political obligations (*anarchy*). Second, we can find ourselves in a condition where the state's laws are not grounded on principles of freedom but on some conception of the good life, and, consequently, where there are no political (but only prudential) obligations (*despotism*). Third, we can find ourselves in a condition where there is neither law nor freedom governing our interactions and, so, there is only violence. In such a condition, there are no political obligations and any prudential obligations make a fundamental reference to trying to stay alive (*barbarism*).

Notice, however, that these ideas (of anarchy, despotism, barbarism, and republic) are exactly that, they are *ideas* of reason. In other words, they do not describe complete, actual legal-political realities in the world or historical societies. The world we live in—in historical time—is much messier; actual historical societies are not identical to idealized societies that are constituted by any one of these ideas of reason. These ideas are therefore useful not because each accurately describes a different, particular historical situation, but because they can capture actual political forces at work as well as *ideals* that are regulating or are supposed to regulate how we actually go about things in a society. It follows that actual societies may have all these forces operating at the same time—where different groups participate in and/or are subjected to different forces simultaneously—which is one reason why realizing good historical societies is so extraordinarily difficult. Let me explain.<sup>7</sup>

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<sup>7</sup> I started developing this proposal for how to use the four ideas of reason when engaging historical societies in Varden (2020). Although her focus and point are different, I believe this analysis is deeply consistent with Kimberlé Crenshaw's groundbreaking "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," University of



To start, if people do not want to enter civil society as they'd rather, and are able to, live peacefully together or in solitude in the state of nature, then they are not thereby wronging one another since no coercion (let alone violence) occurs. This is the case only if no one uses coercion or violence and everyone happens to agree on all matters of interaction and hence no (reasonable or unreasonable) conflicts actually arise. Hence, if these people choose to stay in the state of nature *or* if disagreements do occur and the parties choose to fight it out *or* if one party wants to enter civil society to secure their rights and the other refuses, then there is wrongdoing. In the first two scenarios they do not wrong each other, Kant argues, but they commit a formal wrong—a wrong in the highest degree—by refusing to interact rightfully, namely by refusing establish a public rule of laws of freedom by means of which that they can or do regulate their interactions and settle their conflicts (MM 6: 307f). In the third scenario, the one who is refusing to enter civil society and instead insists on fighting it out violently is also wronging the other person (committing both a formal *and* a material wrong).

In our actual, historical societies and as a general rule, presumably, however, this is not how we experience anarchy. Rather, in our historical societies, sometimes we find pockets of anarchism when some people do not want to take part in civil society. For example, people sometimes choose to live together in voluntary non-conventional communes and do not want to have the law involved in their internal workings. More common, however, is the situation where some social group is denied entrance to civil society in some central regard by being denied access to some set(s) of laws as other citizens' equals. For example, Jewish communities legally required to live in ghettos and only legally permitted to hold certain types of jobs in Europe throughout early modern/modern times, were denied access to civil society as other citizens' equals. Moreover, insofar as they were able to live together peacefully, their ghetto life could be described as anarchic and as "devoid of injustice." In contrast, insofar as there were disputes among the people living in this community, any use of coercion to settle them would be at most provisionally just, which would happen insofar as principles of freedom were used to settle them consensually. Also, because

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Chicago Legal Forum 1989 (1): 139-167. I also believe this approach is compatible with core insights in Carol Pateman's (1988) *The Sexual Contract* (Stanford University Press) and Charles Mills' (1997) *The Racial Contract* (Cornell University Press). In particular, it is consistent with their idea that because much ideal theory only focuses on describing what an ideally just society looks like, it never makes it to the question of what our actual, oppressive societies look like. Hence the philosophical practice of only doing ideal theory serves to unintentionally legitimize our actual societies. Naturally, I also hope that this essay counts as an instance of what we with Arendt and Mills can call assuming responsibility for being an "pariahs" or outcasts (Arendt) or "occupying liberalism" (Mills) in academic philosophy.

these Jewish populations were denied access to legal protection as others' equals, the state forced them to stay in this lawless condition. Hence, the people who participated in upholding or didn't resist that the rule of law functioned in this way, did wrong in the highest degree and wronged the Jewish people formally and materially if they actively participated and merely formally if they simply didn't have the power to actively resist.

Analogously, insofar as polyamorous or same-sex couples are denied the right to marry in the world today, they are denied entrance into civil society with regard to their homes and/or their domestic relations with their partner(s). Again, the best they can do in such situations is to try their best to solve all problems amicably—to maintain a situation devoid of injustice—since they are denied access to the legal-political apparatus (family law) to solve disputes or to find good ways of ending a relationship and going their separate ways. In response to this problem, such outcast—what Arendt calls “pariah”—communities function well, they tend to be characterized by much welcoming affectionate love and care (communal spirit), less judgment, and a lack of political experience among its members. Consequently too, the process of obtaining more rights is commonly experienced by the members of such communities as also involving losses of a kind described so well by Arendt when she talks fondly about the Jewish community in Königsberg where she grew up. In a spirit similar to Rousseau's description of the transformation that happens with the establishment of morality as an orienting way for human beings,<sup>8</sup> Arendt argues that becoming an active participant in legal-political society or obtaining freedom (gaining rights and obtaining related political experience) has a price; it involves giving up something valuable, namely some of the tolerant and welcoming affectionate love constitutive of well-functioning outcast (“pariah”) societies.<sup>9</sup> Similar kinds of descriptions are also common among people who have lived in well-functioning, pariah LGBTQIA-communities as they get rights to live and function in society at large as others' equals, that becoming part of “the establishment” involves an experience of communal loss. As Arendt says, freedom has its price.<sup>10</sup>

Despotism, in contrast, does not permit freedom and, hence, the laws enforced are not founded on universal principles of freedom but on some

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8 See Rousseau, Jean-Jacques (2011). *Discourse on the Origins and Foundations of Inequality among Men* and *On the Social Contract*, both in *The Basic Political Writings* transl. and ed. by Donald A. Cress, Indianapolis: Hackett Publishing Company.

9 See Günter Gaus's 1964 “Zur Person” interview with Hannah Arendt: <https://www.youtube.com/watch?v=dsolmQfVsO4&t=880s>. Of course, this is not to deny that some of her experiences appear to be those of someone who was socially quite privileged within this Jewish community and whose life fit quite well with it in important ways. More on this shortly.

10 Again, see Gaus's interview of Arendt.

particular, historical conception of the good life, such as captured in a historical religion or a historical culture. Indeed, Kant thinks that historical societies tend to start with a good dose of despotism because

nature within the human being strives to lead him from culture to morality, and not (as reason prescribes) beginning with morality and its law, to lead him to a culture designed to be appropriate to morality. This inevitably establishes a perverted tendency: for example, when religious instruction, which necessarily should be a *moral culture*, begins with *historical* culture, which is merely the culture of memory, and tries in vain to deduce morality from it (A 7: 327f).

So, for example, Königsberg in Arendt's childhood was not only German, but the majority of the population also self-identified as (predominantly Lutheran) protestants and belonging to the Evangelical Church of Prussia. Hence, according to the most powerful social groups, Jewish people were not "proper" Germans since they were not protestant (Lutheran) Christians and the laws in place expressed this view too. This feature of Germany's legal-political system was despotic; instead of upholding the rule of law that considered all its subjects free and equal citizens, some were less equal than others because they were not protestant (Lutheran) Christians. Correspondingly, insofar as coercion was used by Jewish leaders within the Königsberg Jewish community against its own members because their actions were deemed inconsistent with Jewish teachings, it was despotic insofar as they used an historical interpretation of the Jewish religion to decide what was im/missible behavior.

To illustrate, part of the reason why Arendt has quite fond memories from her childhood presumably tracks that she was socially well positioned in this society (given her family's standing in the Jewish community and her obvious intellectual abilities) and that her way of being was in conformity with its dominant social views. For example, a hypothetical lesbian, radical artist Arendt would likely have had many fewer fond memories of her childhood since such a Hannah would have had to face enormous resistance from powerful forces in this conservative Jewish community.<sup>11</sup> Analogously, in LGBT+ communities, there tend to be internal social norms that ultimately set the parameters for what is and is not permitted—something that the socially powerful members have a lot of say about. To extend the example, to date, some ways of being sexual or gendered—such as being trans or bi—have been even more difficult than being gay or lesbian—which appears internally connected to the fact that much socially powerful queer theory insists that our sexual or gendered identities are

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<sup>11</sup> Indeed, in the Gaus interview, Arendt reveals her lack of appreciation for much non-traditional ways of being a woman, though she also comes across as a little uncomfortable around her own views.

constructed all the way down. (After all, if they are, then it's hard to make philosophical sense of being trans or bi.) Moreover, and as I will come back to later in the paper, one of the disheartening characteristics of our species is that being seriously oppressed and knowing what it means in some regard, does not entail that we will not oppress others.

