

Kant's Four Political Conditions: Barbarism, Anarchy, Despotism, and Republic

Kants fire politiske tilstander: barbari, anarki, despotisme, og republikk

Helga Varden

(Forthcoming in *Norsk Filosofisk Tidsskrift/Norwegian Journal of Philosophy*)

Introduction

In his *Anthropology from a Pragmatic Point of View*,¹ Kant distinguishes between four political conditions²: barbarism, anarchy, despotism, and republic. Mary Gregor's original translation of this text into English leaves us with an important interpretive-philosophical puzzle regarding the republic's relationship to violence. The first section of this article proposes a different translation of a key term ("Gewalt") as well as a solution to the interpretive-philosophical puzzle, which also, somewhat surprisingly, gives us both philosophical ideas with which to capture how humans can be caught in situations where there are no morally good ways out, and an ideal Kantian refutation of the death penalty. The second section further explores Kant's account of the establishment of public authorities by means of an analogy between the birth and development of a natural person (a human being) and an artificial one (a state). This analogy helps us clarify the difference between the necessary coercive element involved in ideally establishing a state and the likely violence involved in actually establishing one. The third and final section uses the ideas of barbarism, anarchy, despotism, and republic to identify four different types of political forces operating at any given time in actual historical societies. Once we use Kant's theory to improve our understanding of the various challenges our historical societies present, we also realize the importance and usefulness of philosophical precision when defining barbarism, anarchy, despotism, and republic.

1. Kant's Republic and Violence

In the *Anthropology*, Kant proposes that "Freiheit" and "Gesetz" are the two "pivots" around which "civil legislation turns" while "Gewalt" gives them effect in the world (A 7: 330). The three principles that constitute any possible legal-political condition are, therefore, Freiheit, Gesetz, and Gewalt. Because these three principles can be combined in four different ways, Kant continues, there are four distinct (a priori) ideas regarding legal-political conditions: "anarchy," which is constituted by Freiheit and Gesetz but not 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 pure Gewalt (without the presence of Freiheit or Gesetz) (A 7: 330f.). Kant then proceeds to emphasize that only the republic "... deserves to be

¹ Throughout this text, all of Kant's works are referenced by means of the standard Prussian Academy Pagination in combination with the following abbreviations: "A" for *Anthropology from a Pragmatic Point of view*; "MM" for *The Metaphysics of Morals*; "R" for *Religion within the Boundaries of Mere Reason*; "TP" for "On the Common Saying: That May Be Correct in Theory, but It Is of No Use in Practice," CPrR for *Critique of Practical Reason*. These works are printed in Kant (1996a, 1996b, 2007).

² Because the original text does not provide textual guidance regarding which concepts Kant would use here, I chose the neutral concept "condition." It seems most consistent with how Kant combines law, freedom, and violence to yield four possible ideas, which if we were to imagine them (counterfactually) as perfectly realized in historical time would be legal-political conditions. (This way of understanding the possible combinations between the three principles would be consistent with any position, such as Locke's, according to which each individual has a natural political power or a natural executive right.)

called a true civil constitution; by which, however, one does not have in view one of the three forms of state (democracy), but understands by republic only a state as such” (A 7: 331).³

Before continuing, let me note an interpretive-philosophical puzzle that arises at this point. Mary Gregor translates these three principles as “law” (Gesetz), “freedom” (Freiheit), and “force” (Gewalt).⁴ The main problem with this translation concerns the last one, since a more accurate translation of Gewalt (as such) appears to be “violence” (not “force”⁵)—a translation that corresponds to Kant’s own Latin (“violentia”) translation of Gewalt (MM 6: 307).⁶ So, the better translation here seems to be law (Gesetz), freedom (Freiheit), and violence (Gewalt). A philosophical puzzle quickly arises with this more accurate translation (and so with Kant’s own descriptions of these conditions), however, because it is not obvious how well it conveys Kant’s philosophical position, especially in English. One problem is that although one can and does, in German, use “Gewalt” in ways that refer to both morally unproblematic and morally problematic uses of force, such as “Staatsgewalt” (“state violence”), in English, violence is associated with wrongfulness or morally problematic behaviors (and, so, for example, Staatsgewalt is better translated as “state power” and not “state violence”). Hence, although it seems fine to use “violence” in Kant’s definitions of anarchy, despotism, and barbarism, in the ideal condition of the republic (“Rechtsstaat”), at first blush, it looks like an unfortunate choice. 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”) of the best possible condition or of a “thing in itself” (a public or artificial 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 (coerces), as Kant argues (MM 6: 231), and consequently it does not seem ever to use sheer violence.

Before proposing a solution to this puzzle, notice that the best interpretation needs to be consistent with Kant’s claim that the postulate of public right—namely, reason’s claim that if we cannot avoid living side by side with one another, we must enter rightful conditions by establishing a shared public authority—“can be explicated analytically from the concept of right in external relations, in contrast with violence (violentia)” (MM 6: 307).⁷ Correspondingly, Kant’s analysis of relations in the state of nature purports to show that if private individuals who interact in this condition use coercion to enforce their innate or private rights against one another, such uses of coercion are only “provisionally,” but not “conclusively,” rightful. The reason is that such uses of

³ The other two are the “autocratic” and the “aristocratic” (MM 6: 339).

