

Why The Better Angels of Our Nature¹ Must Hate the State

¿Por qué los mejores ángeles de nuestra naturaleza deben odiar al Estado?

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Abstract

In this brief reply to Anne Margaret Baxley's comments on my paper, "Exiting the State and Debunking the State of Nature," I respond to her two critical worries about my thesis that there is an unbridgeable gap between Kant's political theory, which is classically liberal, and his ethics/theory of enlightenment/moral theology, which is anarchist: (i) that Kant's strong moral epistemic skepticism in the *Groundwork* about knowing the true motives of our choices and actions, requires coercive State intervention in order to ensure that we heed mutual relations of external freedom and do our juridical duties, and (ii) that the overall crookedness of the human timber, i.e., our almost inevitable empirical tendency to fall short of autocracy, requires the very same State interventions for the very same moral-political straightening purposes. I argue that (i*) Kant isn't the moral epistemic skeptic he's standardly taken to be—on the contrary, we have veridical, direct, occurrent, essentially non-conceptual, non-empirical awareness of autonomous choices and actions, via The Fact of Reason, and (ii*) that coercing people to be morally good

¹ The famous phrase, "the better angels of our nature," is of course borrowed from the final paragraph and sentence of Lincoln's First Inaugural Address:

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

See Lincoln (1861). I use it here not only to allude to AMB's very nice framing metaphor of "Kantian angels," but also ironically, since Lincoln was of course trying desperately to preserve the Union, and therefore the State, in the face of civil war.

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necessarily undermines the moral worth of their choices and actions and turns them into nothing but well-oiled, law-abiding robots of the State—so we must exit the State in order to belong to an ethical community instead, i.e., Kantian anarchism; hence my unbridgeable-gap thesis still stands. I end by self-advertising for existential Kantian cosmopolitan anarchism.

Keywords

Kant, political philosophy, the state, anarchism

I'm extremely grateful to Anne Margaret Baxley (henceforth AMB) for her highly generous and thoughtful comments on my paper.

In this brief reply, there are only two points I want to address.

Both of them concern my (admittedly controversial) claim that there is an outright contradiction, and an unbridgeable gap, between

- (i) Kant's official political philosophy as formulated in the *Doctrine of Right*, on the one hand,
- and (ii) his ethics, his theory of enlightenment, and his moral theology, on the other,

such that, if we take his ethics, his theory of enlightenment, and his moral theology *with all seriousness*, then we must reject *Kant's disingenuous official classically liberal political philosophy* and wholeheartedly endorse a philosophical and political anarchism of a specifically Kantian kind, that I have dubbed *existential Kantian cosmopolitan anarchism*.

AMB says that she "take[s] the following points to indicate that Kant's political theory is not undermined by the account of moral agency central to his ethics":

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

In fact, it is absolutely impossible by means of experience to make out with complete certainty a single case in which the maxim of an action otherwise in conformity with duty rested simply on moral grounds and on the representation of one's duty.... (Gr 4:407)

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

(2) In the second place, and more importantly, since autonomy and virtue concern self-legislation and self-compulsion, whether or not any moral agent exercises her freedom of

choice in conformity with moral principles, and does what duty requires of her, is entirely up to her.... The main point here is that, even if we attribute autonomy as a property of the will of every finite rational being in the state of nature, and consequently have reasonable grounds for thinking that human beings in the state of nature are fully capable of conforming their actions to universal law (and of acting altruistically), the best that we could hope for under that scenario is that such beings (freely) constrain themselves to act in ways that can be universalized, conforming their actions to laws that they prescribe to themselves based on their own power of inner freedom. But this means that, without the State to enforce the compliance of juridical duties, the protection of our innate right to external freedom depends entirely on the good will of others, and is thus not guaranteed.

As to AMB's first point, I completely agree with her that this famous text from the *Groundwork* has always—or almost always—been taken to imply a strong and specifically Kantian version of moral epistemic skepticism, by saying that we cannot ever know with certainty whether we are acting or have acted *for the sake of* the Categorical Imperative, that is, *from duty*, and not merely *in conformity with duty*, but actually from egoistic or hedonistic or utilitarian motives.

But my reading of this famous text is sharply different.

