

The London School of Economics and Political Science

Kant and Political Willing

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Abstract

This thesis makes two claims: first, that conflict is constitutive of human agency, and second, that this understanding of agency in terms of *conflict* makes politics a problem about the *will*. I develop an argument to show how these two claims weave together to create the fabric of Kant's account of *political willing*. From this *Kantian* approach to conflict and agency, the systematic question animating this thesis thereby arises: what are the conditions that make *political willing* possible? This thesis defends the notion of *political willing* as a placeholder for a number of inter-woven conditions that make political life in common possible. As a form of *rightful interaction between free agents of choice*, this form of willing emerges in Kant from the constitutive features of what it means to be an agent in a world with others agents. This relation between agents makes conflict unavoidable, a conflict which only a will that is public, omnilateral, and coercive, can rightfully resolve. I trace the development of this model of political willing in three spheres of Kant's thought: (i) individual ethics, (ii) teleology, and (iii) politics. I conclude that Kant's view of politics is, in some ways, more Hobbesian than Hobbes': for Kant, conflict *cannot* and *should not* be fully eradicated, if we are to take seriously equality between agents. Life under the state is not conflict-free, but rather it is a sphere made to preserve and to safeguard the *boundaries* of a shared political life, always prone to conflict.

Table of Contents

Introduction.....	9
Chapter 1: The Structure of Moral Willing.....	22
1. The will as a law-governed capacity	
2. The will as a kind of causality	
3. The will and the autonomy of reason	
4. Morality as conflict: finitude and plurality	
Chapter 2: Conflict and Teleology.....	54
1. The puzzle	
2. Conflict and Kant's political teleology	
3. The Harnessing model	
4. A will of Nature? Between determinism and freedom	
5. The "nature wills it so" mechanism	
6. The "counter-acting" mechanism	
7. Critical appraisal of the Harnessing model in Kant's teleology	
Chapter 3: Conflict and the State (of Nature).....	90
1. Kant's Hobbesian problem	
2. The inadequacy of Hobbes's diagnosis	
3. What is <i>wrong</i> with the Kantian state of nature?	
4. The problem of the state of nature as a problem of the will	
5. From a lawless will towards the moral necessity of a Public Will	

Chapter 4: Public Will.....	122
1. The limitations of unilateral willing	
2. What is a Public Will?	
3. Moral features of Public Will: Omnilaterality and coercion	
4. How does Public will <i>will</i> ? A model of subjection	
Chapter 5: What it Takes to Will Politically.....	155
Part I: The intellectual roots of conflict	
1. How to think about conflict: an appeal to a tradition in political thought	
2. Eradication and containment: Conflict in Plato and Hobbes	
3. The dialectic of conflict and politics in Kant	
Part II: Kant's vision of politics	
1. Politics as a kingdom of ends	
2. Kant's political minimalism	
Conclusion: The Conditions of Possibility of Political Willing.....	188
Bibliography.....	195

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Abbreviations of Kant's Works

All citations refer to volume and page numbers of the Prussian Academy Edition of *Kant's gesammelte Schriften* (Berlin: Walter de Gruyter and predecessors, 1900—), with the standard A/B form for the first/second editions of the *Critique of Pure Reason*. Where available, I have used translations from the Cambridge Edition of Kant's works, published by Cambridge University Press under the general editorship of Paul Guyer and Allen Wood.

<i>Anthro</i>	Anthropology from a Pragmatic Point of View
<i>CJ</i>	Critique of Judgment
<i>CPR</i>	Critique of Pure Reason
<i>CPrR</i>	Critique of Practical Reason
<i>DofR</i>	Doctrine of Right
<i>DofV</i>	Doctrine of Virtue
<i>G</i>	Groundwork for the Metaphysics of Morals
<i>IUH</i>	Idea for a Universal History with a Cosmopolitan Aim
<i>MM</i>	Metaphysics of Morals
<i>PP</i>	Toward Perpetual Peace
<i>ProI</i>	Prolegomena to any Future Metaphysics
<i>R</i>	Reflexionen
<i>Rel</i>	Religion within the Boundaries of mere Reason
<i>Telo Pri</i>	On the Use of Teleological Principles in Philosophy
<i>TP</i>	On the Common Saying: This May Be Correct in Theory, but it is of No Use in Practice
~	Notes to the Metaphysics of Morals
~	Notes on Ethics
~	Remarks on Achenwall

To my parents, *siempre* ~

Introduction

This thesis is born from a commitment to two ideas: first, that individual freedom must be safeguarded under the limited power of the state, and, second, that living side by side with others means that this freedom must be limited by other individuals' equal claim to it. I have endeavoured to understand the tension which arises between these two claims, and the questions which follow from this tension, namely: if equal freedom requires a form of limitation, *who* or *what* should take up this role?; and, if this is a legitimate question, *how broad or narrow* should the limits of this sphere of agency be, open to rightful coercion by an appropriate authority? From the perspective of these two concerns, I understand conflict as inherent to political life, and the root from which the necessity of political authority arises. My problem is therefore straightforward: how is political authority compatible with individual freedom?

From the vast number of responses given to this fundamental question, it is Immanuel Kant's answer which I have found most rewarding. It is the main thesis of this dissertation that, for Kant, establishing the limits of agency under a political authority requires that it be possible for individuals to *will politically*. My aim is to trace the conditions that make this form of political willing possible, from the perspective of Kant's thought.

Kant's political philosophy begins with a very basic and intuitive set of ideas: that we are rational, interdependent, and forward-looking agents of choice. At the heart of Kant's view, there is a requirement to explain how we can act in such a way that *others* can also express this equal right to choice, in a manner which is compatible with everyone else's right. Kant conceives of this problem as necessitating an account of *the relationship between will and universal law*. This approach explains the sheer possibility of political life, in terms of the capacity of individuals to be determined by a universal law, via a model of public and external legislation.

In line with my commitments, this thesis rests upon two fundamental pillars: first, that conflict is constitutive of agency, and second, that this understanding of agency makes politics a problem about the will. I develop an argument to show how Kant weaves these two claims together to create the fabric of his account of *political willing*. In what follows, I trace the development of these ideas in three spheres of Kant's thought: (i) individual ethics, (ii) teleology, and (iii) politics. Focusing on politics, I assume that Kant's approach is not foundationalist, in the sense of following the logic carried by a commitment to certain fundamental principles about sovereignty and freedom. In studying Kant's works, I instead discovered how the idea of *political willing* emerges from his understanding of what it means to be an agent embodied with a will, that is *both* a capacity for choice [*Willkür*] and reason as practical reason [*Wille*]. It is from this experience of political agency that Kant derives the requirements of a form of willing, which can appropriately limit the agency of individuals under a system of right.

Kant attributes law-governedness to one source only: will as reason [*Wille*]. In doing so, I argue that he is committed to considering politics, and more specifically, to theorise the role and nature of political authority, in terms of a theory of the will. From this fundamental commitment, Kant develops an account of a form of willing, which I call *political*. This form of willing grounds the compatibility of individual freedom, under the authority of a will that is public, omnilateral, and with the power to coerce. From this *Kantian* approach to conflict and agency, the systematic question animating this thesis thereby arises: what are the conditions that make *political willing* possible?

Thinking about the conditions of possibility of an *experience*, this question already suggests that *political willing* is not a programmatic definition ready-made in Kant's corpus, rather it is an idea I extrapolate from his writings. Moreover, it should not be understood as a set of first principles from which the conditions of political interaction are, then, derived. In contrast, my contribution in this thesis lies in showing how political willing is the placeholder for a complex series of inter-woven conditions, making up the fabric of political life. As a form of *rightful interaction between free agents of choice*, this form of willing emerges from the constitutive features of what it

means to be an agent in a world amongst other agents. What emerges is an unavoidable conflict, which only a will that is public, can rightfully resolve.

In this sense, ‘*political willing*’ is a *term of art* in this thesis. This term stands for *the conditions of human agency, and the unavoidable conflict that arises from the interaction between individuals, which in turn make political authority morally necessary*. Kant names this form of political authority a ‘Public Will’. To be sure, the term *political willing* resonates strongly with other Kantian notions such as “the general will” and “the original contract”, yet there are systematic differences between them. For Kant, the original contract is an *a priori* idea, grounding the legitimate origin of the *de facto* states we find ourselves in.¹ Politically, it is a measure to ensure the primacy of reform over radical change.² The general will is the idea in accordance with which political authority *ought* to be exercised, as emanating from a “collective general (common) and powerful will” [DofR 6:256].³ Public Will, in contrast, is the authority that bears the required moral features to will in accordance with the idea of the general will, namely, it is an omnilateral and coercive will. The conjunction of these three *a priori* ideas on the one hand, and the requirements of agency on the other hand, are what make ‘political willing’ possible.

Further to these clarifications, I want to explain the different usages of the notion of ‘will’ in this thesis. For Kant, the will involves two kinds of capacities: on the one hand, ‘*Willkür*’ refers to the capacity for choice, which each human being possesses by virtue of being an agent. I indicate this particular capacity when I refer to the ‘human will’, or the ‘will as choice’. This notion is better understood as the ‘executive office’ of the will, from which choices and actions emanate. On the other hand, the Kantian ‘*Wille*’ refers to reason, as a universal capacity for lawgiving, with the power to prescribe law to the human will [*Willkür*]. When reason prescribes law independently of

¹ Kant appeals to this idea, as an argument against what he calls the “revolutionary fallacy”, namely the fallacy that people like Danton and other political revolutionaries incur in, when mistakenly

² Kant shares with Hobbes a preference for retaining the ‘now’ –with its limitations and imperfections– over the expectations of a ‘tomorrow’. As Hobbes says in *Leviathan* “The present ought always to be preferred, maintained, and accounted best”. (Chap. 42)

³ The general will is a “*trias politico*” consisting of three persons: the legislator, the ruler, and the judge. [Cf. DofR 6:313]

any other incentive to the human will, it does so as *pure practical reason*. This capacity bears the ‘legislative office’ from which laws and maxims arise [G 4:412; DofR 6:213].

However, these two different conceptions do not entail that there are two wills in Kant, but rather, that there exist two aspects of a single faculty, in their particular relation to law-determination. These notions, and the role I believe they play in the development of Kant’s account of political willing, are crucial for my argument. More systematically, ‘*Wille*’ as reason becomes embodied in the idea of Public Will, as Kant’s version of this will’s authority to *subject* the human will [*Willkür*] under universal law. Public Will relates to our will as choice, similar to the way a commander relates to his subjects.⁴

To put these remarks into context, this thesis further scrutinises the role conflict plays in Kant’s political philosophy as a whole, and more specifically in his theory of the will. As Onora O’Neill explains, Kant stands in a lineage of philosophers “who argue that dissent and conflict can contribute to the emergence of order and justice”.⁵ One way of understanding this claim involves focusing on the specific context of Kant’s articles for the advancement of domestic, international, and cosmopolitan peace, which suggest that, notwithstanding conflict between states, trade between nations will prove beneficial, coupled with the unintended consequences of these conflict-ridden interactions.⁶ I agree that dissent and conflict can be appeased by trade, thereby solidifying peace at home and abroad. Moreover, I agree that there is an even more systematic role for conflict to play in Kant’s commitment to the *ideals* of a perfect republic and of perpetual peace, as paradigms which our institutions should strive to resemble.⁷

However, what these approaches overlook is a question regarding *the nature of conflict itself*. Understanding why this conflict is *political* in contradistinction with, for

⁴ DofR 6:307.

⁵ O’Neill (2015), p. 193.

⁶ Cf. Fleischacker (1996) and Rosen (1993). For an opposing view see Caranti (2018).

⁷ As Kant states, we must strive towards the “continual approximation of the highest political good, perpetual peace” [DofR 6:355]. This struggle must be carried out with enthusiasm, since “true enthusiasm is always directed exclusively towards the ideal”. Kant (2010), p. 182. On the systematic role of the ideal of perpetual peace in shaping our empirical, political solutions see Taylor (2010) and Kleingeld (2004).

example, moral conflict, is one of the central questions this thesis addresses. I believe that Kant stands out from this lineage of philosophers (think here of Plato, St Augustine, and Hobbes), in thinking about conflict not in terms of its positive or negative role for advancing political ends, nor in terms of its beneficial or detrimental influence on progress. Rather, I argue that Kant is unique in answering the question of the *nature of conflict* in terms of the relation of the will with universal law. More specifically, within the context of politics, Kant conceptualises conflict as a problem of the will based on two assumptions: first, that the will is the only source of lawfulness upon which our obligations vis-à-vis others can be grounded, and second, as the normative locus of political interaction, a conflict between wills inevitably arises, based on our equality of choice. This conflict is only resolved by the establishment of a public authority, capable of making these obligations binding.

I have previously mentioned how the second pillar of my thesis, namely, Kant's perennial preoccupation with the idea of conflict, runs throughout his works in parallel to his theory of the will. In his theoretical philosophy, Kant is concerned with the conflict of reason *with itself*.⁸ Much of reason's efforts go towards resolving opposing views fighting to gain reason's approval. Reason oscillates from dogmatism, on the one side, to scepticism, on the other. It follows that when a claim "is adequate to reason it is too great for the understanding; and when suited to the understanding, too small for reason." According to Kant, a conflict arises, "which cannot be avoided, do what we will." [A 422/B 450]

In Kant's practical philosophy, the resolution of conflict is a similarly pressing task. At stake is not a piece of consistent theoretical knowledge, but rather the very possibility of our moral lives. As finite rational agents, we vacillate between the force of inclinations and the call of duty. Moral conflict is resolved by reason's capacity to prescribe law to the human will with necessity, and to make duty the only voice "that

⁸ In his famous letter to Garve in 1798, Kant explains how deeply-rooted this dialectic of reason is in his thinking: "It was not into any inquiry into the existence of God, or the immortality of the soul that I started", writes Kant, "but from the antinomies of pure reason" (cited in De Vleeschauwer (1962), p. 49).

makes even the boldest evildoer tremble [forcing] him to hide from its sight” [G 4:413; CPrR 5:80].

Equally, in his political writings, conflict emerges from the inevitable interaction of human beings. In a somewhat Hobbesian spirit, Kant describes this interaction as one of “resistance” between our strong inclinations to live together within the precincts of law, and the drive to “constantly [threaten] to break up this society”. This resistance comes with the difficulty of overcoming our “propensity to indolence”, and our tendency to desire to “*gain worth in the opinion of others*” . Kant investigates the centrality of conflict in *political* interaction, primarily through his analysis of the state of nature. This condition, he tells us, is one where men “must remain forever armed for battle.”⁹

What this survey reveals is the way in which Kant views conflict as an inescapable ingredient of human experience. Its central role in Kant’s thought makes him appear as a polemicist’s philosopher, engaged in a constant “dialectical battlefield” [A 423] with his opponents. More than anyone else, it is Lewis White Beck who has captured this polemical drive in Kant’s thought, when he characterises Kant’s endeavours as an open “intellectual warfare” with various philosophical positions.¹⁰ The vastness and originality of Kant’s thought was apparent in the intensity of the immediate reaction of both his followers and detractors. In the German language alone, “more than 400 publications on the new system in general had appeared by 1804, an equal number on its ethics, more than 200 on Kant’s theory of religion, 130 on his philosophy of law... All told, more than 2000 essays and books pro and con, by some 700 authors, were printed in the last 20 years of Kant’s life”.¹¹

What can be added to this never-ending series of defences and reactions? My specific contribution in this thesis is to ground the significance of Kant’s politics in the way he relates the conflict of political life to a problem about *willing*. The aim of this

⁹ Cf. IUH 8:20–21; Rel 6:27; PP 8:366; Rel 6:93, emphases in the original.

¹⁰ Beck (1978) *Essays in Kant and Hume*, p. 4.

¹¹ Saner (1973 *Kant’s Political Thought: Its Origins and Development*, p. 113. Reidar Maliks focuses on Kant’s specific polemical and “critical intervention” against his German conservative critics. Cf. Maliks (2014), p. 13.

thesis is, then, to show how the relation between these two things – conflict and the will – becomes a philosophical problem for Kant, with political implications.

To ground Kant’s creative approach to these issues, I make a conceptual distinction between the notion of *political* conflict and *moral* conflict. Moral conflict is experienced as an *inner struggle* between two competing grounds of determination, i.e., our inclinations, and the *pure* motive of duty. As previously discussed, Kant’s theory of reason as autonomy is designed to show how, in this internal battle within the individual, it is duty which has the upper hand. Political conflict is radically different from this experience, because two of its constitutive aspects: first, political conflict is *external*, to the extent that it manifests in the external character of actions, and in the way these actions affect the choices of everybody else. It is uncontroversial to say that an important source of disagreement underlies our practices in the political sphere, triggering frictions and competition between agents of choice. What Kant is interested in exploring, however, is the *formal* aspect of choice, which makes its external character a matter of conflict. Furthermore, political conflict is *external* in the specific Kantian sense of it being a conflict which arises independently of the inner motivations, or ethical considerations, of the individual. In his politics, Kant focuses on the “*legality (legalitas)*” of actions, and not on “the *morality (moralitas)* of the action” [DofR 6:225].

Second, political conflict is *relational*, since it emerges from the fact that beyond the limits of our inner moral life, political life places us in an unavoidable relation to others. Again, Kant theorises this relational aspect of conflict, from the perspective of its *formal* manifestation, in terms of a formal relation between wills [*Willkür*], and not the mere material manifestations of our empirical interaction in a world of uncertainty and scarcity. I believe Kant’s view of politics emerges from this fundamental commitment to externality and relationality in willing. In a scientific vein, he explains these two aspects in the *Prolegomena* thus: “I can never do anything to anybody without giving him the right to do the same under the same conditions, likewise no body can act on another with its moving force without causing the other to act reciprocally by the same amount” [Prol 4:358]. This constitutive aspect of

relationality grounds Kant's development of a juridical condition as a system of rightful relations. Such a system would be futile if we remained bound to the isolation of our inner moral worlds: "so long as Robinson remains alone on his island, a *Doctrine of Right* is superfluous", says Joachim Hruschka, "with Friday's arrival, a *Doctrine of Right* becomes morally necessary".¹²

Kant conceptualises this external and relational conflict as being (i) unavoidable, (ii) intelligible and (iii) solvable. I explore these assumptions by showing how, first, possessing a will as choice makes conflict with others agents unavoidable; second, how we can make the roots of this conflict intelligible by looking at the lawless standing of our will, before public law is established; and finally, how Kant thinks this problem can be solved, i.e., made rightful, by means of the authority of Public Will.

I defend these assumptions in the broader context of Kant's place in a tradition of thought. I claim that Kant adopted a paradigm from a tradition of political thought, which states that the *nature of the problem* we are investigating, be it the workings of human nature, or the constitution of the human will, defines the *nature of the solution* directed to resolve this initial assumption. To defend this claim, I survey a version of this paradigm which assumes the problem as one of *human nature*. This assumption *defines* the solution offered by authors such as Plato, Hobbes and Rousseau in terms of the state's capacity to overcome the unruly elements in human nature, by means of the eradication, the containment, and the potential transformation of the way *we are*. As Sheldon Wolin explains, there is an intrinsically two-way relationship at work in this paradigm, between "the form-giving role of political thought, and the form-receiving function of political matter".¹³

However, Kant does not align himself with the solutions of Hobbes and Rousseau, since he does not view the nature of the problem as relating to the way we *are*, but rather to the way we *will*. I develop an argument throughout the thesis to ground the claim that Kant is distinctive *both* in his understanding of the conflict which

¹² Hruschka (2003), p. 210.

¹³ Wolin (2004) *Politics and Vision*, p. 33.

necessitates political authority (i.e., as one of willing), and in his approach to the solution to this problem as an account of *political willing*. I suggest that Kant should be read as offering a different response to the problem of political authority, in contrast to what I term the ‘common good view’ and the ‘teleological view’ of politics.

The ‘common good view’ of politics, as its name suggest, defines politics as the coming together of individuals for the sake of a view of the ‘common good’. In Aristotle, for example, “individuals come together out of need... but end up living for the sake of the ‘good life’ in political communities”.¹⁴ As Bernard Yack explains, conflict is resolved within a “community of interests”, that is not only a regime but a “way of life”.¹⁵ In a similar vein, this idea of politics as a sphere for common agreement on what is ‘good’ or ‘just’ is also present in Cicero. In the dialogue of the *De Re Publica*, Scipio Africanus claims that a society is “not every assembly of the multitude, but an assembly united in fellowship by common agreement as to what is right”.¹⁶

Though Hobbes cannot be fully aligned with this view of politics in terms of the common good, he does nonetheless share the claim that life in the ‘Civitas’ demands the containment of the causes that make us prone to conflict, competition and violence. For Hobbes, the ‘solution’ to this problem lies in making us “partners to a contract rather than sharers in some notion of the good life”.¹⁷ This contractual partnership is designed to alleviate the animosity anchored in our passions. As Yack further describes it, this ‘coming together’ in the Hobbesian state involves a share in “common interests”. In stark contrast to Hobbes, Rousseau’s politics is envisioned as a community “of virtue among comrades”,¹⁸ for whom the “the greatest good of all” is the thing that holds the political community together. For Rousseau, the state is defined in terms of the common good, since “what these interests have in common is what forms the social bond” (*Social Contract*, Book II, chap. iv; i).

¹⁴ Yack (1985), p. 97.

¹⁵ *Ibid.*, p. 106.

¹⁶ Cicero quoted in Weithman (2006), p. 241.

¹⁷ Yack (1985), p. 107.

¹⁸ *Ibid.*, p. 107.

This particular tradition of political thought makes the transition from the state of nature to a civil condition dependent upon the possibility of shaping the recalcitrant and self-regarding elements of our human nature, into passions which promote and guarantee the stability of the state. In Hobbes, this transition from a war-like condition to the long-lasting peace of the ‘Civitas’ is based upon the newly created sovereign’s capacity to constraint our glory-seeking nature within the precinct of the state. In a similar spirit, for Rousseau, a ‘purification’ of our private interests, by means of civic discipline and education, must take place to guarantee the moral perfectibility of individuals, required to will what is general and common.

In the vicinity of the ‘common good view’ of politics lies another, more specific, interpretation of the dialectic between the problem of and solution to conflict developed in this thesis. This ‘teleological view’ of politics is specific to Kant’s moral philosophy and his teleology of history. The ‘teleological view’ draws a strict connection between these two spheres, thereby making Kantian politics *instrumental* to the teleologically oriented ends of reason, on the one hand, and to the progressive achievement of the moral ends of our vocation, on the other. These aims, as one prominent voice of this view puts it, involve “transcending individual morality” in order to shoulder the “collective historical task... of promoting the interests of reason, while progressively overcoming its constraints”.¹⁹ This interpretation reads Kant’s politics through the lenses of his commitments to teleology and to the ethics of individual morality, leading some to conclude that a “good will’s absence necessitates politics”.²⁰

What the ‘common good view’ of politics shares with the ‘teleological view’ is a commitment to (i) the pacification and eradication of conflict, as a precondition of the stability of political institutions, (ii) the establishment of political institutions as ends proper to our vocation, and to the (iii) idea of transforming human nature as a precondition for the establishment of these moral and political ends, in the context of a *conflict-free* world.

¹⁹ Ypi (forthcoming) *The Architectonic of Reason*, p. 140.

²⁰ Riley (2015a), p. 335.

In stark contrast, I argue that what ‘brings us together’ in Kant’s politics is not a shared commitment to a view of the ‘common good’ or the ‘good life’, nor a commitment to the teleological ends of reason. For Kant, it is not a problem with the way we *are* that necessitates political authority, but rather the fact that we *have a will*. If political authority were grounded in the contingency of our passions and the empirical frictions that ensue, this form of authority would lack the necessity which Kant believes grounds a duty to enter the state. For Kant, exiting a condition of lawlessness for a system of rightful relations is grounded in a *moral* necessity, rooted in the conditions of equal agency. Equally, this duty cannot be grounded in some fact regarding how we are, let alone in the acknowledgement that there exists something evil or corrupt in our nature. As Kant insists, “however well-disposed and law-abiding human beings might be, it still lies *a priori* in the rational idea” of a condition of right, that the duty to enter the state is a matter of necessity. For this reason, Kant concludes, “when you cannot avoid living side by side with all others, you ought to leave the state of nature and proceed with them into a rightful condition, that is, a condition of distributive justice” [DofR 6:312, 307].

This transition from the state of nature to the civil state should be understood as a *transition in forms of willing*: from a form of willing which is private, unilateral, and lawless, to a form of public and omnilateral lawfulness, embodied in the idea of Public Will. My aim is therefore to understand how the idea of a Public Will emerges from the deficiencies present in the form of willing which initially necessitates it. This interpretative approach is further grounded in a series of questions. My contention is that these questions trace the stages of Kant’s ultimate account of political willing as theorised in this thesis, namely, (1) *what* requires political authority?, (2) *how* does Kant understand political authority as Public Will?, and (3) what does this approach to politics as a matter of *willing* tell us about Kant’s view of politics more generally?

To approach these questions, my thesis is divided into five chapters. In Chapter 1, I present the structure of Kant’s account of moral willing by focusing on three aspects of his theory: (i) law-governedness, (ii) causality, and (iii) autonomy. These three aspects ground Kant’s understanding of reason [*Wille*] as *prescribing* universal law to

the human will [*Willkür*], in contrast to the idea of moral willing as a matter of self-legislation.

From there, I move into the sphere of Kantian politics via his political teleology in Chapter 2. There, I defend the view that teleology, as a theory of purposes, allowed Kant to explore some nascent thoughts regarding the possibility of an external and coercive kind of will. I systematise this idea through my ‘Harnessing model’ of conflict resolution. This model works by means of two mechanisms, namely, the ‘nature wills it so’ mechanism, and the ‘counteracting’ mechanism. I raise some objections against Kant’s strategy of viewing Nature as a teleologically informed agent, and as a will with the capacity to harness, channel, and coerce human affairs.

Chapter 3 defends a reading of the Kantian state of nature by contrasting it with Hobbes’s paradigmatic account. I develop an interpretation of the kind of conflict which arises in this ‘natural’ condition, the conflict which makes the duty to enter the state morally necessary. I understand this as a conflict of the will in the absence of law – a “*stato iniusto*” – and not as a conflict involving human nature. The lawlessness of the human will in the absence of public legislation raises an existential threat to others, requiring the establishment of public law.

Chapter 4 presents my systematic account of Kant’s idea of Public Will, which I argue is his unique solution to the problem of conflict diagnosed in the state of nature. I argue that Public Will is a different *kind* of will, capable of embodying an omnilateral perspective, with the coercive power to place all others under an obligation. This form of public legislation does not depend upon a model of collective legislation, but rather upon Kant’s model of subjection under law.

In the final chapter, I appeal to an intellectual tradition underlying some of the concerns at the heart of Kant’s politics. What Kant takes from this tradition of political thought is the idea that conflict is both central to our political theorising, and open to a resolution. I argue that this solution in Kant does not involve the eradication of conflict,

nor the conflation of our ethical and teleological assumptions with our commitments to an external and public model of legislation.

Four key thinkers have influenced my intellectual journey in the thesis. There is one whose influence transpires in many of my arguments, although I never explicitly refer to him. This is Carl Schmitt. Thomas Hobbes, Sheldon Wolin, and Albert Hirschman have opened my eyes with regards to how far Kant is from their respective understandings of conflict and politics. This contrast allowed me to see how unique Kant is as a political philosopher. You learn much from those who think differently to you.

This dissertation concludes that the significance of Kantian politics lies precisely in the fact that we do not, nor ever will, live in a *conflict-free* world. For politics to become a sphere protective of the limits of human freedom, we must be capable of *willing* the requirements that make a rightful condition possible, accepting that conflict will remain unavoidable. This I name *political willing* in Kant. My thesis is an effort to defend this notion.

Chapter 1

The Structure of Moral Willing

Introduction

Wherever we place our focus on Kant's practical philosophy, the notion of the will takes centre stage. Considering Kant's views on human freedom, choice, action, and desire inevitably leads to a question regarding the nature of *willing*. It can be said that for Kant the will refers to two distinct capacities: (i) the will as pure practical reason [*Wille*], and (ii) the human will [*Willkür*], i.e., the common-sense meaning of a capacity for choice.²¹ How these two capacities relate to each other from the first-personal perspective of the individual agent will be the focus of this chapter.²² The rest of this thesis investigates the role of the will *beyond* the limits of the individual, in order to make sense of the way we will in relation to others in our political interactions. The notion of the will, therefore, both as practical reason and as a capacity for choice, plays a decisive role in both of these domains of practical reasoning, namely, the domain of morality and of politics. This chapter offers an account of the structure of moral willing in Kant's moral philosophy.

It is important to clarify here that when I speak of 'two different capacities', or of 'two different kind of wills', this should be understood figuratively. As Lewis White Beck rightly states, "there are not two wills" in Kant; there "is only one will, with its formal universal condition which is universally valid practical reason, and with its material condition which depends upon the specific involvement of the individual in the peculiar circumstances of his world, at his time and place." The formal condition of 'practical reason' [*Wille*] is the source of lawfulness, capable of determining the human will either internally, through an imperative, or externally, through public law, in its role

²¹ G 4:12–13, MM 6:213. Cf. Allison (2012).

²² I will refer mostly to the will, in its two different conceptions, instead of to the agent throughout the chapter. However, I should note that, strictly speaking, it is always an agent who embodies a will, even if I treat them separately for the purposes of my discussion.

as a “legislative faculty”. In contrast, the material condition of the human will [*Willkür*], may be referred as the “executive faculty” of the will to determine the choices and actions, which give expression to human agency. These choices and actions are the focus of Kant’s politics. For Kant, the will is thus a single capacity, expressed through different models of legislation, since “without the former, there is not law; without the latter, there is no deed”.²³

Difficulties surrounding the notion of will as practical reason and will as a capacity for choice persisted until Kant’s formal distinction between *Wille* and *Willkür* was officially endorsed in the later *Doctrine of Right*. The distinction draws upon two of Kant’s earlier works. Will as practical reason [*Wille*] can be found in the *Groundwork*, as a concept relating to the autonomy of reason, “and freedom as lawgiving, and hence as independent from any pre-given law”. Will as choice [*Willkür*], in contrast, can be traced back to the *Critique of Practical Reason*’s “concept of freedom as spontaneity, the faculty of initiating a new causal series in time”.²⁴

In view of these clarifications, this chapter presents the basic structure underlying Kant’s model of moral legislation by focusing on two questions: *what* the will is, and *how* it legislates the law to finite and rational beings like us. I explore the question of the nature of the will by examining three of its most important features, namely (i) law-governedness, (ii) causality, and (iii) autonomy. These features frame the particular way in which the human will stands in relation to the moral law. I then turn to the second question, namely, how the will legislates, to suggest that this relation to the moral law is not one of self-legislation on the part of the agent, but rather a relation of *prescription* between pure practical reason and the human will. I am particularly interested in understanding how reason is for Kant this “lawgiving capacity”, to which a form of universal legislation is rightly attributed to. [G 4:432–34]. In other words, insofar as we are beings capable of taking up the demands of morality, we must be equipped with the necessary tools to be subjected to the universal necessity of the law of reason. This experience, as Janine Grenberg explains, is rooted in the “painfully

²³ Beck (1993) ‘Two conceptions of the will’, p. 41, 46.

²⁴ *Ibid.*, p. 117.

intimate and common experience of conflict that thrusts us into the world of *practical philosophy*".²⁵ Understanding this conflict, and the unique capacity of human beings to resolve it by means of the determination of a law prescribed by reason itself, is the central aim of this chapter.

With this aim in mind, it is important to draw attention to a tension that exists between two central ideas in Kant's ethical thinking: On the one hand, Kant attributes to human beings the capacity to act in accordance with the demands of the moral law [G 4:412]. On the other hand, Kant does not believe that our disposition to do what is morally right comes "from voluntary liking" or "gladly and of [our] own accord". Instead he regards this disposition as a form of *necessitation*, due to our finite and sensible condition. If there were a natural accord between our will and the moral law, the law would cease to be a command for us. A tension therefore arises between our capacity to be determined by the moral law, and the fact that this capacity does not ensure that morality is natural for us. In other words, we are potentially moral beings who do not always get it right [CPrR 5:82, 84].

Kant then goes on to argue how this tension is *constitutive* of what it means to be an agent. It is Kant's "deep-rooted conviction", as Robert Paul Wolff puts it, that "moral life is a continuous struggle between the call of duty and the lure of inclination".²⁶ We are the kind of beings for whom morality is an experience involving an inescapable *conflict* between these two grounds of determination, a conflict that arises from the fact that we are "beings affected by needs and sensible motives." [CPrR 5:32]

²⁵ Grenberg (2013) *Kant's Defense of Common Moral Experience: A Phenomenological Account*, p. 8

²⁶ Wolff shares our interest in the centrality of conflict in the context of Kant's practical philosophy. However, he discusses the issue within the broader context of Kant's metaphysical assumptions made in the first *Critique*. According to Wolff, the conflict between a noumenal experience such as the experience of duty, and the empirical pressure of our inclinations as appearances cannot be coherently resolved from the perspective of the critical philosophy. In order for this conflict to take place "the real, or noumenal, self would have to step into the temporal order of appearances and to battle with phenomenally determined inclinations, now defeating them, now being in turn defeated." This inner, moral conflict would have to be reduced to "a conflict of inclinations of the sort described by Hobbes and Hume." I think this is a powerful objection to the coherency of Kant's system as a whole, however it is not crucial for the argument developed in this chapter. Cf. Wolff (1986), pp. 1–3.

Kant's first task is, then, to offer an account of moral willing that explains how we can rise above this conflict by means of the constitutive features that make our will 'open' to the determination of the moral law. In the *Critique of Practical Reason*, Kant stipulates that "whatever inclination may say to the contrary, their reason, incorruptible and self-constrained" must be capable of showing that rational beings, "insofar as they have a will", have also the required capacity "to determine their causality by the representation of rules", i.e., to demonstrate that they are capable of "actions in accordance with principles." [CPrR 5:32] In short, it must be possible to overcome this kind of conflict,²⁷ otherwise the following question arises: if we do not possess the resources to rise to morality's demands, what is the point of morality after all? Hence morality, "always realised in decisions only, presupposes the possibility of conflict".²⁸

Kant's second task is aimed at reminding us of the fact that morality has a grip on us *precisely because our relationship to it is conflicted*. Morality must remain a struggle for us if we are to take seriously our finite and inclination-driven nature. As I suggest above, however, it is possible to solve this conflict at the level of our will. This highlights the tension at the heart of Kant's moral thinking: if we were angels, the idea of duty would cease to have meaning for us, but if we were *naturally* determined by the moral law, we would cease to be agents.²⁹

For Kant, the question of morality is therefore inescapable and unique to beings "insofar as they have a will". It is this uniqueness which Kant's theory of the will is intended to capture. These aspects further explain why both moral and political agency in Kant require a certain relationship between the law and the will. In the case of ethical agency, the law is experienced as a matter of necessity to a will that is not pure, and so

²⁷ However, the resolution of this conflict by means of reason's authority is never an easy experience from the perspective of the agent. Kant is aware of the tricks we play to ourselves through self-deception to evade the pressure of moral demands, or to make ourselves believe that we have silenced the voice of our self-regarding inclinations in favour of the voice of reason. On Kant and self-deception in moral experience see Papish (2018).

²⁸ Saner (1973), p. 268.

²⁹ Kant thinks that in our moral development as persons, we should strive to come closer to the idea of virtue, instead of a condition of holiness. However, he still insists that "the life of virtue involves, as an essential component, the pursuit of holiness". [CPrR 5:112] To be sure, complete fitness of the human will [*Willkür*] to holiness is impossible for finite rational beings like ourselves, however, virtue and holiness seem to be working as two paradigms of moral perfection, influencing our vocation as moral, yet finite agents. Cf. Allison (2012), p. 172.

“the relation of such a will to this law is *dependence* under the name of obligation” [CPrR 5:32]. In the case of political agency, the relationship of the law with our will [*Willkür*] is determined externally, by means subjecting to the coercive power of a Public Will, in “a dependence upon laws, that is, in a rightful condition.” [DofR 6:315]

One of the aims of this thesis is to trace the conditions of both moral and political agency, by giving centre stage to the role of the will in each of these spheres. Before venturing into Kant’s politics, some preparatory work is required. Kant’s solution to the conflicting nature of political interaction lies in his account of political willing. In order to fully understand this solution, we must first grasp the role of the will in individual moral willing. This chapter is therefore dedicated to Kant’s moral philosophy in the narrow sense of that term, i.e., his writings on individual ethics. It is in these writings that we find the basic presuppositions concerning law-governed willing, which will turn out to have a subsequent systematic role in his political works.