What these examples reveal is that some of the existing states in the world are described by pockets of despotism. Perhaps they (de facto or de jure) require public officials to be members of a particular religion or public schools to teach a particular religion. For example, although only de facto (and not de jure), it appears impossible today for a non-Christian to become the President of the USA.<sup>12</sup> Similarly, legal-political systems that only recognize the right to public holidays as determined by one or two particular religions are, in these regards, despotic. Living within the boundaries of these despotic laws may be prudentially obligatory for all—in that acting contrarily to them is too dangerous or because doing so happens to be consistent with obtaining happiness as one understands it—but they cannot morally oblige all since they are inconsistent with treating and respecting everyone as free and equal under the law. More generally, despotic societies are more harmonious insofar as they are more homogenous in that the people living there are largely in agreement on their conception of what a good human life looks like. Also, since culture has a strong emotional pull on us, we are likely to start forming historical legal-political communities with people with whom we share a basic cultural outlook. Yet, such societies remain despotic because such legal-political institutions are inconsistent with the idea of a republic, where the public authority is entrusted to posit, apply, and uphold laws that enable its citizens to interact as free and equal. Indeed, if Kant is right, the danger of despotism in a society never goes away because “*animality*... [always] manifests itself earlier and, at bottom, more powerfully than pure *humanity*” (which is what is realized in a “civil [republican] constitution”) and combined with our “self-will<sup>13</sup>,” entails that we always have an ineradicable temptation to “break out in aversion towards... [our] neighbor” and push our “claim to unconditional freedom... [to] not merely... be independent of others, but even to be master over other beings who by nature are equal to [us]” (A 7: 327). We have, in other words, an ineradicable temptation to turn republican legal-political institutions into despotic ones, to make others

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12 For an overview over the religious affiliations of all the US Presidents, see <https://www.potus.com/presidential-facts/religious-affiliation/>. Of 531 member of the 117th Congress (2021), 468 (88.1%) are Christian, 33 (6.2%) are Jewish, 18 (3.4%) do not identify or refused to answer, and 12 (2.4%) identified as some other religion (<https://www.pewforum.org/2021/01/04/faith-on-the-hill-2021/>).

13 Below I explain how “self-will” here means our capacities for setting ends of our own and our social sense of self (cf. the predisposition to humanity below).

behave in accordance with our conception of the good, all in the name of upholding republican institutions of freedom and equality.

Finally, barbarism, we remember, is the presence of violence and the absence of law and freedom. Kant argues that just like the never disappearing danger of despotism cannot be eradicated in historical societies, the threat of “revolutionary barbarism”—the destruction of the public legal-political institutions as a whole—is always also present (A 7: 326). Moreover, as mentioned in the introduction, I believe we can develop Kant’s analysis by, first, distinguishing between a passive and an active version of both ‘pure’ and of ‘totalitarian’ barbarism. For now, the focus is only on ‘pure’ barbarism, where the distinction between its ‘active’ and ‘passive’ forms can be seen as tracking whether the violence against certain social groups is merely legally permitted or also legally required. Given these distinctions, I propose that Kant’s own examples of barbarism are of ‘passive pure’ barbarism. Those examples include multiple wives being kept in a sexualized “kennel” or “prison” (German: “Zwinger”) by their shared husband (A 7: 304) as well as punishment of unwed new mothers who commit infanticide in order to avoid social condemnation and of officers who can defend their rightful honor only through risking their lives through deadly dueling (MM 6: 337). Kant also implicitly condemns laws that do not recognize marital rape by saying that no one has a legal right to have sex with one’s spouse—a condemnation that appears consistent with calling such a lack of laws protecting spouses against rape barbaric (MM 6: 279, 426). These passive, pure forms of barbaric laws, then, involve legal-political institutional frameworks that permit numbing violence by some groups of citizens against others without legal consequence. In my view, other historically prominent examples of passive, pure barbarism include various kinds of shaming and failures to legally and politically protect not only women but also sexual, gendered, disabled, racialized, ethnic, or religious minorities against violence by the corresponding majorities.

This passive version of ‘pure’ barbarism can, in turn, be distinguished from a starker, active form of pure barbarism, according to which the law targets groups of people in such a way that in order to stay safe they must hide who they are. For example, laws of this actively aggressive kind include sodomy laws, laws that prohibit the exercise of one’s religion, and laws that require women to wear or not wear specific kinds of clothing. Such pure barbarism is actively barbaric in that it involves using state power to target women and/or various social minorities such that they cannot interact safely as who they are. Hence, in order to avoid violence, those facing it must hide who they are and behave in ways that appear to conform with the social norms dictated by the socially more powerful groups. Moreover, like the passive form, active pure barbarism also involves

perverting law and freedom, but the active form is starker: it permits such unjustifiable violence to occur among social groups at the same time that it facilitates the impossibility of escaping it; *and* it involves actively using the state's legal-political institutions to violate specific members of the population in numbing ways.

### 1.2. BARBARISM'S INHERENT SELF-DECEPTION AND NUMBING EFFECTS ON HUMAN BEINGS

Before moving on to totalitarian barbarism in the next section, let me address the question of why all forms of barbarism strive not to enslave or kill as such, but to numb other human beings under the guise of the good. To do so, I first sketch important aspects of Kant's account of human nature that enable us to say something about the badness involved in denying others the possibility of realizing themselves well and about why using violence to numb others can be both tempting for human beings and a serious, heinous wrong for which we are morally responsible.

Kant thinks that we have a three-fold nature consisting of "animality," "humanity," and "personality." In contrast to his predecessors, like Hobbes and Locke who think *the* animalistic principle is self-preservation, Kant conceives of self-preservation as one of three conscious, natural drives constitutive of our animality. The two other animalistic drives, Kant argues, are the sex drive and the social drive for affectionate community. Each is one prong of the three-folded predisposition to good in human nature, namely the predisposition to animality. All three exist as conscious drives as soon as we are born, and they are fundamentally grounded on our natural 'vital force' (our embodied forcefulness). Moreover, each predisposition is enabled by a relational category of the understanding—namely substance (self-preservation), causality (sex drive), and community (affectionate community)—which must here be understood teleologically, namely as orienting a newborn's ability to act in accordance with pleasures and pains that enables it to function as a good, forceful whole. To illustrate, from the moment they are born, human babies preserve themselves by eating until they are full (until it is no longer pleasant to eat), they respond with pleasure to relatively gentle, small amounts of physical human touch (the sex drive), and they are comforted by being held close and talked to in loving, affectionate ways (community). These activities do not require reasoning as such, but they can be and are partially developed by means of associative thinking, which we see, for example, in how babies begin to associate certain smells and sounds with pleasures, etc.

In addition, however, (only) human babies scream when they are born, which, Kant proposes, can be explained philosophically only if we attribute

an additional capacity for representation to human babies as compared to non-human animal newborns. He suggests that the scream expresses a frustration over not being able to act, to be free (A 7: 268). With time, this rational capacity is the one that is developed, as Kant famously proposes, by humans learning to act on maxims (subjective rules of action) by means of which humans set ends of their own. (More on this shortly.) Within a short time, human babies will also start to interact with loved ones through smiling and crying. As the scream expresses pain (frustration at not being able to act) and the crying a need for togetherness (to restore the unity as experienced inside the womb), the smile expresses pleasure and it reveals that they have a social sense of self; their smiles reveal their pleasant awareness of being seen by another and that the other is happy to be seen by them. Hence, in contrast to Rousseau who deems the social sense of self (*amour propre*) as originally only bad, Kant deems being seen by another as originally a good thing.