⁴ In their translations of *Lectures and Drafts on Political Philosophy* (abbreviation: LDPP), Rauscher and Westphal translate “Gewalt” as “power” (LDPP 15: 647). As becomes clear below, I do not think either translation is the best one here.

⁵ In my view, “force” (Gregor) or “power” (Rauscher/Westphal) would be good translations of “Kraft” or “Macht,” respectively. But Kant did not choose to define these four conditions in terms of “Kraft” or “Macht”; he chose “Gewalt” instead. In Norwegian, the puzzle would be whether we would translate the key concepts as follows: Gewalt=vold (violence), Macht=makt (power), Kraft=kraft (force), Zwang=tvang (coercion). Or should Gewalt (as such) be translated as makt or kraft? I am arguing that vold (violence) and not makt is the best, general translation of Gewalt. I then proceed, in the remainder of the paper, to argue that, regardless of this textual dispute, the best Kantian philosophical position uses “violence” or “vold” as the best translation of Kant’s definition of “Gewalt” in *Anthropology* (7: 331).

⁶ Kant’s Latin translation (MM 6: 307) occurs in a passage discussing Gewalt as it occurs in the state of nature, which, if we read that Latin translation as consistent with the passage above (A 7: 331), where only the republic is a true civil constitution, would refer to barbarism and despotism (and not anarchy, since there is no Gewalt in anarchy). As I argue below, in the republic, ideally speaking, there is only coercion (backed up by the threat of violence). However, in historical states with fundamentally republican institutional frameworks, we can find pockets of anarchy, barbarism, and despotism facilitated or organized by the actual state institutions.

⁷ For more on how I contrast the various interpretive Kant traditions, see Varden (2020b).

coercion necessarily involve someone subjecting others to limits (hindrances) on their freedom in accordance with their private (unilateral) choices. The only way to eliminate this problem is by establishing a public person who can be seen as determining enforceable limits on freedom in virtue of exercising an “omnilateral” choice. In other words, the public authority, on this approach, is a legal-political means through which interacting persons make their rights rightfully enforceable against each another.

An apparent advantage of Gregor’s translation of “Gewalt” as “force” (spatiotemporal causal power) 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. This, we might then argue, fits very well with how Kant uses “coercion” (“Zwang”) to conceptualize what the republic does by hindering hindrances to freedom under universal laws (MM 6: 231). Despite this apparent advantage of changing Kant’s chosen concept from “violence” to “force,” I believe that it is a mistake to do so. Kant’s concept of choice here—Gewalt/violence—is not an accident or a philosophical mistake, as it concerns a philosophically important point.⁸ To start, the main problem with Gregor’s route is that it does not capture the particular kind of force we are talking about here—namely, a destructive force that is directed at human beings (rather than, say, spatiotemporal causal power in the universe as such). Hence, it is not an accident that Kant uses Gewalt (violence) with philosophical precision several times in his writings on right, and often when he describes the moment of the republic coming into existence (in spacetime or historical time). The argument seems to be that violence is, somehow, both constitutive of an ideal republic’s as well as typical of an actual republican state’s establishment in historical time. The challenge is to understand exactly what Kant means by this.⁹

My proposal is that Kant considers the establishment of a republic as necessarily involving the establishment of a violent (destructive) force that is abstractly or generally aimed at anyone who

⁸ Indeed, even if we were to grant that Kant was ambiguous or thoughtless on this point or to insist that “force” or “power” is a possible translation of “Gewalt” as such, it is philosophically important to hold on to his text’s philosophical precision (if we choose “violence”). On the one hand, it is easy to gloss over how the ultimate legal-political power or force is both normative (it is caused by and aimed at human beings) and destructive (its ultimate threat is to damage or destroy human beings). On the other hand, as the existing secondary literature shows, if we use force/power for Gewalt and then we combine it with an approach to Kant that views him as considering despotism and republic as civil society or a minimally just state (and anarchy and barbarism as the state of nature), then the position either struggles to delineate its boundaries against legal positivism (as we would apparently be *morally* obligated to obey despots whose use of violence is not within the parameters of principles of freedom) or it becomes an absolutist legal positivist position (in which case we may do just as well with Hobbes’ *Leviathan*) and the position becomes incapable of critiquing much of legal-political reality insofar as it tracks state-organized or state-facilitated violence against historically oppressed social groups. Hence, the translations that use “force” (Gregor) or “power” (Rauscher and Westphal) do not provide textual resistance or assistance with regard to these questions (interpretively or philosophically)—and, so, most of the secondary literature is typically philosophically unsatisfying on these topics. The approach presented in this paper avoids all these problems and consequently also provides philosophical resources to individuals and peoples facing serious oppression. The focus of this paper and space limitations make it impossible to go into this complexity, but for more on my current take on these kinds of complexities, see Varden (2020b, 2021a).