However, turning to Kant’s politics does not mean that the latter amounts to a mere extension or a re-statement of his moral philosophy. We must be careful to identify exactly which assumptions Kant takes from his ethics to be put to work in his understanding of politics. I believe there are two assumptions: (i) the fact that we are not morally perfect beings, but beings partly determined by our inclinations and desires³⁰, and (ii) Kant adopts in his politics a view of the will as the seat of law-governedness, analogous to the view he has of the will vis-à-vis our inner moral world. If we were morally perfect, and our will as practical reason “would choose *only* that which reason independently of inclination cognises as practically necessary” [G 4:413], no conflict would ever arise in morality, and “there would be no Kantian politics to study.”³¹

³⁰ There is a growing interest in the impure dimension of Kant’s ethics, specifically on aspects of his moral psychology, that purport to explain the empirical dimensions of our moral strivings. This approach places an emphasis on the anthropological and historical concerns motivating Kant’s approach to moral agency more broadly conceived. I find these efforts laudable, and I incorporate this dimension into my analysis to the extent that it allows us to bridge the connections between moral agency and political agency. For a few recent commentaries addressing this dimension of Kant’s thought, see Loudon (2000); Frierson (2003).

³¹ Riley (2015), p. 345.

Moreover, if our will as choice were naturally disposed to respect the choices of everybody else – in particular, their choices to acquire property – political authority would be futile. To talk meaningfully about political and moral *agency*, we must be capable of offering an account that can legitimately and rightfully explain our relationship to the law, either from an internal or external perspective.

To anticipate: Kant thinks of the will as a kind of causality [G 4:446], equipped with the unique capacity to act in accordance with universal laws [G 4:427] — laws that it both legislates and to which it remains subjected. [G 4:431] In what follows, I consider the three basic elements which together shape Kant’s overall conception of the human will: law-governedness, causality, and autonomy. All these elements will come into focus over the next three sections, and I shall refer to them as the general ‘structure of the will’. This structure is revisited and further systematised in Kant’s political philosophy in the remaining chapters. For the moment, the focus remains on the individual agent.

1. The will as a law-governed capacity

Purity

In his ethics, Kant presents us with a clear and profound proposal: if reason is the source of moral laws, then rational beings in general, and human beings in particular, must have the capacity to act in accordance with them. Reason is thereby understood as a universal capacity, capable of legislating the moral law without exceptions. Kant calls this capacity of reason a “universally legislating will” [G 4:432]. This section analyses this intricate capacity of the Kantian will [*Wille*] to adopt a universal perspective.

Attributing a universal perspective to reason yields two important ideas: first, the will as reason is a capacity with the power to generate *pure* motives, namely motives for action that are independent of our particular and hence non-universal set of reasons. Reason’s legislation would never be *universal*, if it depends on the particularities furnishing our wishes and desires. This universality of *motives*, Kant

attributes to reason's capacity to be *pure*. Second, the will's capacity for universal legislation must present itself to us in the form of an imperative (an idea which relates to the inherently conflicting relationship between the will and reason, as discussed above). Kant expresses this thought through his notion of duty, as the *pure* motive he was so far after. [G 4:400; CPrR 5:32–33; G 4:397].

For Kant, if morality is to be possible for beings like us, the will as practical reason must show itself to be a *pure* practical reason, in order to silence the “wishes of those who ridicule all morality as the mere phantom of a human imagination” [G 4:407]. Those who ridicule morality in this way believe that experience has failed to give us examples of actions which have, indeed, been determined by pure motives, namely, actions done out of duty *alone*. Kant's theory of willing is thereby based on the claim that “if man is capable of acting at all, if... in the language of the Critical Philosophy, reason can in any manner be practical, then pure reason must be capable of moving him to act.”³²

We can trace Kant's strategy to account for this particular version of a *pure* moral philosophy through his arguments against alternative ‘populist’ conceptions of morality. These ‘populist’ conceptions maintain that only empirical principles, on which the agent finds an interest, can influence the human will to do what is right. Kant suggests that the moral sceptic is confused due to a certain misunderstanding: “what is at issue here is not whether this or that happened; but that, instead, reason by itself and independently of all appearances commands what ought to happen” [G 4:407–8]. He expands this diagnosis in a short survey of the ‘populist’ principles offered as potential empirical candidates for grounding moral worth. These principles – most prominently, the principle of happiness – will always fall short of the task of explaining how reason can have, from its own sources, pure motives to determine the will. Happiness could only offer a conditional ground for action. However, Kant's argument against these types of moral theories should not be mistaken for a general hostility towards the sensuous, empirical and ordinary side of human experience. Instead, this argument should be seen within the context of his interest in finding a motive in the will that is on

³² Wolff (1986), pp. 27–28.

the one hand, universal, and on the other, able to determine *Willkür* with absolute necessity.

Reflexivity

Kant then invites us to “follow and present distinctly the practical faculty of reason” [G 4:412], as the only source from which such pure motive could be derived:

For, the pure thought of duty and in general of the moral law, mixed with no foreign addition of empirical inducements, has by way of reason alone (*which with this first becomes aware that it can of itself also be practical*) an influence on the human heart so much more powerful than all other incentives. [G 4:410, my emphasis]

Note that, at this point, Kant has not yet introduced the will as that capacity which takes the “pure thought of duty” as its law, namely, the will as choice or *Willkür*. He is here concerned with the will as pure practical reason. However, the formal definition that connects the will with *law as necessitation* is still to come. What he *has* introduced is the idea that for reason to become practical, i.e., to become *identical* with the will, it must go through a process of self-awareness: when the will has no other incentive but the *pure* motive of the moral law, it “*first becomes aware that it can of itself also be practical.*” This reflexive awareness of reason as practical is something Onora O’Neill has rightly identified as the “*reflexive but impersonal*” ability of reason to have a view of itself.³³ And what does reason become aware of by means of this reflexive and impersonal act? It becomes aware of its capacity for universal legislation.

In thus presenting reason as both active and reflexive, Kant is suggesting two different senses in which reason can be called practical: first, it is called *pure* practical reason when it determines the human will independently of any motive beyond the idea of duty alone. So reason becomes *practical*, “only upon the acceptance of its law as a motive (*Triebfeder*) by *Willkür*.”³⁴ Second, it becomes practical when it adopts this

³³ O’Neil (2012), p. 286.

³⁴ Beck (1993), p. 41.

reflexive standpoint on itself, as a universal legislating capacity. All of this serves as the prelude to Kant's second attempt at a definition of the will:

Only a rational being has the capacity to act *in accordance with the representation* of laws, that is, in accordance with principles, or has a *will*. Since *reason* is required for the derivation of actions from laws, the will is nothing other than practical reason. [4:412; emphasis in the original]

There are two distinct thoughts here. On the one hand, a will is a capacity attributable only to rational beings, namely to agents that are capable of acting in accordance with principles. On the other hand, by having this capacity, we possess the power required to derive our actions from the law itself.³⁵ In other words, we prove to be the kind of beings that can act from *pure* motives, namely, to act in accordance with principles *alone*. Kant runs these ideas together in the above quote, not due to a lack of clarity regarding their distinctiveness, but rather because he reads them as jointly delivering the notion that we can refer to a human being's will [*Willkür*] as identical with pure practical reason [*Wille*] *only* when the latter has been determined by principles, independently of any empirical influence emanating from their finite and sensuous nature. Passages such as the above demonstrate why we have to be cautious of the difficulties we inevitably confront when trying to disentangle the thorny distinction between *Wille* and *Willkür*.

The capacity to act in accordance with the representation of law

It is important to note that this capacity to act in accordance with laws comes with a crucial qualification: rational beings have the capacity to act in accordance with the *representation* of laws. What is this form of representation meant to clarify here? In this section I will argue that, by approaching morality in this way, Kant is carving out a space for a distinctive model of willing – moral willing – which contrasts with the various other activities of the will, such as desiring, wanting, and wishing [MM 6:213]. When the agent recognises the moral law as its proper and only object, it does so by

³⁵ As Kant puts it in the General Introduction to the *Metaphysics of Morals*, the ability of pure reason to become practical is dependent on its being, also, “the faculty of principles (here practical principles, hence a law-giving faculty)” [MM 6:214].

way of *representing* it to itself *as a law*. I claim that the experience of morality places the agent in a particular standing to her will in respect to law. Kant captures this through the idea of the representation of law. This *normative* standing must be one which is radically different from other types of relation where both the will and law are present, but in a merely hypothetical way. Moreover, the normative standing between the human will and the moral law is found in the agent's capacity to reflect on her own determination, and to become aware that this determination is *her own*. I have referred to this capacity of reason for self-awareness in the discussion above.

Let me contrast this peculiar relation of representation between the will and the moral law with the idea of habits. What is distinctive about habits is the fact that we go about them without really reflecting on what we are doing, but more importantly, *why* we are doing it. We seem to be following a rule, and to determine our will accordingly. In such cases, Kant speaks of an action that merely accords with the relevant rule, as opposed to the reflective awareness that is reserved to our *representing* the law as one's own. Lewis White Beck reinforces this contrast by referring to the difference between agents and actors: agents *obey* the law, whereas an actor is seen as merely "illustrating these laws". To put it bluntly, morality can never be a matter of *habit*, since it requires a reflexive and normative standing of our will in respect to the reasons that determine it to action. In contrast, "I no more need to know the laws of habit formation in order to act in accordance with them than the planets need to know Kepler's laws". This is an important point: our awareness of the law by representing it as *one's own*, is one of the condition that makes this a case of *moral* willing, in contrast to other activities of the will such as wishing, desiring, or just 'going along' out of habit. So, what we as agents possess, and what the planets and the actor lack, is the capacity to *reflexively* act in accordance with the *representation* of laws, of which we are aware as our own. This, Beck thinks, is "the simple thought Kant had in mind" when he understood that "only a being who claims knowledge of the connections of acts with one another and with consequences and sees them all in the context of a patten of life can be said to have a will".³⁶

³⁶ Beck (1960) *A Commentary on Kant's Critique of Practical Reason*, pp. 34, 36.

But what kind of laws are these *represented* laws meant to be? More to the point, is it the will's capacity to *represent* these laws, and not merely to 'have' them, or enact them as actors do, that sets us apart from the causal determinism of the world of appearances?³⁷ Remember that, for Kant, "everything in nature works in accordance with laws" [G 4:412]. I am keen to insist upon this idea, as it will turn out to have an important philosophical role to play in Kant's political philosophy too. The idea is that *all* human action is determined by law, at least of some kind.

So far, I have discussed a particular kind of law, namely, the moral law. However, if we accept that the totality of events in nature, and more specifically the experience of human agency, is open to being law-governed, we can readily see an important entailment of this claim in the sphere of politics. As I will come to argue in Chapter 4, it is at least conceptually possible that political agency may also be *externally* law-governed, in contrast to the model of inner necessitation of the moral law.³⁸

Given that 'everything in nature works in accordance with laws', it will be necessary to explain how the human will, though law-governed by reason, is free from the causal determination of the laws of nature. Kant addresses this problem by drawing a distinction between the 'doctrine of nature' and the 'doctrine of morality', where the former is governed by 'laws of nature', and the latter is determined by 'laws of freedom'.³⁹ These laws have different modes of operation: the laws of nature are "laws in accordance with which everything happens", in contrast to the laws of freedom, which are "laws in accordance with which everything ought to happen," and which are understood in a way which "still tak[es] into account the conditions under which it very often does not happen" [G 4:387–8].

To be sure, Kant is here supplying the basic guideline of his metaphysics of the will, and I can only speak of this in passing. My strategy in this chapter has rather been

³⁷ I expand on this issue of natural determinism from the perspective of Kant's political teleology in Chapter 2, sec. IV, 'A Will of Nature: between determinism and freedom'.

³⁸ I explore this form of lawful determination in politics in Chapter 4, sec. II 'What is a Public Will?'.

³⁹ For a compelling interpretation on Kant's notion of a 'law of nature' see Watkins (2014).

to highlight certain *aspects* of Kant's theory of the will in his moral philosophy, as a groundwork against which my interpretation of Kant's account of political willing will be further developed. In this way, this section has aimed to deliver three specific claims: first, that the relationship between reason [*Wille*] and the human will [*Willkür*] is a type of relationship with the law. Second, this form of 'standing up' to the law requires for Kant an act of reflexivity and self-awareness, for it to have the normative standing proper of a relationship of necessity involving an obligation. Third, this relationship of the will to law involves a particular kind of representation. The moral law, as an object of representation, cannot be an object in the world of appearances. For this reason, it must be accounted for as a different kind of representation, related not to empirical objects but to the *form* of the law itself. When the will acts in accordance with the representation of laws, it does so by acting from the sheer *form* of law, "since the mere form of a law can be represented only by reason and is therefore not an object of the senses and consequently does not belong among appearances". [CPrR 5:28]

The conjunction of these three claims is essential to my argument because it reveals, in the most general way, Kant's understanding of the will as a capacity that is both the seat of lawfulness, and the locus of legislation of the form of law. I argue that these two aspects of what it means to will *morally*, namely of reason as the source of lawfulness, and its legislative office, are taken up by Kant, who translates them as features of the *political morality* of Public Will. In the vocabulary of the *Critique of Practical Reason*, Kant calls this the "universal lawgiving form" of the will. [CPrR 5:29]

There is, however, a missing element in Kant's account of the will to which we now turn, namely the capacity of the will to be *causally efficacious*. By attributing causality to the will, Kant is consistently acknowledging the fact that it is not enough to be capable of *representing* the moral law to ourselves; we must also be capable of *acting* in accordance with such a law. Causality is the property of the will which allows us to take this crucial step.

2. The will as a kind of causality

Two kinds of causality

That “the will both creates and executes obligations is the most dramatic thesis in Kant’s philosophy”.⁴⁰ Certainly, agents *perform* these obligations, but it is the will that “creates” them in the specific sense of universal lawgiving discussed above. This capacity to execute an action as a result of the will’s own determination is what Kant calls the ‘causality of the will’. This efficacy of the will is “a power to determine the causation of an act by the representation of rules” [G 4:446; CPrR 5:32]. I suggest we read Kant as operating with two related understandings of causality: on the one hand (i) causality as law-governedness, and on the other hand, (ii) causality as efficacy. I shall explain each in turn.

Kant first approaches the will “as a kind of causality” in analogy with the law-like regularity of the order of nature. This is surprising, partly because he has tried to *exclude* the will from the regularity of the laws of nature, to account for its freedom.⁴¹ As Grenberg rightly notes, when an agent is going through the experience of *moral* determination she must set aside “her arguments, her deductions and her worries about causal determinism, and turn instead to [a] phenomenological reflection on this existential conflict at the basis of her existence as a human agent”.⁴²

However, the analogy to the law-like order of nature *is* relevant: it allows Kant to show that even if the human will can be freed from alien determinations, and have its own ‘internal order’, so to speak, this does not mean that it is free from the requirements of a law-governed constitution. The idea Kant is trying to establish is that it is in the nature of *willing* to be governed by a kind of law, just like any other phenomena in the natural world. I suggest that a fruitful way to understand this intimate relationship between the will and law is by means of this first sense of causality, namely, as law-

⁴⁰ Beck (1993), p. 43.

⁴¹ For the connection between the problem of determinism and that of transcendental freedom in Kant see Pereboom (2006).

⁴² Grenberg (2013), p. 8.

governedness. Kant explores this idea by attributing to the will the capacity to will laws with the same necessity and generality as the laws of nature, “as if a natural order must at the same time arise from our will” [CPrR 5:44]. It is from this order of reason, arising from our own will that I see the emergence of the notion of causality as involving a law-like regularity akin to the causality governing natural phenomena.

Secondly, Kant addresses the causality of the will in terms of efficacy, or the power to bring about a new state of affairs through action. This should not be confused with physically acting out a volition or a plan, e.g., our resoluteness to run a marathon, or to go on holiday. What we causally bring about, according to Kant, is a law resembling the regularity and necessity of the laws governing the natural order. In other words, it is the *internal* efficacy of the will to bring about a law that is its own, something which Kant expresses when he says causality is a “property of the will”. De Vleeschauwer usefully distinguishes between ‘acting’ and ‘willing’ in the strict Kantian sense: “to perform an act is a physical operation: only the willing of an act can be the effect of this kind of [practical] causality”.⁴³

Kant is careful to bring these two senses together into a coherent picture. The will, by analogy with the natural world, has an “order” of its own, governed by an internal form of causality to bring about its own laws. These laws are the efficacious result of this causal property. This talk of causality, however, can easily mislead us into thinking that the inner causality of the will is equivalent to literally *acting* in the empirical world, in accordance with what the moral law says. I emphasise this point since we should be cautious to attribute to Kant a kind of voluntarism according to which, in knowing what we ought to do, we are bound to act in accordance with it.

What I wish to focus on here is how this property of the will of inner causality is vital to the coherence of Kant’s picture of a law-governed will. The property is useful because of its systematic relation to the idea of law. Causality is, by definition, a law-governed activity (if not, we would not speak of causality but instead of hazardous sequences of events). As Kant emphasises in the *Groundwork*:

⁴³ De Vleeschauwer (1962) *The Development of Kantian Thought. The History of a Doctrine*, p. 121.

Since the concept of causality carries with it that of *law* according to which, by something that we call a cause, something else, namely the consequence, must be posited: freedom, though it is not a property of the will according to natural laws, **is not lawless because of that at all, but must rather be a causality according to immutable laws, but of a special kind**; for otherwise a free will would be an absurdity. [G 4:446, italics in the original, my emphasis in bold]

Two important ideas are conveyed in this passage. On the one hand, it reinforces our previous point about Kant's appeal to the immutable and general character of the laws of nature, as appropriately analogous to the way we should think of the laws of freedom that apply to the will. On the other hand, it illustrates how this new kind of causality is required if we are to make sense of the idea of a law-governed will. Kant phrases the issue in terms of an assimilation between a "free will" and a will subject to law. I prefer to utilise the latter expression, i.e., a will subject to law, in order to bracket the issue of whether, for Kant, our will is only free when it is moral.⁴⁴

Normative standing of the will to law

To recap: Given his definition of the will as a law-governed capacity, Kant must further attribute to it the property of causality, thereby endowing the will with practical efficacy. In doing so, Kant is drawing a strict relation between his claim regarding the representation of laws and his claim regarding the causal power of the will. As we have seen in the previous section, will as reason [*Wille*] does not find its laws ready-made in the order of nature: reason *represents* them in a particular way. Through this act of practical awareness, i.e., of reason's first awareness of itself as practically efficacious,

⁴⁴ This objection was forcefully raised by Kant's immediate reader and critic, Carl Leonhard Reinhold, in his 1792 *Letters on Kant's Philosophy*, and rehabilitated by Henry Sidgwick in 1888. Kant seems to make the mistake of having only moral considerations as the basis of the assertion of freedom. According to a more charitable reading – for example Ameriks' – Reinhold, instead of criticising Kant, helped to correct some of his earlier formulations, and to explain why we attribute to him the "unfortunate impression that the actuality of freedom is to be found only in obedience to the moral law." What Reinhold highlights is that the view of human freedom which is proper to Kant's critical project "must instead involve the ability to reject or accept one's given desires." It is interesting to view this in the context of our present interest, namely, Kant's notion of *Willkür*. As Timmermann explains, Kant endorses a solution to the problem in his later *Metaphysics of Morals* similar to the solution Reinhold had anticipated in his critical commentary. According to Timmermann, Kant there explains "that freedom of *Willkür* cannot be defined as the choice for or against the moral law, but rather as the *capacity* to act as one ought to act". In this sense, it is not a matter of being free *only* when we choose the moral law, but to act in accordance with our capacity to do the right thing. Cf. Ameriks (2000), pp. 156–157; Timmermann (2007), pp. 164–165.

and hence as causal, the will settles a particular kind of relation to the law it represents. I have defined this relationship as the *normative standing* of the will as a universally legislating will. I refer to the standing as ‘normative’ because this is not an indifferent, contingent, or arbitrary relation to law. Rather, it accounts for Kant’s effort to make room for a distinct kind of relation in the realm of appearances, one that ‘stands out’, so to speak, from the causal relations that govern natural phenomena. As Johnson puts it:

One could, for instance, imagine a creature who could represent the world as operating according to laws, in fact could represent itself as connected through laws to the operations of that world, and yet not have these representations lead to any action, to any willings, at all. Its representations of the lawfully related elements of the world might be causally isolated from that world.⁴⁵

I believe this to be the sort of picture which Kant finds alien to the experience of moral determination. There are many ways in which we represent courses of action to ourselves, but which plainly lack the causal connection that Kant thinks exists between the will and its laws. For example, imagine the will representing an instrumental principle to itself, such as ‘you must will the means if you will the ends’. On a rainy day, this principle stipulates that if you wish to stay dry whilst going for a walk, you must take an umbrella with you. The will in this case represents the principle in view, but bears a contingent relation to it: once we dismiss the end of having a walk, we also fall indifferent to the representation of the maxim according to which we should have taken an umbrella. This is what Kant calls heteronomous willing, which makes a conditional demand on the agent, and is in contrast with the unconditional demand that the moral law makes upon our will. [G 4:441]

It is worth noticing that in the above example, the will’s relation to this instrumental principle is still law-governed, in the sense that *anyone* who shares the end of going out for a walk and staying dry had better take an umbrella if it is raining. However, in the case of non-instrumental principles such as the moral law, the relation is of a distinct kind. In line with my interpretation of Kant’s structure of willing, when the will represents the moral law, a lawful and causal relation arises. The representation

⁴⁵ Johnson (2010), p. 93.

of the moral law through the agent's will discloses *in that same willing* that the law must have the form of universality appropriate to a universally legislating will. This universality requires that anyone in my situation *ought to* will in the same way. To put it somewhat differently: for Kant, it is through the inner world of our practical representations that we discover the universally legislating dimension of the will as reason. And it is through this discovery that we become normatively related to the law. We cannot remain indifferent to the demands of morality, even if we try to silence its voice.⁴⁶

In this section, I have argued for the claim that when the agent wills morally, the will stands in a normative relation to its own representations. For Kant, this relation is causal. The fact that the will has the property of causality implies that when it represents an 'ought', it knows that this implies 'can'. This intimate connection between law, causality, and representation is similar to Johnson's suggestion that "given the fact that thoughts about 'what we ought to do' are at bottom thoughts about 'what we ought to cause', we have to make use of the concept of causation".⁴⁷ Having addressed the first of my two interpretative questions, namely, *what* are the relevant features of Kant's account of the will in his moral philosophy, I now turn to the question of *how* this will legislates the law. This will involve a discussion regarding the notion of autonomy.

3. The will and the autonomy of reason

I have so far presented the first two elements furnishing Kant's account of the will – law-governedness and causality. We are now in a position to explore how the will actually *legislates* the law. This brings us to the much-disputed intricacies of Kant's definition of the will as autonomous, that is, "the property of the will of being a law to itself." [G 4:447] As we have seen, Kant speaks of the will as a capacity for legislating *its own laws* through reason's pure constitution, and this capacity for legislation grounds

⁴⁶ According to Kant, the "internal judge" that is the moral law, follows human beings "like his shadow when he plans to escape. He can indeed stun himself or put himself to sleep by pleasures and distractions, but he cannot help coming to himself or waking up from time to time; and when he does, he hears at once its fearful voice. He can at most, in extreme depravity, bring himself to *heed* it no longer, but he still cannot help *hearing* it" [DofV 6:438].

⁴⁷ Johnson (2010), p. 96.

a strict relation between universal legislation and autonomy. As Timmermann points out: “the explicit introduction of the subject of legislation brings to light the characteristic feature of Kantian autonomy: that by virtue of making universal law every rational agent subjects him or herself to it”.⁴⁸

Reason as a vigilant government

Kant is interested in casting light on the phenomenology of our inner world as a means to anchor this property of autonomy of the will in terms of reason’s *unique* form of legislation. He describes our experience as a plateau of interests and inclinations competing against reason’s self-government. As he puts it in the *Collins* lectures of 1784–5: “There is in man a certain rabble element which must be kept under control, and which a vigilant government must keep under regulation”.⁴⁹ He expresses the same thought in terms of the voice of conscience, which, in reference to the will, is “so distinct, so irrepressible, and so audible even to the most common human beings”. The reason these two remarks are interesting is the way they allow us to witness Kant comparing this “vigilant government” of reason to an “internal judge”, capable of keeping the individual “observed, threatened, and, in general, kept in awe”. This is even more evident for the political resonances that these expressions about “government” and “judge” seem to convey. The question for us is whether we are right in interpreting Kant as attributing to reason [*Wille*], the capacity to be a *type* of government over and above the human will [*Willkür*]. [CPrR 5:35; DofV 6:438].⁵⁰

⁴⁸ Timmermann (2007), p. 103

⁴⁹ Kant quoted in Guyer (2013), p. 76.

⁵⁰ In the Preface to the *Doctrine of Virtue*, Kant tries to articulate what goes on, from the perspective of the agent, when this kind of moral determination of *Wille* upon *Willkür* takes place. He appeals again to political notions, when he criticises those “who are accustomed merely to explanations by natural sciences [and whom] will not get into their heads the categorical imperative from which these laws proceed dictatorially, even though they feel themselves compelled irresistibly by it”. Moreover, this experience of ‘dictatorially’ determined laws finds further resistance from speculative reason. This capacity, “unable to explain what lies entirely beyond that sphere (freedom of choice)... band[s] together in a general call to arms, as it were, to defend the omnipotence of theoretical reason. And so now, and perhaps for a while longer, they assail the moral concept of freedom and, wherever possible, make it suspect; but in the end they must give way” [MM 6:378]. It is Kant’s expectation that, in this “call to arms” between speculative and practical reason, the latter will win out, even if it imposes its laws on the human will “dictatorially”.

What I want to take from these remarks is the way they allude to a potential coercive, constraining, vigilant, yet ordering role of reason [*Wille*]. I argue that a fruitful way of approaching Kant's complex notion of autonomy is to think of reason as a *distinctive kind of government*, one which is not externally imposed upon us, but rather one whose legislative office is seated in reason's own capacity for universal legislation in the name of all.⁵¹ In lines with our analogy, in the case of *moral* legislation, this form of subjection to the 'government' of reason is conscious and voluntary, through the act of reflective awareness discussed in Section 1.

To be sure, my motivation for exploring the idea of reason as involving a "vigilant government", as Kant refers to it in the *Collins* lectures, speaks directly to my interest in Kant's *political* appropriation of the basic notions of his moral philosophy, and my intention to track the development of his political account of the will. In the specific context of Kant's notion of *moral* autonomy, I understand this notion as the defining activity of the will as reason, akin to the activity of *self-government*. From this perspective, the self-government of reason is the capacity of reason to *prescribe* laws to itself.

There are a couple of problems related to autonomy as an activity of reason that should be kept distinct. First, there seems to be diversity in scholarly interpretations of autonomy due, at least partly, to a confusion surrounding the autonomy of *reason* versus the autonomous *agent*, who has determined his will [*Willkür*] *in accordance with reason*.⁵² Given that autonomy in Kant seems to signal the idea of self-legislation, this has led some commentators to think that he who legislates the law to himself is the *agent*, instead of reason to itself. Second, this difficulty is, I accept, sometimes unavoidable. The way Kant distinguishes between pure practical reason and the human will, and the way he expresses the apparent relationship between these two capacities, can cause us to assume, rather unfortunately, that there is one thing called 'reason'

⁵¹ I am deliberately phrasing this interpretation with a vocabulary that resonates the way Kant thinks of the general will. On the relation between the idea of the general will and reason as *Wille* see Chapter 4, sec. IV 'How does Public will *will*: A model of subjection'. See also the distinction between the 'executive' and 'legislative' faculty of the will discussed in the Introduction of this chapter.

⁵² For some of the problems relating to the notion of 'self-legislation' in Kant's moral philosophy, see Kain (2004).

which is over and above the human will, prescribing law to the latter from an independent office. For Kant, human beings have only *one* will, which determines itself in different ways. Autonomy is for Kant a particular *mode of determination*. This mode is only possible when the agent determines his will independently of any inclination, and solely in accordance with reason's *pure* motive of duty. In other words, the agent is autonomous when it is *reason prescribing the law autonomously* to the will.

However, not all commentators understand Kant's notion of autonomy as an exclusive activity of reason [*Wille*].⁵³ As Onora O'Neill rightly identifies, "a common approach to Kantian autonomy harks back to the etymology of the word *autonomy*", hinging on its limited etymological sense of "some conception of *self-legislation*". What O'Neill finds problematic about this preference is that it is hard to see how we can make sense of the way Kantian autonomy, "pictured merely as *legislation by individual selves*", can in turn converge with "anything that should count as morality". This, O'Neill concludes, "remains a mystery", yet "this reading remains popular".⁵⁴

Autonomy as the legislation of a 'self'

Most prominent among commentators who focus on the agent is Christine Korsgaard. Korsgaard advances an interpretation according to which the Kantian notion of autonomy must be found in the constituting act of a *self*. This approach rests on a substantive view of the self and agency, one which favours a model of the will as *self-legislation*. This model accounts for the authority of moral requirements in the fact that we legislate the law, in what Korsgaard calls a constituting act of the agent. In *Self-Constitution*, she expresses her account as follows:

When you deliberate, when you determine your own causality, it is as if there is something over and above all your incentives, something which is *you*, and which chooses which incentive to act on. So when you determine your own causality, you

⁵³ I share this reading with Onora O'Neill (1990, 2015) I expand on this later in this section.

⁵⁴ O'Neill (1990) *Constructions of Reason*, p. 59.

must operate as a whole, as something over and above your parts. And in order to do this, Kant thinks, you must will your maxims as universal laws.⁵⁵

According to Korsgaard, it is a robust and unified “self” which takes up the role that I think Kant reserved for the “vigilant government” of reason. This “vigilant” role is now enacted by “something which is you”, through an act of rational deliberation.⁵⁶ This “you” takes up the central task of legislating the law, based on this prior act of self-constitution. Tom O’Shea, for example, further points out that what is revealed by this “ever-present capacity for reflection—to ask whether there is a reason to do as we are inclined” is that there is an underlying “self [that] is divided.”⁵⁷ Korsgaard’s project is then to reunite this divided self by means of an appeal to Kant’s notion of autonomy as the paradigmatic act of constituting our identity. More importantly, she defines this self-constituting act in two ways: on the one hand, it is defined as an act of self-legislation, and on the other hand, she makes this act a demand of “agency itself”, and not just of moral agency in particular.

Following this series of commitments, Korsgaard further attributes to the ‘I will’ of the agent a role which is similar to that of the ‘I think’ in Kant’s theoretical philosophy. The ‘I think’ must be able to accompany all our representations if it is to make sense of the unity of experience. Similarly, here the ‘I will’ unifies agency, allowing you to “operate as a *whole*”:

To put the point in familiar Kantian terms, we can only attach the ‘I will’ to our choices if we will our maxims as universal laws. The categorical imperative is a constitutive principle of acting, according to Kant, because conformity to it is constitutive of an exercise of the *will*, of the determination of a person *by himself* as opposed to his determination by something within him.⁵⁸

I understand these remarks as follows: there is a ‘real you’, i.e., the unified, deliberating, self-constituted agent. When the agent wills morally, namely in accordance

⁵⁵ Korsgaard (2009) *Self-Constitution: Agency, Identity, and Integrity*, p. 72.

⁵⁶ I criticise this quest for a unified conception of agency, and the political implications Korsgaard draws from this ‘constitutional model’ of action in the context of Plato and Kant’s vision of the state in Chapter 5, sec. III, ‘The dialectic of conflict and politics in Kant’.

⁵⁷ O’Shea (2013).

⁵⁸ Korsgaard (2009), p. 76.

with the Categorical Imperative, the element that determines that this is actually a case of *willing* is, according to Korsgaard, the fact that it is a form of determination done *by you*, “of a person by *himself*”. This radical emphasis on the agent, in contrast to the role of reason, seems to me mistaken as an account of Kant’s theory. Kant predicates autonomy as a property of reason, to be a source of moral legislation that is independent of external motives and influences. As such, Kantian autonomy does not seem to correspond to the act of “volitional unity” that Korsgaard attributes to the “*whole person*”.⁵⁹

That autonomy is a relation of reason with *itself*, and not the capacity of a unified self to legislate her own laws is confirmed by Kant’s passages on the issue. To be sure, the text itself is unfortunately not free from ambiguities on this count. As both Timmermann and Mary Gregor have noticed, Kant states in the *Groundwork* that “the will is not just subject to the law, but subject in such a way that it must also be viewed *as self-legislating*, and just on account of this as subject to the law... in the first place” [G 4:431]. In Gregor’s edition of the *Groundwork*, ‘*selbstgesetzgebend*’ is translated as “giving the law to itself”, whereas Timmermann’s salutary emendation rightly notes that neither a legislation *by* the self, nor a legislation *to* the self is able to capture the subtlety of Kant’s thought, according to which the will [*Wille*] must be viewed as *itself* legislating, in its sublime capacity to be a universal legislator not of this or that particular self, but for all.

Pauline Kleingeld is another commentator who has carried out rigorous interpretative work to clarify this issue. According to Kleingeld, the Kantian will does not stand in a kind of “*self-addressing act... of enacting legislation*”. Rather, Kant has

⁵⁹ Korsgaard (1999), p. 3. In the context of a discussion against Parfit on the possibility of personal identity, Korsgaard describes this kind of volitional unity in analogy to the way the parts of our brain work and collaborate harmoniously to the extent that there is a someone, a “whole person”, in the back. She invites us to imagine the following scenario: “So imagine that the right and left halves of your brain disagree about what to do. Suppose that they do not try to resolve their differences, but each merely sends motor orders, by way of the nervous system, to your limbs. Since the orders are contradictory, the two halves of your body try to do different things. Unless they can come to an agreement, both hemispheres of your brain are ineffectual. Like parties in Rawls’s original position, they must come to a unanimous decision somehow. You are a unified person at any given time because you must act, and you have only one body with which to act”. I insist in Chapter 5 that we are warranted to assume political implications from this Korsgaardian picture of action. Her reference to Rawls in this passage, and to the original position, seem to confirm this suggestion. Korsgaard (1989).

in mind a will which “gives laws to the entire imagined community (of which one is a member)”. Under this reading, the principle of autonomy “requires that I conceive of myself, counterfactually, as giving universal law through my maxims—as legislating *to all* (including myself)”.⁶⁰

Autonomy as reason’s prescription of law

It should be evident from these clarifications just how crucial it is to understand the sense in which Kant speaks of self-legislation in relation to the will as reason. If we accept our preferred reading of autonomy as reason’s capacity to legislate law to itself, a new interpretative dimension arises. Consider the *way* reason legislates such a law. Two possible options emerge: on the one hand, we can think of reason as ‘making’ the law, in line with a voluntaristic tradition. On the other hand, we can think of reason as ‘prescribing’ law in its role as a capacity for principles and rules.⁶¹

This reading of reason *prescribing* law has been most prominently defended by O’Neill and Karl Ameriks. I engage more thoroughly with Ameriks’s version in the rest of the chapter, given his explicit polemic with the Korsgaard–type view I sketched above. O’Neill’s interpretation is useful, however, to the extent that it expands upon my previous analysis of the difficulties surrounding Kantian autonomy, when we confuse the role of the agent with the role reserved for reason in the account. As O’Neill explains, Kant “predicates autonomy not of *agents* or *acts*, but of the *will* and *determinations of the will*, of *principles*, of *reason*”. In grounding autonomy in reason rather than in the agent, it is difficult to see how Kantian autonomy can be an example of contemporary accounts of autonomy “which focus on agents and their procedures for choosing” instead.⁶²

This Kantian emphasis on reason is rehabilitated by Ameriks via his analysis of what it is to be a law, and more specifically, what it is to be a law of reason. Ameriks is

⁶⁰ Kleingeld (2018), pp. 7, 6.

⁶¹ For a discussion of the differences between ‘voluntarism’ and ‘intellectualism’ about law see Schneewind (1998), Chapter 1.