Both kinds of representation—of freedom and of a social sense of self—constitute the predisposition to humanity (rationality), or what Kant also refers to above (A 7: 327) as “self-will”. Moreover, in order to develop this predisposition well, human beings need to develop their capacity to reason. In short, human babies must learn to set ends of their own by mastering acting on universalizable maxims—which requires reflective self-consciousness and abstract concepts—and they must learn to manage social emotions that involve comparison, such as winning and losing, envy, and jealousy. Finally—and this is where Kant distinguishes himself from all his predecessors—in order to be able to act morally responsibly, human beings must learn to act as motivated by their practical reason. That is to say, they must be able to act as motivated by *moral* reasons, by whether or not a certain action is right or wrong, and this is difficult because our animality and “self-will” develop earlier and so easily and strongly motivate us. To put this point in Kantianese, to act morally responsibly is to act consistent with respect for, and insofar as possible supportive of, oneself and others as rational beings, as beings who have the capacity to set ends of their own and consequently must be treated as ends in themselves (not mere means) or as having dignity (a pricelessness). To be able to act as motivated by this ought—to do something *just because* it is the right thing to do and to refrain from doing something *just because* it would be wrong—is to have developed the third predisposition, namely to personality (moral responsibility). Developing personality requires us not only to master reasoning, but to heed what our reasoning says about the rightness or wrongness of an action (regardless of what we want to do). It requires us to develop our “moral vital force.” Hence, it takes us human beings a long time to develop our animality, humanity, and personality into an integrated whole for which we are able to assume

moral responsibility. Moreover, this whole can be divided into two components: one component that constitutes our happiness (rational end-setting grounded on and consistent with our animality and humanity) and one that constitutes our morality (ensuring that our actions are consistent with and supportive of a moral world).<sup>14</sup> The highest good or aim for us in actual, human lives is therefore to bring these two parts—happiness and morality—into as close a union as possible (TP 8: 279, CPrR 5: 110-115) and, hence also, to bring our “natural” and our “moral” vital forces into harmonious union.<sup>15</sup>

In addition to his idea of the predisposition to good, Kant’s theory of human nature contains an account of our propensity to evil. In short, Kant proposes that evil is something we bring upon ourselves through our capacity for choice (setting ends of our own). Evil is furthermore seen as coming in three degrees—“frailty,” “impurity,” and “depravity”—where moving from one degree to the next, from frailty to impurity or from impurity to depravity, means that we lose our way in life in significantly more complex ways (and so correspondingly healing becomes more difficult subjectively). More specifically, frailty refers to an instance of or an area of our life where we are likely to do wrong, impurity to an emotionally unstable pattern of motivations determining our actions, and depravity to a striving to weaken our subjective susceptibility to act morally (our moral force). Regarding the latter, Kant proposes that a depraved heart always involves adopting “evil maxims” and “reversing the ethical order as regards the incentives of a *free* power of choice” in a self-deceptive manner (since humans do not have a “diabolical” will) (R 6: 29f). A depraved heart, in other words, always involves acting on a non-moral motivation. Consequently, it becomes subjectively harder and harder to do the right thing (true or morally responsible exercises of freedom) as one strives only to do what makes one feel most happy or excited or powerful (perverted freedom). Moreover, feeling the most happy or excited or powerful involves describing what one does by means of moralized language (doing bad or even awful things in the name of doing good, even heroic things).<sup>16</sup> Finally, both actions of frailty and of impurity can be undertaken in self-deceived or non-self-deceived ways, whereas a depraved heart always involves self-deception.

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14 See Kant (R 6: 26-28) for his account of the predisposition to good in human nature and see Varden (2020) for my fuller interpretation of his account.

15 For an excellent interpretation of why Kant thinks that going about our lives in this way makes rational sense even when we deserve to be morally happy, but are not, see Katerina Deligiorgi’s (2020) “Kant, Schiller, and the idea of a moral self,” *Kant-Studien*, 111 (2): 303-322.

16 See Kant (R: 28-45) for his account of the propensity to evil in human nature, and Varden (2020) for my fuller interpretation of his account.



In light of the above, we can see how Kant combines his idea of a depraved heart with the vices that can be grafted onto the predisposition to humanity in order to identify “*diabolical vices*,” vices that capture the worst we humans can do (R 6: 27). Kant describes diabolical evil as rooted in an “anxious endeavor” to obtain a “hateful superiority” over others. Moreover, he argues that diabolical vices can be called “vices of *culture*,” since they attach to the predisposition to humanity (end-setting and a social sense of self), and they are characterized by an “extreme degree of malignancy [, namely] ... a maximum of evil that surpasses humanity... e.g. in *envy, ingratitude, joy in others’ misfortune*, etc.” In other words, these evils “surpass” humanity in that they are not fully comprehensible by, as Arendt also says, common sense, rational self-interest, or humanly comprehensible motives. Hence, these evils are at war with, or cannot sustain, human life in any sense of the word as they are the (profoundly irrational) undoing of it. Important too as we set out to explore the nature of barbarism is exploring Kant’s proposal that “[a]n evil heart can coexist with a will which in the abstract is good. Its origin is the frailty of human nature, in not being strong enough to comply with its principles, coupled with its dishonesty” (R 6: 37) In other words, the first step towards depravity is always frailty—as this is the lowest level of evil—and it is always developed by giving up on the project of being truthful. Or to put the point from the other direction, evil always involves not knowing what or why one does what one does (R 6: 37), or what Kant elsewhere calls the duty to know one’s heart (MM 6: 441).<sup>17</sup>

As we have seen, Kant thinks that trailing our animalistic drive and our drive for freedom is an anxiety—a “self-will”—that makes it tempting for us to want to dominate others rather than to want to spend our energy

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17 In my view, a brilliant recent dramatization of a depraved heart that is in the abstract good is the character Elena Richardson in *Little Fires Everywhere*, which is a tv miniseries based on Celeste Ng’s novel by the same title. Richardson tells herself a story, according to which she is aiming at the good, but in fact she is fundamentally unable to be truthful, she doesn’t know herself (her own heart), and she cannot bring herself to genuinely respect herself or others’ as having dignity, which gives itself expression in much racism and heterosexism as well as much oppressive and damaging behavior towards everyone around her—a realization she has at the end where she argues that although it is the children who literally lit their home on fire, ultimately it is she who has burned it down. In many ways, one can see the efforts of those who care about Ms. Richardson as trying to make her be more truthful in her descriptions of herself, those around her, and her life in general. She is, in Kant’s phrase, in the abstract good, but her lack of truthfulness makes it impossible for her to live in a good way (for herself, in relation to anyone else, or generally.) The contrast to such a depraved heart (that is in the abstract good) would be one that is not in the abstract good, but bad or aimed at destruction of human dignity. For example, white supremacists who maintain that some racialized groups (white) are better and should dominate the rest (non-white) illustrate a depraved heart that is also not in the abstract good.

on setting challenging and good ends of our own. Why is this the case? One reason is that our social sense of self involves a deep vulnerability because, in Kant's words, it makes it subjectively tempting for us to view ourselves as happy or unhappy *only* relative to how happy others are. And that makes it possible for us to feel happier simply because others are less happy than we are, which also means that we have a vulnerability to dislike or even hate others insofar as they are happy and to take pleasure in bringing others down (make them miserable). Moreover, as we saw, Kant proposes that this vulnerability can consist together with a generally or abstractly good heart, a heart that generally strives to do good. For example, as some of the writings on what Robin DiAngelo usefully has called "white fragility"<sup>18</sup> emphasize, many white people who benefit from and participate in practices that uphold racialized hierarchies (without being generally upset about it or resisting how the related interactions proceed), typically, upon reflection, firmly believe racism is bad. Similarly, one might point to interactions that involve relating to some social groups as not equal often are accompanied by reflective thought of the kind that we are all equal. Kant argues that these are ways in which our depraved hearts operate. Indeed, we might add that we saw it in Kant himself: he harbored and expressed many racist, sexist, and heterosexist<sup>19</sup> thoughts and feelings, and yet he was also deeply committed to understanding morality in terms of freedom and equality. It is, in other words, very tempting to have the world function in such a way that regardless of what we do or do not do, we are still better (off) and have more power than others just in virtue of our social identities.

To see this from another angle, when we are unsuccessful at setting and achieving ends of our own, it becomes tempting not to try harder but instead to focus our energy on having others do it for us. We also might be tempted to bring others down psychologically (so that they don't feel good about their accomplishments) or to do what we can to make sure that they fail too. In fact, such a depraved point of view will see as threatening any expression of independent spontaneity—of flourishing animalism, humanity, or personality. That is to say, the very fact that there is expression of another's independent being—of flourishing animalistic life, of freedom, of a healthy sense of self, or of moral care—is experienced as upsetting (anxiety inducing) by a depraved heart; the drive of such a heart is to crush any such spontaneous—happy or moral—expressions. And to do that, one needs to make the others suffer by making them focus their energy and attention on not expressing themselves spontaneously in

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18 DiAngelo, Robin (2018), *White Fragility: Why It's So Hard For White People To Talk About Racism*. Boston, MA: Beacon Press.

19 In Kant's case, his heterosexism probably also expresses self-hatred. For more on this, see (Varden 2020).

independent ways at all and instead exist only to affirm our sense of self. The fundamental striving of diabolical evil is, in other words, to make others exist as the living dead, the residue of persistent numbing violence.