⁹ Notice that this is consistent with making the best translation of other, common German terms and phrases that use Gewalt (like the tripartite authorities of the state being the “drei Gewalten in jedem Staat”) or have Gewalt in them (like Staatsgewalt)—and there are many such common German terms used throughout the Doctrine of Right—dependent on context. It is only to say that when Kant defines the four legal-political conditions as involving these three principles—Gewalt, Freiheit, and Gesetz—he is philosophically precise (or to insist that we should be). It is also consistent with “violence” having been used in many ways throughout history and not only as inherently destructive (of being) in the way I do here. I hope that the discussion below illustrates why philosophical precision when drawing this definition is extremely useful once we turn to describing various political forces in historical societies. (Unsurprisingly, related translation puzzles arose when translating Habermas’s use of these common German phrases regarding the legal-political sphere into Norwegian. See the translators’ note O, p. 236 in Habermas [1971].)

acts contrarily to its laws of freedom (MM 6: 318, 371).¹⁰ Now, insofar as it is the republic—the thing in itself—that is coming into existence in ideal, peaceful historical situations, there is no actual violence (destruction) occurring since all the interacting persons become citizens of the republic and no one is actually subjected to violent (destructive) force. Rather, the violent force exists as a constant, general threat in a republic, but it does not aim at anyone in particular (ideally). After all, the violence will only ever be used against someone who refuses to interact rightfully with others—understood as interacting within the constraints of laws of freedom as determined by the public authority—and in ideal conditions (a republic), this does not happen. However, in an actual republican state, if someone does act or threatens to act violently against anyone else, the state’s threat of violence will be aimed at them specifically insofar as it is necessary to stop them from doing wrong.

It also follows from the above that when an actual republican state is coming into existence, the republic can coercively, even violently, exclude persons who do not want to interact rightfully and yet still try to interact. For example, in such a scenario, the republican state might find it necessary to set up a powerful, coercive boundary surrounding its territory, one that is backed up with the threat of violence against those excluded.¹¹ Still, if violence is needed to keep the people who do not want to interact rightfully out of the territory, this violence does not involve wronging these violent outsiders (“material” wrongdoing) insofar as it is used only in this self-defensive way, but it does involve doing “wrong in the highest degree” (“formal” wrongdoing) (MM6: 307). This use of violence is analogous¹² to how each of us (as private persons) have a right to use violence self-defensively (including in the state of nature). In such a situation, the violence is aimed at another person, but given this person’s violent behaviors and refusal to interact rightfully, it is the only way we can stop them from wronging us (materially and formally). The violence is permissible, from the point of view of right, but, as I argue in this paper, violence always involves formal wrongdoing.¹³

To illustrate the distinction between formal and material wrongdoing, imagine that someone is trying to rape me and that I violently fight off this person by, say, breaking one of their arms or legs. In so doing, I am not doing anything wrong to the “matter” of this person since they are not responsibly controlling themselves as revealed in how their “matter” (body) is violently coming toward me; it is permissible for me to defend myself according to the principles of (innate) right. However, by subjecting the attempted rapist to destructive self-defensive violence, I still do formal wrong in that I subject them to damaging violence rather than interact with them as subjected to laws of freedom. Ideally, I would only use coercion to stop them—I would only make sure that it is physically impossible for the other person’s violence to reach and do damage to me—but since this is impossible, my possible choices are either to let the other subject me to unjustifiable violence (commit material and formal wrongdoing against me by raping me) or I have to subject them to violence so as to stop their violence from reaching or damaging me (commit formal wrongdoing).

¹⁰ This reading is consistent with ideal readings of assurance and of punishment found in what I call the “liberal republican tradition” (Varden 2020b). For an illustration of both kinds of ideal argument, see Ripstein (2009).

¹¹ In my view, Kant maintains that a state’s borders are made conclusively rightful through the right of nations. That is to say, to transform the state’s relations with other states and individuals from inherently violent to rightful, it is necessary to establish institutions of international and cosmopolitan public right to which one’s domestic institutions are legally committed. For my (evolving) take on this complexity, see Varden (2008, 2011, 2014a), and for two recent book-length engagements, see Kleingeld (2012) and Ripstein (2021).

¹² It is an analogous case because the domestic public authority is not the public authority of relations between a state and the other states in the world or the rest of people in the world.

¹³ Of course, this argument can easily be used in depraved ways, as contemporary politics around the world show. In those cases, powerful nations misuse it to deny people fleeing oppression or horrific persecution or violence legal access to territories full stop.

However, because we do not have (and cannot experience ourselves as having) the moral authority to use damaging violence against other human beings—the moral law requires us to recognize human beings as having dignity—and although defending myself violently is legally permissible (I do not wrong the other materially in so doing), my action is neither virtuous nor vicious, nor am I morally required to act or not act this way.¹⁴ In fact, in order to perform this violent self-defensive action at all, I must temporarily block my practical reason's command to always treat the other with dignity; I must dehumanize the person coming at me. This is also why, after the fact and even though I did what had to be done to protect myself and it is permissible from the point of view of right to do so—and it is legally permissible in civil society—it is commonly difficult to live with both the fact that somebody tried to do this to me and the fact that I had to protect myself by acting violently toward them. Because subjecting another person to violence (destruction) is inconsistent with treating them with dignity (doing so always involves formal wrongdoing), also in cases where I have not wronged anyone materially by subjecting them to violence (self-defense), reconciling what I have done with my practical reason gives rise to moral regret. Human beings can find themselves in situations from which there are no morally good ways out.