⁶² O’Neill (1990), p. 110.

adamant in warning us that the sense of ‘prescription’ underlying Kant’s conception of law should not be confused with that of “a literal process of making”, less so with a making on the part of the agent.⁶³ Such an understanding of law as a literal making or God-like *ex-nihilo* act of creation tends to place the authority of law in the human mind. But Kant is aware that the necessity and universality proper to law could not emanate from the ‘finite and receptive’ human mind. This “nonstarter” approach to Kantian law-making, as Ameriks calls it, seems to me to underlie the Korsgaard–type interpretations of the law as an act of ‘self’ making.⁶⁴ This radical form of constructivism⁶⁵ misses an important point: it does not correspond to Kant’s distinctive understanding of reason as the only capacity capable of “making” laws with the required universality and necessity. I will unpack this claim in two parts, first by explicating what it means, and second by presenting the polemical aspect of Ameriks’s defence of it.

With regard to the first point, the kind of *act* reason does when it prescribes the law reflects one of two forms of reasoned determination: when reason prescribes the moral law to the rational and finite human will, it does so with a “demanding status” contrary to its non-demanding use when it prescribes mere rules of skills or counsels. What ultimately matters for Kant is reason’s “specific kind of action” when it prescribes law with the required demandingness.

The paradigmatic case of this kind of prescription is, for Kant, that of moral determination. As Ameriks understands Kant, when reason legislates *morally*, it legislates laws “that are expressed as having some kind of strictly necessary and therefore demanding, rather than optional character”.⁶⁶ I think this coheres with my previous discussion about the normative standing of the will to law. I argued that we can never be wholly indifferent to the demands of morality. Of course, it is ‘optional’ to us to act or not to act in accordance with what the moral law demands; however, what is moral, i.e., right, is never, optional. Moreover, this distinctive act of reason should not

⁶³ Ameriks (2017) ‘On Universality, Necessity and Law’, p. 42.

⁶⁴ *Ibid.*, p. 41.

⁶⁵ My aim here is not to adjudicate whether Kant should be rightly understood as a constructivist about moral laws, but rather to understand the specific way in which reason legislates the law to itself. On some compelling criticisms of Korsgaard’s version of constructivism see O’Shea (2013).

⁶⁶ Ameriks (2017), p. 42.

be confused with “mere spontaneity of action as such”. Ameriks does not say much more on this point. However, I believe that his rejection of reason’s capacity for “spontaneity”, as *the* act that explains lawgiving, is another way of reinforcing the idea that reason “prescribes” the law instead of “making” the law out of an act of pure spontaneity.

In short, for Ameriks, this *act of prescription* on the part of reason must not be mistakenly attributed to the spontaneous activity of a self or agent. As he goes on to argue, “to say that reason prescribes morality *as a law*” means that it cannot prescribe it “out of some contingent matter concretely within a person, such as the mere desire of an individual human agent to preserve an identity”.⁶⁷ I cannot help but suspect that Korsgaard’s account of self-constitution and identity is what is lurking in the back of these particular remarks, and further comments Ameriks makes seem to confirm this, as we are about to see.

Let me now turn to my second point, regarding the polemical aspect of Ameriks’s reading. In discussing this “desire of the human agent to preserve an identity”, Ameriks makes an explicit reference to a tendency, “especially in the Anglophone tradition”, to misunderstand Kant’s principle of autonomy as presented in the *Groundwork* and elsewhere. This misunderstanding seemingly consists in the temptation to suppose that for Kant, autonomy is “literally some kind of *extra force attaching to ordinary beings as such* (either individually or as species), that is, as human and finite rule-givers”.⁶⁸ As I understand it, this “extra force” attached to human beings is equated to a power to *make* the law for oneself. Moreover, this tendency is bound to involve the controversial assumption that *if* we make the law, then we must be the ones who *legislate it*. Here we can see the deep philosophical implications of, on the one hand, giving priority to the agential perspective instead of reason’s own, and on the other hand, favouring an original act of ‘making’ over the sense of ‘prescription’ I have here defended.

⁶⁷ Ameriks (2017), p. 44.

⁶⁸ *Ibid.*, pp. 43–44, my emphasis.

This particular tendency identified by Ameriks finds its clearest expression in Korsgaard's predicament, according to which, given that we are reflexive beings, we are "condemned to choice and action", and as such, to constitute our agency in light of this "extra force" for autonomy that Ameriks is describing. To be a *moral* agent is, strictly speaking, to be able to impose on oneself a principle not "from outside, for it has no reason to accept such a principle, but one that is its own".⁶⁹

But who or what is this "own" that both *makes* and *legislates* the law? In line with what I have argued thus far, it is not the agent nor the human will, but the will as reason. Part of the difficulty of accepting this claim can be explained by the tendency of "Anglophone philosophers" (of which Korsgaard is a clear representative), to understand practical reason as something different (possibly a reasoning capacity in practical matters) from the specifically technical meaning the term *Wille* bears for Kant. As Ameriks concludes, *Wille* is "nothing other than the faculty of being able to formulate and appreciate, and thus make it possible in principle to act on, the lawfulness of practical law as such".⁷⁰

I suggest that this way of interpreting Kant's complex account of moral willing has three benefits: first, it gives central place to the idea that reason is subject to laws of its own, thereby incorporating the element of lawfulness and the defence of the pure motivational force of reason discussed at the beginning of the chapter. Secondly, the idea of prescription of law coheres with Kant's attribution of a distinct kind of inner causality to the will as reason. Finally, it leaves behind the merely etymological use of autonomy as self-legislation, by putting in its place the idea of reason as the only faculty in Kant with the capacity for "prescribed lawfulness". I agree with Ameriks that this lawfulness is "not just something that happens to apply *to* a being" like an inheritance, but "it is to be understood as prescribed or 'self-determined' *by* reason to itself".⁷¹ As

⁶⁹ Korsgaard (2009), p. 213.

⁷⁰ Ameriks (2017), p. 44.

⁷¹ Ameriks (2017), p. 43. Note that Ameriks is here offering the literal translation of 'selbstgesetzgebend' in the crucial passage on autonomy and legislation in G 4:431. This prescribing capacity of reason resembles s's own understanding of autonomy of reason in Kant as a matter of "lawgivings of reason." These lawgivings, combining the formal requirement of lawlikeness, with the scope requirements of universality are the way, O'Neill suggests, to understand "Kant's distinctive use of the metaphor of self-legislation." O'Neill (1990), p. 119.

we will see in the rest of the thesis, this prescribed lawfulness will emanate from the rightful source of legislation that is the Public Will.

The political implications of autonomy as self-legislation

To conclude: there are systematic reasons for clarifying Kant's notion of autonomy in his moral philosophy, in order to distinguish it from the role it plays in his political philosophy, if it plays any role at all. To anticipate, Kant's *public* and external model of *political willing* will need to account for how public law is legislated. A very different picture of politics emerges if we think that in order to retain autonomous *agency*, we need to commit to a view of legislation as *collective legislation*. I will argue that in spite of a widespread defence of this view in the secondary literature, this is not the model of legislation which Kant defends in his political account of the will.

There are at least two problematic consequences which arise when we read autonomy as *self-* or *collective* legislation: first, its over-demanding view of the self as a self-constituting agent seems to be generalised and applied to a view of political agency, which is equally demanding and moralised. According to this view, the moral perfectibility of individuals is a precondition of achieving desired political ends. In other words, the realisation of a peaceful republic is dependent upon the capacity of individuals to shape and transform themselves into better moral agents. This is most clearly illustrated by those who see Kant's political philosophy as an extension of his philosophy of history.⁷² Secondly, identifying autonomy with *self-*legislation carries the delicate implication that the law is only justified when we *self-*legislate it. Politically, this implies that it is only when we legislate collectively, i.e., when we legislate directly and not through an externally constituted Public Will, that we are genuinely obligated to the law.⁷³ As we will see in the rest of this thesis, this is not Kant's view.

⁷² I discuss these readings in detail in Chapter 5, section I, 'Politics as a Kingdom of Ends'. Cf. Reath (2006), and Ypi (forthcoming).

⁷³ For example, Wolff defends Kant's notion of autonomy as a notion relating to the integrity of individual moral judgment over the arbitrary impositions of positive law. Accordingly, Kant's concept of autonomy involves a duty, of taking responsibility for our actions, by figuring out for ourselves what we ought to do. For the autonomous person "there is no such thing, strictly speaking, as a command", and because submission to public authority involves doing certain things just because the extant legal authority tells you to do them, it seems to follow that we are required, on the basis of

However, all is not lost. I suggest at least two ways in which to counter-balance the above implications: first, we can offer systematic and exegetical reasons for why the notion of autonomy is not present in Kant's later political writings. This view has been forcefully defended by Kleingeld, for whom the notion of autonomy in the *Groundwork* served as a political analogy *only* up to 1793.⁷⁴ Second, we can offer philosophical reasons why extending the notion of autonomy as *self*-legislation to political legislation fails to acknowledge Kant's account of external coercion as a fundamental achievement of his mature political thought. In his later *Doctrine of Right*, Kant understood that direct government by means of collective legislation is not the only way we can guarantee the legitimacy of a system of laws. In this work, he offers an alternative account of public will, safeguarding the legitimacy of law and the justification of political obligations through the notion of an omnilateral will. I will explore such views and others in the following chapters. I will ultimately claim that that it is the notion of the will as reason [*Wille*], and not autonomy, that is the link between Kant's moral and political philosophy.

4. Morality as conflict: finitude and plurality

In this chapter, a systematic account of moral willing in Kant's practical philosophy has been developed. The aim has been to understand the different aspects involved in the notion of the will, both as reason [*Wille*] and as choice [*Willkür*] in Kant's ethical writings. I have interpreted the human will as a capacity to stand in a particular relation to the law, i.e., the reflexive stance of agents with respect to their own representations. The source of this law turns out to be none other than reason, whose voice is "so irrepressible, and so audible even to the most common human beings". It is reason which legislates this law to itself, through an act of autonomy. This law is then prescribed to the finite human will. [CPrR 5:35; G 4:431]

Kantian autonomy, to reject all authority, on the basis that "the primary obligation of man is autonomy, the refusal to be ruled". These kinds of interpretations are bound to arrive at the following conclusion: "It would seem that anarchism is the only political doctrine consistent with the virtue of autonomy". Wolff (1970), p. 18.

⁷⁴ For the extended argument see Kleingeld (2018), pp. 61-80.

In this final section, the focus will shift from the perspective of the will to the perspective of the embodied moral agent. The question which will be addressed is this: what does morality *feel* like to beings like us? Is our inherent capacity to *will* what is right a given or a struggle? Kant writes that “in so far as [we] are beings affected by needs and sensible motives”, pure willing presents us with a conflict. [CPrR 5:32] This chapter began by arguing that if morality is to be possible at all, we must have the capacity to meet its demands. By asking what morality feels like to beings like us, I suggest we turn to Kant’s insistence that we are deeply “dependent” beings who can never “be altogether free from desires and inclinations”, yet who also have the capacity to be open to be determined by law, independently of those desires and inclinations.

Kant views this as a never-ending struggle, explicitly calling it a “moral disposition in conflict” [CPrR 5:84]. I believe this expression captures very clearly the idea that for Kant, as agents with wills, we are inevitably confronted with a conflict of sorts. In the case of individual morality, the conflict is with our own sets of grounds of determination. In the case of political morality, by contrast, the conflict arises from the fact that our will as choice becomes a morally constraining condition on the scope of other people’s agency. More will be said on how this morally constraining condition arises, and how Kant conceives of it within the context of the state of nature in Chapter 3.

My final remarks here will be limited not to political conflict, but to the question of whether there is a legitimate space in Kant’s thought to speak of *moral* conflict. In what sense is our “moral disposition in conflict” if the moral law speaks with an “irrepressible” voice? Strictly speaking, a “tension between duty and inclination is ever-present in [Kant’s] ethical writings”, Timmermann warns us, but “not conflict between divergent moral claims”. He argues for this claim by distinguishing between a psychological and a normative dimension in human beings. According to Timmermann, there can certainly be psychological conflict between duty and enticing immoral options. However, there are no normatively valid reasons to violate morality for the sake of any alternative and contingent motive. There can be no *normative* conflict in the agent as such. What this means is that duty, as the only determining ground when we

are speaking of *moral* willing, cannot stand in conflict with any other motives, since “duty renders any conflicting inclination-based consideration, whether immediate or long-term, normatively invalid”.⁷⁵

This seems correct, at least from the perspective of the will as reason. But is the experience of morality conflict-free from the perspective of the *agent*? Kant emphasises that from the agent’s perspective, this experience requires inner necessitation [G 4:413] Kant’s real insight into the nature of morality reveals that we are beings capable of constraining our wills in this way, and that we do so freely and without external coercion, even if we experience this as a conflict. It follows that if there is a conceptual space regarding moral conflict, then it must arise in the experience of an agent who is aware of morality’s demands, but who still ponders on what to do. The “*seeming* conflict” Kant thinks we are prone to get entangled in, is to mistakenly think that happiness and morality can somehow be negotiated. [CPrR 5:115, my emphasis]

However, the picture is more complicated. Kant does not fully dismiss talk of conflict in relation to moral matters, even though he accepts that strictly speaking, there is only *one* moral law, and no conflicting alternative candidates are as such available. The impression that morality is free from conflict arises easily enough if we limit ourselves to the account in the *Groundwork*. In this earlier work, the idea of moral conflict is much less present than it is in, for example, the *Critique of Practical Reason*.

There are at least two reasons for this: first, in the context of the *Groundwork*, Kant is assuming that we are already ‘on board’ with the idea of morality. As such, this conflict does not arise from deciding to act from duty or from sensible inclinations, but rather lies in asking ourselves whether morality accepts any *exceptions*. Secondly, in this work, Kant adopts the perspective of “common moral cognition”, a cognition which assumes that the demands of morality are, in some way, transparent to the agent.⁷⁶

⁷⁵ Timmermann (2013) ‘Kantian Dilemmas? Moral Conflict in Kant’s Ethical Theory’, pp. 36–37

⁷⁶ On the role of common moral cognition in Kant, see Sticker (2017).

This view of morality as conflict-free stands in contrast both to the style and approach of the second *Critique*. Here, Kant offers a technical definition of moral conflict, one repeatedly referred to as “practical” in nature.⁷⁷ This practical conflict arises in the “perplexing speculations of the schools”, and in their ambition to present “the principle of one’s own happiness” as a possible determining ground of the will, in “direct opposition” to the principle of morality. This conflict “would ruin morality altogether”, and so the efforts of this work are directed at safeguarding duty’s position as the only determining ground of *moral* willing [CPrR 5:35].

To the extent that morality is a challenge for us, and not a given, there is a sense in which it presents itself as a source of conflict to human beings. If morality were already disclosed to us via a set of predetermined rules, like a moral cookbook, the moral worth of actions would lose all its force. I believe there is a tendency in the literature to obscure this aspect of Kant’s moral philosophy, by favouring a version of the moral law that is a matter of ‘choosing’ rather than one of ‘judging’ what to do. According to my reading, it is from a first-personal perspective that we *judge*, instead of choose, what is the right thing to do, and in so doing we experience this inescapable conflict of agency.⁷⁸ As Kant says, the existence of the moral law and its power to influence the human will, “of course still requires a power of judgment sharpened by experience, partly to distinguish in what cases they are applicable...and [obtain] the momentum for performance.” [CJ 5:432]

That morality involves an appeal to judgment, thus remaining an ongoing struggle for us, is even more evident in Kant’s habitual appeal to a contrast between the

⁷⁷ Cf. CPrR 5:28, 5:32.

⁷⁸ I believe this model of ‘choosing what is right’ instead of ‘judging what the right thing to do is’ also has implications when taken as an interpretation of Kant’s political philosophy. This interpretation aligns Kant closely with Rousseau. The link with Rousseau can be seen in Kant’s claim that we will always ‘get it right’ when *willing* the common good. Willing the common good assumes that we have adopted the perspective of the general will (*volonté générale*), and not the perspective of the private will or the mere ‘will of all’ (*volonté de tous*). In contrast with this reading, we should recall Kant’s insistence that (a) the judgment of moral politicians should be honed with practice, and (b) these magistrates in office will be tasked with judging what is “right” (*Rechts*). Just as in morality, there is no ‘given’ in politics for Kant: it is a task for finite beings with judgment and will. For a contrast between Kant’s and Rousseau’s accounts on these issues see Chapter 4, sec. III ‘Moral features of Public Will: Omnilaterality and Coercion’.

human will and the holy will.⁷⁹ To the extent that our will is human and finite, our relationship with the law is always mediated by an imperative. Through the holy will, we can see more clearly just how the limitations of our will place us in a constant struggle. For a holy will, “no imperatives hold... the ‘ought’ is out of place here, because volition is of itself necessarily in accord with the law” [G 4:414]. However, the fact that we are not holy does not mean that we are incapable of doing what is right: there is no value in being angels, but in becoming agents.

In the next chapter we take a definite step into the sphere of Kant’s politics. I discuss the role of the will as reason, and the role of the human will within the context of Kant’s political teleology. From this perspective, the structure of the will is re-interpreted in light of the specific constraints and demands that arise when we move from being one single agent with a moral conscience, to living among many agents in the context of the political life. In this sense, we take a step from individuality to plurality.

⁷⁹ One could argue that the normative role played by the ‘holy will’ in the ethical writings, as a standard of moral perfection, runs parallel to the ideality of the perfect republic in the political philosophy, as a criterion against which our deficient empirical republics strive to resemble. On Kant’s specific account of the holy will see Callanan (2014).

Chapter 2

Conflict and Teleology

Introduction

From morality to politics via teleology

In Chapter 1, I developed an analysis of moral willing by examining the structure of the will in Kant's practical philosophy. I focused on three features: (i) law-governedness, (ii) causality, and (iii) autonomy. The human will [*Willkür*], was defined as the capacity to act in accordance with the *representation* of laws, with the causal power to determine itself in accordance with those laws. The laws in question emanate from the capacity of reason [*Wille*] to be *pure practical reason*. Reason is then attributed with the power to *prescribe* such laws to the human will, by means of inner necessitation. When the agent determines herself in accordance with reason [*Wille*], she calls these laws *her own*. Kant refers to this prescription of reason as "the property of the will to be autonomous." [G 4:440]

I also argued in favour of the thesis according to which Kant understands our moral life as animated by an unavoidable conflict. This conflict is experienced as a tension between the idea of duty on the one hand, and the influence of our desires and inclinations on the other. This conflict, Kant believes, manifests itself at the level of our phenomenal experience. Once we are 'in tune' with the demands of morality, the conflict dissolves, thereby allowing us to hear the *only* source that is pure in our will, namely, the moral law.

In what follows, I move from the sphere of individual morality to the sphere of politics. I begin by providing a sense of the bigger picture. My aim in the rest of this thesis is to trace the philosophical steps Kant took to develop an account of political willing. My central claim is thus twofold: first, to demonstrate that Kant shares Hobbes'

approach to politics as a sphere that is inherently conflictive, defined by the interdependency and mutually-affecting choices of individuals. Second, to explain how, for Kant, the unavoidability of conflict in political life raises a question regarding the role of the will in the *lawful ordering* of this form of interaction. I argue that Kant's political philosophy must be read as an effort to establish an account of willing which can rightfully coerce the limits of individuals' choices in order to make political agency possible. Kant develops this form of political willing through his notion of a 'Public Will'.

In order to shift from individual morality to politics, two important philosophical differences must be highlighted. First, moral legislation is defined by the adoption of a first-personal perspective on *maxims*. The individual asks *herself* the question, 'what is the morally right thing to do?', thereby restricting her judgment to the sphere of her inner moral life. By contrast, political agency is enacted in strict relation to others via the effects of our *actions*. The relational character of this form of legislation contrasts radically with the individual nature of moral willing. A second difference concerns the external as opposed to the internal character of political agency. The individual's will as a power of choice [*Willkür*], regardless of their intentions, limits the scope of other people's choices. From the perspective of individual morality, however, we judge moral worth by focusing on our intentions, and not on the external consequences of our actions. Acknowledging these systematic differences requires stepping away from the bounds of inner morality, into the expansive sphere of Kantian politics.

Before we turn to Kant's politics, though, we must consider an intermediary sphere of inquiry between Kant's moral philosophy and his political philosophy, namely, teleology. In this chapter, I explain why exactly Kant makes a detour into teleology, and how he believed it helped him answer the following: if human agency, by definition, implies that individuals affect the agency of others through their choices, is there a form of willing that could *order*, or at least, *limit*, these clashes?

I offer an answer to the above question by tracing Kant's peculiar strategy, according to which nature is viewed as an agential source endowed with a will, capable

of ordering, harnessing, and coercing the conflict arising from human beings' choices. Kant's appeal to a teleology of nature provides him with a useful explanatory device to construct two aspects of his account of political willing. The first aspect of this account arises from the assumption that politics is a conflictive sphere of antagonisms, coupled with Kant's claim that the possibility of achieving an alternative state of concord or harmony does not, and cannot, depend upon people's moral disposition to do so. Second, if human conflict is supposed to be confined to the precincts of rightful institutions – a juridical condition – then this political solution must be *willed* through a public model of legislation in order to be legitimate. I present this model of public legislation in Chapter 4. However, it is the aim of this chapter to trace the philosophical resources that a political teleology had to offer for Kant's investigation of the nature of *public* willing. I conclude that a teleology of nature offers an alternative explanation as to how this form of *willing* could be achieved, even in the absence of individual's disposition to do so “out of their own accord” [TP 8:310].

There are at least three appealing features of a teleological way of thinking about human history, which speak to Kant's account of political willing. Firstly, as a theory of ends, teleology understands human agency in history as in line with primarily political ends. As Kant states in *Idea for Universal History*, the greatest problem for the human species “is the achievement of a civil society universally administering right”, something “to which nature compels him” [IUH 8:22].

This brings me to the second favourable feature of teleology: Kant's appeal to nature allows him to *test out*, as it were, the basic elements of a form of willing which is strictly political. Endowing nature with a will of its own highlights the coercive power which a public will, i.e., a will distinct from the private and unilateral will of individuals, must have in order to establish the required political institutions. In this way, teleology provides Kant with the opportunity to theorise a will which can *both* (i) force individuals to limit their choices in ways they would otherwise resist, given their self-seeking inclinations; and (ii) *subject* these choices to the requirements of political and legal institutions.

This strategy also highlights the constraints that come with transforming nature into an agent who actively intervenes in human affairs. From Kant's perspective, therefore, the third attractive feature of teleology is negative in the sense that it demonstrates the shortcomings of transposing features – such as the power to coerce – to a non-human yet natural (in the strict sense) source.

As I will argue in the following chapters, Kantian political willing must explain these three appealing features, that are here problematised from a teleological perspective. Kant's account must be capable of justifying the coercive power of a will which can *legitimately* compel the limits of individual exercises of freedom in accordance with *public*, universal law. I suggest that Kant's political teleology may fruitfully be read as gesturing towards some of the challenges and problems involved in his notion of political willing. First, Kant's appeal to nature as an agent that *wills* this or that to happen for the benefit of the human species, gestures towards the power of Public Will to *limit*, by means of public legislation, the agency of each to guarantee the exercise of the agency of all. Second, the idea of unsocial sociability in the context of Kant's teleology, captures the way he views the juridical condition as a home for a diversity of ends, so long as they are compatible with the strict requirements of law.

I will therefore put forward an analysis of what I term 'the Harnessing Model' of conflict in Kant's political teleology. This explanatory model works by means of two interrelated mechanisms: (i) the compulsion of nature, and (ii) the counter-acting mechanism of unsocial sociability. These mechanisms should not be understood as competing alternatives vis-à-vis how a political teleology achieves its goals. Instead, I view them as complementary steps in the construction of Kant's account of political willing. I offer a critical analysis of the philosophical deficiencies of conceiving of Nature as a teleologically informed agent, followed by a defence of the benefits of understanding political agency as an open-ended sphere, similar to the way we counter-act the social and unsocial tendencies of human nature.

1. The puzzle

We frequently find expressions in Kant's teleological writings describing nature as intervening, compelling, coercing, using, and arranging states of affairs in the empirical world. This should give us reason to worry. Nature, Kant tells us, "despotically wills" that people should live everywhere on earth, in order to guarantee the development of commerce and the evolution of the species. The success of human progress is further attributed "not so much [to] what *we* do" but instead to what "*nature* will do in and with us to *force* us onto a track we would not readily take of our own accord" [PP 8:364; TP 8:310, my emphasis].

Furthermore, nature is wise in foreseeing and explaining things that our finite agency precludes us from observing. Similar to the kind of necessitation Kant attributes to the individual human will when it acts in accordance with duty, "the great artist nature" must be "regarded as necessitation by a cause the laws of whose operation are unknown to us", and whose ends affect the totality of the human race. What is interesting for our purposes is how Kant assumes (a) that this wisdom is concerned with the ordering of human conflict, and (b) the fact that such order must come from *a* will, even if not the individual human will. In *Perpetual Peace* he views the task as one of "letting concord arise by means of the discord between human beings even against their will" [PP 6:381].

But how should we understand Kant's obscure remarks about nature willing such and such? My hypothesis is that Kant's references to nature as an agent endowed with a will with the capacity to intervene in human affairs should be understood as an explanatory device. Such device allows him to give expression to the features of an embryonic account of political willing, that will be later stripped from the teleological assumptions endorsed here. Kant's 'nature wills it so' argument gives rise to the problem of finding a coercive power which can legitimately compel the limits of free agent's choices, in light of everyone's right to the same thing.

To be clear, Kant does not think that nature *actually* forces people do the things they ought to do in order to respect others' free agency, e.g., to prevent us from using one another's property, or to encourage us to develop our talents in ways which enrich society as a whole. All these things are indeed necessary steps to achieving the ultimate political ends informing our moral vocation as a species, but they have to originate in the actual agency of individuals here and now. Kant's language of nature having a 'will' and acting in the name of individuals is rather metaphorical.

I suspect, however, that this metaphorical talk has more to do with philosophical limitations he faced at this point of the development of his thinking than with mere rhetorical amusement. As mentioned in the introduction, Kant has not yet fully developed crucial concepts of his political philosophy, such as the notion of external freedom versus internal freedom, omnilateral versus unilateral will, or public versus private willing, concepts which are fundamental to the later account of politics in the *Doctrine of Right*.⁸⁰ At the time of his teleological writings, (writings which, of course, are also political essays at heart), Kant offers us an account based on nature's role that is capable of explaining *some* of the challenges we encounter in the mere fact of living side by side with others.

The way Kant thinks teleologically about nature thus presents this problem of externality and relationality in its crudest of forms. Nature here takes on agential powers to co-ordinate the conditions necessary for engendering a state of peace, civil security and sociability. If we understand these agential powers *literally*, Kant would appear to be committed to an untenable form of providentialism, very alien to his philosophical method. Instead he warns us that in order to understand nature's teleological role in appeasing human conflict, we must "make for ourselves a concept of [its] possibility by analogy with actions of human art" [PP 6:364]. If this suggestion is correct, Kant is expressing, in teleological terms, a model of will determination which can account for the demands of a distinctively *political*, as opposed to a moral, form of legislation,

⁸⁰ I explore these notions in detail in Chapter 4, sec. I, 'The limitations of universal willing', and sec. III., 'Moral features of Public Will'.

endorsed with the task of drawing the limits of our agency. Nature is, at this point in Kant's thinking, assigned with this task.

So the puzzle that concerns us for the remainder of this chapter can be articulated as follows: *assuming that human beings do not possess the required dispositions and inclinations to give up their "unconstrained freedom" for moral reasons, what or who can embody an omnilateral will capable of legitimately coercing the limits of our freedom accordingly?* Nature, I argue, is Kant's preferred notion for carrying out this delicate job. It is thus by analogy that we must understand Kant when he says "that nature *wills* irresistibly that right should eventually gain supremacy. What we here neglect to do eventually comes about of its own accord, though with great inconvenience." [PP 6:367] If I am correct, then a reading of Kant's political teleology as anticipating his desired account of political legislation may be warranted.

It is important to consider, however, exactly how defensible the use of teleology in this moral-cum-political context is. Kant is clearly ambivalent. Certainly, he says that it "may be assumed that nature does not work without a plan and purposeful end", and that the "thoroughly confused interplay of human affairs" is not all there is to it. Kant believes that "if we assume a plan of nature, we have grounds for greater hopes" and that this idea will prove to be "useful", and open up "comforting prospects of a future." [IUH 8:30–1] But is this position philosophically tenable? To engage with this question, I will first present the contours of Kant's political teleology and its relation to the broader issue of conflict. Second, I articulate the mechanisms of the 'Harnessing model' of conflict resolution in Kant's teleology to, finally, raise some objections to this approach.

2. Conflict and Kant's political teleology

Teleology as political teleology

So far, I have argued that Kant's detour into teleology is motivated by two factors: first, he is attempting to *test out* a model of willing that is both external to the inner

motivations of the individuals, and relational, i.e., not limited to the inner world of a single agent. These specific features, as we will see in the mechanisms of the ‘Harnessing model’ that is to follow, are exemplified by the notion of nature as a teleological agent on the one hand, and by the mechanism of unsocial sociability in *human* nature, on the other.

The second factor motivating Kant’s appeal to teleology relates to his enduring concern with human conflict.⁸¹ In this sense, Kant’s teleology can instead be called a *political teleology*. A political teleology is a form of explanation concerned with the teleological structure underlying the antagonisms occurring in political life. This form of explanation aims to demonstrate that even if what we see at first sight is only the “disjoint product of unregulated freedom”, even despite our unruly nature, and “even amidst the arbitrary play of human freedom”, conflict can be harnessed within the limits of legal and political institutions. [IUH 8:30, 29]⁸²

In this section, I justify the claim that Kant addresses his preoccupation with human conflict through the lenses of a political teleology. In the following two sections, I present the two mechanisms underpinning such a political teleology. Both these mechanisms – nature and unsocial sociability – fall under the heading of the ‘Harnessing model’.

Kant’s teleology and his political philosophy share a common starting point in the way they *describe* the initial condition of hostility human beings find themselves in, absent a condition of right. In his political philosophy, Kant begins with a ‘state of nature’ scenario – one which is less hostile than Hobbes’ version but which is nevertheless one of insecurity, indeterminacy, and uncertainty. I offer a much more

⁸¹ See Part I of Chapter 5, ‘The intellectual roots of conflict’, for my reconstruction of the intellectual origins of the role of conflict in the modern tradition of political thought.

⁸² I should note that the emphasis on human nature, and the unruly inclinations and passions that furnish it, is distinctive of Kant’s discussion on teleology. As I will defend in Chapter 3, this is not the case in Kant’s politics. In the context of his discussion on the state of nature, it is not human nature, but rather the condition of our *will* [*Willkür*], that is the source of political conflict, and hence, the problem to which political authority is a solution to. See Chapter 3, sec. IV, ‘The problem of the state of nature as a problem of the will’.

nanced interpretation of this condition in Chapter 3. For now, I want to show the political orientation animating Kant's teleological reflections.

In the teleology, Kant portrays a scenario where human beings stand naturally at odds to and in conflict with each other. Plenty of passages support this reading. At times, Kant refers to the effort involved in establishing a state and of "the resistance that constantly threatens to break up this society". This resistance is coupled with the difficulty we have in overcoming our "propensity to indolence", and with man's tendency to "obtain for himself a rank among his fellows". This desire to gain a superior rank among our equals epitomises a predisposition in our human nature to compare and to "*gain worth in the opinion of others*", from which arises "an unjust desire to acquire superiority for oneself" over them. This "*wild lawlessness* (in relation to other human beings)" results in a fundamental animosity between human beings. Human beings seek "to arrange the conflict of their un-peaceable dispositions", but with very little success. To be sure, were our initial condition one of "perfect concord, self-sufficiency and mutual love", a teleological explanation of why and how we move beyond this initial animosity would be unnecessary. A teleological explanation, in my view, is only needed if we assume that human interaction is not *naturally* one of concord and harmony, but one similar to the condition described by a state of nature. [IUH 8:20–21; Rel 6:27; PP 8:366]

However, the description of this initial, conflict-ridden, condition remains a source of dispute in the secondary literature. Some commentators interpret the state of nature as part of Kant's empirical anthropology,⁸³ or as the material furnishing a "well worked-out theory of human nature and its history".⁸⁴ Other, less sympathetic readers have identified Kant's observations as "unfortunate relics" of eighteenth-century debates on historical pessimism, fashionable at the time in Germany,⁸⁵ or as Kant's capitulation to Hobbesian elements in his political philosophy.⁸⁶

⁸³ See Loudon (2011) and Frierson (2013).

⁸⁴ Wood (1991).

⁸⁵ Ameriks (2009).

⁸⁶ Astorga (1999), p. 375.

In contrast to these lines of interpretation, I believe that Kant's talk of the conflict between individuals raises a deeper issue regarding the *relational* nature of this conflict. As I will argue more extensively in Chapter 3, my claim is that the frictions which result from our "folly", "childish vanity" and "rage to destruction" are rooted in the lawless condition of our will (a '*stato iniusto*'), absent public law. Human conflict for Kant is, I believe, rooted in a question about the will, and not in a question about the way we are, i.e., our human nature. This is not to deny that our animosity is also anchored in anthropological aspects of our humanity. However, conflict should be understood in Kant as *constitutive* of human relations to the extent that it arises from the unavoidable limits we place upon each other's capacity for choice [*Willkür*], and the way it requires us to subject these relations under a universal law [IUH 8:18, 26].⁸⁷

If we accept this relational reading of conflict as constitutive of our interdependent agency, we are left with two options: either to conclude that conflict, being constitutive of the way we *will*, remains unsolvable (from this perspective, "our self-seeking pretensions" render prospects for a lasting political order futile [IUH 8:21]). Or one can take the view that conflict does not preclude the possibility of a law-governed order. My claim here is that Kant pursues the second of these two possibilities as his working assumption when dealing with political agency. More specifically, my claim is that the working assumption of his political teleology is that human conflict is open to a form of resolution,⁸⁸ and that teleology can show why conflict is not intrinsically unsolvable.

A political teleology, so the argument goes, should be capable of explaining why the antagonistic character of our experience, which at first glance seems *lawless* and

⁸⁷ Kant defines this duty to state entrance as follows: "So, unless it wants to renounce any concepts of right, the first thing it has to resolve upon is the principle that it must leave the state of nature, in which each follows its own judgment, unite itself with all others (with which it cannot avoid interacting), subject itself to a public lawful external coercion, and so enter into a condition in which what is to be recognised as belonging to it is determined by law and is allotted to it by adequate power (not its own but an external power); that is, it ought above all else to enter a civil condition." [DofR 6:312, emphasis in the original]

⁸⁸ On the possibility of conflict resolution in individual moral willing see Chapter 1, section IV 'Morality as conflict: finitude and plurality.' On the openness of political conflict to rightful ordering see Chapter 4, sec. II, 'What is Public Will?', and Chapter 5, sec. III, 'The dialectic of conflict and politics in Kant'.

arbitrary, does not preclude the possibility of attributing law-governedness to our agency. But the task is not that simple: in his moral philosophy, Kant begins with the assumption that we are predisposed by neither instinct nor inclination to do what we ought to do, even if we have the capacity to do so. Similarly, in the political sphere, our inclinations oppose us “to one another in the antagonism of [our] freedom”, a freedom which allows us to act in accordance with principles of reason, but also allows us to act contrary to them [TP 8:306]. Thus, even if we can forecast a possible development towards lawfulness, there is no ultimate guarantee that we will, as a species, act accordingly. Hence, a teleological approach to conflict is attractive from a Kantian perspective, to the extent that it makes available a purposefully directed ordering plan, on the assumption that nature as an agent with foresight and wisdom can shape and remodel this unavoidable animosity.

On the basis of these assumptions, we are able to articulate Kant’s challenge: a successful political teleology must (i) be able to identify some kind of agent – human beings, Nature, Providence, Reason – with the capacity to shape the antagonistic patterns of human behaviour, and (ii) attribute an ordering principle to this agency, on the basis of which we can read our actions as the result of a coherent, teleologically oriented plan. As Kant states in an early essay on political teleology:

Here, there is no other way out for the philosopher – who, regarding human beings and their play in the large, cannot at all presuppose any rational *aim of theirs* – than to try whether he can discover an *aim of nature* in the nonsensical course of things human. [IUH 8:18]

Some have observed “a measure of theoretical adventurousness in Kant’s historical teleology that might unnerve a traditional empiricist”.⁸⁹ However, the way in which this “aim of nature” might actually be brought about, given that human beings by and large remain oblivious to it, needs to be examined as something more than mere “theoretical adventurousness”. I argue that the teleology of nature is designed to explain how we can channel, control, exploit or render useful the conflicts that stand in the way of human progress. My claim is that Kant appeals to nature as a prototypical political

⁸⁹ Wood (2006), p. 259.

will capable of overcoming the obstacles placed by human obstinacy, and to bring about the moral end which they *ought*, but often fail, to pursue.