Yet another way to see this complex irrational side of ours begins by noting the following: to create something that is truly good and/or right and/or beautiful—to create being—is difficult (even if deeply meaningful and satisfying). In contrast, to destroy things is relatively easy. Hence, we are liable to go for the latter (destroy being)—to feel powerful by destroying or belittling what others are or make—instead of trying for the former (to create being). To express this point in an even more abstract way, on this view, being necessarily precedes non-being. That is, only if something exists can we destroy it, and destroying something is not to make something else, though we are tempted to act as if this were the case because destroying something can create a strong sense of self, a subjective sense of being very powerful. People who do horrible things to others, for example, are liable to present what they are doing as just or as more impressive than those who are creating things: sexing up wrongdoing and wrongdoers is a real temptation for us. To use a famous illustration in the Kant literature, Kant argues that stealing presupposes property in that we can only steal if there is something to be stolen; a maxim of stealing cannot hold as a universal law, whereas a maxim of property can. Stealing, therefore, cannot be a principle of reason—of being—as it is inherently parasitic on the principle of property. These two principles—property and stealing—cannot take each other’s place; the latter presupposes the former, but not vice versa. Only property is constitutive of rational being—something that is—stealing is not (as it only aims at destroying rational being or something that is).<sup>20</sup>

Let me illustrate this also with regard to the three degrees of evil: On a bad day, I may, for example, respond with disinterest to something beautiful a friend shows me. Usually, I respond appropriately and don’t find it hard to do so, but today I’m grumpy and so I fail and I hurt my friend. This is frailty. Alternatively, I may have let myself develop a patterned, emotional problem with feeling envy. Now, whether or not I respond appropriately to my friends’ beautiful creations is a rather accidental affair since it always depends on how good I feel about myself. This is impurity. Both of these ways of acting may or may not involve self-deception: With frailty, if I am self-deceived, I may tell myself that my friend is inconsiderate in showing me the beautiful thing exactly today (since, surely, she must/ought to know that this is a day when I need some serious TLC). If not self-deceived, then I may realize that my emotions are very unruly right now, but even so I yield to the temptation to treat my friend badly. Similarly, with impurity,

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20 For example, see Kant’s discussion of universalizable maxims on (GW 4: 402).

I may or may not be aware that I have a problem with envy—and being unaware (being self-deceived about this) is worse, in the sense of harder to fix, than not. Finally, I may have developed a depraved heart in which case exactly how I respond to my friend’s art is always tailored to what will maximize my sense of self in the moment. If it will make me feel powerful and excited by belittling her art, then that’s what I will do, but if it feels good to charm her with compliments, then that’s what I will do. What I will not do is to strive to make sure that I am around my friend and her art in a way that expresses my deep appreciation of and respect for her and her art—and regardless of how I act, I am never bothered that perhaps I acted wrongly (unlovingly and disrespectfully). Realizing my own ill treatment of others and the reasons for it is humbling, but being humbled is exactly what I strive to avoid; after all, all of this bad behavior comes exactly from a place of low self-esteem, of putting others down because one feels bad about oneself and one wants to avoid that feeling. In the *Anthropology*, Kant relatedly argues that treating others in this way is arrogance, which he defines as “... the unjustified demand on another person that he *despise* himself in comparison to others.” He says that “such a thought cannot enter the head of anyone except one who feels ready to debase himself” (A 7: 273, cf. MM 6: 465f).

If we now return to the above examples of pure barbarism, we can see how they all involve ways of being that strive to numb others, something that is only possible insofar as our own pleasures and pains are, in some regard, out of balance due to the lack of a healthy sense of self and a lack of truthfulness. Correspondingly, our susceptibility to moral feeling (our moral vital force) is relatedly weak. This analysis fits well with Kant’s examples of sexualized prisons or kennels for women, women who face a condition of either social annihilation or infanticide, and soldiers who must either face the lethal threat of a duel or be socially shamed. In all these cases, the social forces are so arranged that if they want to be left alone, some people (the many wives, the women who get pregnant outside of wedlock, the soldiers) must not affirm themselves as free and equal relative to members of other social groups (the husband, the married people, the other soldiers). If they do affirm themselves as free and equal, then they will be subjected to coercion or, ultimately, violence aimed at numbing this desire to behave in ways that express themselves as full of vitality (animality), as honorable (sociality), and as free to set their own ends (humanity)—and with the presumption of moral responsibility (personality). As mentioned, I believe that other barbaric ways in which women as well as sexual, gendered, ethnic, racialized, or religious minorities often have or are being treated are similar in that the oppressive forces strive to numb them, to threaten members of these groups to be ashamed of their own animalistic embodiment, to view themselves as inherently dishonorable in virtue of

who they are, as not entitled to be as free as others, and as not capable of moral responsibility.

Hence, such barbaric laws either permit non-oppressed members of society to act coercively or violently (without legal consequence) insofar as necessary to keep these people numb in their expressions (passive pure barbarism) *or* involve actively using laws to make people hide who they are (active pure barbarism), such as through laws that persecute or outlaw such minorities or their defining behaviors and practices. Ultimately, the aim of such oppression is to make others feel and behave as if they do not have dignity—as beings who do not set ends of their own and who do not deserve to be treated with respect—and this is done by attacking any self-assertion of another, whether animalistic, social, free, or moral, that reveals a presumption of a right to consider themselves as valuable and as equal. And the only way to explain this philosophically goes via a lack of truthfulness and a lack of a stable social sense of self for the oppressing people. Consequently, acting in this way is possible only if one has weakened one's susceptibility to moral feeling by orienting towards oneself and others without a fundamental commitment to truthfulness and dignity. And weakening one's susceptibility to act in ways respectful of others as one's equals is achieved by having dehumanized them, by having told oneself a story according to which they are perverted or not as human as oneself. (More on this below.) In so doing, on a Kantian analysis, those who dehumanize fail to heed their conscience (MM 6: 400f), because conscience is understood as the awareness of “an *internal court* in the human being (‘before which his thoughts accuse or excuse one another’)” (MM 6: 400f). And just like moral feeling (our susceptibility to morality's commands), our conscience is a feature of us that we cannot destroy but only weaken significantly by developing certain patterns of thoughtless feeling (affect) and hateful thought (passion) that makes it easier to block it or feel it too weakly (respectively) (MM 6: 400f). And it is because we cannot destroy our conscience—as it is enabled by our ability to use practical reason and, so, to be morally responsible for our actions—that we are responsible for our wrongdoing, including awful, heinous wrongdoing. We could have done better; we did have resources internal to ourselves that we chose not to use but to block or had numbed when we engaged in the wrongdoing. Wronging others always also is to wrong oneself and comes from a place of damage.

Notice too that we can now explain why it is the case that truly awful wrongdoing always involves self-deception. That is to say, when we do awful things to others or when we face people who do or want to do awful things to us, we or they or both are self-deceived in that we describe the situation incorrectly. Typically, the language used involves dehumanization, meaning that we describe the social groups as, somehow,

perverted or evil human beings. Often when we do, we describe others in animalistic terms that makes them both more like animals or also as perverted animals—as too and wrongly self-concerned (e.g. secretly and conspiratorially trying to pervert, destabilize, or take over the world), as too and wrongly sexual (e.g. as only liking sex, liking sex uncontrollably, and liking sex with all kinds of beings), or as too and wrongly affectionate (as incapable of reasoning). The reason why we do this is because of how our reasoning powers work. Insofar as we involve our reasoning powers at all (and don't block them by acting in affective, feeling ways)—which we always do in barbaric violence as it is sustained violence aimed at numbing others—the way our reasoning powers track the fundamental distinction between being and non-being entails that when we try to destroy ourselves or another, we bring our minds around by describing others as if we or they are perverted—we or they are non-being or trying to destroy being—and hence are subjected to “corrective” uses of force (uses that protect being). The more self-deceived we are—so that the more barbaric our wrongdoing is and the more depraved our hearts are—the more we speak of ourselves and our projects as expressing great moral heroism, indeed, even appealing to being itself (“God”) is something we are liable to do. Correspondingly, being subjected to terrible evil is commonly experienced as involving both failing fundamentally to uphold dignity in one's interactions with others in the world *and* as requiring one to hold onto oneself by appealing to one's dignity understood as something one has in virtue of being a human being and that no one can take away.<sup>21</sup>

Finally, notice that this account of human nature appears to fare better than Arendt's account of the human condition with regard to showing how humans go about numbing each other. Arendt's Heidegger-inspired account in *The Human Condition*<sup>22</sup> argues that we can divide our human nature into four types of conscious activity. First and lowest, there is “labor” as referring to all reproductive activity that sustains us as biological beings—and, so, traditionally was private activity in the home and traditionally women's and slaves' work. Second, there is “work,” which concerns activity constitutive of creating a human world with useable objects that last through time, so characteristically concern the work of craftspeople.