Notice too that the above interpretation can make sense of Kant's argument that internally (domestically), a republic ideally, solely uses coercion ("Zwang")—namely, it "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). The republic's uses of coercion are "rightful" ("rechtlich") because it enables public laws of freedom (law and freedom) to set the coercive framework within which people interact. That is to say, the public authority's uses of coercion are rightful because they are omnilateral (general) choices specifying these (legal) hindrances to freedom, whereas private persons' related uses of coercion in the state of nature are not rightful because they are inherently unilateral (contingent or arbitrary) choices of hindrances to freedom. Furthermore, this interpretation is 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 damaging, including partially or fully lethal, violence to stop wrongdoers, then they experience this as morally regrettable because no human being can subjectively experience themselves as morally authorized to use damaging (up to lethal) violence against another person. Hence, using violence, even when this is the only way to stop wrongdoing from occurring, is experienced as morally regrettable by us insofar as we morally own what we have done. There is always an unjustifiable element—a formal wrong—when one human being subjects another to damaging violence, including in cases of self-defense or defense of others. On this approach, this is one reason why, for example, soldiers and police officers often struggle with PTSD after having been in violent conflicts and why there must be public law provisions that secure them the mental health resources they need to find good ways to manage these difficulties after such events occur.¹⁵

What about cases involving punishment? Kant (in)famously thinks that rightful punishments can involve either partially killing a wrongdoer (such as castrating someone who has raped another) or fully killing someone (such as killing someone who has murdered another) (MM 6: 363, cf. 333).

¹⁴ Hence, in my view, this is not an "ought." For example, if a person decides that it is more prudent to be raped than to try to fight back or simply freezes, etc., they have not committed a moral failing. Because this is not an "ought," Kant's famous dictum "ought implies can" does not apply here. For more on this as well as my take on the distinction between formal and material wrongdoing, see Varden (2010, 2020b, 2021a, 2021b).

¹⁵ For more on PTSD, including related statistics, see, for example, <https://www.ptsd.va.gov/index.asp>. Some Kantians prefer to limit Kant's distinction between formal and material wrongdoing to analyses of wrongdoing in the state of nature versus that in civil society. If they do, then they thereby give up this philosophical resource for capturing moral regret in cases described in these last two paragraphs.

My interpretation is consistent with this in that nothing said above concerns punishment. Nonetheless, I do disagree with Kant's view on punishment. To clarify, I agree that some acts of wrongdoing merit a death penalty (as moving on as equals after the wrongdoing has occurred is impossible), but in my view, using lethal violence against defenseless prisoners is not an activity we, human beings, should engage in if we can avoid it. Insofar as historical circumstances allow—hence barring scenarios surrounding Kant's (in)famous comment about punishing the last convicted murderer before dissolving civil society (MM 6: 333)¹⁶—human beings should not use damaging violence against other human beings, and hence rightful punishment should ideally only be rightful coercion (Zwang) and not violence (Gewalt). Hence, our most severe punishment should ideally be lifelong imprisonment (Zwang) and not (partial or full) killing of another human being (violence). Using damaging violence—including partial or lethal violence—against another human being is inconsistent with treating oneself and others as having dignity, and our practical reason cannot approve of this. Doing so always involves formal wrongdoing.¹⁷

Finally, notice that my disagreement with Kant on punishment does not entail a disagreement with his claim that a person who truly owns having done something so awful against another human being that it merits a death penalty feels like they do not have a right to live; such a person would find it absurd to say that a death penalty is too harsh a punishment for what they have done (MM 6: 333-4).¹⁸ In other words, a clear sign that such wrongdoers are fully owning what they have done is a clear tendency to struggle with serious depression or even suicidal thoughts. Hence, I believe Kant is right to say that people who have committed horrific wrongdoing and own what they have done do not feel wronged by the verdict of a death penalty; they recognize that the death penalty fits the crime. In my view, this fact also explains the importance of having mental health resources available for people who have committed extreme wrongdoing. Such resources are typically necessary for wrongdoers when they take on the challenges of learning to live with what they have done to others and to themselves, to learn to live with having failed so horribly at life. It is also consistent with Kant's general theory of human nature, according to which doing such horrific things to other human beings comes from places of serious damage in, and involves doing tremendous damage to, one's own self.¹⁹

2. The Analogy between Birth of Natural and Artificial Persons: Human Beings and States

The next section proposes that the four ideas of anarchy, barbarism, despotism, and republic can be used to identify four distinctive political forces commonly operating in actual states. To set the stage for this account as well as to further elaborate on Kant's conception of right and violence, this

¹⁶ Indeed, the position defended here is consistent, in principle, with Kant's comment about killing the last convicted murderer before dissolving civil society.