3. The ‘harnessing’ model

The understanding of conflict I have sketched above, namely as (i) resulting from interaction and (ii) open to be ordered, is central to what I term the ‘Harnessing Model’. The term ‘harnessing’ commonly refers to fitting gear for horses which allows the rider to tame the animal. It is this sense of ‘constraint’ which I want to draw upon in relation to Kant’s teleology. The broad sense of ‘harnessing’ picks out stronger or weaker forms of this idea of constraint. A strong form might equate ‘harnessing’ with ‘coercion’ or ‘compulsion’ implying that the recalcitrant element in question is controlled by force. A weaker sense of the term, on the other hand, could mean something closer to ‘mobilising’, ‘domesticating’, ‘channelling’, or ‘rendering useful.’ In this dissertation, ‘harnessing’ is a *term of art* I use to express the way in which I believe the teleology of nature operates over human conflict. In the ‘nature wills it so’ mechanism, nature operates along the lines of the stronger sense of harnessing as a kind of *compulsion*. The ‘counter-acting’ mechanism of unsocial sociability, on the other hand, operates with a weaker sense of the term, namely as the *channelling* of opposed inclinations.

Both the stronger and weaker forms of the term are present in Kant’s analysis. For example, Kant states that the “tense and unremitting military preparation”, as well as the “resultant distress” which every state feels within itself at times of war, are nothing but “the means by which nature drives nations” to do that which reason counselled them to do, namely, to “abandon a lawless state of savagery and entering a federation of peoples”. Here Kant attributes to nature *the will to coerce* states, in order to arrive at the peaceful condition of intra-state relations. As he puts it in *Perpetual Peace*, nature “has *compelled* them to enter into more or less lawful relations” [PP 8:363, my emphasis].

In contrast to this strong sense of teleological harnessing, nature sometimes operates in a gentler manner. Using the example of states and war once again, Kant

shows that just as human beings gradually realise that the development of their talents is better safeguarded by a civil, rather than savage, condition, the evils of war can also have a “beneficial effect”. Just as nature works *by means of human nature* to develop our talents, similarly nature orients the war-like energies of states by “governing the *actions and counter-actions* of these energies, lest they should destroy one another.” Nature can *compel* states to enter into peaceful relation with one another, but it can also work through these tendencies by *channelling* their effects. [IUH: 8:24, 26; emphasis in the original]

The two mechanisms

These subtle yet significant differences between nature *coercing* human beings and states to act in particular ways, and nature *channelling* human nature in a manner beneficial to us, can be captured via two distinct mechanisms. I call the first one the ‘Nature wills it so’ mechanism. Taking nature as a teleologically oriented agent with a will, nature exercises its capacity to coerce and shape events in line with the desired political ends of our vocation. In contrast to this *coercive* power of nature, I identify a second mechanism by which nature operates: a ‘counter-acting’ mechanism. This second mechanism operates not by directly forcing a state of affairs, but by making use of our natural “unsocial sociability”, i.e., our social and unsocial traits. With this ‘counter-acting’ mechanism, Kant appeals to the idea of a possible counter-balance or corrective trade-off between the inclinations and vices which underlie conflict, “for, the very opposition of inclinations to one another, from which evil arises, furnishes reason a free play to subjugate them all and, in place of evil, which destroys itself, to establish the rule of good”.⁹⁰ These competing principles work by means of a “principle of equality” between “its reciprocal effects and counter-effects, so that they may not destroy each other” [IUH 8:26; TP 8:312].

⁹⁰ I trace this tradition of thinking about conflict, as a matter of ‘counter-acting’ the passions, back to a specific, intellectual tradition of the eighteenth century. For an extended discussion see Chapter 5, Part I, sec. I, ‘How to think about conflict: an appeal to a tradition in political thought’. An insightful account of this way of thinking, particularly in terms of the passions, can be found in Francis Bacon. For Bacon, opposition is the key to finding resolution and equilibrium, in science, in ethics, and, most importantly, in politics: “how affections are kindled and incited... how they do fight and encounter one with another... How (I say) to set affection against affection and to master one by another... For as in the government of states it is sometimes necessary to bridle one faction against another, so it is in the government within” (quoted in Hirschman (1977), p. 22).

Making a distinction between (i) the ‘nature wills it so’ mechanism and (ii) the ‘counter-acting’ mechanism has significant philosophical benefits which have so far been ignored in the literature. These two versions of the Harnessing Model are usually run together as Kant’s overall teleological approach to conflict in history, overlooking important differences between them. I will explore these differences at the end of the chapter, once we have offered a critical examination of their content. For now, it will suffice to say that the most substantive difference between these two versions of the Harnessing Model is their approach to the *ends* these mechanisms are meant to achieve.

With the ‘nature wills it so’ mechanism, Kant locates agency in nature’s capacity to *will* order in an otherwise chaotic and meaningless chain of events. The crucial point here is the fact that *what* the will of nature *wills* are concrete ends which are pre-determined by nature’s own wisdom. These ends include a civil condition, a law-governed social order, and the ideal of a cosmopolitan constitution. The concreteness of these ends is, in turn, rooted in Kant’s claim that our species has a “moral vocation” to which these ends directly respond to.

With the second ‘counter-acting’ mechanism, however, nature as a personified agent is attributed with the task of negotiating the limits imposed by *human nature*, by working out a pragmatic balance between our antagonistic and social tendencies. However, though nature oversees this process, it is essentially up to us what kind of ends will result from this *internal balance* of our constitution. I argue that the ends of this mechanism are left open: sometimes man can “threaten to break society up”, sometimes man displays a strong inclination “to live in society, since he feels in this state more like a man”. Nature certainly *makes use* of our antagonistic tendencies in order to alert us of dangers and awaken us to our true vocation. However, from the perspective of the individual, and not from the wise perspective of nature, our actions and achievements do not follow a teleological recipe. The counter-acting of the unsocial sociability in human nature is read here along the lines of the ‘invisible hand’ of Adam Smith. The result of this balancing act based on invisible incentives, is independent of a teleological, pre-determined, orientation. These aspects mark an important difference

between the two mechanisms. Moreover, I think my interpretation of Kant's unsocial sociability highlights a novelty in Kant's approach to conflict, that remains hidden behind the prominent role nature plays in his political teleology. [IUH 8:21, 20]

4. A Will of Nature? Between determinism and freedom

So far, I have argued that Kant appeals to the teleology of nature in order to resolve the problem of human conflict, by means of the two mechanisms of the Harnessing Model. However, the question remains as to how exactly a *teleological approach* to conflict is meant to solve this problem, and how the strong and weak senses of harnessing as (i) compulsion, and harnessing as (ii) channelling, attributed to nature can help it to achieve its proper aims.

On my interpretation, teleology provides Kant with an explanatory framework to account for our moral ends. What teleology is designed to do is to counter any pessimism arising from the plentiful evidence regarding humanity's unwillingness or inability to act in ways which ensure order rather than chaos. In adopting this teleological perspective, we see "what is in terms of what ought to be".⁹¹ This latter definition gets right to the heart of the matter: to view something teleologically is to approach the nature of things in terms of their purpose, and more specifically, in terms of their 'best version'. As Elisabeth Ellis suggests, from the teleological perspective "empirical events become explicable according to their place in the long run of history, even as individually willed action remains a closed book".⁹²

Nature and freedom of the will

Before critically analysing the two mechanisms of nature, I want to further develop the claim that Kant's political teleology should be read as an attempt to develop an account of *external legislation*, capable of establishing the 'best version' of the political institutions where the human species can flourish and develop. To ground this claim, I will first discuss the difference between the will of nature and the human will in terms

⁹¹ Fackenheim (1956) 'Kant's Concept of History', p. 390

⁹² Ellis (2005) *Kant's Politics. Provisional Theory for an Uncertain World*, p. 47

of the determinism–versus–freedom issue in Kant’s metaphysics of the will. Secondly, I will define nature’s will against Kant’s distinctions between *Wille* and *Willkür*. Discussion of these two aspects will serve as a necessary preamble for the critical analysis of nature’s two mechanisms in the next section.

First, it is necessary to understand the kind of relationship Kant believes exists between nature as a teleological agent, and *human* agency. To put it differently: if nature can both coerce and channel human agency, how are we to explain the fact that it is, after all, *our* history and *our free choices and actions*? How does Kant explain the apparent tension between a *will of nature* and the *human will*?

Kant’s 1784 essay *Idea for a Universal History with a Cosmopolitan Aim*, provides us with the most appropriate context in which to explore this problem. In this work, Kant recalls a basic tenet of his metaphysics of the will when he states that “whatever concept one may form of the *freedom of the will* with a metaphysical aim, its *appearances*, in human actions, are determined as much as every other natural occurrence in accordance with universal laws of nature” [IUH 8:17].⁹³ However, the fact that the empirical appearances of human actions are subject to the laws of nature does not preclude them from also being thought of as resulting from a will that is practically free, and thus subject to laws of freedom. *Idea*’s rational, and partly prospective, construction of human history is thus based on the assumption that the actions and choices of human beings reflect the compatibility of freedom of the will with the causal determinism of nature.

To be sure, the compatibility of freedom and nature is a complex issue in Kant’s philosophy.⁹⁴ All I wish to take from these basic remarks is that Kant’s political teleology assumes this metaphysical view, conveyed in two levels of analysis: (i) from the perspective of nature (understood here as the realm of *physical determinism*), our actions are read as the effects of causes in a deterministic world constrained by laws of nature, whilst (ii) from the perspective of nature as a *teleological realm infused with*

⁹³ I discuss Kant’s definitions of the laws of nature and the laws of freedom, in the context of a discussion on determinism and freedom of the will in Chapter 1, sec. I, ‘The will as a law-governed capacity’.

⁹⁴ On the relationship between Nature and Freedom and the so-called gulf in Kant see Guyer (2005).

purpose, human actions are read as part of a rational, purposeful plan, which considers these actions “free” even if they are subject to the will of nature. So, the purposive “aim of nature” Kant proposes here is not that of a system of mechanical laws. The aim of nature is instead to bring about the ends of our *moral* history, but in a way that is compatible with our *natural* history.⁹⁵

What I find interesting here is Kant’s attempt to make room for a different way of thinking about the will, under which the will is subject neither to the determinism of natural laws nor to a form of radical libertarianism. When Kant says that nature’s *wills* this or that to happen, he is carving out a conceptual space for a kind of will that cannot simply be captured by either of these poles. What I mean by this is that nature’s “will” cannot be reduced to a mere mechanism of causes and effects, nor to a will that is transcendentally free in the sense attributed *only* to a rational agent. The will of nature has its own *lawful form*, namely a *purposeful form*. Furthermore, it is a will that operates at the level of the species rather than at the level of discrete individuals.

Nature as ‘*Wille*’

I have placed Kant’s teleology against the background of the freedom–nature gulf in order to suggest that Kant is attempting to find a middle way between determinism and libertarianism so that he may settle the moral features of a will of nature.⁹⁶ Another way of approaching this problem is through the *Willkür–Wille* distinction, presented in Chapter 1. That Kant is thinking of the will of nature in terms different from the human will [*Willkür*], is confirmed by his insistence that whatever human beings do to appease

⁹⁵ In the section on the Analogies of Experience in the *Critique*, Kant defines nature as follows: “By nature, in the empirical sense, we understand the connection of appearances as regards their existence according to necessary rules, that is, according to laws.” [A 216/B 263, my emphasis] Elsewhere, Kant returns to this strict connection between nature and laws when he states that nature “is the existence of things insofar as they are determined by general laws.” The pertinent question for us is whether this “system of laws”, understood mechanistically (like the necessary rules informing the causal connection between billiard balls), is operative in his discussion of teleology, or whether he is instead using a different meaning of the connection between nature and lawful determination. I believe the latter alternative is correct if we follow Kant in treating mechanical nature from a teleological–cum–normative perspective within the context of his teleology [PP 8:157].

⁹⁶ Reading Kant as an “incompatible compatibilist”, in the words of Wood, is an issue lurking in the background of his political teleology. However, I am here able to offer very restricted remarks on the relationship between his metaphysical and teleological assumptions. For an extended discussion see Wood (1984). For a critique of Wood’s argument see Allison (2012), pp. 41–52, 184–190.

conflict and achieve their moral ends, they tend to do so against “their own accord”. From the perspective of teleology, the individual’s *Willkür* is read almost like a blind will, which chooses and acts without a teleological plan ahead. For this reason, nature “has implanted the germs in our species” to develop and thrive, but we seem to stubbornly hold on to our freedom “without any conscious intention” to do otherwise. I argue that our lack of moral resolution, combined with our propensity to create conflict, grounds Kant’s understanding of nature’s will as closer to his notion of *Wille*, as a lawful ordering source, capable of *compelling* a directionality to an otherwise blinded human will.

My claim is that Kant’s idea that nature has a will of its own, with a purposeful and teleological form, requires a model of determination which is neither mechanical, nor the available model of internal legislation defended in his moral philosophy. From the point of view of nature, the outcomes of political agency are explained in terms of nature’s own efforts to compel them. However, from the point of view of the individual, we are left in a somewhat strange situation: the agent will never know if the moral and political ends they have *actually* achieved are the result of caprice, moral disposition, accident, or of nature’s own rational plan.

In sum: when trying to make sense of human freedom, Kant is faced with the difficulty of squaring the deterministic regularity of nature’s *physical* order with the freedom of choice of individuals. To do this, he makes room for the conceptual possibility of a different *kind* of will, which is morally informed in its aims and has the capacity to impose itself by means of compulsion. Kant finds such a will in nature. This will, I argue, embodies the feature of law-like determination and the ordering role attributed to reason as *Wille*. This approach gestures towards a nascent model of a political will.

5. The ‘nature wills it so’ mechanism

In the previous section, I argued that Kant’s concept of Nature in the political teleology cannot be reduced to the idea of a physical nature subjected to natural laws. I also claimed that this concept, in order to carry the requisite explanatory weight, must be a different kind of will than will as choice [*Willkür*]. The closest we can come to an understanding to what Kant is getting at, is by appealing to the notion of *Wille*, or will as Reason, as a will that has a law-governed *form*, and the necessary causality to bring about the required moral ends.

Building upon my claim that Kant develops a rudimentary version of political willing in attributing a will to a teleologically-understood nature, I will now investigate the following: how should we understand the ‘nature wills it so’ mechanism? And how does nature *will*, and most importantly, *shape* human affairs, in a way which responds to the aims of teleology?

According to Kant, nature *wills* things – ends – for and in the name of individuals. To explain this, he must offer a definition of nature which is different from a mechanical interpretation as we discussed in the previous section. Of course, this expectation might be futile. As Kant notes, “the worst that can happen”, once we adopt this purposeful narrative, “would be that where we expected a teleological connection we find only a mechanical or physical connection” [A688/B716]. I argue that Kant’s ‘nature wills it so’ mechanism emerges as a response to this challenge of determinism, by adopting a teleologically-informed notion of nature capable of infusing a purposeful form on events, even if our actions are physically subjected to the laws of determinism. A brief survey of how Kant employs this expression should help us to better understand how exactly Kant thinks this approach to nature can stand up to the challenge raised above.

In *Theory and Practice*, Kant casts doubts on whether we can expect from human beings “an unending progress towards the better”. He gives up on the idea by stating that such a “distant success will depend not so much on what *we* do... but

instead upon what *nature* will do in and with us to force us onto a track we would not readily take out of our own accord.” [TP 8:310, emphasis in the original]

The argument appears in a similar form in the earlier *Idea*. There, Kant appeals to nature’s agential power to order the external relations between individuals. Note how the issue of nature’s power is here explicitly presented in relation to *willing*: “the human being”, he says, “wills concord, but “nature knows better what is good for the species.” Willing “a perfectly just constitution” and the “development of all [human] predispositions” turns out to be the job of nature, “since nature also wills that humanity by itself should procure this along with all the ends of its vocation” [IUH 8:22].

In an equally important passage from *Perpetual Peace*, Kant explains how nature compels men to reach their moral and political ends, e.g., establishing longstanding republican constitutions, ends which we ought to achieve *ourselves*, yet often fail to *will*:

But now nature comes to the aid of the general will grounded in reason, *revered but impotent in practice*, and does so precisely through those self-seeking inclinations, so that it is a matter only of a good organisation of a state (which is certainly within the capacity of human beings), of arranging those forces of nature in opposition to one another in such a way that one checks the destructive effect of the other or cancels it, so that the result for reason turns out as if neither of them existed at all and the human being is constrained to become a good citizen even if not a morally good human being. [PP 8:366, my emphasis]

Here, the ‘Nature wills it so’ mechanism comes to the fore, and in direct relation to a problem in *willing*. It is particularly interesting from the perspective of the present thesis to see Kant mentioning the general will in the context of a teleological argument, and to define it as a will which is “revered but impotent in practice”. For – to briefly anticipate what we will discuss in greater depth in Chapter 4 -, we know that Kant will later attribute the capacity to establish a juridical state to the Public Will, based on the idea of the general will of all.⁹⁷ This issue of the “good organisation of a state” is

⁹⁷ Cf. DoFR 6:256; 6:312.

precisely the political end which comes under scrutiny here. But why is the general will “impotent” and unable to bring this end about?

Nature, Kant suggests, “comes to the aid of the general will” by orientating the teleological aims which *should* be the proper object of willing of an appropriately *political* will, but one which remains “impotent in practice” due to our lack of moral resolution to bring it about.⁹⁸ My contention is that at this point, Kant lacks the conceptual tools to account for this form of political willing, and so resorts to the compulsion of nature in the context of a teleological narrative. Acknowledging this conceptual limitation explains Kant’s otherwise questionable strategy of ‘outsourcing’ this form of willing to nature.

The fact that nature *wills*, *knows*, and *compels* individuals to approximate their moral ends confirms our initial claim that Kant is working here with a conception of nature which is radically different from a scientific/mechanistic one. A system of nature ruled *exclusively* by mechanical laws could not be conceived of as expressing the agential capacities of willing and compulsion which Kant mentions here. To accommodate his aim of offering a purposeful account of human history, Kant needs to carve out a space for a conception of nature capable of achieving ends independently of the constraints of physical determinism. Yet, this nascent form of willing must, in turn, be open to being constrained by a different kind of determination.⁹⁹ Kant refers to this lawful form of nature as “the plan of reason”.

I conclude this section by stating the way I understand this teleological account of willing as *political* in three important senses: first, the locus of nature’s will lies in the external character of *actions*, as opposed to the intentions of individual agents. Second, it is based on the relational aspect of human interaction, instead of the first-personal

⁹⁸ In the later *Doctrine of Right*, Kant offers an argument for the legitimate use of coercion through the morality of the omnilateral will of the state, thereby rooting the source of lawful willing in the external legislation of a general will. The legitimate use of coercion remains within the precinct of practical reason, instead of being outsourced to Nature or Providence. I expand upon this in Chapter 4, sec. III ‘The moral features of Public Will: Omnilaterality and Coercion’.

⁹⁹ Recall here Kant’s working assumption in the *Groundwork* according to which “everything in nature works in accordance with laws” [G 4:412]. See Chapter 1 for an extended discussion on this point.

perspective adopted in individual moral willing. Finally, Kant attributes to nature as *Wille* a lawful form of determination, that is independent of physical determinism, based on the purposeful form of reason's plan. This 'lawful form' is a key feature of Public Will, in its capacity to determine the form of law to all positive legislation. However, this account is not free from difficulties. Let us now turn to some possible objections.

Some objections

As I mentioned in the above, Kant's efforts to build an account of political willing out of his teleology faces some problems. On a less charitable reading, Kant could be accused of reifying nature by attributing to it agential capacities, such as the power to set ends, and the causal power to achieve them *independently* of human intervention. This is problematic since as we saw in Chapter 1, Kant restricts these capacities to the only source which is lawful and practical, namely, reason [*Wille*].

In my view, this objection misses the basic orientation of Kant's teleological strategy. Kant appeals to the *aid* of nature to achieve these ends *through and with* the intervention of individuals, who have the legitimate capacity to set ends, and the causal ability to pursue them. To use a metaphor: Nature does not operate over and above the wills of individuals, like a master in control of his marionettes, but by *harnessing* the individual's actions and inclinations. Rather, Kant's attribution of agent-like features to nature must be understood in the context of his effort to come to grips with a type of will which is not the human will but which can nonetheless be understood as possessing the agential features required by a political teleology. In other words, we must not confuse our discomfort with the idea of a reified nature (which is indeed present in Kant's descriptions) with his efforts to conceptualise a different kind of will, capable of ordering ends with the required compulsion.

Furthermore, the objection I expressed above raises another worry about the capacity of nature to set ends, an activity that Kant reserves solely to agents. To alleviate this problem, I suggest we turn to Kant's own discussion of this in his 1788

essay 'On the Use of Teleological Principles in Philosophy'. In a discussion on the natural history of the human races, he offers a general definition of nature as "the sum-total of all that exists as determined by law". The investigation of nature, Kant goes on to argue, can take two paths, a *theoretical* and a *teleological path*. These paths are in turn differentiated by the ends of their corresponding spheres of inquiry, namely, physics and metaphysics. As Kant explains, the investigation of nature with respect to physics must proceed by "using only such ends for its intention that can be known to us through experience". The teleological investigation of the sphere of metaphysics, i.e., the sphere of human *freedom*, must proceed, instead, by "using for its intention, in accordance with its calling, only an end that is fixed through pure reason" [Telo Pri 8:157].

The crucial point here is that Kant restricts the end-setting capacity of a teleologically oriented nature to what he calls "ends of reason". As I have suggested, nature is here thought of as a kind of will, in the sense of causal *Wille*. When natural ends are exhausted, the only path which remains is that of the teleology of an "end that is determined *a priori* through pure practical reason". If all ends were determined empirically, there would be no room to think of human purposiveness, beyond the limits of *physical* nature, and of historical determinism. [Telo Pri 8:157-8]

It is for this reason that Kant is not susceptible to the objection raised by hardened anti-teleologists, i.e., those who deny that there is any agent-like nature pursuing ends in this world independently of human purposes. As Taylor observes, critics of teleology "resist strenuously a move that Kant, at least, did not make: the argument that this real God or Nature has purposes or ends for man that it will impose upon him in the course of time".¹⁰⁰ As we have seen, Kant's talk of 'compelling' individuals must be taken metaphorically, and the ends that nature sets itself to pursue, are properly understood as ends of reason, achieved *with and through* the aid of human beings.

¹⁰⁰ Taylor (1966), p. 183.

There is a second set of worries, however, which cast doubt on whether this teleological strategy is warranted. These worries relate to the difficulty of locating the source of *motivation* to order human conflict solely in nature's oversight. As Katrin Flikschuh has noted, Kant "apparently allows nature to take over", viewing the inner motivations of individuals to *will themselves* to have good constitutions, and to solve the fundamental problem "of external relations among persons", as irrelevant. Flikschuh rightly points out the under-developed ideas in Kant's political teleology that later become the crux of his argument in the *Doctrine of Right*. This latter argument is concerned with the specifically juridical and external character of what she calls the "coordination problem" between "persons who come into unavoidable contact with one another on the spherical sphere of the earth".¹⁰¹ But to whom do these underlying motivations, which drive the solution of this coordination problem, belong?

Part of the difficulty is explained by Kant's explicit rejection of individuals' inner motivations as the means to achieve the ends of its vocation. As we will see in Chapter 4, he has not yet drawn the strict separation between internal and external legislation, which in turn explains how human beings achieve what they *ought* to achieve regardless of having the right set of moral reasons. However, we know two things at this point: (i) that Kant dismisses individual intentions to advance his arguments in the teleological essays, and (ii) that he attributes the role of completing these ends to nature as *Wille* [IUH 8:30] It is remarkable to see, from the perspective of the systematic concerns of this thesis, how committed Kant is at this early stage of his thinking, to understand the solution to "the coordination problem" as one which must respond to the constraints of the *external* political morality of a will [*Wille*].

Nature's 'despotic' will

These qualifications hopefully allow us to better understand Kant's peculiar remark that nature has a "despotic" will. In *Perpetual Peace*, Kant writes that

In taking care that people *could* live everywhere on the earth, nature at the same time **despotically willed** that they *should* live everywhere, even if against their inclination, and

¹⁰¹ Flikschuh (2007a) 'Duty, Nature, Right: Kant's Response to Mendelssohn', p. 233.

without this ‘should’ even presupposing a concept of duty that would bind them to do so by means of a moral law; instead it chose war to achieve this end it has. [PP 8:364; italics in the original, my emphasis in bold]

How are we meant to understand the idea that nature can will *despotically*? A despot illegitimately *wills* in the name of others, when he imposes his motives and ends over those of the individuals. Given the fact that within the context of Kant’s teleological argument there is no straightforward *moral* justification for why Nature can and must adopt the role of our agent-representative to bring about moral progress, the outsourcing of willing to nature is indeed, in this sense, despotic. It is despotic in the sense that the *constitution* of this kind of will, acting on behalf of the whole species and of our humanity, has not been legitimately established. I make this claim, of course, from the vantage point of Kant’s later account of Public Will, as the legitimate *and a priori* idea of a general will, rightfully capable of speaking in the name of all.

That Kant is aware that there is a problem with the justification of this ‘nature wills it so’ argument is, I argue, evidenced by his reference to a despotic will in *Perpetual Peace*. Here, Kant explains that nature, in contrast to practical reason, does not have the power to impose a duty on human beings, for example the duty to enter the state, which we will examine in the next chapter. For this reason, it must appeal to a *despotic* form of coercion to force us to act in ways conducive to our moral interests “whether we will it or not”:

When I say of nature, it *wills* that this or that happen, this does not mean, it lays upon us a *duty* to do it (for only practical reason, without coercion, can do that) but rather that nature itself *does* it, whether we will it or not (*fata volentem ducunt, nolentem trahunt*. [PP 8:365, italics in the original])¹⁰²

So far, I have defended a plausible reading of the ‘nature wills it so’ mechanism, and surveyed some of the difficulties surrounding it, by placing it within the context of

¹⁰² Seneca writes that “Fates lead the willing, and drive the unwilling”. I find this sentence an eloquent expression of Kant’s point here: Nature, acting as the ‘Fates’, both leads and drives the otherwise dormant intentions of human beings to willingly bring about their moral ends. In the case of the “Nature wills it so” argument, as I have argued so far, human beings are “led” and “driven” unwillingly since, as Kant puts it, nature wills “that they should live everywhere, even against their inclinations” [PP 8:364, my emphasis].

Kant's larger project of political willing. Nature has an important role to play to the extent that it can:

[B]e put to use in human beings in order so to arrange *the conflict of their unpeaceable dispositions* within a people that they themselves have to constrain one another to submit to coercive law and so bring about a condition of peace in which laws have force. [PP 8:366, my emphasis]

These two ends – the rule of right and the security of peace – would remain mere ideals, if the conflict of our “unpeaceable disposition” was given free rein. Nature thus “wills irresistibly that right should eventually gain supremacy”, in order to bring about what we would have otherwise neglected as our proper aim. This process, Kant admits, will be achieved “with great inconvenience”, since “reaching the end cannot be expected simply on the basis of a free agreement of *individuals*.” [TP 8:367]

To conclude: a will with the capacity to coerce the limits of human interaction, as Kant well knows, requires a justification of the kind offered in his account of public willing (based on a duty to state entrance). With regards to nature, the fact that Kant himself describes its will as despotic in character suggests that he was aware that such a justification was still in the making.

In a revealing passage in Part III of *Theory and Practice*, however, Kant shifts from discussing nature to focusing on *human* nature in the context of teleology. Discussing the “unending progress towards the better”, he writes that it is

soon seen that this immeasurably distant success will depend not so much upon what *we* do... and by what methods we should proceed in order to bring about it, but instead upon what human ***nature will do in and with us*** to force us onto a track we would not readily take of our own accord. [TP 8:310, italics in the original, my emphasis in bold]

I now turn to the role of human nature in the context of Kant's notion of unsocial sociability.

6. The “counter-acting” mechanism

Unsocial sociability

According to Allen Wood, “no interpretation of Kant’s view on any aspect of human psychology, sociology, or history will get matters right as long as it ignores the theme of unsociable sociability”.¹⁰³ I believe that Wood is correct here, both because of the influence of this notion in Kant’s work¹⁰⁴, and because of the role the notion has played beyond Kant.¹⁰⁵ However, what exactly is unsocial sociability? Is it a mechanism which we are in control of? Or is there an agent other than us, e.g., nature, for whom unsocial sociability serves as means to some end?

This mechanism is first introduced in *Idea* as a means of explaining a conflict at the heart of human nature. In a famous passage worth quoting in full, Kant writes:

The means nature employs in order to bring about the development of all its predispositions is their antagonism in society, in so far as the latter is in the end the cause of their lawful order. I understand by ‘antagonism’ the *unsocial sociability* of human beings, that is, their tendency to enter into society, a tendency connected, however, with a constant resistance that continually threatens to break up this society. This unsociable sociability *is obviously part of human nature*. Human beings have an inclination to associate with one another because in such a condition they feel themselves to be more human... But they also have a strong tendency to isolate themselves, because they encounter in themselves the unsociable trait that predisposes them to want to direct everything only to their own ends and hence to expect to encounter resistance everywhere, just as they know that they themselves tend to resist others. [IUH 8:20–1; my emphases]

So unsocial sociability is a basic predisposition of human nature, in the form of opposing inclinations. However, it is also a means which “nature employs” to bring

¹⁰³ Wood (2009) ‘Kant’s Fourth Proposition’, p. 115.

¹⁰⁴ According to Hans Saner, the Kantian notion of unsocial sociability must be traced back to Kant’s study of Leibniz, and to his specific appropriation of the notion of monads in his early *Monadologia Physica*. What we find in the *Monadologia* is a “conception of the monad as a unit in which two basic forces counteract one another and achieve the right effect only in the union – and achieve not just for the single monad, but for the coexistence of multiple monads”. This idea, Saner argues, is adopted thirty years later as a “central political notion in Kant”. Cf. Saner (1973), p. 8.

¹⁰⁵ For an interesting and critical piece on the role of human nature and sociability in the eighteenth century see Sagar (2018).

about ends that are in turn necessary to establish a “lawful order”, over and above these social and unsocial tendencies at war within us. Nature, Kant tells us, does not only direct us towards this lawful order, but is “the cause” of it. But how much of the mechanism of unsocial sociability, as a constitutive trait of human nature, works independently of nature’s intervention? In this section, I suggest there is conceptual space in Kant to explore these questions.

The first thing is that, notwithstanding Kant’s attribution of unsocial sociability as an aspect of human nature, its effects are only manifested at the level of us as a species. We have also learned how this is the level captured by nature’s oversight. But how do things look from the perspective of the individual? My claim is that to conceptually distinguish between the ‘nature wills it so’ mechanism of the previous section, and the ‘counter-acting’ mechanism of unsocial sociability we need to adopt the perspective of the individual. From this perspective, the balancing out of our social and unsocial traits, does not seem to follow a teleological orientation, nor a predetermined directionality. From the point of view of *our nature*, these antagonistic tendencies are the result of our contingent constitution. In other words, we cannot see our actions from the vantage point of a plan of nature. However, I am not suggesting that our actions are the result of random psychological forces within us. What I am trying to make sense of is the idea that unsocial sociability as a mechanism located in *human nature*, is not experienced as a teleological plan from the limited perspective of the individual.

In contrast to the focus on willing of the ‘nature wills it so’ mechanism previously explored, what this emphasis on the individual reveals is the fact that *even if* nature will work “in and with us” to achieve the ends of our vocation, from the perspective of human beings, we remain oblivious to the teleological purposes of this plan. This suggests that individuals experience this unsocial/social aspect within them as something close to an invisible hand, capable of ordering our inclinations independently of a pre-determined plan. This allows us to make better sense of the fact that this mechanism can deliver *both* war, and a condition of peace, the impetus required to develop our talents, *and* the things that trump our capacity to evolve. The ends of this mechanism in human nature are thereby, open-ended, and not predetermined.

There is, of course, something disturbing in thinking that our opposing inclinations are in some significant sense not under our control, but instead subjected to a series of causes and effects of which we are not fully aware. This could be read as a lack of agency and resolution on our part over our destiny. However, I think that these are the necessary implications of Kant's argument. Moreover, I argue that the idea that *there is deep diversity of ends surrounding human agency, resulting from the particular choices and actions of each individual, independently of a teleological orientation*, is a deeply engrained idea in Kant's way of thinking about political agency in general. I will have more to say about this aspect of Kant's political vision in Chapter 5. I suggest that, for now, we think of unsocial sociability not as implying lack of resolution on our part, nor as a mechanism through which the over-powering agency of nature operates over us, but rather as Kant's realistic acknowledgement of the unforeseen, non-teleological, and open-ended nature of political agency. Let me explain this in more detail.

An open-ended mechanism

Agency so conceived, i.e., as a non-teleological exercise of open-ended choices, allows us to better understand the way *human nature* works independently of Kant's moralised conception of *nature*. I hinted earlier that one particularly pertinent comparison of unsocial sociability can be drawn with the 'invisible hand' of Adam Smith, according to which (on its popular understanding) the competing interests of different agents are somehow harmonised in the de-centralised sphere of the market. Smith's metaphor suggests that individuals' conflicting interests and schemes come to an agreement without the intervening role of an agent, human or otherwise. There are two things I want to take from this idea: first, that we cannot *predict* how our inclinations, in conjunction with that of others will ultimately take place. As I said, Kant accepts that this mechanism can deliver both the good and the negative effects of our sometimes social, and sometimes unsocial nature, in a way that is similar to the unforeseen consequences of our interests in the market. Second, I think the notion of an 'invisible hand' succinctly captures the absence of a centralised entity, planning, foreseeing, and controlling the ends of this otherwise market-like process.

But, isn't nature precisely taking the role of this 'invisible hand' in Kant? To address this question, let me return to Flikschuh's objection to Kant's solution to the coordination problem. According to this interpretation, Kant's political teleology "sounds desperate" in its decision to appeal "to Providence as the hidden moral hand".¹⁰⁶ I disagree with Flikschuh, to the extent that her argument seems to be running together the two mechanisms I have tried to keep distinct, namely, the mechanism of nature as a teleologically-oriented agent on the one hand, and the counter-acting mechanism of unsocial sociability as a trait of *human* nature, on the other. This "hidden moral hand" of nature, to use Flikschuh's words, is indeed entrusted with the task of overseeing unsocial sociability in us, but human beings remain free, at least from the limited perspective of the individual, to make use of their antagonistic tendencies, independently of nature's "hand". According to my proposed interpretation, we can say that it is *we* who go to war, and it is *we* who settle for times of peace, as a result of the counter-acting of forces and drives *within us*. It remains true, however, that from the perspective of Nature, war and peace are merely instrumental means to achieve the 'true' ends of our moral vocation. This is not the case from our finite point of view.

My suggestion is that we read Kant's open-ended mechanism of unsocial sociability in sharp contrast to the compulsion of nature's will in the teleology. On my interpretation, the mechanism of unsocial sociability is lacking in specificity in an important sense: Kant says very little about how exactly the competing inclinations at play in human nature cancel each other out, or about how the "effects and counter-effects" of human beings' interactions are balanced. [IUH 8:26] This lack of specificity, however, has a positive side to it, as I have tried to argue: it is indicative of the open-ended way Kant envisages the resolution of human conflict, and the way he thinks about diversity of ends in relation to *political* agency.

As I have tried to show, despite Kant's teleological argument for nature, the notion of unsocial sociability encapsulates some of the ways in which Kant will come to understand the compatibility of choices and actions in political interaction in his later political philosophy. As I develop the issue in Chapter 4 and 5 of this thesis, Kant drops

¹⁰⁶ Flikschuh (2007a), p. 237.

teleology in favour of the political morality of a system of right that is ordered and legitimately established, without the aid of teleology. The source of concern of this system will be the *limits of agency*, and not the pursuit of teleologically, pre-determined ends. Moreover, Kant's 'political minimalism', as I will call it, is based on an account of political willing that makes no demands on the individual –let alone on the species-, to *will* ends of reason, or an specific version of the common good.¹⁰⁷ Rather, this account of willing allows for a vision of politics that protects the diversity in ends of *what* is willed, so long as it is willed in accordance with universal law.