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21 For some powerful accounts of this struggle, see Frederick Douglass's (1855) *My Bondage and My Freedom*, in *The Portable Frederick Douglass* (New York: Penguin Classics, 2016), Jean Améry (2009) *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and its Realities* (Indiana University Press), Susan Brison's (2011) *Aftermath: Violence and the Remaking of a Self* (Princeton: Princeton University Press), Sayed Kashua's (2016) *Native Native: Dispatches from an Israeli-Palestinian Life* (Grove Press), and Behrooz Ghamali's (2016) *Remembering Akbar: Inside the Iranian Revolution* (OR Books).

22 Arendt, Hannah (1958/1998). *The Human Condition*, Chicago: The University of Chicago Press (2<sup>nd</sup> ed).

Third, there is “action,” by which Arendt means political activity in which we use our ability to use words and be free (spontaneous) and thereby create a living and historically evolving political sphere. Finally, there is “thinking,” which points beyond the human condition on the planet and instead is directed towards uncovering eternal universal truths—literally, truths of the universe—and is characteristic of scholarly thinking. Notice that this account is both much more conservative—in that it makes biological life a pillar for “labor” (as contrasted with Kant’s account of animality, which treats self-preservation and preservation of the species as one of the three prongs of human nature)—and it struggles to capture that barbaric violence not only aims to reduce those subjected to it to enslavement or to kill them (i.e. reduce them to “labor”), but, as Arendt claims in her writings on totalitarianism (but cannot philosophically explain on the basis of this account of the human condition), namely to make them suffer as such (“living dead”). In my view, the above Kantian account is better in that it shows how barbaric violence attacks all of our embodied, social, rational being and aims to reduce all of it to not acting spontaneously *at all* and to suffer to such an extent that lethal danger or suicide can present itself as a way out. Moreover, Kant’s account of the depraved heart provides an account that is useful not only to capture totalitarianism but all barbarism. Moreover, in my view, Kant provides a philosophical account that can explain—as Arendt also claims but doesn’t ultimately explain in her writings on totalitarianism—why and how barbarism attacks truthful descriptions of reality itself (Arendt 1948/73: 9). For Kant, a depraved heart is necessarily self-deceived: a depraved heart seeks destruction to take place of construction, and it destroys under the guise of being constructive.

## 2. TOTALITARIAN BARBARISM

Turning now to totalitarian barbarism, my proposal is that totalitarian barbarism presupposes or necessarily comes after pure barbarism in historical time and that the main difference between them concerns the way in which legal-political institutions are used as means of violent wrongdoing. Insofar as actual states are characterized by pockets of pure barbarism, they legally permit and/or require numbing violence against certain social groups. In contrast, actual states characterized by totalitarian violence uses the legal-political institutions to attack the legal-political institutions themselves—participate in their own destruction—by making them uphold laws that deprive groups of subjects of their basic rights and subject them to totalizing violence under the guise of upholding law and freedom. Hence, totalitarian barbarism has the power to destroy the entire legal-political system since it involves using the institutions as the means of their own destruction. Where pure barbarism enforces laws

that don't allow me to be who I am in that regard (sexuality, gender, etc.), totalizing barbarism doesn't allow me to exist at all as a legal-political entity (as having any rights at all insofar as I am a human being)—and in so doing, totalitarianism turns the destruction into a destruction of the legal-political system as such.

Totalitarian violence also comes in two forms: a passive form that can be described as state-organized, terrorizing absence of law and freedom since it involves states refusing or stripping some people of status as citizens or as persons having legal standing to get state protection (and potentially citizenship)—and leaving them with nowhere good to go; they are, as Arendt says, denied the “right to have rights” (Arendt 296-8). Historical examples include<sup>23</sup> Norway's original constitution of 1814, according to which Jews and Jesuits were not permitted to enter the territory and European states' treatment of the Roma people in modern times. They also include cases where states have stripped some of their citizens of their citizenship, such as Nazi-Germany's stripping its Jewish population of their citizenship and the UK's stripping segments of its (especially Caribbean) population of their right to citizenship (“the Windrush scandal”). Passive, totalitarian barbarism also includes states that have or are denying refugees a safe haven, such as European states denial of entry to stateless people after WW1 and many states' current denial of entrance for stateless people and refugees onto their territory which leaves them without any safe place to be or go.

The second, active and even starker form of totalitarian barbarism involves a state using its legal-political system to terrorize a (or some) segment(s) of its own population or stateless people(s) in a totalizing way. Historical examples of this starkest form include European colonialization, Antebellum slavery in the United States, Western countries' schools for indigenous people's children in the 20<sup>th</sup> century, Apartheid South Africa's treatment of its non-white, especially black populations, Nazi-Germany's concentration death camps for Jewish people, the disabled, the Roma people, LGBT+, and various states' historical terrorizing treatment of indigenous peoples, states' historical uses of mental hospitals to “medically treat” LGBT+ persons and “loose” (sexually “promiscuous”) women, current black mass incarceration in the USA, the USA's current separation and incarceration of refugees and immigrants' children, European current refugee camps in Southern Europe, some of Israel's military engagements with Palestinians and on the Palestinian territories, US prison facilities at Guantanamo Bay, and China's Xinjiang “re-education camps” for its Muslim populations. This last, starkest form of totalitarian barbarism,

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<sup>23</sup> I use the examples below to illustrate the general principle, not as an exhaustive list. My knowledge of the history of various states around the world is insufficient to give representative examples from around the globe.



as mentioned above, has the potential to bring the entire legal-political system into total self-destruction since these legal-political practices are at war with the foundational principles of justice. Consequently, once these legal-political practices set the framework within which everything else functions, the legal-political system is brought into active self-destruction. Moreover, because it is a self-deceived project of destruction, it is not accidental that as totalitarian violent forces become increasingly totalizing, the official institutions increasingly become a public sham whose main purpose is to create a sense of normalcy in the world while the real uses of state force become hidden in a violently destructive and increasingly more powerful secret police and military forces. The first time we saw this happen was in Nazi-Germany and Stalinist USSR: the Nazi death camps and Stalin's genocide of millions of its own people by means of its own legal-political institutions and on its own territory are logical outcome of such state-organized, self-deceived self-destruction.

### 3. PARTICIPATING IN, THEORIZING, RESISTING, AND ERADICATING BARBARISM IN HISTORICAL SOCIETIES

World War II stopped Nazi-Germany's totalitarian project; European colonialization ended; the US Civil War ended legalized slavery; Apartheid South Africa fell; women and sexual and gendered minorities are slowly gaining rights many places in the world. And yet it would be plainly wrong to claim an end to pockets of barbaric violence and oppression of Jewish people, women, racialized groups, polyamorous and LGBTQIA communities, religious groups, or ethnic groups even after the end of these important active, state-organized uses of totalitarian violence. Europe continues to struggle with serious racism—including Anti-Semitism (now against both Jewish and Muslim populations)—and in recent years, refugees are held in internment camps by individual states or in Europe-organized ones in the south. LGBTQIA, the Roma people, and disabled people did not obtain equal rights (*de jure* or *de facto*) after WW2; they still haven't in many European countries. The US is still torn apart by and unable to overcome deep social and institutional dysfunctions involving barbaric racist violence, including as revealed by horrific statistics in relation to mass incarceration and police violence against black populations, and the extraordinary lack of non-white people in powerful public and private institutions. The most recent white supremacist mob attack on the Capitol—incited by former President Trump and the preparations were not initially taken sufficiently seriously by the relevant police or military authorities (and, so, they were vastly unprepared and understaffed on the ground)—shows how such destructive violence can turn a destructive potential into literal physical attacks on the legal-political institutions itself.

If all of this was not sufficiently sad, utterly disheartening is the fact that social groups that really do know—either themselves or their recent ancestors—the pains and suffering involved in being dehumanized, can themselves engage in the same or similar treatment of other social groups or sub-groups within their own populations. For example, some of Israel’s engagements on the Palestinian territories, especially in relation to the expansive settlements and the Gaza-strip, remove any human delusion that knowing barbaric violence first-personally as such entails that we will not engage in any kind of it ourselves. Conversely, some Muslims, including Palestinians, are not angry at Israel’s oppressive and unjustifiable policies against Palestinians, but instead convert their frustration into violent Anti-Semitism. The statistics on barbaric, including sexualized violence against women and sexual or gendered minorities, including internally to otherwise oppressed societies, such as inside African American or Latinx populations in the US or among black populations in South Africa, are similarly, utterly disheartening. One last example: some feminists oppress and harass some women, such as women who don’t fit their conceptions of what enlightened womanhood is. Traditionally, the main target has been women who are not very much on the femme side of things and women sex workers, while, most recently, their main target has been women who are trans.