¹⁷ According to Schwarzschild (1985), this way of transforming Kant's account of punishment as an ideal refutation of the death penalty is similar to that of neo-Kantian Hermann Cohen. Notice too that this would give Byrd (1989) and Ripstein (2009) an ideal argument they appear to need in their groundbreaking works on punishment: Byrd says she disagrees with the death penalty but does not argue for it (1989: 199), while Ripstein's analysis of criminal punishment uses imprisonment throughout, but does not engage the complexity surrounding the death penalty. Notice too that if I am right about this, then the Kantian philosophical position is consistent with Hobbes's claim in *Leviathan* that the act of taking another's life—whether by another person in the state of nature or by the leviathan—is always (in the sense of inherently) violent.

¹⁸ It seems fair to think that Kant would think that the honorable murderer should have a right to choose the death penalty instead of life imprisonment. This is not obvious to me, but that topic deserves a paper of its own.

¹⁹ For more on this, see Varden (2014b). I take it that this was some of what Socrates was after in *Gorgias* too when he says that doing wrong is worse than being wronged.

section draws an analogy between Kant's conceptions of the birth of human beings (natural private persons) and of the birth of actual states (artificial public persons).²⁰

To start, notice that analogous to that of a state, the birthing process of a human being is inherently coercive (there is pushing in both directions; from baby to pregnant persons and vice versa) and it threatens violence (if the baby cannot get out or the pregnant body identifies the growing zygote or fetus as threatening and aborts it). Moreover, the birthing process itself ideally does not involve violence, but only coercion. However, this process can turn violent, such as if the birthing process involves tearing. (Like reading Kant, birthing is not for the fainthearted.) This violence is permissible, however, from the point of view of right (it is legally permissible in civil society), since it is necessary for the fetus to get out, for both parties' survival, and the birthing person has consented to the pregnancy (with tearing being one of its common risks). However, if the unborn baby becomes a lethal threat to the birthing person during this process, then the birthing person's life has priority since no one can give authorizing consent to be used as a mere means to save another human being.²¹ Interestingly, we therefore see that both the birth of a baby (a natural person) and a state (an artificial person) are processes that involve coercion and the threat of, but not necessarily actual, violence. Hence the beginnings of new (natural or artificial, respectively) persons in spacetime (historical time) do not necessarily involve wrongdoing or violence.

Once brought into existence, the baby and the state face the challenge of developing into morally responsible persons, of becoming capable of self-governance (autonomy) through regulating their actions and interactions by laws of freedom individually (for the baby) or collectively (for a people) in self-sustaining, flourishing ways—and this is not easy. Focusing on the human being first, Kant thinks that realizing ourselves well involves being able to develop, transform, and integrate our “predisposition to good”—constituted by one's “animality,” “humanity,” and “personality”—as well as learning to manage our “propensity to evil.” In my view, the best way to understand the predisposition to good is to view “animality” as constituted by three reflexively self-conscious strivings (to self-preservation, sex, and affectionate community), “humanity” by a reflexively self-conscious drive to freedom (origins of rational end-setting) and a reflectively self-conscious social sense of self, and “personality” by an inherently reflective moral feeling that reveals a susceptibility to practical reason. In contrast, the propensity to evil comes in three degrees—tracking how one can lose one's way around some issue or life in general—namely, frailty (an instance of wrongdoing in self-deceived or not self-deceived ways), impurity (a pattern of wrongdoing, whether self-deceived or not), and depravity (self-deceptively doing something wrong in the name of doing something right). To develop, integrate, and transform these predispositions to good and to learn to manage the propensity to evil well, we must also learn to orient our lives by a deep commitment to truthfulness (about ourselves, others, the world) and to develop practical reason and our aesthetic sensibilities, because all of this is necessary to pursue the highest good—namely, to bring happiness and morality into union.²²

²⁰ Notice that one could expand on this analogy in many interesting ways. For reasons of space, here I only draw attention to features that are particularly useful given the paper's focus on issues of violence vs. coercion.

²¹ For more on my view on this, see Varden (2020b).

²² For Kant's most concise presentation of the predisposition to good and the propensity to evil, see his *Religion within the Boundaries of mere Reason* on (R 6: 26-32). As with all features of Kant's theory, one can also interpret central features of Kant's account of the predisposition to good in human nature in more empirical ways, in more rationalistic ways, or in more phenomenological ways. I favor—interpretively and philosophically—the more phenomenological way. One can also disagree with my basic approach to the propensity to evil, according to which both frailty and impurity can come in both self-deceived and not self-deceived versions while depravity is always self-deceived. Notice, however, that much of what I argue for in this paper does not depend on these interpretive and philosophical commitments. For more on how I understand them in general, see Varden (2020b), and in relation to child development, see Varden (2020a).