I think that the crucial sub-phrase in Kant's key phrase, "it is absolutely impossible by means of experience to make out with complete certainty a single case....," is "*by means of experience.*"

More precisely, I think that it is perfectly consistent with what Kant has actually written at *Groundwork* 4: 407,² to claim that, *yes, empirical knowledge*, in Kant's technical senses of "empirical" and "knowledge" (*Wissen*) of whether we are acting or have acted from duty or not, is impossible.

Empirical knowledge for Kant necessarily involves empirical concepts and empirical intuitions, and has its meaning, justification, and truth necessarily determined, at least in part, by sensory, contingent facts about the natural world and ourselves.

Moreover, at most, empirical knowledge can have *empirical certainty*, which is when a subject "takes something [namely, a judgment or proposition] to be true" (*Fürwahrhalten*), in such a way that this taking-to-be-true has a kind of indubitability or self-evidence which is both subjectively sufficient, which makes it "conviction" (*Überzeugung*) and also

² For convenience, I cite Kant's works infratextually in parentheses. The citations include both an abbreviation of the English title and the corresponding volume and page numbers in the standard "Akademie" edition of Kant's works: *Kants gesammelte Schriften*, edited by the Königlich Preussischen (now Deutschen) Akademie der Wissenschaften (Berlin: G. Reimer [now de Gruyter], 1902-). For references to the first *Critique*, I follow the common practice of giving page numbers from the A (1781) and B (1787) German editions only. I generally follow the standard English translations of Kant's works, but have occasionally modified them where appropriate. Here is a list of the abbreviations and English translations.

CPR *Critique of Pure Reason*. Trans. P. Guyer and A. Wood. Cambridge: Cambridge Univ. Press, 1997.

CPrR *Critique of Practical Reason*. Trans. M. Gregor. In *Immanuel Kant: Practical Philosophy*. Cambridge: Cambridge Univ. Press, 1996, pp. 139-272.

Rel *Religion within the Boundaries of Mere Reason*. Trans. A. Wood and G. di Giovanni. In *Immanuel Kant: Religion and Rational Theology*, pp. 57-215.

intersubjectively or objectively sufficient (CPR A820-822/B848-850), which entails that the judgment or proposition is also actually true.

Examples of empirical certainty would be cases of ordinary perceptual judgments under highly favorable contextual conditions, such as G.E. Moore's famous anti-skeptical thesis, "This is my right hand and this is my left hand."

I think that Kant is absolutely correct that we cannot ever have knowledge *in this sense* of whether we are acting or have acted from duty or not.

Nevertheless, even while conceding that empirical knowledge of the morality of our own actions is impossible, we can *also* consistently and also justifiably claim on Kantian grounds that we still have the capacity for *veridical, direct, occurrent awareness* of our choosing and acting from from duty, by means of *non-empirical, essentially non-conceptual, moral self-consciousness*.

In other words, even though we cannot have empirical knowledge of whether we are acting or have ever acted from duty or not, we can still have *non-empirical certainty* about this.

Correspondingly, I also think that what Kant calls "the fact of reason" in the *Critique of Practical Reason* is precisely this veridical, direct, occurrent, non-empirical, essentially non-conceptual, moral self-consciousness of our acting from duty (CPrR 5: 31, 42).

Therefore, given The Fact of Reason, then we can indeed have veridical, direct, occurrent, essentially non-conceptual, moral self-consciousness, with non-empirical certainty, when (and only when) we are acting for the sake of the Categorical Imperative and from duty.

This in turn means that we most emphatically do *not* need the State to stand in as our default-setting moral compass, by coercing us to heed mutual relations of external freedom, choose and do our juridical duties, and perform justice, for the sake of the Categorical Imperative and from duty: *on the contrary*, the better angels of our own innately-specified autonomous rational human nature will do this for us, *by means of The Fact of Reason*.

In other words, *autocracy is partially constituted by its own self-validating phenomenology*, and the coercive authoritarianism of the State is not only superfluous to this, but also downright inimical to it.

This brings me to AMB's second point.

I fully agree with AMB and with Kant in the *Doctrine of Right* that external freedom—i.e., freedom of action, even if it does not involve autonomous, or practically free, transcendental freedom of the will (internal freedom)—juridical duties, and justice are all extremely important for creating and sustaining civil society.