As forcefully captured by Crenshaw in her 1989 account of “intersectionality” and by Frye in her 1983 account of “double binds”<sup>24</sup>—though we find these ideas (but not with theoretical concepts to name them) also in the writings of earlier thinkers such as Sojourner Truth,<sup>25</sup> W.E.B Du Bois,<sup>26</sup> and Angela Davis<sup>27</sup>—one consequence of all of this is that members of specific dehumanized populations may face several destructive, often combined forces at the same time. Hence, in a given society and for a particular group of people, there may be several kinds of barbarism—pure and totalizing—simultaneously, as it was the case, for example, for black slaves in the US Antebellum South. In addition, as both Du Bois and Davis emphasize in their writings, black women slaves were subjected to the extreme numbing violence black men slaves were subjected to *as well as* to sexualized violence, especially rape, in a patterned way by white male slave ‘owners’ and also by other men—including husbands—

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24 Frye, Marilyn (1983). *The Politics of Reality: Essays in Feminist Theory*. Trumansburg, New York: Crossing Press.

25 For example, see Sojourner Truth’s “Ain’t [or Ar’n’t] I a Woman,” link to online versions here: <https://sojournertruthmemorial.org/sojourner-truth/her-words/>

26 For example, see W.E.B Du Bois’ (1920) “The Damnation of Women” (1920). This text is reprinted in, for example, *W.E.B. Du Bois: Writings*, New York: Literary Classics of the United States, 1986: 953-968.

27 Davis, Angela Y (1981/1983). *Women, Race & Class*. New York: Vintage Books.

in general. And, indeed, black women today also face destructive forces of both racism (most violently from white people) and sexism (from all men). Indicative of how deep these problems still are is the fact that many of the democratically elected political leaders in the world today were elected in part by appealing to such dehumanizing sentiments among socially powerful segments of their populations. As private individuals, as theorists, artists and normal citizens, and as public leaders, facing these complexities is unavoidable given the historical societies we inherit. And, as the Kantian and Arendtian ideas discussed above tell us, how the future will be depends on how well we are able to understand our histories and challenges, truthfully describe them, and how wisely we are able to handle them.

Notice that Kant and Arendt's analyses of human nature also give us philosophical tools with which to capture some of James Baldwin's related insights. Central to Baldwin's writings is an emphasis on our histories, and one of his interesting proposals is that one way to see the challenge of our racialized histories in the right way is to encourage upcoming generations—both black and white—to consider themselves siblings.<sup>28</sup> In my view, we can see his proposal as follows: we could draw an analogy between the experiences of black and white young people to the experiences of two groups of siblings in a family. One group of siblings has been abused and violated by their shared parents and the other has not. As they grow up and struggle to learn to assume responsibility for themselves these tasks are not identical: On the one hand, those who have been abused must deal with all the emotional challenges that come with having been subjected to systemic wrongdoing by the moral authorities entrusted with the task of protecting them. In the family, the abuse has been undertaken by the parents, while as citizens of a country, the abuse has been committed by the public authority, such as the supreme court and judges, the legislators and politicians, and the executive authority (police and prison systems) as well as, of course, others vested with public authority, such as doctors, lawyers, and educators.

On the other hand, those persons who have been given the privileged treatment must deal with how many of the ways in which they feel good, worthy, and accomplished about themselves stem from the practices of putting their siblings/fellow citizens down as bad, unworthy, and unaccomplished. Consequently, for those who are given or inherit

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28 I'm drawing here on these essays of James Baldwin's: "My Dungeon Shook: Letter to My Nephew" (pp. 291-296); "Nothing Personal" (1964), (pp. 692-707); "Words of a Native Son" (1964) (pp. 707-713); "The American Dream and the American Negro" (1965) (pp. 714-720); and "The White Man's Guilt" (1965) (pp. 722-727). All essays are reprinted in and as collected in *James Baldwin's Collected Essay*, Library of America (1998).

privileged circumstances and identities, a first challenge is to engage in the task of telling history as it happened, including a proper, more complex and truthful description of their own goodness, worth, and accomplishments. And like the rookie police officer who for the first time finds himself in a situation in which treating black people as dehumanized is the norm and they either stood by or participated, these privileged siblings have violent experiences of standing by or maybe partaken in those first violations, those first numbings, of another person's dignity and, so, a violation of also their own dignity. As Lucy Allais emphasizes in her writings on Kant's racism,<sup>29</sup> the racist mind is not a coherent mind; it is an incoherent one, one that cannot be brought into unity with itself and, so, not with our human nature as a whole in a harmonious way. Hence, also the violators and bystanders have internal to themselves an emotional basis from which to heal and build in a better way. In my view, this idea of Baldwin's can be expanded: I believe his suggestion regarding the kind of challenge the histories we inherit bring us can be used also to capture other relations involving systemic injustice, such as relations between various religious and ethnic groups, between different socio-economic classes, between men and women, and between sexual or gendered majorities and minorities. In all cases, the challenge for us at this point in history is first to become aware of how our various identities track privilege and/or (violent) oppression, and then together learn how to describe both our histories and our emotional and systemic challenges truthfully and accurately. Only if we do, do we stand a chance to move forward in better ways.

#### CONCLUDING REMARKS

In the ways indicated above, the theoretical resources left us by Kant and Arendt are useful to capture some of the moral psychological and phenomenologically patterned aspects of both oppression and violence, including as analyzed by thinkers who were not trained in philosophy but thought long and hard about these historical issues much before most philosophers did. Let me close by indicating four further ways in which Kant and Arendt provide us with philosophical resources for speaking to the emotional challenges facing us insofar as we live within emotionally stunted and stunting legal-political institutional frameworks.

First, since barbarism always takes place in the context of legal-political conditions that make walking away impossible, it is important to be aware that we may find ourselves in situations where there are no morally good ways out of these situations. Karl Jaspers proposes the idea of "metaphysical guilt" (Jaspers 1947/2001: 65)<sup>30</sup>, to understand

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29 Allais, Lucy (2016). 'Kant's Racism', *Philosophical Papers*, 45(1-2): 1-36.

30 Jaspers, Karl (1947/2001). *The Question of German Guilt*. New York: Fordham University Press.

the difficulties facing Jewish persons in Europe who survived WW2. He describes the guilt related to how he, like others, sometimes chose to survive rather than do anything when their fellow beings were being taken away or subjected to horrific wrongdoing. Similarly, in his paper about lying to the murderer at the door—and elsewhere—Kant argues that human beings can find themselves in a situation where there are no morally good ways out and that choosing to stand back and survive in such situations should not be deemed a legal wrong. In such cases, “material” and “formal” wrongdoing can come apart. Hence, on a Kantian analysis, even if Jaspers had, for example, defended himself or others against wrongdoing by lying or by engaging (partially or fully) in lethal violence, he would still be caught with moral regret. In lying or using lethal violence, Jaspers would not have wronged anyone materially—as he would be defending himself or others against violent wrongdoing—but he would still be doing a formal wrong that he cannot subjectively experience as *morally* authorized to do. Hence, one can find oneself in a situation where there are no good ways out, where all choice will be accompanied by moral regret and sometimes even moral remorse.<sup>31</sup>

Kant’s and Arendt’s accounts of our human nature/condition also provide us with theoretical resources with which we can give philosophical accounts of why and how living in legal-political conditions that facilitate barbarism tend to be emotionally stunting. They can capture why the repercussions of these barbaric wrongdoings live on as intergenerational trauma in the families of those subjected to the wrongdoing, in the families of those actively resisting it, in the families of the wrongdoers, and in the societies of all involved, and why it is typically truly difficult to stop the resulting patterns of self- and other emotionally arrested or destructive behaviors in the next generations. After all, these behaviors were originally triggered in efforts to survive lethal dangers (survivors and resistance fighters) or to self-deceptively abandon human dignity as the fundamental orienting principle of how one goes about one’s life (wrongdoers). These behaviors and reactive patterns are neither easy to control nor to manage by reflective cognitive powers since they, in part, function either at the merely reflexive level (survivors) *or* are deeply self-deceived (wrongdoers).

Second, as we have seen above, all barbaric violence both starts as ‘pockets’ of barbarism in historical societies and is self-deceived in that its legal-political institutions are used to create the absence of protection or the destruction of humanity (law and freedom) in the name of protecting or enabling it. Barbarism always involves, in other words, ‘normalized,’ yet fundamentally perverted and self-deceived uses of law. Notice that

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31 For more on my take on these issues, see (Varden 2020) and my forthcoming lexicon entry Kant’s essay on lying to the murderer at the door.