With regard to the problem of developing a capacity for justice, Kant argues that the baby's scream when born reveals that they are capable of a representation that other animals are incapable of—namely, representing their inability to act—to be free—as an unjust frustration (A 7: 268, cf. 328n*). The scream is the only violent force available to a free being who is frustrated by not being able to act and, so, the newborn baby is violently screaming at all the humans around. Of course, in so acting, the newborn baby does not wrong anyone; a baby is incapable of wrongdoing just as much as it is incapable of morally responsible action. Indeed, as Kant points out, a baby did not even consent to being born. 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: 268n*). In addition, Kant argues in ways that reveal some of Rousseau's influence on him, our social sense of self is a deeply unruly part of us. For example, at one point 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 such diabolical destructive violence as rooted in an “anxious endeavor” to obtain a “hateful superiority” over others (R 6: 27), since they attach to the predisposition to humanity (end-setting and a social sense of self). Such wrongdoing is characterized by an “extreme degree of malignancy ... a maximum of evil that surpasses humanity... e.g. in *envy, ingratitude, joy in others' misfortune*, etc.” (R 6: 27). In other words, it is not strange that growing up and staying committed to pursuing the highest good—bringing happiness and morality into union—and become wise is a genuinely difficult, lifelong endeavor for us (TP 8: 279, cf. CPrR 5: 110f.).²³ Indeed, most countries in the world today judge that it typically takes us 18 years to get to a point where we can be fully (legally and morally) responsible for our actions.

If we now turn to states, we remember from the beginning of the chapter, Kant thinks that there are four kinds of legal-political conditions possible: anarchy, barbarism, despotism, and republic. Moreover, we can bring my new translation of “Gewalt” to bear also on the three non-republican conditions—namely, anarchy, despotism, and barbarism. Following Kant's own definitions, we now see 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. 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 or conclusively enforceable (MM 6: 256f, 305-313). In *despotism*, in contrast, there is law and violence—a monopoly on coercion 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). Such a condition may be prudentially obligating and it may be something someone wants (as it is in line with their conception of the good or happiness), but it could not be *morally* obligating. Hence, in this condition, there will be injustice (since coercive limits on interaction are not constituted by laws of freedom) and prudential obligations. Finally, under *barbarism*, there is only violence and no law and freedom, and hence, in this condition there is destructive violence aimed at the interacting people. In such a condition, there is no personality (“pure humanity” as defined in the quote below) realized because personality is to act freely in morally responsible ways (autonomy)—namely, to set ends of one's

²³ For more on Kant on wisdom, see (Varden 2021c).

own in accordance with laws one gives oneself either on one's own (virtue) or together with others (right).²⁴

It follows from the above that when a state comes into existence, there tends to be violence—because some are likely to resist the effort to bring about a more just world while others use their power to commit injustices—and, so, it is not so strange that Kant often uses the concept of violence when he describes actual historical states coming into existence. Typically, too, what is coming into existence is not a republic but a state that has a mix of anarchic, despotic, barbaric, and republican forces (more on this in the next section)—and such a state tends to come into existence after a stateless society has functioned for a while. Moreover, the predispositions to animality (self-preservation, sex drive, and affectionate community) and humanity (rational ends setting freedom, and social sense of self) are developed, transformed, and integrated in more or less successful ways under non-ideal conditions of more or less functional families and societies, and before we are capable of moral responsibility (personality)—whether individually or as societies governed by laws of freedom—and they remain strong emotional forces in us. Hence Kant analogously argues that

In a civil constitution, which is the highest degree of artificial improvement of the human species' good predisposition to the final end of its destiny, *animality* still manifests itself earlier and, at bottom, more powerfully than pure *humanity* [morally responsible exercises of freedom]. . . . The human being's self-will is always ready to break out in aversion toward his neighbor, and he always presses his claim to unconditional freedom; freedom not merely to be independent of others, but even to be master over other beings who by nature are equal to him—which one notices already in the smallest child. This is 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, inappropriate 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: 327–8)

In other words, states tend to develop out of historical societies with despotic cultures in that they centrally involve presenting the contingent, culturally dominant conception of the good as morally right and not with what practical reason commands in virtue of our duty to respect each human being having dignity. For example, it is impossible to start using Christianity, Judaism, Islam, Hinduism, or Buddhism as the shared basis for morality for all human beings—indeed, the historical attempts at doing so, including the gruesome violence involved in the “Christening” of Norway,²⁵

²⁴ Notice that if we use these ideas to describe types of human beings, we can pick out various types in interesting ways. Given the scope of this paper, I leave this as an enjoyable imaginative task for the reader. Interestingly too, if we go with this interpretation, it helps in our exploration of Kant's famous distinction between the “moral politician” and the “political moralist” in “Perpetual Peace”: in historical societies, good state leaders refuse to act immorally, but within this framework they seek compromises with despotic forces to try to move the institutional whole forward, towards a better future. In other words, moral politicians remain fundamentally committed to republican ideals while navigating unruly despotic political forces within the framework set by principles of freedom. In contrast, the political moralist (despot) acts consistent with morality only insofar as doing so is consistent with their self-interest or conception of happiness. So, the moral politician knows that managing despotism is necessary and consequently develops patience and skill in managing it; after all, not doing so is extremely imprudent and involve risking the collapse the entire institutional whole. For more on each of these conditions and other, related textual and philosophical puzzles, see (Varden 2020b, 2021c).