Moralised unsocial sociability

As we have seen so far, the 'counter-acting' mechanism of unsocial sociability emerges from Kant's broader teleological approach to nature. In the previous section, I suggested an alternative reading of the mechanism that, on the one hand, accepts the presence of nature working *through and with* the antagonistic traits of human nature, and on the other hand, adopts the perspective of the individual, in order to read the mechanism as akin to the de-centralised model of motivations in the market.

This emphasis on the individual is not unique to my interpretation. As Michaele Ferguson explains "commentators on *Idea* usually interpret unsocial sociability in terms of Kant's moral philosophy". So the 'link' with the individual is here done by drawing Kant's teleology closer to his moral philosophy. The commentators who adopt this approach defend a version according to which Kant's notion must be seen through 'moral lenses', reading unsocial sociability as an *inner struggle* between "behaviours fuelled by competition, jealousy, and self-interest", on the one hand, and the categorical imperative on the other. This conflict forces man to choose between doing "what is good" and doing "what is evil (acting from our selfish desires)".¹⁰⁸

¹⁰⁷ For a discussion on the difference between Kant and Rousseau on this issue see Chapter 4, sec. III, 'What is 'public' versus what is 'general' in willing'. See also Chapter 5, Part II, sec. II 'Kant's political minimalism'.

¹⁰⁸ Ferguson (2012) 'Unsocial Sociability: Perpetual Antagonism in Kant's Political Thought', pp. 151–2.

On this reading, Ferguson informs us, antagonism is understood “exclusively in moral terms”, an antagonism that we must be able to “regulate, control, and perhaps overcome”. Note how these are the terms Kant uses to express the agential intervention of nature in history: nature intervenes by means of a *will* which regulates, controls, coerces, and compels the coming about of, precisely, the *moral* ends of our vocation.

This interpretation supports the idea that individuals’ working out their “sources of unsociability and thoroughgoing resistance” must be understood in terms of our success or failure in *willing in accordance with the moral law*. If this is indeed the criterion of success –successful moral determination- the achievements or misfortunes resulting from our sociability has nothing to do with our *human nature* but with our capacity to act in accordance with duty.¹⁰⁹ Wars, the institutionalisation of domineering practices, and the overruling of moral behaviour by our “spiteful competitive vanity” becomes, through this moralistic lens, the large-scale manifestation of deeper moral failings in the agents’ will. More generally, the negative results of the mechanism of unsocial sociability are a failure of the individual’s capacity “to make the moral law the maxim of [her] actions, and to bring into being the kingdom of ends”.¹¹⁰

What I find questionable about this approach is the unwarranted connection it draws between our inner moral life, and the mechanism of balancing out the contingent tendencies of our social/unsocial nature. By moralising the mechanism of unsocial sociability, we lose sight of Kant’s efforts to allow for a space for action that operates independently of duty, and moreover, independently of a pre-determined orientation grounded in nature as reason [*Wille*].

However, I think this moralised approach to unsocial sociability is part of a broader interpretation which reads Kant’s teleological philosophy of history in close connection to his moral philosophy. From this perspective, the counter-acting of conflict in Kant in *general* –not only in morality but in human history- is ultimately *instrumental* to the moral duty to bring about the ends of reason. For this reason, some

¹⁰⁹ I take the general idea of antagonisms as a “moral failing” from Ferguson’s interpretation of the moral reading of unsocial sociability. However, I expand on it in ways that are not her own.

¹¹⁰ Ferguson (2012), 152.

commentators define the goal of Kantian ethics in terms of its “progressive” and “apocalyptic” capacity to abolish conflict through a philosophy of history.¹¹¹

What this reading cannot account for is the possibility of ‘leaving open’ the ends that result from our unsocial sociability. In contrast, these ends, even if they are now *our own* as moral agents, entrusted with the “collective historical task”¹¹² to bring them about, these ends are nonetheless pre-determined by reason. Incidentally, this moralised reading of Kant’s philosophy of history in connection with this moral philosophy comes up again in the context of Kant’s politics, as we will see in Chapter 5.¹¹³

To conclude: reading Kant’s notion of unsocial sociability through ‘moral lenses’ seems to dismiss the fact that Kant described this mechanism as one of *human nature*. This chapter, by contrast, has shown how, (i) *even in his teleological writings*, Kant was already in the process of establishing an account of willing that is radically external and public, and independent from inner morality, and (ii) how unsocial sociability can be read as a mechanism allowing for the coming about of ends that are not pre-determined by a teleological orientation. If unsocial sociability were solely a mechanism aimed at highlighting how things go awry when we allow our natural desires to override the voice of the moral law, then Kant would have framed the whole issue as one of *moral willing*, and not as one of counter-acting forces within human nature.

If we follow my proposed interpretation, the “progressive practices and institutions” which commentators are keen to identify as resulting from the workings of unsocial sociability¹¹⁴ can instead be read as a *by-product* (though of course a salutary one) of our human nature. Kant’s acknowledgement of the open-ended nature of human conflict, I argue, runs contrary to the ideal of a Kantian world radically free from antagonism. Competition, war, mutual love, and civil security are, from the perspective of Kant’s account, the inevitable result of the complex constitution of our nature.

¹¹¹ Wood (1991) ‘Unsocial Sociability: The Anthropological Basis of Kantian Ethics’, pp. 343–347.

¹¹² Ypi (forthcoming), p. 141.

¹¹³ See Chapter 5, Part II, sec. I, ‘Politics as a Kingdom of Ends’.

¹¹⁴ Cf. Muthu (2014), p. 69.

Amassing them under a single heading of moral failings or moral achievements does not do justice to the richness and complexity Kant is trying to capture under the heading of ‘unsocial sociability’.

In view of the idea of unsocial and social traits, Kant entertains the thought that the mechanism of unsocial sociability is *morally neutral* with respect to its effects. In this way, Kant reminds us that human nature is a mixed bag of tendencies; whilst “the seeds of mistrust, suspicion and conflict are forever embedded in human affairs”,¹¹⁵ good is also present, and indeed, can even arise out of the bad. Merging Kant’s philosophy of history with his moral philosophy, therefore somewhat misses this point.

7. Critical appraisal of the Harnessing model in Kant’s teleology

In this chapter, I have argued for three claims: firstly, that Kant’s teleology must be read as addressing the unavoidable problem of human conflict. He sees teleology as an explanatory device in order to explore possible ways conflict can be ordered, harnessed, channelled, and limited in line with the ends reason attributes to our moral vocation. Secondly, I defended the view that there are two mechanisms at work in Kant’s teleology, namely the ‘nature wills it so’ and the ‘counter-acting’ mechanism. For Kant, nature wills that conflict and disorder be translated into the ordered structures of political and legal institutions. In contrast to this agent-based model, Kant also appeals to the unsocial sociability in human nature. In doing so, he enables us to view the development of conflict, and its potentially social and unsocial solutions, from the perspective of the individual. My third and final point has been to show how these previous claims should be read as part of Kant’s philosophical attempt to build an account of political willing, using the conceptual resources provided by teleology.

¹¹⁵ Ferguson, p. 152.

An embryonic model of political willing

To conclude this chapter, I will address the relevance of my interpretation for our broader interest in political willing. These two mechanisms are important because they highlight Kant's interest in a form of willing which is properly political, while also distinct from his account of moral willing. Kant's use of the teleological device of nature *qua* agent, allowed him to 'test out' some of the conditions that would be required for an account of political willing to be possible.

Moreover, identifying the unsocial sociability proper to a *human* nature like our own, also delivered Kant with important insights. First, the teleology of nature works *through* human beings. In this way, nature exploits our contradictory drives in favour of our goals of sociability, political stability, and civic security. Second, from the perspective of the individual, the counter-acting forces of our antagonistic drives leads us to consider the openness of ends available to us, free from teleological constraints.

There are, however, important differences between these two mechanisms. They seem to offer us different pictures of how human progress comes about. The process of unsocial sociability can lead to war, devastation, the domination of certain individuals over others, and so on, while *at the same time* leading to the growth of societal bonds, the recognition of others' equality, and the triumph of peace over conflict.¹¹⁶ This *openness* of the second mechanism contrasts sharply with the concreteness of the ends in the first mechanism, which are willed by nature and determined *a priori* by reason's foresight. From the little Kant says about the internal mechanism of unsocial sociability, we can nevertheless grasp how this notion works independently from the dogmatic implications of the 'nature wills it so' model (recall here Kant's willingness to refer to nature as "despotic").

Despite these differences, I have also argued that Kant's political teleology is, in fact, informed by *both* models. The concrete ends which nature wills by means of compulsion, and the less determinate and morally neutral ends of our competing

¹¹⁶ On the positive role of resistance in bringing about progressive institutions and progressive social relations, see Muthu (2014).

inclinations, both inform the challenges Kant faced when thinking about political agency in history.

Ultimately, these models should not be understood as competing alternatives. Instead, the models can be viewed as complementing each other, in that they each present different aspects of Kant's political teleology. The 'nature wills it so' mechanism underlines the difficulties Kant encountered in thinking about a model of willing which is external to the particular will of individuals, in its coercive capacity to reshape and constrain human actions, offering us a *purposeful approach to conflict*, which, I argue, is absent in the alternative mechanism. The mechanism of unsocial sociability, meanwhile, highlights the open-ended way human nature operates, according to Kant. It illustrated Kant's view that human beings are essentially a mixed bag of both social and unsocial tendencies, able to generate conditions attesting to our humanity, as well as causing us to regress, and to impede our moral and political development. Kant is alive to both ends of the spectrum. His political teleology is an attempt to explain how the political and rightful institutions which are proper to our vocation, ultimately have the upper hand. As we will see in the next chapter, Kant's appeal to the state of nature to ground his argument for the necessity of state-entrance, is an example of how the aims of teleology can be achieved without a teleological orientation.

Chapter 3

Conflict and the State (of Nature)

Introduction

From teleology to right via politics

So far this thesis has explored a number of constitutive features of Kant's theory of the will. My aim has been to reconstruct the steps in the philosophical development of his account of political willing by demonstrating the central place the idea of conflict in its moral and political dimensions occupies in that account.

When thinking about politics, Kant is interested in actions and not in motives, and since this thesis is about *politics*, I'll be equally focused on the external character of human *actions*. Actions highlight how the unavoidability of conflict in human interaction requires an account of willing that can externally coerce the limits of agency, thereby making the actions and choices of individuals compatible. But what kind of will is this that can enforce *limits* on human action as these affect the agency of others? And what are the conditions that, in turn, make this form of political willing possible?

In this chapter, I address these broader questions by focusing on Kant's argument for the transition from a state of nature to a juridical state. He conceptualises this transition as a move from a situation of moral chaos to a condition of rightful order via appeal to a duty to enter the state. As we will see, the fact that Kant establishes statehood as a duty for agents like us is significant. For Kant, people in the state of nature ought to "subject themselves to the coercion that reason prescribes, namely to public law". This model of subjection is distinctively Kantian, because this transition to

state-entrance is *prescribed* by reason¹¹⁷ and is rendered intelligible to human beings in the form of a duty. Kant's second distinctive move is then to show that only the constitution of an omnilateral and public will can make this duty *binding*, and the establishment of a juridical condition possible [TP 8:310].

Kant and Hobbes on the state of nature

To achieve these two aims – namely, to ground state entrance and the constitution of an omnilateral will – Kant adopts a Hobbes-like framework. This framework involves an original condition that is pre-judicial, and hence ‘natural’, in order to motivate the necessity of life under state rule. This way of framing the issue arrives at a justification of the civil state from an analysis of the morally problematic condition of the state of nature. For example: this initial condition is described by Hobbes as a proclivity to war which originates in the passions that are characteristic of human nature, most prominently the desire for glory. Material scarcity, combined with a lack of security in the foresight of our plans and projects, furnish us with the prudential reasons that ultimately motivate ‘the multitude’ to unite as a ‘people’ under a powerful authority capable of “keeping them all in awe” (*Leviathan*, Chap. 13).

In contrast to this Hobbesian picture of the state of nature, it is one of the main theses of this chapter that despite Kant's appeal to a Hobbes-like framework of a conflict-ridden state of nature, and despite their common adherence to a state-based solution to the problem of authority by means of coercion, Kant's picture differs from Hobbes' in a crucial respect. The difference lies in their respective explanations of the *root* of the conflict human beings find themselves absent public law, and more crucially, in what makes this condition of lawlessness troublesome from a *moral* perspective. For Hobbes, conflict is rooted in something about *us*, in the way our human nature works when freed from the straitjacket of law and power. Kant, by contrast, thinks that the root of the human conflict lies not in anything about the way *we are*, but rather in the conditions of *human agency*, irrespective of the contingencies of our *human nature*. The

¹¹⁷ I am using here a specific sense of reason's [*Wille*] capacity to *prescribe* law to the human will [*Willkür*] in contrast to the idea of agents *legislating law to themselves*. This difference is explored in Chapter 1, sec. III, ‘The will and the autonomy of reason’.

crucial difference is this: for Kant, we are beings endowed with a will, and thus with a power of choice [*Willkür*]; the problem of the state of nature then has its source in the morally questionable status of our will, in the absence of a universal law. This kind of wrong he calls a “*stato iniusto*”.

This Kantian insight reveals two important things: first, the conflict between agents in the state of nature is inescapable, given that their agency is first and foremost expressed through their power to choose in ways that inevitably affect one another. Second, this morally problematic condition *necessarily* gives rise to a duty to exit it for moral reasons; this is in contrast to the *prudential* reasons of a Hobbesian agent.

To put it simply: the problem in the state of nature is a *moral* wrong that arises independently of any material conditions or empirical shortcomings in our psychological make-up. Moreover, it is the moral nature of this wrong that turns out to ground our right to coerce others “to enter a common lawful state along with me or to move away from my vicinity” [PP 8:349 fn.]. This I see as Kant’s anti-Hobbesian reading of what is at stake in the state of nature, and why it is a matter of *duty*, and not just of instrumental reasoning, to get out of this condition as soon as possible.

To anticipate, Kant conceptualises his account of political willing as a solution to the morally troublesome condition he diagnosed in the state of nature. It is for this reason that this chapter is, in some ways, transitional: it presents the transitional steps Kant needs to make in order to show that entering the state is a morally necessary condition of our agency in general, and that such a state must be thought of in terms of the idea of a Public Will.

Where are we so far

As we saw in Chapter 1, having a will is, for Kant, what characterises our humanity and what gives expression to our rational nature. My interest in that chapter was two-fold: first, to delineate three relevant features of the moral will, namely, law-governedness, causality, and autonomy. This allowed me to show, second, that moral willing is defined

by Kant as the capacity of Reason [*Wille*] to prescribe the law to a will [*Willkür*] as a matter “of inner necessitation to what one does not altogether like to do” [CPrR 5: 84]. However, this limited view of the will in its relation to the determination of reason is re-conceptualised from the perspective of his political philosophy. From this point of view, i.e., where having a will is to have the capacity to determine our choices freely *against others*, we can see an interesting political dimension to agency that was not apparent in the earlier focus on individual moral willing. It is the structure of this political dimension, introduced by the conflict *between* wills, that is the focus of the following chapters.

In Chapter 2, I discussed Kant’s appeal to teleology as an explanatory alternative to address his embryonic concerns over the possibility of a political and external, in contrast to a moral and internal, form of willing. I advanced three main claims: first, the theory of purposiveness I called ‘teleology’ allows Kant to explain the purposeful ordering of human conflict in history in light of the political ends that are proper to our vocation as a species. Of these ends, establishing a civic condition involves a problem that is “the most difficult and hardest to solve” [IUH 8:20]. Second, Kant attributes to Nature in its teleological orientation the role of harnessing conflict into order. On this account, Nature emulates the features of a will, i.e., *Wille* or Practical Reason, and so can efficaciously coerce human nature to bring about its desired political ends “whether we will it or not” [PP 8:365]. Finally, I concluded that Kant’s arguments for Nature’s compulsion should be read as gesturing towards an account of willing that can be both external to the inner motivations of human beings, and coercive in its capacity to put everybody under an obligation. However, this agential understanding of Nature in terms of a will was missing an argument for the *moral* justification of why such a will should have the coercive power to bind us.

Before turning to Kant’s account of public willing, I will explain why the state – as the juridical condition embodying this distinctive form of political willing – becomes a *moral necessity* for beings like us in the first place. This is the question Kant grapples with when he thinks about the transition from a state of lawlessness to a state of lawful external legislation.

My thesis is that the state is a moral necessity for Kant because the problem the state is meant to solve is also moral in nature. This structural similarity between the state of nature and the civic state is *substantive* in that both conditions manifest a moral dimension of the agents involved. The state of nature serves to illuminate the moral wrongness of the lawless relation of our will, and the threat this arbitrary standing of our will imposes on everybody else. The civic state must offer a solution to this problem by constituting an authority that can bring law to this lawless condition, and one that can mirror the claims of each individual will from an omnilateral perspective. I will show that for Kant, establishing the conditions that make political life possible involves addressing a problem of the will at the level of individuals in order to offer a correspondingly will-based solution at the level of the state.

So the challenge ahead is to show that if the state is both a moral necessity and a solution to a problem in the state of nature, then that problem must be moral too: we cannot get necessity from contingency. The Kantian state, therefore, cannot be the result of the material conditions of human nature that are fundamental in the Hobbesian analysis of our passions and fears. It is rather the human will that ultimately grounds the moral necessity of the Kantian state.

A final caveat before we proceed: my emphasis on the moral wrong Kant thinks is at stake in the state of nature is the result of my reading of the political texts in light of Kant's final account of the Public Will in *Doctrine of Right*. It is only retrospectively, I argue, that we are able to make sense of the emergence of the idea of a Public Will as an *a priori* and necessary requirement for agency. It is the moral conflict arising from a lawless condition that a Public Will needs to rightfully resolve. The political morality of this form of public willing is meant to respond to the morally problematic dimension raised by a will that is not, yet, under universal law. I read Kant's arguments for the transition to statehood as an effort to abandon the moral-cum-political limbo unilateral wills find themselves in absent public law.

1. Kant's Hobbesian problem

Plenty of remarks give credence to the view that on issues such as the right of rebellion, the negative appraisal of human nature, and the irresistible power of the sovereign, Kant and Hobbes are in agreement with each other.¹¹⁸ Some interpreters of Kant find discomfort in this, and try to explain it away as a 'Hobbesian hangover' on Kant's part, deeming these ideas as "unworthy of [Kant's] own better thinking".¹¹⁹

I do not share this discomfort. My working assumption is rather that a fruitful comparison between Kant and Hobbes allows us to better understand Kant's own distinctive views on politics. But before we turn to their differences, let us turn to what they have in common. Much will be revealed by surveying these commonalities, and this survey is the aim of the current section. I argue that Kant and Hobbes share two fundamental commitments: first, that the state of nature is a state of *conflict*, and second, that a coercive state is the required solution to this basic problem. However, what this conflict is a conflict *about*, and how the state-based solution is *justified*, are points where Kant and Hobbes part company. These two sources of difference will be the focus of the rest of the chapter.

What these similarities disclose is a sense of how seriously Kant takes Hobbes's problem to be. This problem, I think, is none other than how to establish political authority. We saw that in his early writings, Kant refers to this as "the greatest problem for the human species" and the "most difficult one to be solved". He describes it as "the achievement of a civil society universally administering right", where the "unpeaceable dispositions" of those "who cannot *bear* yet cannot *bear to leave*" each other, are tamed by law and order [IUH 8:21-23].

In Hobbes's version, the problem of establishing a commonwealth requires a set of rules that can secure, once and for all, the relation between protection and obedience. In the conclusion of *Leviathan*, Hobbes tells us that his aim has been "to set before

¹¹⁸ Cf. DofR 6:316; TP 8:299.

¹¹⁹ Riley (1983), p. 177.

men's eyes the mutual relation between protection and obedience; of which the condition of human nature, and the laws divine, both natural and positive, require an inviolable observation" (*Leviathan*, 'A Review and Conclusion').

Kant's serious engagement with Hobbes

In line with this view, Kant seriously engages with the Hobbesian problem through his understanding of the need to exit a state of lawlessness, where man remains free from juridical obligations, to establish a civil condition. Echoing Hobbes's quest for protection, Kant describes this condition as guaranteeing "the most precise determination and protection of the limits of [each person's] freedom so that it can coexist with the freedom of others" [IUH 8:23].

It should not come as a surprise, then, to find Kant's own version of the problem of coercive authority expressed in terms of the Hobbesian framework. Indeed, he often falls into ways of speaking that are similar to Hobbes's own, especially when talking about the state of nature.¹²⁰ This has led some to think that Kant actually described the state of nature "in the most accurately Hobbesian terms".¹²¹ According to Kant, the state of nature is primarily a situation where "everyone follows his own judgment", driven by "the unsocial characteristic of wanting to direct everything in accordance with his own ideas". In Part III of *Religion*, he says that this "perilous state" can be partly explained not by "what comes his way from his own raw nature, so far as he exists in isolation, but rather from the human beings to whom he stands in relation or association". This leads Kant to conclude that in a state where law is absent, men "must remain forever armed for battle".¹²² [DofR 6:312; IUH 8:20; Rel 6:93]

¹²⁰ Richard Tuck is a good example of those who think that on issues such as the state of nature, sovereignty, and resistance, the difference between Kant and Hobbes is "rather slight". Cf. Tuck (2011) *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*, p. 208.

¹²¹ *Ibid.*, p. 213.

¹²² The image of battle is used as early as the *Critique of Pure Reason*. Kant compares the disputes of pure reason with itself to the state of nature, where the claims of reason remain in a state of war against each other unless we "seek relief in some critique of reason itself". Interestingly, Kant offers a version of Hobbes's official view by phrasing the issue in terms of freedom, which is alien to the latter's immediate concerns. "As Hobbes maintains", says Kant, in the face of violence "we have no option save to abandon it and submit ourselves to the constraint of law, which limits freedom solely in order that it may be consistent with the freedom of others and with the common good of all" [CPR

Moreover, on the issue of *de facto* power and positive law, Kant is close to Hobbes in approving, as a matter of a “practical principle of reason”, that “the presently existing legislative authority ought to be obeyed, whatever its origin”.¹²³ This resembles Hobbes’s advice to seditious subjects that “The present ought always to be preferred, maintained, and accounted best”, especially in troubled political times. [DofR 6:319; *Leviathan*, Chap. 42]

The problem of authority

What none of these Kantian passages reveal is exactly *what* makes the state of nature a condition where one “remain[s] forever armed for battle”. Read in isolation from his more systematic commitments to a political morality, these remarks do not tell us *why* the problem of establishing a state “is the hardest to solve”. Even more pressing for our concerns, they do not tell us *how* are we to derive a justification of an authority that “ought to be obeyed” from this initial condition of conflict. As we will see, though, Kant’s answers to these questions distance him from Hobbes.

But before we can turn to these answers, we must understand why the Hobbesian problem of authority is so important to Kant. My suggestion is that *precisely in taking Hobbes seriously*, as the above passages show, Kant was able to see into the philosophical deficiencies that an instrumental account of political authority is liable to have. From a Kantian perspective, a duty to state entrance must be grounded in individuals’ capacity to limit their freedom *by law*, and not merely to find a remedy to the empirical inconveniences consequent on the *absence* of law. This capacity for Kant will be embodied in Public Will [*Wille*], so the transition from a state of lawlessness to a civil state must be understood in terms of an account of the will and its operations. Only

A752/B780]. It is noteworthy that even at his most Hobbesian moments, Kant is gearing the argument towards his own systematic concerns.

¹²³ Comments like this have led some commentators, such as Bader, to state that in Kant the role of uniting people under coercive laws “is the role of Leviathan”. I should note that Bader takes this “Leviathan talk” from Kant’s own Reflection notes, the text on which Bader rests most of his arguments. Laudable as this is as an alternative and novel source for Kant’s way of thinking, I limit my own arguments to the published texts. Cf. Bader (unpublished) ‘Kant and the Problem of Assurance’, p. 12.

this, Kant thinks, can offer one a *moral* justification of the state, and thereby avoid the deficiencies of a merely prudential justification such as Hobbes offers.

To explore these differences, I first turn to Hobbes's official account to see how, notwithstanding Kant's serious engagement with the Hobbesian problem of authority, he offers a distinctive understanding of the state as a will of a special kind. In adopting this approach, Kant is committed to offering a radically different analysis of what is going on in the state of nature, such that this special kind of authority – a Public Will – ought to be established as a matter of *duty*. I will show that despite Kant's more empirically-driven descriptions of the state of nature as one of quarrel, envy, and war, he is bound to offer a different explanation of this condition, one that is not contingent, but rather that makes coercive authority *moral* necessary. I now turn to Hobbes in Section 2, in order to develop my own in the remaining sections.

2. The inadequacy of Hobbes's diagnosis

Granting the significance of Kant's more Hobbesian passages, the question of how we are to understand the distinctiveness of Kant's own account of the transition towards statehood remains. This distinctiveness is best brought to light by offering a philosophical reconstruction of the *moral wrong* Kant thinks is at stake in the state of nature. To better understand it, I suggest we first compare Kant's position with Hobbes's paradigmatic account of the state of nature.

In this section, I outline a reading of Hobbes in order to bring to the fore the inadequacy which Kant thinks bedevils Hobbes's position. My strategy is two-fold: first, I present a fairly uncontroversial summary of Hobbes's state of nature, and second, I show how his understanding of this condition commits him to a *prudential* justification of the state. However, my aim here is not to 'get Hobbes right'. Rather, I present the contours of the Hobbesian position to get a grip on its differences from Kant's. In this sense I should note that I am reading Hobbes *from a Kantian perspective*, with an emphasis on two specific issues: first, on the *root* of human conflict in the

absence of a common power, and second, on the way our understanding of conflict *demand*s a certain kind of justification of political authority.

So, from a Kantian perspective, Hobbes's identification of the sources of conflict in human nature inescapably commits him to a justification of the state that is merely prudential, and hence, instrumental. Although Kant appeals to Hobbes's idea of the state of nature, and shares the latter's commitment to the necessity of statehood, Hobbes cannot give us what Kant is after: namely, a moral justification of the state. Let us turn now to Hobbes.

Getting at the roots of conflict: the problem of human nature

It is "in the nature of man", Hobbes says, "that we find the principal causes of quarrel".¹²⁴ In the absence of a common authority, this quarrel is unavoidable. However, there are different ways to understand exactly what, according to Hobbes, makes the state of nature a condition of unavoidable conflict. At least two broad interpretative camps are possible.

According to the *realist* interpretation, the causes of war are rooted in three different sources of social animosity: competition, diffidence, and finally, the effects of our driving passion for glory and domination.¹²⁵ According to Abisadeh's taxonomy, what Hobbesian realists share in common is the fact that in the absence of a coercive state, war will be a universal and inevitable phenomenon.¹²⁶

The *ideological* interpretation, in contrast, focuses on the central role played by ideology, symbols, perceptions and disagreements about meanings in the anarchic condition of mere nature. These elements purport to explain the deeply *social* sources of conflict at play in the Hobbesian state of nature, rather than the psychological and material sources emphasised by the realist camp. The common thread of this ideological interpretation lies in the importance Hobbes attributed to *what* people think and *how*

¹²⁴ *Elements of Law*, chap. XIV

¹²⁵ On realist interpretations of Hobbes's state of nature see Gauthier (1969) and Hampton (1986).

¹²⁶ Abisadeh (2011) 'Hobbes on the Causes of War: A Disagreement Theory', p. 299.

they think it. It comes as no surprise, then, that among the many rights of the Sovereign are the rights to define the meaning of tendentious words, and to ban books with pernicious doctrines, in such a way that all ambiguities are stripped out of our common language.¹²⁷

However, my interest here is not to adjudicate between these two interpretations. I see benefits in both of them, as well as an invitation to warn us against an otherwise simplistic view of Hobbes's complex argument. Affirming, as I do, that Hobbes appeals to something about our nature to motivate political authority should not be equated with a 'motivational reductionism' on his part. These different strands of interpretation should make us sensitive to Hobbes's "portrait of the human psyche [that is] actually rich and parsimonious".¹²⁸ The reason I do not need to adjudicate between these interpretations, though, is that both the realist and ideological elements in Hobbes offer us a *prudential* and *instrumental* justification of the state, a justification that in each case is based on contingent reasons underlying our proclivity to conflict: competition, diffidence, the fragility of a common moral language, and our human nature.

The Hobbesian argument for glory

This argument about human nature, and its role in the context of politics, is based on two claims: first, that human beings act on their desires, and second, that *what* they desire (the objects of their fancies) creates unavoidable frictions. The connection between action and desire in Hobbes is by means of the will. In stark contrast to Kant's conception of the will as a moral capacity, for Hobbes the will is not a faculty but merely "the last appetite, or aversion, immediately adhering to the action, or to the omission thereof" (*Leviathan*, Chap. 6)¹²⁹. The most pressing appetite is the will or reason why we acted.¹³⁰ Since our appetites are what we desire and our desires are rooted in our passions, Hobbes must be able to motivate state entrance by explaining the

¹²⁷ On the role of language in Hobbes's politics see Wolin (2006) and Tuck (1989).

¹²⁸ Holmes (1990), p. 144.

¹²⁹ On Hobbes's departure of a model of the will in terms of reason see Pink (2016), p. 186.

¹³⁰ Cf. Lloyd (2009) *Morality in the Philosophy of Thomas Hobbes. Cases in the Law of Nature.*, p. 84.

way our passions work, and the detrimental consequences they lead to in a state of nature.

Of the things that men desire, a need for glory and the “foolish overrating of their own worth” carry the biggest weight in Hobbes’s argument.¹³¹ This passion for social esteem demonstrates in the clearest of ways the empirical contextualism predating the entrance into civil society (*Leviathan*, Chap. 27). Hobbesian conflict stands on very muddy grounds, to the extent that it depends on the radically subjective judgment of individuals about how they are *perceived* by others, based on a never-ending quest for social recognition. From this it follows that violence between glory-driven agents can be sparked by the most insignificant of trifles: “a word, a smile, a different opinion, and any other sign of undervalue” can give rise to violence (*Leviathan*, Chap. 13).

So for Hobbes, the fact that the desire for glory is so ingrained in our human nature is the dominant explanation for why the state is inescapable for us. This is problematic for Hobbes for at least two reasons: glory is the shakiest of passions, as it depends on the volatile perception of others, and on the equally contingent circumstances that give rise to these social judgments. Second, it commits us to Hobbes’s controversial claim that before the state there is, strictly speaking, no morality. This passion for glory leads to quarrel precisely because in the state of nature we disagree over the meaning of *evaluative terms* that we use to praise, but more importantly, to disapprove and disrespect others. What and who is good, just, and right are all contentious concepts. From this it follows that Hobbes’s concern with disagreement “is grounded directly in his account of human nature: in particular, in humans’ disposition to pursue glory and honour, often even at the cost of death”.¹³²

Though the Sovereign cannot *radically* change human nature – even if Hobbes’s more ideological account of the state expects that human beings’ behaviour can be

¹³¹ Hobbes accepts that not all men are prone to glory, but the fact that some are, and specially young and healthy men, is enough to see this passion as a triggering factor for potential war: “The vainglory which consisteth in the feigning or supposing of abilities in ourselves, which we know are not, is most incident to young men, and nourished by the histories or fictions of gallant persons; and is corrected oftentimes by age and employment” (*Leviathan*, Chap. 6).

¹³² Abisadeh (2011), p. 299.

shaped for times of peace – his authority must settle the deep problem of disagreement arising from our passions. In *De Cive*, Hobbes says that pleasure “lies in being able to compare oneself favourably with others and form a high opinion of oneself.” In this sense, men cannot “avoid sometimes showing hatred and contempt for each other, by laughter or words or a gesture or other sign”.¹³³ The likelihood of these gestures and signs resulting in a conflict as extreme as war is, from a Kantian perspective, a very fragile and fortuitous explanation of why a coercive power is needed to sort out this mess.¹³⁴

The inadequacy of an instrumental justification of the state

The contingency of circumstances that give rise to glory-driven frictions on the one hand, and the positivism of law and moral terms on the other, are in stark contrast to Kant’s philosophical outlook vis-à-vis politics.¹³⁵ But what is the problem with the instrumentality of Hobbes’ justification? If we accept, with Hobbes, that glory is the decisive passion fuelling conflict in the state of nature, are we not on safe grounds here to say that, *from a Kantian perspective*, mere perception and opinion and the conflict that they bring cannot ground the state as a necessary condition to remedy this initial problem? What can be shakier than the empirical circumstances of people’s *perceptions* of each other’s esteem and social status, as a justification to bring in a sovereign to pacify these conflicts?

¹³³ Hobbes (1998), 1.5, 26–27.

¹³⁴ I rely on Abisadeh’s analysis of glory to make some of my points, but I depart from his overall conclusions because of the narrow aim of this section as a comparative exercise driven by strictly Kantian concerns.

¹³⁵ This talk of glory evokes Kant’s discussion of self-love, pride, and vanity in *Religion*. The most interesting treatment of this is found in Muthu, who gives central place to Kant’s analysis of the effects of our need to “gain worth in the opinion of others”, and our tendency towards “hateful superiority” [Rel 6:27]. For Muthu, there is a positive aspect to be found in these attitudes, since to gain worth in the eyes of others “is part of our very humanity” and part of a requirement of our “socially oriented rationality and agency”. For our present purposes, two things are worth noting: first, that this discussion is developed in the context of Kant’s arguments in *Religion*, following Kant’s assumptions there about human nature and our *moral*, i.e., internal, dispositions. Second, they spring from Muthu’s specific aim to arrive at an empirically-sensitive and historically oriented definition of humanity in Kant. In this chapter, my aim is to understand Kant’s *formal* analysis of the morally problematic state of nature, assuming the external perspective required by politics in contrast to individual morality. In this sense, it is actions rather than intentions, and the will rather than human nature that is at stake for me. This, however, does not preclude us from drawing interesting points of contact between Hobbes and Kant, specifically regarding their shared interest in understanding the effects of glory and our need to be master over others. Actually, it is remarkable how Hobbesian Kant can be on this issue. Cf. Muthu (2014). ‘Productive Resistance in Kant’s Political Thought’, p. 74.

A Hobbesian might well retort that human passions are fixed, or hard-wired into our nature.¹³⁶ It would be a mischaracterisation of Hobbes's position, then, to think that an account of human nature is solely based on the contingent passions and whims individuals happen to be moved by. I think that this objection is partly right in assuming that, for Hobbes, passion are not whims but constitutive of agency. Hobbes himself sets this issue straight when he states that contingency lies not in the "similitude of passions, which are all the same in men", but in the contingency "of the *objects* of the passions which are the things desired, feared, hoped, etc., for these the constitution, individual, and particular education, do so vary." (*Leviathan*, 'Introduction', my emphasis) Different men will want, fear and hope different things for different reasons; but the passion to long for objects of choice as such remains fixed.

To be fair to Hobbes, this analysis of human nature is the route to a specific kind of philosophical aim. It is meant to motivate entering into a particular kind of state, and to establish a specific kind of sovereign, namely one who can settle radical disagreements between individuals, and most importantly, a state that can define the meaning of words to pacify the infinite variety of false perceptions, words, and intentions that fire up our radical enmity. Civil law addresses this disagreement of perceptions and opinions; it "determineth what is *honest* and *dishonest*, what is *just* and *unjust*, and generally what is *good* and *evil*" (*Leviathan*, Chap. 56).

From this it follows that the state is intended to *remedy* the empirical shortcomings found in the state of nature by means of an instrumental justification. I explore this remedial view of the state as a solution to conflict in the final chapter of this thesis. For now, we need only note that this remedy is anchored in Hobbes's instrumental approach to the state, represented by the "associated benefits" of living under a Commonwealth.¹³⁷ Hobbes persuades us of the instrumental and prudential benefits of the state by showing all the things that are *impossible* if the state is absent,

¹³⁶ Hobbes seems to endorse this view under the rubric of his materialism and his theory of life as motion when he says in the Introduction to *Leviathan*: "For seeing life is but a motion of limbs... what is the heart, but a spring; and the nerves, but so many strings; and the joints, but so many wheels, giving motion to the whole body, such as was intended by the Artificer?" (*Leviathan*, 'Introduction')

¹³⁷ Petit (2005), p. 136

and the limitations that lie ahead of us in the state of war. As he famously puts it in Chapter 13 of *Leviathan*:

In such condition there is no place for industry, because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation... no commodious building... no knowledge of the face of the earth; no account of time; no arts; no letters; no society.