Kant's account of the propensity to evil helps us see various ways in which people can be tempted to participate in oppression and wrongdoing, and to see a distinction between formal and material wrongs to capture some of the moral complexity facing those subjected to inescapable wrongdoing. Moreover, the active, stark form of totalitarian barbarism has the potential to destroy the entire legal-political system because the actual uses of force are self-deceptively attacking the institutions of law and freedom—the very notion of human dignity as our fundamental orienting moral force—domestically (as it did in the Apartheid South Africa and the Antebellum South) or also in other countries (especially European colonialism in Africa) or the world (which happened with in Nazi-Germany and Stalinist USSR). If these forces are not defeated as a matter of legal-political principles—by the civil war and later civil rights movements in the US and by the eradication of Apartheid in South Africa—then that legal-political system is impossible. Paradoxically, therefore, although all barbarism always involves attacking socially weak groups by state (passive or active) means, once it transforms into its starker totalitarian forms, it is either stopped or it will destroy the legal-political institutions from within. As Arendt told us in 1943: “The comity of the European peoples went to pieces when, and because, it allowed its weakest member to be excluded and persecuted” (Arendt: 274).<sup>32</sup> Which is not to say that those who face the less stark versions of barbarism are facing something easy. Bat-Ami Bar On (2019) reminds us of this point in her work on fascism by emphasizing that regardless of which version of it—‘lite’ ones or not—“There is, of course, nothing lite about it for those who are its targets” (Bar on 2019: 12).<sup>33</sup> Moreover, even if the starkest totalitarian forces are defeated, this does not mean that society automatically moves on without barbaric violence. Because barbarism is only possible against a background of serious dehumanization of some social groups by others, pockets of passive totalitarian or pure barbarism typically remain even after state-organized totalizing barbarism is defeated.

Third, and finally, Kant's and Arendt's theories help us identify ways of holding onto ourselves as we face or try to theorize barbaric evil with (a realistic) hope for a better future, especially in their ideas regarding “natality” (Arendt), “admiration” and “awe” (Kant), “moral friendship” (Kant), and “human dignity” (both). With each new human being, Arendt reminds us, there is an opportunity for new choices and so hope that lives and societal conditions will get better. And as they do—as new ones stand up for human dignity and against oppression and dehumanizing

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32 See “We Refugees” (1943/2008), in *The Jewish Writings*, ed. Jerome Kohn and Ron H. Feldman, New York: Schocken Books.

33 Bar on, Bat-Ami (2019). “But Is It Fascism?” *Journal of Social Philosophy*, 50(4): 407-424.

violence—we admire them and they can fill us with awe, Kant adds, because not only are they admirable as human beings but they are also showing us how to act in morally responsible ways, in ways that are consistent with respect for human dignity and with hope for a better future. The resources both Kant and Arendt left us also help us speak to how even the most brilliant of thinkers are not thereby wise in all things, and so also to this danger of being human thinkers. After all, Kant wrote many awfully racist, sexist, and heterosexist things, while Arendt often expressed sexist or heterosexist thoughts and she didn't see the depth of the dehumanizing violence against black people in the US. Their texts also warn us against this danger—as do the texts of or words spoken or not spoken by many other historical heroes, including Mary Wollstonecraft, W.E.B. Du Bois, Simone de Beauvoir, M. L. King Jr., Malcom X, and James Baldwin. They are all brilliant and they all fail and partake in some dehumanizing and fail to respond appropriately to the suffering of or stand up for some social groups of people at times. Nevertheless, their ideas also help us in our quests for better accounts of evil, accounts that can capture their complexity. Indeed, only if we can understand our human propensity to evil better can we (philosophers) provide what great (moral) legal-political leaders need in order to do what they (and not philosophers) are good at: leading their societies in ways that make it easier for people to take on and manage these inherited and emotionally deeply charged, legal-political challenges in wiser ways, ways consistent with a hope for a possible, better future together.<sup>34</sup>

#### APPENDIX: KANT'S FOUR LEGAL-POLITICAL CONDITIONS

Kant proposes that three principles constitute our possible legal-political conditions, namely, in German: “Gesetz,” “Gewalt,” and “Freiheit.” These three principles, he continues, can be combined in four different ways, yielding four distinct (a priori) ideas of legal-political conditions: “anarchy,” which is constituted by the principles of Freiheit and Gesetz, but not the principle of Gewalt; “despotism,” which combines Gesetz and Gewalt and excludes Freiheit; “republic,” which involves all three principles (Gesetz, Gewalt, and Freiheit); and, finally, “barbarism,” which is Gewalt, but no Freiheit and Gesetz (A 7: 330f). Before taking this any further, let me note an interpretive-philosophical puzzle that arises with regard to this text of Kant's.<sup>35</sup>

In her translation of this text, Mary Gregor translates these three principles as: “law” (Gesetz), “force” (Gewalt), and “freedom” (Freiheit). The main problem with this translation concerns “Gewalt,” since a more

34 Thanks to the audiences at AMINTAPHIL (fall 2020), NAKS Biannual conference...

35 I'm very grateful for incredibly helpful discussions with Katrin Flikschuh, Barbara Herman, and Arthur Ripstein on these interpretive and philosophical points.

accurate translation appears to be “violence” (not “force”<sup>36</sup>)—a translation that corresponds to Kant’s own Latin (“*violentia*”) translation of Gewalt on (MM 6: 307). So, the better translation here seems to be law (Gesetz), violence (Gewalt), and freedom (Freiheit). However, a philosophical puzzle quickly arises with this more accurate translation—and so with Kant’s own descriptions of these conditions—since it is not obvious how well it conveys Kant’s philosophical position, especially in English. The problem is that although one can, in German, use “Staatsgewalt” (‘state violence’) to refer to both morally unproblematic and morally problematic uses of force, in English, violence is associated with wrongfulness or morally problematic behaviors. Hence, though it seems fine to use ‘violence’ in Kant’s definitions of anarchy, despotism, and barbarism, it looks like an unfortunate choice with regard to capturing what is going on in the ideal condition, in the republic (“Rechtsstaat”). After all, the republic—“a perfectly *rightful constitution* among human beings”—is supposed to be an “an a priori idea” (something that “can be represented only by pure reason”) or a “thing in itself” (a person), which seemingly entails that it does only what is right and, so, it does not (as it cannot in principle or per definition) act violently (MM 6: 371). A republic only hinders hindrances to freedom under universal law (MM 6: 231) and consequently it does not use sheer violence. An apparent advantage of Gregor’s translation of “Gewalt” into “force” in English is that it seemingly solves this problem: her translation uses the morally neutral concept “force” throughout, and hence she avoids attributing “violence” to the republic’s uses of force. A problem with Gregor’s translation choice, however, is that it doesn’t capture the particular kind of force it is, namely that it is force that is necessarily directed at other human beings. To solve this problem, one might plausibly think that coercion (“Zwang”) is a better (neutral) concept to use; indeed, one might continue, this is why Kant uses this concept (coercion/Zwang) in the “Doctrine of Right” when he says that a republic hinders hindrances to freedom under universal laws; the republic’s uses of coercion are rightful (MM 6: 231).

Despite all these advantages of changing Kant’s chosen concept from “violence” to “force” or “coercion,” I believe that it is a mistake to do so. Kant’s choice of concept here—Gewalt/violence—is not an accident or philosophical mistake, but concerns a philosophically important point. To start, Kant uses Gewalt/violence several times in his writings on right, and especially when he describes the moment of the republic coming into existence (in spacetime or historical time). The argument seems to be that power or might (Macht) typically (in historical time) comes before right (Recht), and consequently, if so, then there is inherently violent moment involved in the actual establishment of a republic (MM 6: 318, 371).

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36 “Force” would be a good translation “Kraft” (not “Gewalt”).