²⁵ For those unfamiliar with the history of Norway, the Battle of Stiklestad in 1030 provides an entry into this complexity. For example, see <https://www.britannica.com/topic/Battle-of-Stiklestad>.

have been and are non-accidentally morally horrifying.²⁶ However, each and all of these (and other religions) are all compatible with moral (ethical, legal, and political) commitments to build societies and states based on respect for each person's dignity and corresponding right to freedom. Doing this well requires us—citizens—to learn to govern ourselves through public reasoning and institutions, including when entrusted with public offices, that are fundamentally grounded on principles of freedom and that take into account how these principles must work for us as earthly, human beings (or what Kant calls “moral anthropology”) who find ourselves in the specific historical circumstances we do (or what Kant calls “the principle of politics”).²⁷

3. Four Types of Political Forces in Actual Historical Societies

Each human being, as Kant emphasizes again and again, must start their development from scratch, while progress for us as a species can only be achieved together. Our efforts—in life or as societies—do not have to end in success or progress; a philosophical account can only show that progress and even success is not impossible, that there is reasonable hope (so understood). On Kant's account, we do have—in terms of the capacities we possess—what it takes to succeed, but the temptations and pressures to do wrong and bad things are many, and some of them are ineliminable. This last section does not challenge any of this but only seeks to illustrate the usefulness of this account so as to identify various kinds of forces we face in actual historical societies. In other words, we do not live in societies that exactly realize only one ideal—the despotic, anarchic, barbaric,²⁸ or republican state—because the historical societies and legal-political institutions we inherit without exception contain a mix of these political forces. Let me briefly explain and illustrate this point.

The current states around the world started very much like Kant argues above. Very many of them started with societies that contained some mix of a religiously and geographically attuned historical culture. For example, many current countries in Asia have cultures dominated by Buddhist, Hinduist, or other religious practices as well as other cultural practices that contain geographically attuned (and older, natural heathen religious) cultural practices. For example, mountain peoples tend to have different cultural practices than those of coastal people, people in warm or temperate climates have different practices than those in cold or cool climates, etc. By contrast, most countries in the Middle East have cultures that are dominated by Muslim religious practices, which, again, are combined with geographically attuned cultures tracking geography and climates (and related, older natural heathen religious practices). In Europe, most countries have cultures dominated by some version of Christianity, combined with geographically attuned cultures that track different types of climate (and, again, with remnants of related, older natural heathen practices). And so we could continue all across the globe. Almost all states on the planet also publicly and in terms of the basic legal-political principles of their institutions adhere to a notion of individual (“human”) rights, and hence, in this regard, officially uphold and are committed to what we with Kant can call a “republican” ideal, even though some of them are not democracies, but aristocracies, or autocracies.²⁹ In addition, insofar as peoples of these states view their religiously, geographically, and climatically attuned practices, etc., as the morally correct ones or the morally correct ones for their area—the universal ones, the ones that everybody or everybody in the state must adhere to—they

²⁶ This is not to say that all the only morally horrifying examples involve destruction in the name of a religion (cf. Varden 2021a).

²⁷ For more on how I understand Kant's application of his moral principles of freedom to human life on planet Earth through considerations of “moral anthropology” and the “principle of politics,” see (Varden 2020b).

²⁸ I believe we can develop Kant's idea of barbarism if we draw on Arendt's work on totalitarianism (Arendt 1948/1973). For more on this, see Varden (2021b).

²⁹ There is discussion in the secondary literature regarding Kant and democracy. For an overview, see Varden (2020b).

are likely to have legal-political practices that facilitate, permit, or instantiate all these four political forces rather than only the republican one.

To illustrate central ideas entailed by the above, let me use Norway as my example. To start, Norway is a monarchical liberal, constitutional democracy, which means that its basic legal-political institutional framework is republican. Norway is located in the north of Europe and has mountains and fjords in most of the country. Many of the major cultural traditions track this particular geography, from traditions of skiing and fishing to cuisine, literature, art, architecture, and festivals. In addition, although a majority of the population in Norway self-identify as Lutheran, significant minorities do not self-identify this way—and many of the geographically attuned practices and art reveal such older, natural heathen religious influences as fairytales involving trolls, elves, and fairies. In addition, even though most Norwegians self-identify with cultural practices involving mountains and fjords in a cold northern climate—such as, again, fishing, hiking, skiing, and swimming—significant minorities do not so identify. Finally, although most Norwegians love the four seasons and even the cold winters, significant minorities do not enjoy these aspects of life in Norway.