Life, we are expected to be convinced, would be “solitary, poor, nasty, brutish, and short.”

Some commentators have tried to carve an alternative route for a justification of the state in Hobbes. This proposal appeals to the normative character of Hobbesian natural laws. Here “peace” is deemed a value with normative weight, such that even if we adopt means–end reasoning (i.e., *if peace, then* comply with the content of natural law), it is the closest we get to a moral interpretation of Hobbes’s overall political project. The most refined version of this argument is found in S. A. Lloyd: she states that Natural Laws “normatively motivate submission to political authority, by dictating submission to an absolute sovereign”.¹³⁸

However, even if this reading could potentially meet Kant’s ambition of grounding state entrance on a duty, Kant could not rely on an external source of normativity in the laws of nature. Obligations have to emanate from the will [*Wille*], even if from a different, unilateral will.

To sum up: I suggest that the reason why Hobbes’s account of political authority is inadequate is to be found in his account of human nature we discussed at the start of the section. A question remains as to how *universal* Hobbes’s claim of our glory-driven nature is, or how universal it must be if it is to do the job it is meant to do. It is true that Hobbes thought that even if only *one* individual were driven to dominate others, and to

¹³⁸ Lloyd (2009), p. 268.

take arms to defend his self-esteem,¹³⁹ this would be enough to ground the necessity of a coercive state.

Notwithstanding this caveat, I have developed the arguments of this section with an instrumental eye to show that, despite Kant's appeal to a Hobbesian structure of argumentation, an account of the state derived from an account of human nature remains deficient for two reasons. First, Hobbes's emphasis on the passions, and specifically that of the desire for glory, does not to my mind explain what is *morally* at stake in the state of nature as a state of war, but only the instrumental consequences that arise from competing passions. Second, and intimately related to this point, the contingency of the explanation can only offer a contingent justification of the state-based solution Hobbes has in mind. As we will come to see in the next section, Kant has to change the terms of the debate: he first has to show that there is something *moral* at stake in the lawlessness of the condition of the state of nature in order, second, to derive from this condition the required moral justification of the state. Kant has to do this independently of prudentially motivated reasons to keep glory-seeking individuals under coercive control.

3. What is *wrong* with the Kantian state of nature?

Having sketched this richer picture, let us take stock. So far I have argued that Kant's engagement with Hobbes's problem of political authority should be taken seriously. This explains why some of Kant's descriptions of the state of nature sound bizarrely Hobbesian. However, Kant's deep understanding of the problem of authority allows him to see the inadequacy of Hobbes's account. He understands that you cannot get necessity out of contingency, and so the source of a duty to state entrance cannot be grounded in the passions, let alone in the shaky desire for glory. Instead, Kant must

¹³⁹ That there is something that people value more than the physical preservation of their lives is evidenced by the way we value the status of our person in the eyes of others. Hobbes thinks that this is clearest in our willingness to duel. A son, Hobbes says, "will rather die than live infamous and hated of all world [for executing a parent]", as most men "would rather lose their lives (that I say not, their peace) than suffer slander" (*The Collected English Works of Thomas Hobbes [1839–1845]*, Volume II, 83, 38)

offer a moral justification of the state, grounded in the morally problematic condition in which individuals find themselves in the state of nature.

To anticipate, I argue that Kant identifies in the state of nature a kind of wrong that both precedes and underlies the possibility of mutual equality and the requisite assurance to exercise our rights independently of another's choice. This wrong Kant calls the "*stato iniusto*" as the threat represented by the condition (*stato*) of our will when it acts and chooses in a *lawless manner* against others. In other words, the compatibility of agency and the limited exercise of our rights are threatened because in a state of nature, *merely by virtue of having a will* that is not yet limited by an external and public law, we *inevitably wrong* all around us by having an equal capacity for choice [*Willkür*] free from limitations imposed by universal law. It is the lawlessness of my will, i.e., a mere arbitrary will, and not the lawlessness of the condition of state of nature, which makes this situation morally problematic *in the first place*. As we will see in due course, the more common defects found in this state, such as the lack of assurance and indeterminacy, are read, from the perspective of my interpretation, as manifestations of a more fundamental wrong. It is this *existential wrong*, and not these empirical defects, that explains why wanting to remain in this condition is, as Kant says, "wrong in the highest degree" [DofR 6:308].

The 'defects' of the state of nature

Before I present my account in full, I should note that Arthur Ripstein has come closest to the kind of moral analysis I am trying to capture. Ripstein appreciates that Kant's problem is not Hobbes's; he casts the Kantian state of nature as a "normatively incoherent" situation from which right-bearers must escape. Ripstein appreciates Kant's formalism when he states that Kant's arguments for political authority do not rely on "focusing on the empirical defects of the state of nature". Rather, these arguments remain "*a priori* because they are all internal to the concepts of acquired rights".¹⁴⁰

¹⁴⁰ Ripstein (2009) *Force and Freedom*, pp. 201, 146.

Taking Kant's *a priori* method seriously prevents Ripstein from collapsing Kant back into Hobbes, in contrast to less sensitive readers.¹⁴¹

Ripstein systematises this normative wrong of the Kantian state of nature in terms of three fundamental 'defects'. This approach is common, and normally primarily focuses on the vulnerable condition of our rights as long as we remain in private dealings.¹⁴² Three defects arise in this condition of nature: First, given that we are agents endowed with freedom, acquired rights must be morally possible according to the postulate of practical reason – yet they are reduced to private rights fought unilaterally in the original condition. Second, since a right is by definition related to the corresponding capacity to coerce, the enforcement of such right is not possible in the condition of the state of nature. Third and finally, since rights can only be effective in a condition of equal freedom, the judgment over the distribution of such rights remains indeterminate.¹⁴³

Accordingly, these defects track the problems of unilateral choice, the problem of assurance, and the problem of indeterminacy. Kant's solution, according to Ripstein, consists in designing a system of institutions with the required legislative, executive, and judicial branches that can, in concert, remedy the state of nature's defects. I think this analysis, and the endorsement of Kant's formalistic method I mentioned at the start, are salutary moves in favour of a distinctively Kantian account of the state of nature. However, while Ripstein sees part of the problem, he fails to see all of it. Even if he does not express it in these terms, I read these defects as *manifestations* of a yet more fundamental right. This right, or value, is "the right of independence" so prominent in Ripstein's overall interpretation of Kant's political project. It seems to me that it is this right, grounded in our "innate right to our humanity", that is morally at stake in the state of nature for Ripstein. I now turn to why this is so, and to offer some criticisms of Ripstein's position.

¹⁴¹ Cf. Tuck (2011), Pogge (1988), and Bader (unpublished).

¹⁴² Versions of the three defects have drawn the attention of commentators. To mention only some of these, the argument from unilateral action is considered in Ludwig (2002), and Flikschuh (2008). Assurance is central to Pippin (2006). For versions of the indeterminacy argument see Williams (1983).

¹⁴³ Ripstein (2009), pp. 146ff.

Innate right

A possible reconstruction of this view is that given our innate right to freedom – understood by Kant as “independence from being constrained by another’s choice” – the state of nature is a paradigmatically vulnerable place for human agency. For Ripstein, agency is specifically determined by that “distinctive aspect of your status as a person in relation to other persons” to be “entitled to set your own purposes, and not required to act as an instrument for the pursuit of anyone else’s purposes”. This entitlement to independence makes you a “sovereign” over your choices and ends. According to Ripstein, this sovereignty is grounded in further entitlements naturally anchored in the innate right of our humanity.

I am aware that this reconstruction is minimal, and the claims controversial.¹⁴⁴ It is enough for my current purposes, however, because it raises two important questions: first, given the three Ripsteinian defects in the state of nature – unilateral choice, assurance, and indeterminacy – how are they related to this value of independence, which, in light of its importance, seems to be at risk in a condition of mere private doings? Second, if I am right to suggest that they *should* indeed be related to Ripstein's insistence on a right to independence as fundamental to our purposeful agency and freedom, how is this right *under threat* in the state of nature?

Let us take on board the suggestion that the state of nature’s defects are troublesome only to the extent that they manifest a more fundamental wrong regarding the status of our innate right in the state of nature. Yet, this in itself is a problematic move because Ripstein does not present the matter in this way. Part of my problem with his diagnosis of the state of nature lies in the fact that we are left in need of an explanation of the kind of wrong *that in turn explains why* unilaterality, assurance and indeterminacy are defects in the first place.

However, if it turns out that the defects are in fact related to the threat posed *by others* to my independence, then making *this* the wrong that explains the moral problem

¹⁴⁴ For a critique of Ripstein’s account of innate right see Flikschuh (2015).

of the state of nature does not actually correspond to the way Kant himself sees the problem. First, Kant does not appeal to any talk of innate right or of a right to independence from the choices of another in the context of his remarks on the state of nature. More importantly, he is adamant in saying that “it is not necessary to wait for actual hostility” and that no-one “need[s] to wait until he has learned by bitter experience” that we are “authorised to use coercion against someone who already, by his nature, *threatens him*”. We are then authorised to coerce others to leave this state along with us, regardless of any *actual threat* either to our innate right to freedom, or to our right to be independent from the choices of another [DofR 6:307].

In contrast, Ripstein's interpretation approaches the moral troubles of the state of nature by means of two implicit assumptions: first, that to *wrong* your innate right to independence I must *act* in ways that indeed curtail your free, end-setting capacity. Second, what this wrong brings to light is that there is something of *value*, namely, the right to independence itself, that ultimately demands a coercive system of rights to ensure and *protect* the effective use of this right.

The first point is troublesome, because *actual* infringements of rights cannot be the most morally problematic feature of this initial state. According to Ripstein, my use of you is “objectionable” insofar as I get what I want by subjecting to you to my arbitrary choice. This logic of uses and abuses of our independence requires an act, so Ripstein concludes that “my act is objectionable because the means I use are properly subject to your choice, not mine”.

I agree that subjecting my choices to the choice of another is objectionable from a Kantian perspective. But it is not the end of the story, because Kant thinks that what makes the state of nature such a problematic condition is the fact that we do not even have to wait for any *empirical act*, such as me “grab[bing] you and push[ing] you out of the way”, to know that we must get out and settle into a civil condition.¹⁴⁵ As he puts it: “It is not experience from which we learn of the maxim of violence in human beings and of their malevolent tendency to attack one another... thus it is not some deed that

¹⁴⁵ Ripstein (2009), p. 50.

makes coercion through public law necessary.” He also adds that you are wronged “just by being near me in this condition, *even if not actively*” [PP 8:349 fn., my emphasis].

Grounding this potential wrong in a literal act of infringement to your rights in the way Ripstein proposes, sounds to me worryingly Hobbesian. As we can see in the above quote, Kant is after a wrong that is *independent* of any specific empirical experience. This, of course, does not mean that there are no objectionable acts of unilateral choice – more specifically, of property – in the state of nature. But Ripstein’s limited account of the state of nature in terms of an *action* against my independence is not fully in line with Kant’s own own version of what is morally at stake in the state of nature.

The second, problematic aspect of Ripstein’s proposal has to do with the right to independence as such. The central place he gives to this right, which in turn grounds the three defects of the state of nature, seems to me crucial. I interpret Ripstein’s three defects of the state of nature, i.e., unilateralism, lack of assurance, and indeterminacy as problematic *because* they manifest a deeper problem underlying the status of the substantive value he thinks is here under threat. From this follows that our right to be sovereign against the choices of others seems to enjoy for Ripstein a kind of *independent value*, conceptually connected to the three defects.¹⁴⁶ As Flikschuh puts it in her own discussion of innate and acquired rights, Ripstein’s approach to independence and purposiveness suggests that “some substantive content does in the end intrude upon the analysis”.¹⁴⁷ From this perspective, the state of nature is morally problematic because it threatens our capacity to be sovereign against the active choice of others. As Ripstein says, “each person’s entitlement to be independent of the choice of others constrains the conduct of others *because of the importance of that independence*, rather than in service of something else”.¹⁴⁸ It is “the importance of that independence” that triggers for Ripstein the moral justification of establishing a system

¹⁴⁶ Flikschuh forcefully presents this objection. She identifies an interpretative trend among Kantians of identifying a value, in turn grounded in Kant’s innate right, as something akin to “our practically intuitive self-conception as rational end setters”. For an extended discussion see Flikschuh (2017) *What is Orientation in Global Thinking? A Kantian Inquiry*, pp. 37-40.

¹⁴⁷ Flikschuh (2015) ‘Innate Right and Acquired Right in Arthur Ripstein’s *Force and Freedom*’, p. 333.

¹⁴⁸ Ripstein (2009), p. 34, my emphasis.

of coercive rights, by resolutely abandoning this vulnerable condition.¹⁴⁹ At the same time, his emphasis on independence is in tension with his insistence on Kantian formalism in politics, where the question of whether the choice of a plurality of persons can coexist was, and should remain, “a purely formal question”.¹⁵⁰

To conclude: Ripstein is right to approach the Kantian state of nature, as a condition where a normative wrong takes place. He is also right to read this condition with an eye on its formal, rather than its material features. However, I argue that Ripstein’s emphasis on the right to independence, and the wrong that arises from abusing its limits, misidentifies what is *morally at stake* in the state of nature. As I will discuss next, it is not independence from the arbitrary choice of another, but the structural relation of will to law what is morally at stake.

4. The problem of the state of nature as a problem of the *will*

This section presents my positive reading of Kant’s state of nature. I argue that there is a distinctive *wrong* in this state, a kind of *moral wrong*. It is a moral wrong for at least three reasons: First, it is an ‘existential wrong’, in the sense that it has to do with our existence as agents endowed with a will.¹⁵¹ Secondly, it is a moral wrong because we cannot avoid it, even if we were by nature benevolent or perfectly law-abiding. And finally, it is a moral wrong because it is carried by the lawlessness of our will, in the absence of the authority public law.

In the previous section, I presented an alternative view according to which there are two sources of wrong in the Kantian state of nature. One has to do with the defects of such a condition, namely, unilateral choice, assurance, and indeterminacy. The other was Ripstein’s *substantive* analysis of the wrong in the state of nature in terms of the threat to the right of independence. I will now argue that these interpretations threaten to

¹⁴⁹ I read Ripstein’s emphasis on Kantian institutions as a solution primarily aimed at *protecting* our innate right to independence. The emphasis on a Kantian institutional solution to the state of nature has taken centre stage, largely assuming a settled, Ripsteinian, reading of why the state of nature is morally problematic in the first place. Cf., e.g., Sinclair (2018) and Weinrib (forthcoming).

¹⁵⁰ Ripstein (2015), pp. 8–9.

¹⁵¹ DofR 6:231.

distract us from what is the more fundamental and philosophically novel moral wrong Kant theorised to be at play in this natural state.

The ‘*stato iniusto*’

In a revealing passage in *Perpetual Peace*, Kant comes closer to explaining this type of *wrong* when he says that:

A human being (or a nation) in a mere state of nature denies me this assurance and already wrongs me just by being near me in this condition, even if not actively (*facto*) yet by the lawlessness of his condition (*stato iniusto*), by which he constantly threatens me; and I can coerce him either to enter with me into a condition of being under civil laws or to leave my neighbourhood. [PP 8:349 fn.]

We can see here Kant developing an important concept, the ‘*stato iniusto*’, which is a wrong that both emanates from and is done to the human will *against itself*. I suggest that the “lawlessness of his condition” or the *stato iniusto* is a threat represented by the *condition of our will* understood in terms of our capacity for choice, when it finds itself without a law that can give moral significance to its actions even as it limits them to the conditions of universal law.¹⁵² What Kant wants to show us is how, as soon as we take a step outside the inner world of our moral lives, and stand in inevitable and *external* interaction with one another, our will turns out to be lawless and, therefore, a moral threat to others, unless our reciprocal equality for choice is limited and determined under a *kind of law*, a law that is public and externally imposed.

It is one of the basic tenets of Kant’s theory of the will that a will can only be free under a *kind* of law. As we saw in Chapter 1, at the level of individual, first-personal morality, this law is prescribed by practical reason in the form of an imperative.¹⁵³ At the level of political morality, we are *externally free* when our actions are limited in accordance to universal law.¹⁵⁴ Unless it is subjected to a public law capable of putting

¹⁵² This principle of the will [*Willkür*], externally enforced by an appropriately omnilateral power, will turn out to be the Universal Principle of Right. Cf. DofR 6:231.

¹⁵³ On my specific understanding of reason’s self-legislation as a mode of prescription see Chapter 1, sec. III, ‘The will and the autonomy of reason’.

¹⁵⁴ “[S]o act externally that the free use of your choice can coexist with the freedom of everyone in accordance with a universal law” [DofR 6:231].

everyone under an obligation, our external freedom *wrongs* others who have an equal claim to such a capacity. So, in order to make sense of the idea of having a will *at all*, or in other words, to make sense of the idea of political agency in general, we need to find a law that translates this *stato iniusto*, this “lawless condition” of our will, into the rightful exercise of our external freedom.

It is no surprise that Kant’s way of speaking about this lawless condition involves expressions such as “wild freedom” and “brutish freedom”. More to the point (and in line with my interpretation), Kant describes the *state of our will in the state of nature* as a “state of externally lawless freedom”. What these phrases illustrate is that unless we abandon this condition, and constitute an external public will, our will will continue to be arbitrary, wild, and brutish (and possibly solitary) [DofR 6:308].

This point, that the will remains arbitrary and lawless in the natural condition, resonates with Kant’s own version of the Hobbesian state of nature. When presenting his own interpretation of Hobbes’ state of nature in a note in *Religion*, Kant takes some interpretive license, and introduces his particular concerns about the will in relation to the state of war: the war of all against all, he says, is “a state of continual infringement upon the rights of all others through man’s arrogant insistence on being judge of his own affairs and giving men no other security in their affairs save his *own arbitrary will* [*Willkür*]”.¹⁵⁵ This assurance is *morally deficient* because it hinges on the arbitrary standing of our will. This standing is “arbitrary” in the sense I have argued in this section, namely, a will that chooses and acts without being subject to *any* law. The wrong for Kant lies in this “arrogant insistence” on the part of the individual to hold on to this arbitrary condition of her *Willkür*.

Moreover, Kant conceptualises this wrong under a very specific *moral* category. He tells us it is a “wrong in the highest degree” to stubbornly insist in remaining in this lawless state, “enamoured with [one’s] unrestrained freedom.” More to the point, he uses the *Groundwork*’s language of exceptions when he describes, in *Idea*, the hardships involved in actually transitioning to the civic condition. Although man is a

¹⁵⁵ Kant in the *Religion* quoted by Tuck (2011), p. 210.

rational creature who “desires a law to impose limits on the freedom of all, he is still misled by his self-seeking animal inclinations into *exempting himself from the law when he can*” [IUH 8:21, my emphasis].

Making an exception for myself in the face of the duty to state entrance is a wrong done by the will *to itself*. The effects of this desire to keep our wild freedom intact will, surely, have consequences for others people’s equal capacity for choice, but as I have theorised this idea, the wrong is *primarily* or *most fundamentally* done to “the capacity of our will to be rightfully limited by law.” [DofR 6:312, IUH 8:23, my emphasis]

A formal wrong about the lawless standing of will

Understanding the moral dimension of this pre-judicial wrong is, I argue, Kant’s fundamental insight into the problem of the state of nature. It remains puzzling, however, how this wrong actually *comes about*. As I said before when discussing Ripstein, Kant thinks that this wrong occurs even absent “some deed that makes coercion through public law necessary” [DofR §44, 6:312]. I have also suggested that this wrong is, in some ways, existential. By this I mean that it is involved in the sheer *existence* as human beings who stand in inevitable proximity to each other, before public law is established.

There is an air of paradox in these remarks: Kant seems to be saying that, in the state of nature there is a wrong involved in my mere standing next to you, because I embody a will that is lawless. Yet, how can I *wrong* you without *acting* against you? The only way we can explain our way out of this paradox is to hew close to Kant’s account of this particular situation, uniquely arising in the state of nature.¹⁵⁶ As he says,

¹⁵⁶ Strictly speaking, there is no deed (*factum*) in Kant’s state of nature. According to his definitions in the Introduction to the *Metaphysics of Morals*, Kant reserves the term ‘deed’ to the kind of action that can be both judged (from the perspective of an authoritative judge or court) and imputed. This means that actions as deeds or *factum* can only take place, once we have entered a condition of public right, where actions are, strictly speaking, “under laws”. This way of articulating the matter shows that for Kant, there are to be sure actions in the state of nature, but not deeds, since this is still a condition where public law and the required institutions for public imputations are not in place, and so the law under which such actions stand could well be the moral law of each individual, but not the external, public law from which that individual will be judged. As Kant puts it in Section II of the Introduction: “Imputation (*imputatio*) in the moral sense is the judgment by which someone is regarded as the

the *stato iniusto* is a condition of my will, and not an empirical expression of my agency through actions. Though deeply abstract, this philosophical insight into the nature of willing in relation to law is deeply Kantian. For political life to be possible, the first thing that needs to be subjected to law – of an external kind – is the will that gives meaning to each individual’s agency. If the will is the source of lawfulness, as I have argued in this thesis, then we can easily understand why I don’t have to wait for anyone to push me around according to their arbitrary choices, or to infringe my right to be somewhere by occupying vast territories of the earth, to know that I am ‘robbed’ of my capacity to will [*Willkür*] choices, ends, and actions, unless we all subject ourselves to political authority.

As Markus Willaschek explains in his analysis of right in contrast to ethics, “Kantian right is intrinsically social in a way that Kantian morality is not”. So my mere standing in the state of nature occupying a space ‘signals’, so to speak, a limitation on the right of anybody else to occupy the same space. Unless each of our limited spaces are clearly determined and secured by a universal law, I wrong you just by occupying a space that could, potentially, be yours: “The mere fact of my standing somewhere creates a right that limits the rights of everyone else”. This radical relational character of political life, and the unique wrong-doings that it brings with it, clearly contrasts with the isolationism of our moral lives.¹⁵⁷

If we focus on Kant’s assumptions about the will and law, the air of paradox quickly vanishes. Committing a wrong without actually committing any act conveys more forcefully the idea that the moral problem of the state of nature is, on the one hand, formal, i.e., not contingent on empirical circumstances, and on the other hand, a condition the moral significance of which is to be found in the human *will* and not in our external objects of choice. In this sense, this interpretation of the existential wrong departs from Hobbes’s empirical diagnosis of the state of nature, and it also departs from Ripstein’s focus on the problems that arise from abusing our right to independence.

author (*causa libera*) of an action, which is then called a deed (*factum*) and stands under laws... The (natural or moral) person that is authorised to impute with rightful force is called a judge or a court” [DofR 6:227].

¹⁵⁷ Willaschek (2009) ‘Right and Coercion: Can Kant’s Conception of Right be Derived from his Moral Theory?’, pp. 64–5.

To recapitulate: I have argued that for Kant, the source of discord in political life, as in our moral life, lies not in the way we *are*, but rather with the way we *will*. Kant's view of conflict as rooted in the lawless condition of agents embodied with a will [*Willkür*], rather than in human nature, makes the state not merely an instrumental necessity but a moral necessity grounded in a duty to state entrance. If my analysis is right, locating the source of conflict in the will and not in human nature marks a radical difference between Kant's and Hobbes's respective accounts of legitimate coercion. From a Kantian perspective, if what were at stake were the enmity between the strong and the weak, or the violence ensuing from a glory-drive passion, a mere instrumental justification of the state would do the job. In contrast, Kant has identified a *moral wrong* that changes the normative landscape of the state of nature altogether, demanding a particular kind of political state in terms of the idea of Public Will.

5. From a lawless will towards the moral necessity of a Public Will

In this final section I address two issues: first, the way Kant sought a synergy between the morally troubling aspects raised by our analysis of the state of nature, on the one hand, and the specific features an adequate form of public willing has to have in order to *solve* what was morally at stake in this initial condition, on the other. Second, I want to draw this chapter to a close by understanding Kant's commitment to the state as a necessary solution to the problem of the state of nature.

Moral synergy between problem and solution

I think there is a remarkable synergy in the way Kant diagnoses the problem of the state of nature, and the way he conceives of its solution. He conceptualises the problem of the state of nature in terms of the structure of the will and its relation to law. What is morally at stake, then, is the arbitrary and lawless standing of the human will in a condition characterised by the absence of public law. Kant's solution to this problem is likewise conceptualised in terms of the relation of the will to law. As we will see in more detail in the next chapter, he believes that the solution must be developed *in the*

same terms as those of the original problem, namely, as a transition from *lawless* willing to a condition of rightful *political* willing.

I argue that Kant seeks to explain the transition from the state of nature to the civil state as a transition in *forms of willing*: from private and unilateral lawlessness to public and omnilateral lawfulness. That Kant has been working out this adequate form of willing to address the problem of conflict in human interaction has been explored from the perspective of teleology in Chapter 2. In this chapter, I have explored this problem in the specific scenario of the state of nature. My claims have been developed from the vantage point of Kant's account in the *Doctrine of Right*. In this sense, it is only in retrospect, I suggest, that we are able to make sense of the emergence of the idea of a Public Will that can overcome the deficiencies of the moral wrong that initially necessitated it.

Two important features of public will, namely, externality and *a prioricity*, are already explored in the context of the state of nature.¹⁵⁸ For Kant, the moral problematic of this condition has nothing to do with the lack of moral resolution of individuals to act on a maxim that can be universalisable, or with ethical considerations.¹⁵⁹ Equally, the wrong is independent of the *a posteriori* and empirical circumstances that constrain our agency (think, for example, of the role that scarcity plays in a Hobbesian scenario). In

¹⁵⁸ I discuss these two features of public willing in Chapter 4, sec. III, 'Moral features of Public Will: Omnilaterality and Coercion'.

¹⁵⁹ Kant seems to be introducing an ethical consideration in the state of nature, and this has motivated some scholarly discussion. He introduces a presumption of ethics in his dictum that, when faced with another human being, and in the absence of public law, "*Quilibet praesumitur malus, donec securitatem dederit oppositi* ('Everyone is presumed bad until he has provided security to the contrary')". This sentence would be troubling if appealed to as a principle by which to judge the intentions underlying the actions of others. However, as Byrd and Hruschka explain, this presumption is applied only to actions, as a dictum that allows us to navigate through this vulnerable condition [DofR 6:307]. When rights are infringed in the state of nature, "I may presume another person did not steal a horse, for example, because he was afraid of being caught by the horse's owner, not because he is a virtuous person. For the presumption of innocence, the person's reasons, motivations, and attitudes are completely irrelevant". To put it more systematically, what is relevant for Kant is the fact that both before and after a public law is established, it is the actions, and not the morality of the intentions determining it, that call for a law that can distribute justice in a way that I can choose, possess, and enjoy the objects of my choice. Byrd and Hruschka (2008), pp. 621. In a similar vein, Ripstein reminds us that the state of nature is a condemnable condition from a moral point of view "not because of any views about the 'radical evil' of human beings, such as those [Kant] defends in his *Religion*, but because the alternative is a merely material principle based on the particular motives of those you interact with" (Ripstein (2009), pp. 163–4).

his early analysis of the state of nature, Kant has already settled on the external nature of his theory of Public Right as well as on the *a priori* grounds of justification. This is why the moral wrong the resolution of which requires an external and *a priori* will cannot be rooted in anything to do either with the inner moral dispositions of our will or with the potential hostilities of a state of war:

However well disposed and law-abiding human beings might be, it still lies *a priori* in the rational idea of such a condition (one that is not rightful) that before a public lawful condition is established individual human beings, peoples and states can never be secure against violence from one another... So, unless it wants to renounce any concepts of right, the first thing it has to resolve upon is the principle that it must leave the state of nature, in which each follows its own judgment, unite itself with all others... that is, it ought above all else to enter a civil condition. [DofR 6:312]

It should be clear from this passage how, for Kant, a “public lawful condition” results from *a priori* considerations about what is right, and more importantly, about the *external* dimensions of our agency, in contrast to agents’ internal dispositions. In keeping with my analysis of the *stato iniusto*, by ‘external’ here I mean Kant’s concern over the possibility of the human will to be under an *external legislation* that is adequate to our political agency instead of our moral agency. This wrong is “*iniusto*” precisely because it is the standing of a will that stubbornly holds itself to *act externally in a way that is lawless and arbitrary*.

The moral necessity of the Kantian state

I want to draw this discussion to a close by turning to the issue of the political necessity of the state. One of the main claims of this chapter has been to show that, despite Kant taking Hobbes’s problem of authority very seriously, he offers a radically different explanation of the roots that make political authority a matter of necessity. In contrast to Hobbes’s instrumentalism, Kant’s *morally*–driven diagnosis of the state of nature leads him to the moral necessity of the state, as the only possible institution capable of embodying a will that is

omnilateral, that is, united not contingently but *a priori* and therefore necessarily, and because of this is the only will that is lawgiving. For only in accordance with this principle of the will is it possible for the free choice of each to accord with the

freedom of all, and therefore possible for there to be any right, and so too possible for any external object to be mine or yours. [DofR 6:263, emphasis in the original]

Key to Kant's argument is his insistence that what makes this "principle of the will" a matter of necessity has nothing to do with human beings' tendencies to be violent, selfish, or ambitious. To be sure, he does not deny that "envy, addiction to power, avarice, and the malignant inclinations associated with these assail [our] nature", but this Hobbesian story is not what makes exiting the state of nature a necessity for us. As Allen Wood has extensively argued in his works on Kant's anthropology and his theory of human nature, "whatever we say about human nature, its predispositions and its propensities, can have only a provisional character" in Kant's philosophy; there is no "specific differentia" with which to compare our species, since the human species "is only one possible variant of rational nature".¹⁶⁰

For this reason, I find it hard to understand why some Kantians seek to ground necessity out of contingent explanations when they say, for example, that "the necessity of the civil condition is, accordingly, explained by means of motivational considerations", and in terms of the "imperfections that the threat of hostility and violence is due to our nature". I suspect this has something to do with Kant's assumptions about the structure of sovereignty, and the resemblance it bears with Hobbes's. Pogge is a good example of this characterisation of Kant, when he says that the latter is unable to extricate the Hobbesian "dogma of absolute sovereignty" presupposing authority as the only recognised mechanism "that uniquely resolve[s] any conflict".¹⁶¹

But if the state is, indeed, a *moral* necessity, how is this duty grounded? According to Kant, "when you cannot avoid living side by side with all others, you ought to leave the state of nature and proceed with them into a rightful condition, that is, a condition of distributive justice". This he calls the 'Postulate of Public Right'. But who exactly *says it is so*, and how does the agent experience this postulate as a matter of duty?

¹⁶⁰ Wood (2003), p. 47.

¹⁶¹ Cf. Bader (unpublished), pp. 7–8 and Pogge (1988), p. 416.

In the context of Kant's account of moral willing, we learned that the law was experienced in the form of an imperative. If Kant had adopted this account in politics, he would have had to say that in order to enter the civil condition, and abandon the wrong of standing side by side with others in a lawless state, I would have had to make it my maxim to make my actions compatible with those of everybody else *as a matter of duty*.

However, Kant's radical shift to an external model of political willing shows that the duty to state entrance can and must be complied with, *even if I do not make it my maxim to act in accordance with such a law*. As Kant puts it in Section C on the 'Universal Principle of Right':

[A]ct externally that the free use of your choice can coexist with the freedom of everyone in accordance with a universal law, is indeed a law that lays an obligation on me, but it does not at all expect, far less demand, that I *myself should* limit my freedom to those conditions just for the sake of this obligation; instead, reason says only that freedom *is* limited to those conditions in conformity with the idea of it and that it may also be actively limited by others. [DofR 6:231, emphasis in the original]

But what grounds the obligation that says that "I myself should limit my freedom to those conditions", and where does the power to bind us in this required way come from? This obligation is grounded in the coercive power of an omnilateral will, as the only legitimate source from which the freedom of each can be limited.

We can now see more clearly the analytical connection that Kant draws between the duty to state entrance as the only condition that makes a system of political obligations possible, and the law prescribed by the postulate of practical reason to abandon unilaterality in favour of omnilateral legislation. This duty must be possible for beings like us since according to Kant's theory of the will, "it would not be a duty to aim at a certain effect of our will if this effect were not also possible in experience". From this perspective, "we are not free to turn our backs on the moral possibilities that the exercise of the state opens up to us"¹⁶² through the moral qualities of an omnilateral

¹⁶² Waldron (2006), p. 183.

will. Kant understands this as an idea of reason since it is only from reason that “alone can arise any rule that is to contain necessity” [CPrR 5:20].

To conclude: this chapter explored a transitional argument in Kant’s account of public will. It is thus inevitable that the resolution of this transition from the state of nature to the civil state remains, in one important respect, incomplete. A complete picture requires an in-depth analysis of the way Kant thinks Public Will is constituted, and the role it plays in limiting the choices that cause the moral problems of the state of nature. I complete this picture in the next chapter by taking up the following question: What makes political agency possible? Kant’s complex account of Public Will is the issue we now turn to explore.

Chapter 4

Public Will

Introduction

This thesis argues that there is a conflict inherent in political life, one which Kant understood as a systematic problem in *willing*. So far I have traced the steps of Kant's progressive development of an account of political willing, appropriate to the kind of conflict it is meant to resolve. In Chapter 2, I argued that a teleological account of political willing in terms of Nature has serious shortcomings. In Chapter 3, I showed why Hobbes's prudential solution to the conflict of the state of nature was also philosophically deficient from a Kantian point of view. I also argued that Kant's serious engagement with the problem of political authority commits him to a moral justification of the state, as the only condition capable of overcoming the lawless standing of our will absent public law. From this it follows that Kant thinks there must be a *duty* to enter the state, and to bring all others along with us. The challenge now, then, is to get free of this intractable situation of the clash of unilateral wills of the state of nature, and to articulate the idea of a Public Will, with the omnilateral power to put everyone under an obligation.

This chapter critically engages with Kant's account of this form of external legislation. I do this by addressing two issues: (1) *what* is Public Will and (2) *how* does it will? More systematically, the question I want to answer in this chapter is this: What is the kind of will Kant thinks is morally adequate to limit human agency?

I propose to answer this question by means of three claims. First, I argue that Kant thinks of political authority in terms of a different *kind* of will to the limited will of human beings. Public Will is different in *kind*, in the sense that it is constituted by unique moral features that human beings lack, namely, an omnilateral perspective and a power to coerce. Second, to show how Kant's idea of what is 'public' in willing must be

distinguished from what is ‘general’ in Rousseau’s sense. I defend this difference by further contrasting Rousseau’s project of moral perfectibility with Kant’s strictly *juridical* requirements for public willing. Third, I argue that this model of legislation is one of *subjection* and not of collective legislation, as some have interpreted it.

I appeal to Rousseau in the context of this chapter, given the clear relationship that exists between their respective views on the idea of the general will.¹⁶³ This assimilation is even more tempting than an assimilation between Kant and Hobbes, notwithstanding my own qualifications of Kant’s and Hobbes’s relation in the previous chapter. However, as Alexis Philonenko reminds us, arguing “against Hobbes does not make Kant a disciple of Rousseau”.¹⁶⁴ My claim is that Kant took Rousseau as seriously as he took Hobbes. As with my appeal to Hobbes in the previous chapter, my appeal to Rousseau is instrumental: it is a means to clarify the particularities of Kant’s *own* account of political willing.

The conclusion of this chapter will be that Kant offers an account of external public lawgiving that is remarkably minimal in its demands. For Kant, the possibility of a ‘fully reciprocal’ system of obligations does not depend on an internal *moral* transformation of the individual, nor on a historical–cum–social development of our personal autonomy. Rather, what results from Kant’s account of political authority in terms of *willing* is a system aimed at facilitating the conditions that make agency through universal law possible.

1. The limitations of unilateral willing

Kant characterises the state of nature as a morally problematic condition. In Chapter 3 I argued that the originality of Kant’s diagnosis of the state of nature lies in locating the source of the problem, of which a lack of assurance and indeterminacy are but symptoms, in the lawless status of the will of unilateral wills. Being the source of

¹⁶³ I appeal to Rousseau to draw a more general contrast between their views on the role of politics in Chapter 5, Part II, sec. II, ‘Kant’s political minimalism’.

¹⁶⁴ Philonenko (1968) *Théorie et Praxis dans le pensée morale et politique de Kant et de Fichte en 1973*, p. 41.

lawfulness for Kant, if will is the *locus* of moral responsibility, and equally the source of obligations, then the aim of establishing political authority is thus to find an adequate *will* from which political obligations can be rightfully discharged. This source is the Kantian Public Will.