Nevertheless, insofar as it is only the real thing—the thing in itself—that is coming into being, its violence does not necessarily involve wronging anyone in particular. On the one hand, insofar as it is the republic that is coming into existence in ideal, peaceful historical situations, there is no violence involved since all the interacting persons become citizens of the state. The power involved in such a scenario is simply that involved in the state establishing a law-governed monopoly on coercion that excludes the rest of the world. This is a moment of force in that it involves establishing the coercive domestic laws and powerful external borders (that exclude the rest of the world) constitutive of establishing a public, domestic person in historical time (borders around its territory), but it does not (in principle or necessarily) involve violence (forced aimed at anyone in particular). On the other hand, if the establishment of the republic does involve violently excluding some persons who do not want to interact rightfully but still want to interact, then setting up the powerful boundary involves violence (using force against those excluded) but it does not involve wronging anyone in particular. That is to say, in these conditions, violence is used to keep the people who do not want to interact rightfully out of the territory. Moreover, though doing so does not involve wronging *them* (what Kant elsewhere calls material wrongdoing) since they do not want to interact rightfully, it does involve doing “wrong in the highest degree” (MM6: 307) (what Kant also calls formal wrongdoing) because it is to use force against others in a way that isn’t rightful (since no one has the moral authority to use violence).<sup>37</sup> Moreover, explaining that what is established are rightful

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37 For more on my interpretation of Kant on formal and material wrongdoing, see (Varden 2020) and my forthcoming lexicon entry Kant’s essay on lying to the murderer at the door. In my view, Kant maintains that a state’s borders are made conclusively rightful through the right of nations. That is to say, in order to transform the state’s relations with other states and individuals from inherently violent to rightful ones, it is necessary to establish institutions of international and cosmopolitan right to which one’s domestic institutions are legally committed. For my (evolving) take on this complexity, see (2008) “Diversity and Unity. An Attempt at Drawing a Justifiable Line.” *Archiv für Rechts- und Sozialphilosophie/Archives for Philosophy of Law and Social Philosophy* (ARSP), 94(1): 1-25; (2011) “A Kantian Conception of Global Justice,” *Review of International Studies*, 37(05): 2043-2057; and (2014) “Patriotism, Poverty, and Global Justice—A Kantian Engagement with Pauline Kleingeld’s *Kant and Cosmopolitanism*,” *Kantian Review*, 10(2): 251-266, 2014. An alternative here is to argue that if one sets up a boundary against someone who doesn’t want to do it rightfully, then one is not doing anything wrong (formally or materially). I don’t believe this is the correct position as it entails that when we do violent, even lethal things to others, including in self-defense, we might not do anything wrong. I believe all partially or lethal uses of violence against others involves formal (but not necessarily material) wrongdoing for Kant and on the most plausible Kantian position. For more on this, see Varden (2020) as well as my (2010) “Kant and Lying to the Murderer at the Door... One more Time: Kant’s Legal Philosophy and Lies to Murderers and Nazis,” *The Journal of Social Philosophy*, 41(4), 403-421, and (forthcoming) “On a Supposed Right to Lie from Philanthropy,” for *The Cambridge Kant Lexicon*, ed. Julian Wuerth, Cambridge University Press.

conditions and that it does not involve committing wrongdoing against anyone in particular cannot be done without an appeal to practical reason (our ability to act in morally responsible ways).<sup>38</sup>

Notice too that my interpretation above is consistent with Kant's claim that the postulate of public right—namely the command that if one cannot avoid living side by side with others, one must enter rightful conditions by establishing a public authority—“can be explicated analytically from the concept of right in external relations, in contrast with violence (*violentia*)” (MM 6: 307).<sup>39</sup> That is to say, Kant's analysis of relations in the state

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38 Notice that Kant has a similar account of how an individual human being comes into existence in spacetime: the baby's scream when born, Kant argues, reveals that it is capable of a representation other animals are incapable of, namely representing its inability to act—to be free—as a frustration (A 7: 268, cf. 328n\*). This scream, then, is also inherently violent, but also no more than that. The scream and, indeed, the birthing process itself are violent, but it does not involve wronging anyone (as the newborn cannot do wrong). The way in which the young child quarrels with others and is upset when unable to set ends must be seen, Kant furthermore suggests, as features of us that can only be explained as part of the difficult process of acquiring “a concept of justice (which relates to external freedom),” namely one that “develops along with animality” (A 7: 268 n\*). Hence, although it takes a long time to develop into a morally responsible being, both the birth of a baby and the republic's establishment of a monopoly on coercion are inherently violent, but not inherently wrongful beginnings of new (natural or artificial, respectively) persons in spacetime. If the baby manages to be born without threatening the life of the mother—in which case the life of the mother must be saved first—and the state establishes its borders in such a way that it only excludes those who do not want to interact rightfully, these violent processes give rise to new natural and artificial persons (respectively). The baby and those entrusted with the public authority then face the challenge of developing their related capacities into morally responsible self-governance (autonomy) through regulating their actions and interactions by laws of freedom individually (for the baby) or collectively (for a people).

39 As noted above, another philosophical advantage with these violence-interpretations, in my view, is that they are consistent with how lethal uses of coercion always have an inherently violent element, that is, there is something inherently, morally unjustifiable about it for human beings (whether they act as private or public person). Hence, it is consistent with arguing that there is always an element of violence—a formal wrong—when a human being is (partially or fully) killed by another private person, including in cases of self-defense where lethal force is employed. Now, Kant thinks that rightful punishments can involve partially killing (such as castrating someone who has raped another) or fully killing someone (who has murdered another, for example). I disagree with these implications Kant draw from his analysis, as I believe that insofar as historical circumstances allow, human beings should not use lethal violence against other human beings, and hence rightful punishment should ideally also only be rightful coercion (*Zwang*) and not violence (*Gewalt*). Hence, our most severe punishment should be lifelong imprisonment and not involve physical incapacitation or the (partial or full) killing of another human being. Acting violently against another human being is inconsistent with treating oneself and others as having dignity (being precious in the sense of priceless). For more on this, see “The Terrorist Attacks in Norway, July 22nd 2011— Some Kantian Reflections.” *Norsk Filosofisk Tidsskrift/Norwegian Journal of Philosophy*, Vol. 49, No. 3-4 (2014), pp. 236-59.

of nature aims to show that if the private individuals interacting in this condition enforce their innate or private rights against one another, there will be an ineradicable element of (unjustifiable) violence present. The only way to eliminate this element of violence is by postulating a *public* person as the omnilateral legal-political means through which interacting persons make their rights enforceable against one another. Hence, public right is the establishment of rightful (public) uses of coercion (“Zwang” that forcefully limits possible interactions and is fused with laws and freedom) and it is the contrary to violence (force that aims at human interactions but that isn’t fused with laws and freedom). Correspondingly, Kant argues that internally (domestically) a republic solely prevents or “hinders hindrances to freedom under universal” law by subjecting all domestic interactions to coercive laws consistent with and as required by each person’s innate right to freedom (MM 6: 237). This is why the republic’s uses of “force” (“Kraft”) or “power” (“Macht”) are correctly described as “coercion” (“Zwang”) that is “rightful” (“rechtlich”) because it lets laws of freedom (law and freedom) set terms of the coercive framework within which people interact—and hence Kant contrasts the republic’s use of coercion with mere “violence” (“Gewalt”) on (MM 6: 231). This reading is also consistent with saying that the republic’s uses coercion (“Zwang”) because it simply threatens people to act in conformity with certain laws and forcefully stops them if they don’t. It is also consistent with saying that if the representatives of the public authority’s executive branches—such as police officers or soldiers find themselves in situations where they must use partially or fully lethal force to stop wrongdoers, then they experience this as morally problematic because no human beings can subjectively experience themselves as morally authorized to use lethal violence against another. Hence, using force in such violent ways, and so even when this is the only way to stop extreme wrongdoing from occurring, is always experienced as morally problematic and regrettable by admirable executive officers.

If we bring this discussion back to the discussion of the three other possible conditions—anarchy, despotism, and barbarism—then we may now say that *anarchy* is the absence of violence and the presence of freedom and law, meaning that in the best of scenarios all we can achieve here is the absence of injustice and the presence of provisional law and freedom, where the law in question presumably is provisional law meaning that it is general rules that people use to regulate their interactions. For example, perhaps everyone agrees that they will move forward on the right side of the road. Moreover, anarchy is “devoid of justice” on this analysis (MM 6: 312), because although the principles of freedom govern interactions (provisionally just laws that specify the a priori principles of innate and private right), they are not yet rightfully enforceable (conclusively just

coercive laws) (MM 6: 256f, 305-313). In *despotism*, in contrast, there is law and violence—a monopoly on force used against others that is regulated by laws—but no freedom, since the laws are not grounded on universal principles of freedom, but on contingent laws (such as various religious laws or laws grounded on a particular cultural interpretation). Hence, in this condition, there will be injustice (since coercive limits on interaction are not constituted by laws of freedom) and at best provisional justice and prudential obligations. Finally, under *barbarism* there is only violence and no law and freedom, and hence, in this condition there is necessarily destruction of embodied, rational being. In such a condition, there is no humanity as humanity is, exactly, the capacity to act freely in morally responsible ways (autonomy), namely to set ends of one's own in accordance with laws one gives oneself either on one's own (virtue) or together with others (right).

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