If we now use the above account of the political forces to identify the core political forces at work in Norway, we may draw attention to the following historical and contemporary facts.³⁰ First, some political forces are clearly republican, such as every time the laws and political institutions uphold each Norwegian citizen's, resident's, and visiting subject's basic rights independently of their religious, cultural, national, or personal self-identifying features. Other historical and contemporary facts are clearly not republican in nature. Some of Norway's history, for instance, can only plausibly be explained by appeal to barbaric forces at work. To start, the basic rights of Sami people in the north of Norway were brutally violated for several decades in the twentieth century. For example, Sami parents were forced to send their children to live at public boarding schools for months at a time—they were denied the option of having local schools—and at these schools, the children were unprotected against seriously abusive and dehumanizing treatment by locals, teachers, and other public authorities. They were also forced to speak only Norwegian and punished if they spoke Sami. Another prominent example would be the historical treatment of members of the LGBTQIA community in Norway. Until quite recently, there were laws that criminalized sexual practices constitutive of the LGBTQIA community, including, for example, so-called sodomy laws and laws that “corrected” intersex babies' bodies. These violences against the Sami and the LGBTQIA community are “barbaric” in that the Norwegian state facilitated and participated in directing damaging violence at people simply by virtue of who they are and not because they have done or are doing anything wrong as determined by laws of freedom.

Other kinds of historical facts are better described as involving anarchic political forces in that they coerce people to stay in the state of nature (by denying them full access to the law), and, so, are not inherently violent but coercively exclusive. For example, until very recently, same-sex couples in Norway could not marry, adopt children, or access reproductive technologies such as artificial insemination. At the moment, it is also incredibly difficult for trans persons to access good gender-affirming health care. These laws deprive(d) trans persons and same-sex couples of full access to civil society by denying them access to family law or healthcare services constitutive of caring for one's own and one's family's well-being. Insofar as they were or are able to live well (together) anyway, they did or do so within anarchic parameters and by shielding their personal lives against representatives of public authorities. Yet other historical facts related to oppression of

³⁰ The alleged justifications of these oppressive uses of state power tend to be either in the name of the good or the right—so, either in the name of what a good human life is or some group's rights—which is not accidental, given Kant's theory of the propensity to evil. The worse we lose our way—the more we become depraved—the more we will do wrong under the guise of the good or the right. For more on this, see Varden (2021a).

minorities in Norway are better described as despotic in that they limit public participation of various kinds to people from the dominant culture. For example, for a long time, certain public offices in Norway could only be held by Christians who were Lutheran. One example is that the Minister of Education was also the Minister of the (state) church and, thus, had to be a member of the Norwegian (Lutheran) state church. Hence, the public office itself was thereby made inherently despotic.

One final illustration of Kant's ideas: in 2018, Norway's legal-political system yet again seems to have yielded to the temptation to facilitate and enforce barbaric and despotic forces when it decided that no one can wear burkas and niqabs at any educational institution.³¹ As girls are legally required to go to school, their parents must choose between losing the right to be parents or sending girls to schools dressed against their religious convictions. In contrast, women who self-identify with burkas and niqabs are despotically denied access to higher education as they must choose to either present publicly as who they are (in which case, they are denied access to higher education) *or* deny themselves publicly so as to "pass." Philosophically, a particularly interesting feature of this law is that it illustrates very well our temptation to do wrong and violate in the name (under the guise) of the good. The arguments presented in newspapers, by politicians, and among people typically maintained that the burka and niqab prohibition was to protect women against men (since, the argument goes, the main reason women would wear this religious clothing was because men or sexism forced them to) or against themselves (because they were self-deceived or brainwashed if they wore burkas or niqabs). It was a discussion dominated by men and by people who did not wear burkas and niqabs; the women in question were given almost no voice whatsoever. Interestingly too, no one who was given public voice raised the obvious worry that yet again, we use laws backed up with the threat of violence to decide what women can and cannot wear. Barbaric depravity is, if Kant is right, always self-deceived in these kinds of ways—and, indeed, his own racist, sexist, and heterosexist writings reveal not only his own struggles with this but also his failures. In addition, if Kant's account as presented above is on the right track not only about this feature of depravity but also more generally, then these features of Norwegian history³²—with both clear steps of progress and of regress—illustrate quite well basic challenges with regard to transforming our inherited cultures such that they are deeply consistent with our most basic moral commitments—namely, to respect each person as having dignity and to make sure our public legal-political institutions are consistent with each citizen's innate right to freedom.

Thanks to Lucy Allais, Katerina Deligiorgi, Katrin Flikschub, Barbara Herman, Pauline Kleingeld, Reidar Maliks, Jon Mandle, Kjartan Koch Mikalsen, Eric Miller, Peter Niesen, Frederick Rauscher, Arthur Ripstein, Ashwini Vasanthakumar, James Warren, Allen Wood, Ekow Yankah, and an anonymous reviewer for NFT for their generous help with different aspects of this paper. This is not to say that they necessarily agree with my argument or with each other; we each publish in our own names.

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³¹ The official reasoning from the government can be read here (in Norwegian only):

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³² To state the obvious, I believe all persons (private individual or countries) if truthful about their histories and current circumstances contain similar kinds of bad and oftentimes disheartening facts. We have all done bad things (to ourselves and others) and we all stand by or partake in unjustifiable practices of various kinds—and one of the most difficult challenges in life is to start to be truthful in general, let alone as needed, to own also our wrongdoing and failures.

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Preprint