So *yes*, we ought to heed them and do them: we ought to heed mutual relations of external freedom, choose and do our juridical duties, and perform justice, *to the extent that our heeding, choosing, doing, and performing these also flow from the Moral Law*.

But our being coerced into heeding, choosing, doing, and performing these *necessarily undermines the moral worth of any and all of them*, since then we are heeding mutual relations of external freedom, choosing and doing our juridical duties, and performing justice *only* because we fear communal, administrative, legal, or governmental social

sanctions, punishment, imprisonment, or other violence against us, and *not* because they are the right things to choose and do.

In other words, our being coerced into heeding, choosing, doing, and performing these things turns us into *nothing but moist robots of the State*, and essentially undermines our autonomy.

Hence, as Kant clearly says in the *Religion*, *we must exit the State* if we are to live, move, and have our being as autonomous, enlightened, authentic, unalienated rational human animals, and not *merely survive* as nothing but well-oiled, law-abiding robots:

A juridico-civil (political) state is the relation of human beings to each other inasmuch as they stand jointly under *public juridical laws* (which are all coercive laws). An *ethico-civil* state is one in which they are united under laws without being coerced, i.e. under *laws of virtue* alone.

Now, just as the rightful (but not therefore always righteous) *state of nature*, i.e. the *juridical state of nature*, is opposed to the first, so is the *ethical state of nature* distinguished from the second. In these two [states of nature] each individual prescribes the law to himself, and there is no external law to which he, along with the others, acknowledges himself to be subject. In both each individual is his own judge, and there is no effective *public* authority with power to determine legitimately, according to laws, what is in given cases the duty of each individual, and to bring about the universal execution of those laws.

In an already existing political community all the political citizens are, as such, still in the *ethical state of nature*....

[W]oe to the legislator who would want to bring about through coercion a polity directed to ethical ends! For he would thereby not only achieve the very opposite of ethical ends, but also undermine his political ends and render them insecure. – The citizen of the political community therefore remains, so far as the latter’s lawgiving authority is concerned, totally free: he may wish to enter with his fellow citizens into an ethical union over and above the political one....

THE HUMAN BEING OUGHT TO LEAVE THE ETHICAL STATE OF NATURE IN ORDER TO BECOME A MEMBER OF AN ETHICAL COMMUNITY (*Rel* 6: 95-96)

Now the most common substantive philosophical objection to the Kantian anarchist thesis that I hear or see—apart from the so-called objection that consists in rolling one’s eyes, shaking one’s head vehemently, and saying it’s simply outrageously controversial as Kant-interpretation—is this:

“OK, let’s leave aside Kant-interpretation for the moment. But if you’re correct about Kantian anarchism, then how will we *ever* force people to be good?”

To which I always reply:

“You’re asking that question under a false presupposition. For Kantian ethical reasons, necessarily, *you can’t force people to be good*, since their being forced to choose or do X or Y necessarily undermines the moral worth of their choosing or doing X or Y, and turns them into well-oiled, law-abiding *machines*.

On the contrary, however, what we *can* do is to design and implement *non-coercive, constructive, enabling social institutions*, whose essential function is *to make it really possible for us all, everywhere, to satisfy our true human needs, both basic and spiritual, by making it really possible for us to live and work productively together by autonomously engaging in mutual aid, radically enlightened learning, the pursuit of morally worthy individual and collective happiness, and principled authenticity, all for the sake of the Moral Law.*”

That would effectively discharge Kant’s disingenuous official classically liberal political theory and also move radically beyond it, by fusing Kant’s ethics, Kant’s theory of enlightenment, Kant’s moral theology, Kierkegaard’s existentialism, early Marx’s social philosophy, and Kropotkin’s social anarchism.

But precisely *how* we can do all that is the task of a *real-world and yet also neo-utopian existential Kantian cosmopolitan anarchist political theory*, which, obviously, I cannot undertake here.

—Still, by way of a self-advertising conclusion, I will end by mentioning that I *have* been doing my damndest to work out and defend such a theory elsewhere, in the fourth book in The Rational Human Condition series, *Kant, Agnosticism, and Anarchism*.³

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³ See Hanna (2017).