But before we turn to Kant's attempt to establish political authority in terms of Public Will, it is useful to recapitulate the background against which this form of willing becomes the appropriate source of legitimate authority. Kant's argument is simple: unless a form of public legislation is properly established, we agents endowed with external freedom of choice will be constrained by the unilateral perspectives of our will. Moreover, we are not able to move beyond a one-to-one interaction with others as long as we lack the presence of a third party that can adjudicate the limits between equal choices.

These forms of constraint and limitation in *willing* are the reasons why Kant sees a model of unilateral willing as inadequate for public legislation. This inadequacy of a mere unilateral exercise of choice was clearer in the state of nature, where individuals were thought "to remain in this state of externally lawless freedom". It is instructive here to see Kant distinguishing between an "externally lawless freedom" and a potential internal law-governed freedom. The idea seems to be that even if our will could be under the law-governed prescription of reason in our *inner moral lives*, the external character of our actions in our *political lives* remains lawless until a form of public legislation is rightfully established [DofR 6:308].

Hence, the inadequacy of a unilateral model of willing for external – i.e., public – legislation arises from two fundamental limitations: first, a will that does not stand under omnilateral legislation remains constrained to a unilateral point of view over her own actions and that of everybody else. Second, and relatedly, Kant thinks that unilateral wills are unsuited to discharging political obligations as they lack the required coercive power. To be sure, we can impose our will in an arbitrary and violent manner on others, but this unilateral act of coercion can never become rightful in the eyes of all. Advancing our rights in this way, Kant predicts, "would make every rightful

constitution insecure and introduce a condition of complete lawlessness (*status naturalis*)” [TP 8:301].

Another way of theorising this inadequacy is by means of a contrast between what is private and what is public. I already mentioned that unilateral wills have a restricted perspective on their own actions – indeed, a perspective restricted to their *own* desires, expectations, and needs. This perspective is, so to speak, *blind* to what is public, as it can never have an omnilateral view of the whole. Something similar animates Rousseau’s concern when, as Patrick Riley explains, we find him keen, like Kant and Hegel, to abandon the “capricious *volonté particulière*” in order to bring about what is non-arbitrary and common to all.¹⁶⁵

Kant hints at the idea of the capricious nature of unilateral willing when he refers to a kind of freedom that, unconstrained by the limits of public law, remains lawless, brutish, wild, and savage.¹⁶⁶ This limited view on its capricious needs is coupled with the violence done to others when trying to actively *limit* their equal free agency. This active use of our unilateral power for choice is clearer in the case of provisional acquisition. The wrong of unilaterally forcing someone to give up an object they have claimed as theirs in the state of nature is explained by Kant as follows:

[F]or the will of all others except for himself, which proposes to put him under obligation to give up a certain possession, is merely *unilateral*, and hence *has as little lawful force* in denying him possession as he has in asserting it (since this can be found only in a general will). [DofR 6:257, my emphasis]

What a unilateral will lacks, and only a general will possesses, is the “lawful force” of putting others under an obligation to restrict their capricious and therefore violent use of their objects of choice. Kant is thinking about this problem by combining two distinct notions, namely, that of law and that of force or coercion. Kant’s insight into the nature of willing *in general* is that unless our wills stand under a *kind of lawful legislation*, be it internal or external (political), they lack the capacity to make claims against one another. Only the “will of the entire people”, where “all decide about all,

¹⁶⁵ Riley (2015a) ‘Kant on the General Will’, p. 334.

¹⁶⁶ Cf. PP 8:353, 357.

here each about himself”, is adequate to legislate political interaction. Kant concludes that “no particular will can legislate for a commonwealth”.

I claim that this analysis about the moral deficiencies of unilateral willing is the groundwork of Kant’s distinctive account of Public Will. Moreover, that unilateral wills cannot settle matters of right is part of the reason why a different *kind* of will needs to be constituted. I substantiate this claim in the next section [TP 8:295].

2. What is a Public Will?

To understand the different elements involved in Kant’s account of Public Will, I argue in this section that the Public Will is best understood by looking at its features and the way in which these features respond to Kant’s deeply relational understanding of agency. The claim I want to defend is that in order to make sense of its *moral features*, namely, its omnilateral and coercive power, *Public Will must be a different kind of will to the human will*. What makes Public Will *fit* for universal legislation, I argue, is precisely its unique moral constitution. I advance this interpretation by systematising the way the characteristic features of this public model of legislation get *constituted*, in contrast to a model of political authority by *authorisation* more commonly endorsed by the social contract tradition.

General description

If my argument in Chapter 3 is right, the idea of Public Will is a moral necessity, given the morally problematic condition of the state of nature. In line with this analysis, I focused on the moral limitations that a model of unilateral willing presents to political interaction in the section above. There, we saw how an agent’s unilateral capacity to choose and to act in the state of nature is confronted with two problems: first, as Flikschuh notes, “my will cannot coercively bind yours” unless we think that, granting innate equality, each and everyone has a right to coerce others. But how is this coercion to be legitimately exercised? The second problem regarding the legitimate use of

coercion is that given innate equality of wills, “neither can coercively bind the other”.¹⁶⁷ A different standpoint needs to be adopted. The emergence of a Public Will, defined as a moral person, is Kant’s conceptual attempt to offer a solution to these problems.

Kant first hints at the idea that Public Will is a ‘moral person’ in the context of a discussion on contracts. He makes two important assumptions, both drawn from his account of external acquisition. They are, first, that it must be possible to use objects external to myself to make use of my own freedom. Second, he assumes that my right to objects of choice establishes a relation of obligation between *persons* and not to the thing itself, since talking of “having a right to a thing as if the thing had an obligation to me” is, as Kant rightly puts it, “an absurd way of representing it” [DofR 6:246; 261].

So when we enter into a contract to acquire something externally, “what”, Kant asks, “is it that I acquire?” What follows from this question is a refined analysis of the underlying structure of a contract between two people. According to Kant, what I acquire through a contract is not the “external thing” in question – e.g., a loan or a piece of land – but rather “another’s promise (not *what* he promised)”. In acquiring the obligations underlying this contract, Kant subtly shows that my possessions somehow have been enlarged in a way that “I have become *enriched* by acquiring an active obligation on the freedom and means of the other” [DofR 6:274].¹⁶⁸

It is worth noticing Kant’s metaphorical use of the idea of “enriching” oneself in this context. From a Lockean perspective, for example, when we enter into a contract we literally engross our riches by acquiring a right to a thing that is external and usable in space.¹⁶⁹ However, Kant is here tweaking the terminology to make room for an enrichment of possessions of a radically different kind: an enrichment of the *scope of my agency*, against that of everyone else.

The connection of this experience to the requirement of a Public Will comes thus to the fore: to have external possession of objects of choice, I must be able to put

¹⁶⁷ Flikschuh (2010), p. 63.

¹⁶⁸ This analysis is continuous with Kant’s discussion of ‘intelligible possession’ in the context of the property argument in the *Doctrine of Right*. See DofR 6:268–269.

¹⁶⁹ Compare Locke (1988) *Second Treatise of Government*, Chap. 5, ‘On Property’.

the will of another under an obligation. Given the structural limitations of unilateral wills to do the job, the necessity of a Public Will emerges.

The ‘moral person’

It follows that Kant is trying to show that *all* contracts, and more generally, all “practical relations” between individuals, have to be based not in a relation between two unilateral wills, but in a relation of the omnilateral will of all with respect to each. The right to call others to perform their contractual duties is based, first and foremost, in

[a] right against that *moral person* which is nothing other than the idea of the *choice of all united a priori*, by which alone I can acquire a *right against every possessor of the thing*, which is what constitutes any right to a thing. [DofR 6:274, emphasis in the original]

This “moral person”, representing the idea of the general will of all, is the Public Will. Public Will secures the *formal possibility* by “which alone I can acquire a right against every possessor of the thing”. In the language of the *Groundwork*, we are meant to ask ourselves: Could everybody *will* an object of choice external to oneself as a matter of universal law? A conflict between wills readily emerges. How is the choice of each to co-exist with the choice of everybody else? And if, as Kant has just explained, the conflict is not one about *things* but a conflict between *persons*, is there a body capable of discharging the obligations that arise from universalisability requirements? Here we find a first interlocking in Kant between the problem of political agency and his account of public willing.

This analysis equips us with the means to reflect on the essential attributes of the Kantian Public Will. The role of Public Will is to establish a juridical form of association, where a “general, external (i.e., public) lawgiving” can limit the scope of agency of each consistently with others equally valid agency claims. Kant illustrates this balancing act by means of an analogy: “One can compare the relations of right to those of the body. Every body is in a state of rest towards all others except insofar as each is moved by other” [*Notes on Ethics* 19:128]. This endless movement is concretely manifested in the external character of our *actions* and how they “directly or indirectly”

affect the limits and the scope of the agency of the rest. In contrast, in the realm of individual morality, our judgements themselves, and the correctness of our actions, do not affect anybody else, given the focus on the non-spatial, internal character of maxims.¹⁷⁰

According to Kant's image of bodies in motion, we remain figuratively in a state of rest until the action of another 'touches' us, affecting our agency. But what aspect of our will is affected by the actions of others? Is it our moral standing or our legal standing that is relevant here – or is it both? Kant's answer is unambiguous:

Just as right generally has as its object only what is external in actions, so strict right, namely that which is not mingled with anything ethical, requires only external grounds for determining choice; for only then is it pure and not mixed with any precepts of virtue. [DofR 6:232]

For any attentive reader of Kant, it is telling to see him attribute “purity” of motive to something other than the grounds of moral determination. Here Kant is altering his standard view of what is a pure motive by distinguishing purity in Right from purity in Ethics. From the perspective of Right, actions count as legally binding only when they are ‘purified’ of any ethical incentives or “precepts of virtue”. A “pure” system of Right, in contrast, has now “as its object only what is external in actions”.

A prioricity

This idea of a “pure” system of rights connects neatly with Kant's attribution of *a prioricity* to Public Will. On this particular issue, Kant tends to be slippery and to use the idea of Public Will and the idea of the general will interchangeably, of which I will have more to say as this section develops. He specifically attributes *a priori* status to the

¹⁷⁰ For Kant, external lawgiving had to happen in both time and space in order to be open to the evaluative assessment of others. The external character of Public Will is accordingly directed at human actions, and not human intentions or maxims. As Ludwig states, “Merely internal actions, actions that are only in time (making up maxims, setting ends, and so on), cannot possibly be objects of an assessment by others, and thus punishment and rewards are impossible for them (since their application presupposes knowledge about whether the duty was fulfilled or not)” (Ludwig (2015) ‘Sympathy for the Devil(s)? Personality and Legal Coercion in Kant's *Doctrine of Law*’, p. 36).

idea of the general will, one “that is united not contingently but *a priori* and therefore necessarily, and because of this it is the only will that is lawgiving” [DofR 6:263].

I suggest there are two senses of *a priori* at work in this account: on the one hand, the idea of the general will as an *a priori* criterion for legislation. On the other hand, the general will is *a priori* in the sense that its “lawgiving” capacity remains independent of any *a posteriori* consequences or considerations that result from its own legislation.

That the general will should be understood as an *a priori* criterion for legislation has been stressed by Guyer in his discussion of Kant’s “moral politician”. Guyer adopts the first of these two senses when he states that the general will is a criterion available to actual politicians who, acting as representatives of the *idea* of the general will, must be morally constrained to conform *their willing* to this idea. But why would politicians be motivated to will and to judge in accordance with the *a priori* requirements of this idea?

Guyer believes that Kantian politicians cannot be ‘let off the hook’ of morality. Rulers “cannot be motivated solely by self-interest and coercion, but must be motivated by respect for morality”.¹⁷¹ This “respect for morality” seems to be based for Guyer on an independent concern about the relationship between the external character of Right in Kant, and the internal morality of Ethics. On my reading of him, Guyer thinks that these two realms *must* come into tension in the person of the ruler, and that this tension must be resolved by Ethics taking the lead:

Rulers, that is, the executive branch, thus have a moral burden for the reform of governments toward the ideal of justice unlike that of anyone else even in a government, because they have a unique combination of moral obligation and coercive power.¹⁷²

To be sure, Kant would not deny that moral politicians, contrary to the political moralists, *should* take into consideration the moral burden that arises from their

¹⁷¹ Guyer (2009) ‘The Crooked Timber of Mankind’, p. 133.

¹⁷² *Ibid.*, p. 135.

independent commitment to morality. However, when Kant states that Public Will is *a priori*, this should be understood as a constitutive feature of Public Will and not as a demand for individual ethical legislation. The moral requirement of a Public Will to speak in the name of all, i.e., in the name of the general will, is *built into* the idea of public willing itself, even if actual politicians, moral or otherwise, fail to measure up to it.

For these reasons, I find it difficult to see why Guyer wants to attribute moral requirements that are proper to an internal legislation, given that Kant does not make moral motives a requirement to act in accordance with public law. The *a prioricity* of the idea of the general will is not dependent on the moral talent of the legislator. As Kant puts it:

The legislator may indeed err in judging whether or not the measures he adopts are *prudent*, but not in deciding whether or not the law harmonises with the principle of right. For he has ready to hand *as an infallible a priori standard the idea of an original contract*. [TP p. 80, my emphasis]

So far we have discussed the context that gives rise to Kant's notion of Public Will. This context emerges from Kant's commitment to a relational view of rights, similar to a sphere where bodies are affected and touched by the agency of others. This notion, for Kant, is *a priori*, in the sense that it serves as a criterion for legislation. I raised some worries with Guyer's interpretation of the notion. Part of my worry is due to a more general, and even more problematic difficulty in the literature, one about the difference between external and internal legislation.

Guyer adopts an interpretative strategy, shared by others, that incorporates ethical concerns to Kant's strictly public conception of political authority.¹⁷³ I will have more

¹⁷³ Guyer is not alone in bringing considerations of ethics into the realm of right. Whereas his example of the tension between the two (more commonly expressed in Kant in the form of a conflict between duties of virtue and duties of justice) is exemplified by the deliberations of the moral politician, Korsgaard famously defends a similar conflict in the person of the revolutionary. Again, a duty of virtue, possibly underwritten by an independent value of personal autonomy, takes the upper hand for Korsgaard when she says that "[t]he moment of revolution is a vindication of morality, and so of our humanity... The revolutionary does not become strong and free when he picks up his gun. Instead, he proves to us that he's been free all along. It is because the laws of morality are his own laws that he is finally prepared to fight for them. The doubt created by the antinomy is dispelled. Revolution teaches

to say about this when I discuss autonomous models of collective legislation in Chapter 5. For now, it is enough to keep these two models of legislation i.e. internal and external legislation, separate.

Internal vs. external legislation

Kant is determined to make his model of public willing independent of ethical considerations. This does not mean that the idea of Public Will is independent of a political morality. This morality is grounded in the role that *external* legislation plays when the fundamental law of right, i.e., the Universal Principle of Right states that one must “act externally that the free use of your choice can coexist with the freedom of everyone in accordance with a universal law” [DofR 6:231]. This principle, however, “does not at all expect, far less demand that *I myself should* limit my freedom to those conditions just for the sake of this obligation”. Rather, Kant goes on to explain that:

Reason says only that freedom *is* limited to those conditions in conformity with the idea of it and that it may also be actively limited by others; and it says this as a postulate that is incapable of further proof. [DofR 6:231-32]

On this picture, consistency with universal law is ‘built into’ the idea of external freedom. What it means to be externally free is to be subjected to universal law.¹⁷⁴ Kant’s point of departure is not the question of whether or not we are perfect or flawed human beings, capable of acting in accordance with the law; rather, he carves out a sphere where our agency can be expressed, and effectively assured, independently of our capacity to will the law for the law’s sake, leaving open the motivations underlying our external exercise of freedom.¹⁷⁵ As Beck assures us, if the possibility of making my use of freedom compatible with that of everybody else depended on “the individual’s

us nothing but what we have known all along: that the good person and the free person are one and the same” (Korsgaard (2008), p. 262).

¹⁷⁴ It is a fundamental idea at work throughout Kant’s practical philosophy that to have a will is equivalent to being under a law of *some kind*. To be sure, Kant entertains the idea of a lawless will, as we saw in the context of the state of nature in Chapter 3, but he does so solely to show how such a standing is morally wrong, and to derive the demand to determine our wills out of such a state [*stato iniuto*]. A “lawless freedom” for Kant is not freedom at all. For the relationship of the will [*Willkür*] to the law of reason [*Wille*], see Chapter 1, sec. II, ‘The will as a kind of causality’.

¹⁷⁵ Wood rightly identifies this as an “advantage” of Kant’s system of right, since conformity to right “may be motivated entirely by non-Kantian considerations – such as rational self-interest, the Hobbesian quest for peace, or obedience to the divine will” (Wood (2002), p. 10).

private and unique *Willkür*”, it is not clear how the maxim underlying each act of freedom “will meet the requirements of social uniformity and harmony or how, indeed, they could make any claim to be binding upon others”.¹⁷⁶

Having rejected internal motives as an inappropriate ground for a strictly external and *public* form of willing, it is important to swiftly reject another alternative ground of determination, namely, the general idea of happiness. The issue seems to be pressing for Kant. He criticises it in his political writings, for instance by advocating for a non-hedonistic, formal conception of politics when he states that a principle of happiness has “ill effects in political right just as in morality”.¹⁷⁷ The indeterminacy of this principle makes sovereigns into despots, and subjects into rebels [TP 8:302]. So neither the particularity of inner motives nor the indeterminacy of a conception of happiness can be the ground of public willing.

A different kind of will: Against a model of authorisation

I have argued that Public Will is Kant’s distinctive account of political authority. A question remains as to how this kind of authority gets *established*. One common way of understanding this issue is by means of a theory of authorisation. However, I argue in this section that this is not Kant’s way of dealing with this problem. I offer systematic reasons why a model of authorisation, such as one of ‘transference of rights’, does not correspond to the way Kant thinks the moral features of a public will get constituted. I will first offer a sketch of the ‘transference of rights view’, focusing on Hobbes as its clearest defender to, second, present a reading of Kant’s alternative account.

According to the authorisation view of political authority, we ‘create’ political authority by authorising the sovereign to act on our behalf. We do so by transferring all or a set of the fundamental rights that individuals have, by means of a social contract, to

¹⁷⁶ Beck (1993), p. 46.

¹⁷⁷ He presents the same idea in the *Critique of Practical Reason*. What is revealing about this particular passage is Kant’s explicit reference to both external and internal modes of legislation: “Empirical determining grounds are not fit for any universal external legislation and are no more fit for internal lawgiving; for each puts at the basis of inclination his subject – another, another subject – and even within each subject now the influence of one inclination preponderates and now that of another” [CPrR 5:28].

the authorised power to secure and protect them. Authorisation, we learn, “can be used to extend an author’s rights to a representative only if the author has the relevant rights”. It is this ‘having of the relevant rights’ that will prove crucial to Kant’s departure from this model.

But before we turn to Kant, I suggest we consider this version of the social contract theory. We will consider it through looking at its most prominent representative: Thomas Hobbes. Hobbes’s readers tend to assume that “the purpose of authorisation is to enable the sovereign to act on the subjects’ rights”.¹⁷⁸ Susanne Sreedhar, for example, claims that authorisation involves the transfer of “normative power such as the right to make a contractual agreement”¹⁷⁹ to the newly created sovereign authority.

This way of thinking about political authority goes hand in hand with the deeply ingrained way we think about rights. For Hobbes, in order to escape the perils of the state of war, and to put an end to the state of nature, we must transfer our rights, and most importantly our Right of Nature, to the sovereign in order to create a will *authorised* to secure those rights by acting and judging on our behalf. Hobbes’s challenge is then to show that this Person is actually nothing other than a body made up of our individual acts of authorisation when each of us says, “I authorise and give up my right of governing myself to this man, or to this assembly of men, on this condition; that thou give up, thy right to him, and authorise all his actions in like manner”. From this it follows that the multitude is united into one person called the ‘Commonwealth’ (*Leviathan*, Chap. 17).

This model rests on two important assumptions: first, that we have the *power* in the state of nature to affirm our rights by means of violence, but lack the *capacity* to do so in a way that secures us from the threat of violent death. In this sense, Hobbes’s problem in the state of nature is not that we lack ‘what it takes’ to live in a political condition with others, but rather that the empirical and contingent conditions of the state

¹⁷⁸ Green (2015), p. 26.

¹⁷⁹ Sreedhar (2010), p. 93

of nature trump our rights in a way that makes political authority the most prudent and instrumental way out. Second, this model is based on the idea that the newly formed “Artificial Person of the State” is conceptually made of nothing other than the transferred rights of each individual to secure the means to their self-preservation. This Hobbes calls “the generation of that great Leviathan”, and its creation results in a sovereignty where Leviathan is, in some sense, *us* writ in large (*Leviathan*, Chap. 17).¹⁸⁰

There is something specific that I want to take from this tradition, namely, the idea that political authority is made up of, or arises from, moral features – i.e., rights – that are *already present* in individuals. These rights are what in turn account for the moral–cum–political powers that the newly constituted authority bears by means of the original act of authorisation. This picture, as we will see, does not correspond to the way Kant thinks of Public Will.

To be sure, Kant is working within this social contract tradition.¹⁸¹ He shares with part of this tradition, particularly with Hobbes and Rousseau, a conception of political authority in terms of a will. However, he differs in the way he thinks that this authority gets formed. Kant’s distinctive account of Public Will requires a formation that allows for the constitution of a different *kind* of will, bearing a qualitative difference to the limited constitution of the individual will. The Kantian Public Will must be able to account for the lack of *omnilateral authority* of our otherwise limited unilateral wills. As we saw in the previous section, unilaterality in willing remains wanting in a will – a public, general will – that can compensate for the *moral* deficiency of its limited, unilateral perspective.

¹⁸⁰ Hobbes tried to capture this image in the frontispiece of his famous *Leviathan*. In the first edition, Abraham Bosse designed an etching where the small figures gathered in the body of Leviathan are all looking at the reader. In the second edition, a revealing change in iconography is adopted: we do not see the faces any more, but an undifferentiated mass of people, looking up to the head of the body politic. For both an iconographic and philosophical discussion on the frontispiece and the changes in editions, see Berger (2017) *The Art of Philosophy: Visual Thinking in Europe from the Late Renaissance to the Early Enlightenment*, and Skinner (2018) *From Humanism to Hobbes. Studies in Rhetoric and Politics*.

¹⁸¹ For a defence of Kant as a social contract theorist, see O’Neil (2012) and Riley (1973). For an opposing view, see Flikschuh (2000).

I claim that Kant is departing from a model of authorisation of rights in favour of an approach to the problem of political authority in terms of the conditions of willing and agency. From Kant's perspective, we do not create a public will by authorising it to do something – i.e., to “bear our person” – that we were morally *capable* of doing in the state of nature, but which we were prevented from doing due to adverse empirical circumstances. It is for this reason that Hobbes was not concerned with what was morally at stake in the state of nature, but rather with describing in the bluntest of terms the limitations that our human nature, our socially-driven passions, and the empirical conditions of a state of war. The will embodied by the Person of the State in Hobbes, then, is required “to repair” these limitations, but not to account for any moral deficiency on our part. As Ripstein rightly acknowledges, this model of political authority can only give you a “bilateral relationship between each citizen and the state” based on the act that the citizen “has transferred some right to or received some benefit from that particular state”.¹⁸²

In contrast, Kant thinks that what the morally problematic condition of the state of nature reveals is precisely the fact that as long as a political authority is absent, we are constrained by our unilaterality, wronging others by standing with a will that is not subjected to a universal law. This “*stato iniusto*” was explored in the previous chapter. There we showed how for Kant our will is lacking in the features necessary to make reciprocal interaction a matter of right and not of violence. Hence, the structural deficiency of our will to will politically, that is, to will from an omnilateral perspective, requires for Kant the constitution of a different kind of will, with the required features of omnilateral power and coercive authority.

These features of public willing do not come to “repair” what we were morally capable of doing, but empirically prevented from enjoying. Rather, Kant shifts to a different philosophical conception of the problem of authority altogether by, firstly, offering a non-empirical and formal diagnosis of the moral problematic of the state of nature, and secondly, by departing from this tradition by arguing for a model of public willing that does not result from an original act of rights-authorisation of the individuals

¹⁸² Ripstein (2009), p. 190.

but from the requirements that make equality of agency possible. These philosophical claims are what make the qualitative difference of this kind of Public Will.

It is at this point that we are able to see, once again, how different Kant is from Hobbes. In Hobbes, the State is a will made of individuals who, like discrete atoms, aggregate into “one Person”.¹⁸³ This Person upholds by authorisation the “Right of Nature”, namely the right that was causing the trouble in a state where distributive justice was absent. Kant sees this problem altogether differently: unilateral willing lacks the moral quality that is required “to serve as a coercive law for everyone”, so a Public Will cannot be a mere extension of our rights with the added quality of power and force. What is required instead is a new model of *political willing* that can address the limitations of sheer unilaterality. And I emphasise that this is a model of willing in the sense that it requires an omnilateral, not a merely a bilateral relationship between discrete individuals and the state.

For these reasons I conclude this section by showing that a traditional model of authorisation is incapable of reflecting the task Kant thinks a model of public willing is meant to solve, namely, the capacity to bring the individual will under universal law by means of external legislation. However, if the constitutive features of omnilaterality and coercion could not, as I have argued, be derived from the moral stock of a unilateral will, two important questions remain: where do these distinctively *public* features come from? And if public will is different in *kind*, how can it have a normative grip on beings like us? To this I turn in the next section.

The quality of being open to the determination of law

So far I have argued that Kant’s solution to the problem of political authority requires the constitution of a different kind of will. However, a question remains as to where these qualitatively distinct features emanate from. On this issue, Kant is straightforward, but potentially dissatisfying to some. On my reading, Kant derives the requirements of omnilaterality and coercion from reason itself. Reason is here understood as Practical

¹⁸³ On the connection between Hobbes’s atomism and the individualism of his political philosophy see Ryan (2012) and Miller (2011).

Reason, as an efficacious capacity with the causal power to prescribe law to the human will [*Willkür*].¹⁸⁴ More specifically, the grounding of the omnilateral and coercive power of Public Will in reason is reflected in Kant's own explanation of the origin of our obligation to limit our capacity of choice, and more precisely, his explanation of the source of our obligation to refrain from the use of objects of choice. Practical reason comes here to the fore when Kant says that there must be a postulate of practical reason, something he also calls "lex permissiva", and which

[g]ives us an authorisation that could not be got from mere concepts of right as such, namely to put all others under an obligation, which they would not otherwise have, to refrain from using certain objects of our choice because we have been the first to take them into our possession. *Reason wills that this hold as a principle*, and it does this as *practical* reason, which extends itself a priori by this postulate of reason. [DofR 6:247, my emphases]

This passage has been much discussed (normally with a focus on Kant's intricate property argument¹⁸⁵). However, what I want to take from it, in line with our present concerns, are two things: first, Kant's explicit reference to reason in terms of a will [*Wille*] capable of willing a principle that, in turn, can ground the obligation of limiting our use of objects in the face of everybody's equal right to objects of choice; and second, Kant's claim that this capacity of reason "to put all others under an obligation" is grounded in the *a priori* and practical character of reason.

We know that Kant's property argument gets resolved by the establishment of a Public Will capable of distributing property rights. From this I think it follows that the coercive power of this kind of public will is ultimately grounded in the capacity of reason to literally *will* that this system of property holds as a universal law. But what exactly is this principle that says that we are under such an obligation? Here the feature of omnilaterality comes to the fore: it is the principle that says "Act externally that the free use of your choice can coexist with the freedom of everyone in accordance with a universal law". This law that makes the use of choice as well as the possible enjoyment of objects of choice compatible can only be spoken from an omnilateral voice. This

¹⁸⁴ See Chapter 1, sec. II, 'The will as a kind of causality'.

¹⁸⁵ On Kant's property argument, and its connection to the Postulate of Practical Reason see Flikschuh (2007b) and Guyer (2002).

voice, capable of taking an omnilateral perspective on the otherwise unilateral standing of individuals, is the voice of reason that says, “freedom *is* limited to those conditions in conformity with the idea of it and that it may also be actively limited by others; and it says this as a postulate that is *incapable of further proof*” [DofR 6:231, emphasis in the original].

I mentioned at the outset that Kant’s appeal to practical reason as the ground of the distinctive omnilateral and coercive features of Public Will could occasion some dissatisfaction. How can this crucial postulate be “incapable of further proof”? I am not able to offer an answer here. However, my more limited point, namely, my claim that Kant’s model of public willing requires a different kind of will, whose moral features could not be derived by authorisation from a unilateral will, still stands. The alternative source is found in “the coercion that reason itself prescribes” [TP 8:310].

Yet, if Public Will is grounded in reason’s capacity to adopt an omnilateral stance to will universal law over and above the individual, and to coerce them to fulfil their obligations, how does this model of legislation *link up* to the human will? Notwithstanding my arguments for reading Public Will as a qualitatively different kind of will, there must be some sort of *moral synergy* between its capacity for universal legislation, and the equal capacity of the human will to be determined by universal law; otherwise it would speak law to a moral void.

It is one of the main claims of this thesis that Kant approaches politics in terms of the will. If this view of politics is to reflect the actual requirements of agency, that in turn enables our political life in common, Kant’s model of *public* willing must be capable of being normatively in tune with *some* aspect of the *individual* will. Kant thinks this is possible precisely because we are beings whose rationality is partly constituted by our capacity to be open to the determination of law. As he states at various points throughout his writings, rational beings “in so far as they have a will” are

“capable of actions in accordance with principle”, and have the unique ability “to determine their causality by the representation of rules”¹⁸⁶ [CPrR 5:32].

What is novel and distinctive about Kant’s account of public willing is that in order to make sense of the idea of an *external* model of legislation appropriate to our political interaction, he must find some ground in the individual will that can meet the moral obligations that are externally and omnilaterally discharged. My proposal is then to think of Public Will as, on the one hand, directing law to the basic capacity of a rational being to be a “universally legislating will”, and on the other hand, to bear the exclusive capacity of omnilateral coercion [G 4:431].

In other words: if there were not a seat of lawfulness open to external legislation, Public Will would be a mere power in the sense of a force: something subjecting the individuals to a law they could never accept as rightful and legitimate. I will have more to say about how exactly this Kantian model of subjection works. It should suffice for now to understand that although Public Will has a power to coerce based on the *a priori* requirements of agency itself, it nonetheless requires the human will’s capacity to be determined by law.

3. Moral features of Public Will: Omnilaterality and coercion

As we have shown above, Kant’s property argument depends partly on the possibility of showing that the coercive power and the omnilateral character of Public Will are grounded in Practical Reason [*Wille*]. I made an instrumental appeal to this argument to further justify my claim that Public Will is a different *kind* of will, the moral features of which are meant to *resolve* the problem of the state of nature, rather than merely *repair* its empirical shortcomings.

¹⁸⁶ On the capacity of “acting in accordance with the representation of law” and the significance of this form of representation, see Chapter 1, sec. I, ‘The will as a law-governed capacity’.

Kant's approach to the problem of political authority in terms of the will places him in the tradition of Rousseau and Hegel. Some have categorised this as a form of political "voluntarism".¹⁸⁷ I suggest that Kant's particular engagement with this problem should be thought of in the following terms: what makes this notion of a Public Will *fit* for universal legislation? I already touched upon some of the conditions Kant thinks need to be in place for this kind of universal legislation, namely, the independence of such a will from internal motives and the *a priori* status of it as an idea.

In this section, I will discuss the features that account for the political morality underlying Public Will: the omnilateral perspective that allows this model of political authority to discharge obligations and the coercive power that makes them legally binding. Furthermore, I will ask what is unique about this omnilateral perspective as a quality of *willing*, and its systematic relation to the power to coerce.

To do this, I compare Kantian omnilaterality with Rousseau's notion of generality as it figures in Rousseau's theory of the *volonté général*. My claim is two-fold. First, Kant's notion of omnilateral does not wholly correspond to Rousseau's idea of generality, notwithstanding the obvious influence Rousseau had on Kant on these matters. In contrast, I argue that the difference between them is more accurately captured by drawing a distinction between the *public* character of Kant's omnilateral will, against the *general* character of the Rousseauian general will. In other words, what is *public* in Kant is not the same as what is *general* in Rousseau. The second part of my claim is that this substantive difference is due to the fact that Rousseau's political project depends on a project of individual moral perfectibility. This means that in order to will what is *general*, the subject must transform herself internally from being an individual to being a citizen who is free from any particularity in willing. I claim that Kant's account of Public Will is independent of this transformation. More specifically, Kant thinks that moral perfectibility is not only not required to make external legislation

¹⁸⁷ This claim has been defended by Riley. Kant, Rousseau, and Hegel are all representatives of this particular tradition. "Separated by whole universes as they are", Riley argues, they "are all 'voluntarists' who make 'will' ethically weighty (in the shape of 'general will', 'good will', and (so-called) 'real will'. All three are in search of a nonwillful will". Riley (2015a), p. 334. In reference to the division between 'intellectualists' and 'voluntarists' about the origin of law, see Schneewind (1998), pp. 3–4.

possible, but that such an expectation would risk making a system of right something that it is not. I explore this claim in this section as a means to substantiate my more formal argument about publicity and generality. I will have more to say about the independence of Kantian politics from a project of moral perfectibility in the next, and final, chapter, so the arguments below are not the last word on the matter. For now, let me turn to the notion of omnilateral.

One answer to the question ‘what makes Public Will *fit* for universal legislation’ is the fact that this will “is *omnilateral*, that is united not contingently but a priori and therefore necessarily, and because of this is the only will that is lawgiving” [DofR 6:263]. There is something important to take from this rather obscure remark, namely, that (i) universal legislation must emanate from a source united by *necessity*, and that (ii) this unity results in an omnilateral will, in contrast to a mere sum of unilateral wills. But what is this feature of omnilaterality meant to add? Kant is, again, minimal on this. What we know is that it tends to appear in contrast to the notion of unilateral choice, and in addition to the idea that such a lawgiving will is also “general”, “external”, and “public” [DofR 6:263, 256].

I have already argued against Ripstein’s claim that the Kantian omnilateral will is meant to “repair each of the three defects of the state of nature” in Chapter 3. However, he offers us a useful way of thinking about this constitutive feature by distinguishing “omnilateral acts” from an “omnilateral will”. “Public acts are omnilateral”, Ripstein claims, “because they are not any particular person’s unilateral choice, but instead are exercised on behalf of the citizens considered as a collective body”. From this perspective, an act is omnilateral to the extent that it emanates from the legitimate kind of source – or public office – bearing the right to speak on behalf of the citizens.

Ripstein’s second sense of omnilateral is more distinctively Kantian: this kind of will is different from a unilateral one since the latter “always has some particular end, some matter of choice” in view. The omnilateral will is different “because all it provides

is a *form of choice*, by providing procedures through which laws can be made, applied, and enforced”.¹⁸⁸

It is fruitful to think of the feature of omnilaterality in terms of a “form of choice”. To show this more clearly, I will, with Ripstein’s remarks in mind, add my own interpretation of this notion. I propose that the notion of omnilaterality in Kant should be thought of in two ways: in the first way, as a *form* of choice, it is the capacity of Public Will to adopt, or to formally incorporate, the idea of the compatibility of choices as envisaged under Kant’s Universal Principle of Right. As we know, this principle states a *formal constraint* on what can and cannot be done, once our free agency is subjected to a condition of public right. “So act externally that the free use of your choice can coexist with the freedom of everyone in accordance with a universal law”. This principle gives a *form* to choice, leaving it indeterminate what the *matter* or content of such choice might be. The omnilateral form of choice makes it possible for Public Will to limit unilateral choices without itself adopting any particular end or specific matter of choice. A second way of thinking about this moral feature is in terms of the orientation or *perspective* that Public Will ought to adopt in virtue of its *a priori* constitution. What makes Public Will *public* is precisely its capacity to adopt an *omnilateral perspective* on the whole. This perspective includes *all* perspectives, thereby overcoming the unilateral perspective of particular wills.

I think this latter way of thinking about omnilaterality, namely, as a perspective that includes all perspectives, comes closest to explaining what makes this will a *public* kind of will. A difficulty arises, however, from the fact that Kant tends to use the notion of a public will interchangeably with that of a “general will”. Are we to understand from this that what is *public* in Public Will is the same as what is *general*?

What is ‘public’ vs. what is ‘general’ in willing

The tendency to relate Kant with Rousseau on their shares use of the notion of the general will, is partly explained by the evident influence which Rousseau’s thought had

¹⁸⁸ Ripstein (2009), p. 196.

on Kant on this particular issue. We know how Kant's first encounter with Rousseau's writings in 1764 "set him straight" on matters of moral reflection [AK 20: 44].¹⁸⁹ This influence is evident in Kant's appeal to Rousseau's terminology, and in thinking about political authority in terms of the will.

For Rousseau, the political constitution of the general will depends on a particular kind of transformation on the part of the individual's way of willing. In the *Social Contract*, this qualitative transformation¹⁹⁰ is expressed with the utmost clarity:

This passage from the state of nature to the civil state produces in man a very remarkable change, by substituting in his conduct justice for instinct... It is only when the voice of duty succeeds physical impulse, and law succeeds appetite, that man, who till then had regarded only himself, sees that he is obliged... to consult his reason before listening to his inclinations.¹⁹¹

So according to Rousseau, entering a civil state requires the arduous process of transforming our impulses, instincts, and appetites, so that a place may be given to civic conduct. Rousseau anchors this process in his influential account of the general will. This transformation has to do with *what* we will by "leading us out of ourselves",¹⁹² and tuning our wills to what is *general*.

But what is exactly this form of generality? I think it is a compact of interconnected ideas. It reflects the (i) elimination of all residue of particularity, (ii) the agreement of objects of choice, and (iii) the unity of individual wills around a vision of the common good, of which I spoke more extensively in the Introduction. All of this

¹⁸⁹ A nice insight into Kant's life in Königsberg is reported in De Vleeschauwer: "During the summer of 1762 the Kanter bookshop had brought to Königsberg the *Social Contract*, which had been thrown to the flames in Paris. *Emile* followed in the course of the same year. It was at this moment, according to the testimony of Herder, that Kant acquired an enthusiasm for Rousseau, that he developed a veritable cult for nature and of the idea of the moral value of man" (De Vleeschauwer (1962), p. 39).

¹⁹⁰ I am aware that this is a highly idealised characterisation of Rousseau's project. Muthu offers a more sophisticated version of the Rousseau's aims by highlighting Rousseau's awareness of "the deep-seated enmity that characterised humans' global condition" and, correspondingly, the many evidences of the "tragic character of mankind" (Muthu (2015), pp. 297–98).

¹⁹¹ Rousseau (2012), Book I, chapter viii.

¹⁹² Rousseau (1915), *Économie Politique*, in *The Political Writings of Jean Jacques Rousseau*, pp. 255ff.

falls for Rousseau under the technical notion of what is ‘general’¹⁹³ in willing. This agreement of what different interests have in *common*, says Rousseau, is “what forms the social bond, and if there were not some point on which all interests agree, no society could exist”.¹⁹⁴

Ripstein also touches on this issue with acute insight. Comparing Rousseau with Hegel, he characterises the former’s account of willing as one of “purification”. The Rousseauian general will “must relentlessly seek to purify itself of any content whatsoever precisely because any determinate content is arbitrary in relation to its claim to generality. Any particular content must remain partial”. The cost of this political project of purification is, at least from a Kantian perspective, very high. As Ripstein notes, “Rousseau only achieves equality and a common vocabulary by denying all difference”.¹⁹⁵

Rousseau and Kant both share the idea that legitimate law must emanate from an equally legitimate source of legislation, namely, from the general will. They are also both committed to the claim that the general will can do no wrong. Yet this account of willing as one of purification and transformation does not correspond to the way Kant thinks about Public Will.¹⁹⁶ Even more importantly, Rousseau’s quest for ‘generality’ in willing runs against Kant’s idea of what is *public* in public willing. To use Rousseau’s own terms, the ‘generality’ of the Kantian general will lies not in *what* we will – the content of our free and “purified” choices – but in the way our choices, in their infinite

¹⁹³ The discussion on what is general in relation to willing springs out of a fascinating intellectual background. As a political notion, the ‘general will’ evolves from a strictly theological debate over Paulinian Scripture. An important step in the slow secularisation of the concept is taken by Pascal, when he politicised Paul’s letter to Timothy in Corinthians I 2:4. According to Pascal’s reading, God’s general will, and its instantiation in the body of the Church, progressively transmuted into the body politic; the ‘generality’ of God’s will was then translated into the ‘generality of body (political) membership’. For an excellent discussion of this genealogy, see Riley (2015b) ‘The General Will before Rousseau: The Contributions of Arnauld, Pascal, Malebranche, Bayle, and Bossuet’.

¹⁹⁴ Rousseau (2012), Book II, chapter i.

¹⁹⁵ Ripstein (1994), p. 454.

¹⁹⁶ There are many other systematic differences between the two philosophers. I have focused on the one that speaks to my present concern in this chapter. O’Neill has worked an objection from the perspective of the issue of heteronomy in willing: “As Kant would see it, Rousseauian self-legislation is a form of heteronomy: it assigns authority to a conception of the general good, and claims that ‘corrected’ wills all point in that direction... Rousseau’s account of legislation by co-ordinated selves resolves indeterminacy and disagreement by positing the authority of the general will. For Kant, despite his profound respect for Rousseau, this is heteronomy” (O’Neill (2015), p. 114). I think O’Neill and I are speaking of the same thing when talking about the “corrected wills” of Rousseauian agents.

variety and particularity, can be made *public*, i.e., externally compatible under a universal law.

In short, Kantian publicness in willing does not depend on demanding that the variety that is constitutive of human agency be forcibly unified by means of collective willing. This is one of the aspects I find most appealing about Kant's way of thinking about politics. It is one of Kant's conditions of public willing that the *content* of our choices can and must remain private. What needs to be public is rather the fitness of our choices to be limited by universal law. We learnt that for Rousseau the term 'private' has a negative connotation: it signals the presence of self-love and a residue of particularity in the *content* of what we will. As I have tried to argue, for Kant the proper object of right is the form of choice, which must always be omnilateral and never unilateral. In direct contrast to Rousseau, the *content* of particular choices legitimately authorised by a Public Will is not questioned: we are free to *will* what we want politically, so long as our choices can be made compatible with others' through universal law.

Notwithstanding these differences, I should mention one sense in which Kant, similarly to Rousseau, does indeed reject 'private' willing. This is in his reference to the *unilateral violence* done against others in trying to affirm our choices in the absence of public law. In this case, our will is 'private' literally in the sense of an "*arbitrio privato*". So for Kant, "if laws are possible only on the basis of private choice [*ex arbitrio privato*] (one against all) they are violent, and therefore, despotic". Only an omnilateral perspective, capable of legislating to all, and not for "one against all", can overcome this [*Remarks on Achenwall*, 19: 346].

Let me draw this section to a close by making some final, more general remarks. Kant's rejection of Rousseau's moralised conception of willing offers us an insight into the way he thinks about politics more generally. I will have more to say about this in Chapter 5. For now, I think we are already able to see how this picture of politics, instead of rejecting the particularities of each agent, his desires, plans and choices, *embraces* the difference and the variety that is proper to human agency. This diversity

of choice does not, of course, mean that we are free to do what we want. It is at this point in Kant's argument that the notion of coercion takes central place. I argue that, along with omnilaterality, coercion is one of the constitutive *moral* features of Kant's account of Public Willing. This capacity "to put everyone under an obligation" is the means that makes the formal limitation of choice possible. In the next section, I show how exactly this form of limitation happens by means of a model of subjection to law.

4. How does Public will *will*? A model of subjection

Having discussed *what* Public Will is, by means of an analysis of its moral features, we are left now with the task of asking *how* this Kantian idea of Public Will wills in the name of all. This model of legislation, I argue, is better understood as one of subjection, akin to the way Reason [*Wille*] prescribes law by means of necessitation to the human will [*Willkür*] in the moral philosophy. The fundamental difference between the two, however, is that this model of legislation is external to the human will, and so subjects *Willkür* to public law through *external coercion* rather than through inner necessitation. My position here is unusual in the Kant secondary literature, where interpretations of his model as one of collective self-legislation are still dominant.¹⁹⁷

Before we proceed, it is important to distinguish this systematic question about how Public Will gives law to a community of subjects and the way in which, in turn, these subjects are apt to take over and enact the required obligations, from related issues which are nonetheless not the direct focus of my interpretation. These issues include, first, the question of what makes this law *legitimate*, and second, what *grounds* this relation of subjection.

From the perspective of the legitimacy of law, the role of public will is relevant as an *a priori* idea of reason that "articulates a procedural normative principle for determining whether positive laws are just, namely the idea of an original contract to which all subjects are signatories".¹⁹⁸ Determining the legitimacy of law is thus strictly

¹⁹⁷ I discuss this tendency in the literature in Chapter 5, Part II, sec. I, 'Politics as a Kingdom of Ends'.

¹⁹⁸ Kleingeld (2018) 'Moral Autonomy as Political Analogy: Self-legislation in Kant's *Groundwork* and the *Feyerabend Lectures on Natural Law*, p. 160.

related to the way the notion of Public Will serves as a criterion for limiting what people *could* consent to, or give their *actual* consent to.¹⁹⁹

Equally relevant to the issue of the legitimacy of law is the related, second issue of the *ground* that makes this model of subjection to law binding. Two interpretations are available. According to Flikschuh, readers of Kant see in the idea of a social contract on the one hand, and in the natural law notion of original possession in common, on the other, potential grounds for public legislation. On the first reading, “the general will is the product of contractual agreement between subjects to reciprocal recognition of the equal right of each to external objects of their choice”. On the second reading, Public Will is understood as “an antecedently given legislative authority” grounded in “the idea of original possession in common, and which assigns to each individual their rightful portion of external possessions from the common stock”.²⁰⁰

I have expressed my own reservations about an unqualified assimilation of Kant to the social contract tradition, at least as a version of the theory of authorisation in a previous section of this chapter. However, I paused on the above, tangential issues in order to specify the scope of my own inquiry in this section. What I want to establish is which model of legislation is most appropriate, given the distinctive political nature of the Kantian Public Will.

From the perspective of this question, and in light of Kant’s anti–Rousseauian assumptions about the requirements of willing, I think we have strong reasons to reject bringing Kant’s account of ethical self-legislation into the terrain of his political philosophy. In this sphere, as I have argued in this thesis, Kant is trying to carve out a strictly *political model of public legislation*. My claim is that those who bring the idea of self-legislation to bear on questions about political legislation – most commonly

¹⁹⁹ Kleingeld offers a refined exegetical analysis tracing the evolution of Kant’s position on this issue. She argues that a hypothetical, conditional agreement to the legitimacy of law in accordance with the general will was endorsed by Kant in the Feyerabend lectures, and in his works before 1790. After this date, he shifts to a more strident normative requirement according to which citizens must give their actual consent to legislation. Kleingeld concludes that for the Kant of the *Doctrine of Right*, we must add “the further requirement that the citizens also do agree to [law] through their elected representatives in parliament” (2017, p. 72).

²⁰⁰ Flikschuh (2000) *Kant and Modern Political Philosophy*, pp. 145–46.

through the idea of the Kingdom of Ends – do this out of a more general, philosophical assumption, namely, that politics is not independent of morality, but rather at its service. I reserve a detailed discussion of this tendency in the literature for Chapter 5.

It should suffice for now to say that understanding Kant’s model of public willing as one of collective legislation is faced with a serious problem: it overlooks Kant’s distinctive understanding of external legislation as akin to the idea of *subjection*. Recall the way we interpreted reason’s capacity to *prescribe* law to the human will in Chapter 1. This prescription is independent of the capacity of the individual to *self*-legislate the law, and is a form of necessitation of law emanating from the autonomous status of reason itself. In a similar vein, Kant translates a version of this model of necessitation into his political philosophy, wherein it becomes a model not of inner necessitation, but of *external subjection* under the authority of Public Will.

Public will and the model of subjection

I argue that the relationship Kant thinks exists between the source of public law and the individual should be understood in terms of a model of *subjection*, resembling that of a commander and his subjects. As Kant puts it:

Between the *commander (imperans)* and the *subject (subditus)* there is no partnership. They are not fellow-members: one is *subordinated to*, not *coordinated with* the other; and those who are coordinate with one another must for this very reason consider themselves equals since they are subject to common laws. The civil union *is* not so much a society but rather *makes* one. [DofR 6:307, emphases in the original]

There are systematic reasons why an analogy between the “commander” and the “subject” is appropriate when talking about Public Will. As I have argued in this chapter, Kant conceptualises Public Will as practical reason itself, bearing an omnilateral and coercive power that could not possibly be found in the moral constitution of a will that is finite, sensuous, and dependent. The *lawful* relationship that exists between Reason [*Wille*] and the human will [*Willkür*] is mirrored in the *rightful*

relationship established between Public Will and the individuals who, by means of coercion, are subjected to the limits imposed by public law.

A model of rightful legislation requires a relationship of subordination between two parts rather than a relationship between equals as ‘fellow-members.’ The fact that Kant rejects an egalitarian model between fellow-legislators is particularly revealing in light of those who advocate the idea of the Kingdom of Ends as particularly fruitful in the context of Kant’s politics.²⁰¹ This ethical notion is based on the idea that there can be a systematic union of rational beings in which everybody is a lawgiver, yet where each is subject to no law other than his own. In this realm, “[a] rational being belongs as a *member* to the kingdom of ends when he gives universal law in it but is also himself subject to these laws. He belongs to it as a *sovereign* when, as lawgiving, he is not subject to the will of another” [G 4:432].

However, I claim that this ideal of ethical independence is not foreign to Kant’s political thinking, and it is also not a requirement in the model of dependence under law that Kant attributes to a system of right. This radical equality in an ideal ethical state runs counter to Kant’s model of external legislation appropriate to a political, i.e., juridical, state.

Crucial to this way of thinking are Kant’s assumptions about agency. Dependency arises from the fact that we are agents of choice. This capacity for choice places a morally constraining condition on the will of everybody else. But how can I place a morally constraining limit on your will if I lack the required unilateral and coercive power? Rightful dependency is only possible through a relationship of subjection to that very thing that makes agency and interaction possible. For this reason, we must enter the state and relinquish our lawless freedom “in order to find his freedom as such undiminished, in a dependence upon laws, that is, in a rightful condition, since this dependence arises from his own lawgiving will” [DofR 6:315].

²⁰¹ Cf. Ypi (forthcoming), Reath (2006) and Wood (1994).

Kant picks up on this “dependency upon laws” in the ‘commander–subject’ analogy we quoted above. There he grants that although we are in a relation of subjection to the “commander”, we are in a relation of coordination vis-à-vis one another: “those who are coordinate with one another must for this very reason consider themselves equals since they are subject to common laws” [DofR 6:307].

Flikschuh endorses this interpretation when she distinguishes between coordination and co-legislation. For the reasons we discussed above, a model of co-legislation, such as the ethical co-legislation of a kingdom of ends, is impossible in a system of external legislation. However, coordination is relevant to a system of right since “a just political order requires a head – an earthly sovereign – who governs in accordance with the idea of a united general will and who is subject to the coercive will of no one”.²⁰²

This reading captures two of Kant’s more immediate concerns. First, it shows that Kant’s account of political willing is, above all, an account of legitimate coercion. This legitimacy arises from the very idea of a “united general will”, and the autonomy of this will to be independent of the “coercive will of no one”. On the other hand, it shows that the *idea* of Public Will has to be represented or embodied in a sovereign body, be it a single person, or a parliament capable of discharging obligations.

The coherence of these claims is reflected in Kant’s subsequent theory of government, and of the division of powers. Public Will is a special *kind* of will to the extent that it embodies the unity of the three branches of power, namely, the executive, the legislative, and the judiciary. To express this, Kant appeals again to the ‘commander–subject’ analogy, saying that the three authorities

comprise the relation of a *superior* over all (which, from the viewpoint of laws of freedom, can be none other than the united people itself) to the multitude of that people severally as *subjects*, that is, the relation of a *commander* (*imperans*) to *those who obey* (*subditus*). [DofR 6:315, emphases in the original]

²⁰² Flikschuh (2010), p. 137.

“Those who obey”, I argue, are the agents who coordinate around the limits imposed by the rightful jurisdiction of the three branches of government. What these remarks do not fully elucidate is exactly how Public Will can be both a commander, which suggests the idea of the *executive* branch or that of a ruler, while at the same time represent the unity of *all* branches of legislation in their respective executive, legislative and judicial office.

The ruler and the sovereign

This puzzle can be solved by making a distinction between the notions of the ruler and the sovereign. Kant states that the “ruler of a state” is that “(moral or natural) person to whom belongs the executive authority (*potestas executoria*)”. The sovereign, in contrast, is defined as a people’s legislator “who cannot be its *ruler*, since the ruler is subject to law and so... is put under obligation through the law by *another*, namely the sovereign.” These definitions sound plausible, and seem to tackle the common difference between the executive and the legislative. But Kant attributes a crucial capacity to the ruler that is absent from the powers of the sovereign legislator when he says that the ruler can never be punished, since he has “the supreme capacity to *exercise coercion* in conformity with the law, and it would be self-contradictory for him to be subject to coercion” [DofR 6:316-7, emphasis in the original].

How does the idea of Public Will fit into this? It seems to me that the details of the relationship between Kant’s formal and philosophical account of Public Will and his strict theory of *government* are not fully worked out. One of the main claims of this chapter has been to show that an adequate model of public legislation required for Kant the constitution of a different *kind* of will. This qualitatively distinct will discharges moral features, in the form of obligations, that would be impossible for a merely unilateral will. The most crucial of them is precisely “the supreme capacity to *exercise coercion* in conformity with law”, which Kant attributes to the ruler in the above passage. But the equally important capacity “to put under obligation through law”, namely its omnilateral power, is attributed to the figure of the sovereign. This is problematic since it attributes two moral powers that can only spring from a specific

kind of will, to two different empirical offices: the executive office of the ruler, and the legislative office of the sovereign body, made of one or many men.²⁰³

If we accept Kant's official view, according to which Public Will unites *in the idea* the three authorities of government, ruler and sovereign do not seem to come into conflict. But a question remains about how to keep the unity not of the branches of government, but of the features of Public Will. I think this *moral* unity, where both the executive and the legislative come into play in a single office, is one of the basic tenets of Kant's theory of the will. Moreover, I suggest Kant brings this philosophical insight of his moral philosophy into his theory of public will. In this sense I agree with Beck when he says that the idea that "the will both creates and executes obligations is one of the most dramatic theses in Kant's philosophy".²⁰⁴ This dual capacity of Public Will to both execute law in the manner of a ruler, and to legislate obligations in the manner of the sovereign is, on my reading, Kant's way of uniting public will's moral features.

This analysis yields two important conclusions. First, Kant's model of legislation for public willing is one of subjection, akin to the way Reason prescribes law to the human will. According to Kant, "I can either be in a state of equality, and be free to do and suffer injustice, or in a state of *subjection* without this freedom", namely, a condition of right. [R 9593, my emphasis]²⁰⁵ Second, this model highlights the

²⁰³ There is a similar puzzle lurking behind Hobbes's account of the State. Hobbes makes reference to both the sovereign/ruler of the state, and to the "Artificial Person of the State" by fiction (*Leviathan*, Chap. 16). Skinner addresses this conundrum by proposing the existence of two different persons in Hobbes's theory of the state. These two persons lacked existence in the state of nature. One is "the artificial person of the representative to whom the members of the multitude give authority to speak and act in the name of all". This person is the sovereign. A second person is the person by Fiction "whom the members of the multitude bring into being when they acquire a single will and a voice by way of authorising a man or assembly to serve as their sovereign representative." This person is named the State, the Commonwealth, or the *Civitas* (Skinner (2018), p. 358). Skinner's interpretation has many philosophical benefits. One of them is that it allows us to understand why Hobbes thinks that the 'State' is a 'mortal God' that survives the test of time, whereas particular, concrete historical sovereigns come and go (and get their heads chopped off, as Hobbes was well aware when thinking about Charles I of England). I do not want to push the analogy between Hobbes and Kant on this issue too far. However, I do think that for Kant, the *will* of a Public will, since it is non-empirical and *a priori*, it is not subject to the contingencies to which governments, and their sovereign representatives, are subject. For a broader discussion on the issue of representation in Hobbes see also Skinner (1999) 'Hobbes and the Purely Artificial Person of the State'.

²⁰⁴ Beck (1993), p. 43.

²⁰⁵ In the original German: "*Ich kan entweder im Stande der Gleichheit seyn und freyheit haben, selbst ungerecht zu seyn und es zu leiden, oder im Stande der Unterwerfung ohne diese freyheit*" [R 9593].

importance of mutual dependency in Kant's approach to political interaction by means of a relation of coordination with one another. This coordination between equals is possible *only through the subjection to Public Will*. The coordination of mutually affecting wills is manifested in the limits that our actions and choices place on the scope of agency of others. Dependency, I conclude, is not a material notion for Kant, but rather a formal principle of willing. So when the individual enters the state it "unite[s] itself with all others (with which *it cannot avoid interacting*)" and "*subject itself to a lawful external coercion*" [DofR 6:312, my emphases]. This dependency is *rightful* when it is *subjected* to the coercive power of public legislation.

This model is predicated on accepting some important elements of Kant's theory of the will. Crucially, it invites us to accept the law-governed capacity of reason to legislate universal law. These requirements, however, should not be confused with similar references to reason and universal legislation prominent in Kant's theory of moral autonomy and of moral teleology. Reading Kant's political from the perspective of these latter approaches, inevitably misses the independent reasons that make Kant's account of public legislation a strictly *political* model of willing.

Chapter 5

What it Takes to *Will* Politically

Part I: The intellectual roots of conflict

Introduction

The claim that conflict is central to our political theorising has been a recurrent theme of this thesis. The conflict which occurs in political interaction triggers the following question: is an external authority necessary? In Chapter 3, I defended the idea that for Kant, political authority is a *moral* necessity –it is rooted in the moral requirements embodied in human agency. An unavoidable conflict arises due to our status as agents endowed with wills, and the resulting claim we have against others equal capacity for choice and action. Kant offers a solution to this *constitutive* conflict of agency in the state of nature by offering his account of the idea of Public Will. This solution is that the constitution of a different *kind* of will (one that is omnilateral, public, and which has the power to coerce) is needed to resolve the conflict of equal agency.

It is difficult, however, to fully grasp the centrality of conflict in Kant's ideas on political authority without locating this issue within its broader context. I suggest that it is only against a broader intellectual background that Kant's distinctive characterisation of conflict, as a problem at the level of *willing*, can be understood. Part I of this chapter will therefore position Kant within the context of an intellectual tradition which examines conflict and its relation to a theory of politics. I argue that defining the *role* of conflict determines, in a unique way, the purposes and aims of political authority. In other words, taking a stance on the *nature* of conflict regarding whether it is inimical or beneficial to social order influences the vision of our political theory.

In what follows, I situate my interpretation of Kant within a particular tradition in the history of political thought. This tradition, championed by figures as diverse as

St. Augustine, Machiavelli, Hobbes, and Adam Smith suggests that there is a necessary dialectic between (i) the fact that conflict is an inescapable reality of life in common, and (ii) the expectation that political authority should *respond* to this fact by means of its legitimate use of power. This dialectic rests upon two further assumptions: first, that this conflict is essentially intelligible to us, such that we can investigate its roots and motives; and second, that if political authority is to be responsive to this phenomenon, then conflict must be tractable, and capable of being channelled, harnessed, repressed, or coerced by the authority of a sovereign body or of the law.

This “architectonic role”²⁰⁶ played by a political theory, as Sheldon Wolin puts it, is, from the perspective of this tradition, explained by an initial commitment to the centrality of conflict. In this chapter, I will endeavour to systematise this approach in Kant’s philosophy. I conclude in Part I that Kant endorsed this approach in adopting the view that political authority is the required solution to the constitutive problem of agency. Although Kant can be seen as a potential representative of this tradition, I believe he goes beyond this dialectic by developing the idea of Public Will as the *appropriate* response to the conflict of the will.

To demonstrate this, I offer an overview of different interpretations of political conflict and the way this notion became a central concern in the social and political theories between the sixteenth and eighteenth centuries. Within this tradition, I identify a commitment to a theory of human nature and its systematic connection to the emergence of a theory of the state. I will therefore focus on specific aspects in Plato and Hobbes in order to illustrate how an understanding of conflict as something negative or inimical to order, defined the way these thinkers theorised the role of political power, and their picture of politics more generally.

Inspired by Wolin’s interpretation of Plato,²⁰⁷ I claim that Plato understood human conflict as inimical to the pursuit of order and social harmony. According to my proposed dialectic, one of the aims of politics in Plato is to eradicate the sources of

²⁰⁶ Wolin (2004) *Politics and Vision*, p. 30.

²⁰⁷ *Ibid.*

conflict altogether. This approach is an instance of the “once and for all” solution to conflict, which maintains that there can be a “possible return to some ‘just’, ‘good’, ‘well-ordered’ society from which conflict has been banished”.²⁰⁸ In Part II of this chapter, we will see how pervasive this ideal of a conflict-free world is in some interpretations of Kant’s political philosophy. In Hobbes’s case, however, the picture is more nuanced. I suggest that although conflict has a positive role to play within his theory, conflict for Hobbes is a negative source of perennial instability, and he calls for a remedial type of politics, capable of containing it. This dialectic is achieved in Hobbes by the sovereign appeal to ideological means.

I appeal to Plato and Hobbes in Part I in order to highlight the presence of the three guiding assumptions previously mentioned, namely that conflict is (i) unavoidable, (ii) intelligible, and (iii) tractable. More importantly, these philosophers are exemplars of the tradition’s emphasis on human nature as the ultimate source from which conflict arises. To be sure, the scope of this overview will be limited to my direct concerns: political willing in Kant’s theory. However, I think there is much we can learn from this intellectual background to arrive at a better understanding of Kant’s appropriation of these issues in the context of his theory of moral and political willing. This appropriation is unique in at least four ways. First, the issue of whether conflict is inimical or advantageous to political order is irrelevant according to my interpretation of Kant, to the extent that such a view is grounded in the positive or negative aspects of human nature. As we have seen, for Kant the source of conflict is not human nature – this is not the source that makes political authority necessary. Second, as I argued in Chapter 3, Kant defends the view that conflict is *constitutive* of agency, since this conflict arises at the level of the will (as choice), and is therefore not the result of our contingent set of passions and inclinations. Third, in following the dialectic between conflict and political authority endorsed by this tradition, Kant suggests that this authority, understood as a Public Will, does not aim at either eradicating or solving conflict. This is due to the constitutive role he believes conflict possesses. Finally, Kant’s picture of politics treats authority in terms of an omnilateral will that is capable

²⁰⁸ Hirschman (1994) *The Passions and the Interest. Political Arguments for Capitalism Before Its Triumph*, p. 214.

of ensuring the compatible coexistence of each our wills understood as the capacity for choice [*Willkür*].

I will explore the full implications of this picture of politics as willing in Part II of this chapter. For now, Part I will focus on the theoretical background upon which my thesis rests.

1. How to think about conflict: an appeal to a tradition in political thought

The idea that conflict plays a role, whether constructive or destructive, in social relations has a long history. I propose that we examine the role of conflict by considering a question about the nature of man, and of the purpose of the state.²⁰⁹ As Hirschman suggests, historically, understanding these spheres, and the relationship between them, lead to the realisation that “a realist theory of the state required a knowledge of human nature.”²¹⁰ This knowledge involved recognising man as he *is* and not as he *ought* to be, leading to the conviction that what he ‘is’ is defined by a set of inclinations and passions at work in his nature, which at times co-exist in harmony, but which at other times war with one another. In light of this fundamental conflict in man’s nature, answering the question about the purpose of the state required offering a response to this fundamental fact.

This approach to the relationship between human nature and the state presents us with an interesting dialectic, one which suggests that the state should be responsive to the conflict intrinsic to human nature. The way in which we understand human nature, and the effect this has upon social relations, informs how the state must operate. The

²⁰⁹ One version of the relation between these two questions is offered by the republican tradition. Assuming political realism and republicanism as different theoretical positions, I adopt political realism in this thesis as the preferred approach on these issues. The “republican claim”, in contrast, is that “republican and democratic forms of government cannot survive without the prevalence of certain virtues of self-restraint among the politically active section of the population” (Waldron (2016), p. 3). In this sense, the purpose of the state is dependent on the collaboration of the citizens, and the orderly constitution of their nature via the virtues they endorse, thereby offering a distinctively republican version of the relation between human nature and role of political authority.

²¹⁰ Hirschman (1977), p. 15.

unavoidable fact of coexistence is therefore conceptually connected to the question about the role and purpose of the state.

One of the most insightful reconstructions of this dialectic is offered by Albert Hirschman in his book *The Passions and the Interests* (1977).²¹¹ As a thesis on the evolution of the history of ideas, Hirschman explains how a phenomenon inside man, namely the constitution of his passions, and the external and political consequences of this fact, were first addressed by means of a political solution capable of coercing and repressing human nature. The task was then one of “holding back, by force if necessary, the worst manifestations and the most dangerous consequences of the passions”. This task was “entrusted to the state”. However, this solution unfortunately revealed a taste for political absolutism, on the one hand, and “alchemical transformation”, on the other. The conflict of our passions had to be either transformed or repressed by means of questionable coercive mechanisms. This in turn raised questions about the legitimate use of power and its limits.²¹² In the eighteenth century, an alternative to the idea of merely *repressing* the passions emerged. This alternative proposed the “countervailing of the passions”. This task of ‘balancing out’ both the orderly and the conflict-driven passions was left to the “operational device” of the market and other social forces.²¹³ The aim was to find a solution capable of acknowledging the complexity of the problem at hand (human psychology and its social corollaries), and reserving political authority to the state.²¹⁴

²¹¹ To offer a reconstruction of this broad tradition, I rely in what follows upon Hirschman’s superb analysis of this problem (Hirschman (1977), p. 15).

²¹² In the medieval tradition, it is St Augustine who dedicated most of his analysis to tracing the negative consequences of the passions for political order and stability. Machiavelli continues this realist tradition in his chapter in *The Discourses* entitled ‘That the dissensions between the Senate and Commons of Rome made Rome free and powerful’. Cf. Machiavelli (2002) and Augustine (2019).

²¹³ Kant adopts a version of this ‘countervailing’ strategy, so common in the philosophy of the eighteenth century, in the context of his teleological arguments. In place of the market, Kant attributes to nature the task of balancing our “natural predispositions” by means of a law of “reciprocal effect and counter-effect”. As he states in *Idea*, the ills which arise from this development, in the specific contexts of the wars between states, “necessitate our species to devise to the in itself salutary resistance of many states to one another arising from their freedom a law of equilibrium, and to introduce a united power”. This law is coupled with “a principle of *equality* between its reciprocal *effect* and *counter-effect* so that they may not destroy each other.” [IUH 8:26, emphasis in the original] I discuss this in detail in Chapter 2, sec. VI ‘The counter-acting mechanism’. For the historical context surrounding *Idea* see Schneewind (2009).

²¹⁴ Hirschman (1977), pp. 15–31.

The full extent of this particular exercise in the history of political thought goes well beyond the scope of this chapter. What I will focus on, therefore, is a certain paradigm of thought present in the historical narrative. The assumptions of this paradigm are two-fold: first, that political conflict is comprehensible, and second, that conflict is malleable by political means. The idea that conflict is both comprehensible and malleable is the starting point of this tradition in the history of political thought, and presents us with “an anatomy of disorder” instead of a “blueprint for order”.²¹⁵ Kant is, I believe, in line with this tradition. For Kant, as I have argued, the unavoidability of conflict, in both in our moral and our political life, is the starting point of any ensuing form of lawful ordering and rightful determination. Moreover, Kant’s starting point is not a blueprint for order but a diagnosis of the conflictive condition of agency, an approach which is present in his diagnoses of both moral and political experience.

In the introduction, I mentioned Plato and Hobbes as clear illustrations of this paradigm of thought. I discuss Plato partly because he presents us with an extreme position, thus allowing us to see the dialectic in the best light, and partly because of an assumed familiarity with his political proposal in the *Republic*. However, the reconstruction I develop here is essentially one of a *modern* tradition. This tradition, entrenched in the scientific paradigm of the times, saw conflict and human nature as a problem akin to the phenomena of the sciences. Habermas clarifies this schism between the ancient and the modern tradition in terms of the questions they address. For the ancients, it is the question of “wherefore, and to what end” must human life be purposefully directed.²¹⁶ In contrast, for the moderns, the question is “how and by what means can the *civitas* be ordered and made tractable?”²¹⁷ This tractability of the recalcitrant elements in human interaction therefore becomes one of the technical problem of modern political theories.

²¹⁵ Holmes (1990) ‘Political Psychology in Hobbes’s Behemoth’, p. 120.

²¹⁶ It is interesting to see how, from the perspective of Kant’s political teleology, Habermas’s “ancient question” takes precedence over the “modern question”. As I argued in Chapter 2, Kant’s political teleology is an explanatory device, designed to make sense of the moral vocation of human beings in history, from the perspective of its purposiveness. Though the analysis is at the level of the species rather than the individual, the question of ends and purposes is more appropriate to the teleological concerns of Kant’s otherwise political discussion in these historical writings.

²¹⁷ Habermas (1993) *Theory and Practice*, pp. 49–50.

It should not come as a surprise that Hobbes, one of the foremost representatives of this line of argument, approaches politics as a matter of social *science*. I believe that Hobbes is central due to the way he assimilates the “modern question” by offering a complex theory of the state and human motivations.²¹⁸ For Hobbes, the means to order the *civitas* is defined by the capacity of the sovereign to eliminate “the untamed political struggle”, and to “pacif[y] and neutralis[e]” this struggle “for the sake of a rational organisation of society.” Hobbes’s anti-Aristotelianism, lies in an argument against the teleological approach to politics characteristic of the ancient questions regarding the “whereof” and “to what end”. This teleological approach is further dismissed by the modern paradigm.²¹⁹

Although this tradition converges on the idea that conflict is essentially negative, more contemporary versions of this problem have sought to understand conflict in more positive terms. In an effort to conceptualise conflict from the perspective of democracy and democratic theory, Hirschman provides us with two useful ways of thinking about conflict in the social sciences.²²⁰ Conflict, he says, can be understood as “glue and as solvent”. Viewed as glue, human conflict appears as a constructive means for integration and cohesion in free societies. Conflict brings us together after all. Viewed as solvent, however, conflict is a destructive force, requiring systematic interventions, most commonly on the part of the state, in the manner of “illegitimate impositions” from above.²²¹ Both of these positive and negative forces are most probably at play in our modern societies. This approach encourages the glue role of conflict over its solvent role, when conflict is considered from the perspective of democracy as the favoured political system.²²² This short digression serves only to show that conflict has not

²¹⁸ Hobbes answers the question of the role of the *civitas* in ordering an original condition of war and disorder, by addressing four specific issues: an account of the “causes of war”, of the “potential *antidotes* to the causes of war”, a proposal of the “potential *solutions* to war”, and finally, an account “of the *obstacles* to these potential antidotes and/or solutions” (Abisadeh (2011), p. 301).

²¹⁹ Habermas (1993), p. 57. On Hobbes’s scientific rationalism and its political consequences, see Miller (2001).

²²⁰ Conflict was considered to have democratic potential, especially in the development of the social sciences of the 1970s and ‘80s. Cf. Gauchet (1980), pp. 116–17 and Hirschman (1994).

²²¹ Hirschman (1994), p. 206.

²²² I am aware that conflict is too broad a notion when discussed in relation to democracy. Social, political, ethnic, environmental, domestic and international conflict are some of the many versions of conflict that speak directly to our modern, democratic societies. However, I think it is important to highlight how the modern tradition I am interested in exploring here did not conceive of politics in

always been seen as a negative force. However, this notion was alien to the interests and temper of the modern tradition.

Before we turn to Kant's appropriation of this tradition, we should first examine how this paradigm is illustrated by Plato and Hobbes. Their theories share two assumptions: first, that conflict is presupposed as the matter of politics, due to the political consequences that arise if there is no established power to curb its effects. Second, that human conflict is amenable to a political solution, aimed at either its eradication or constraint, as implied by Habermas's "modern question". I will put forward some initial reasons why I think we can assimilate Kant to this paradigm in Part I. The discussion will be continued in Part II in order to reinforce that this assimilation is appropriate.

2. Eradication and containment: Conflict in Plato and Hobbes

Plato

In this section, I explain Plato's and Hobbes' contributions to the dialectic between conflict and politics, previously identified. To unpack these issues in Plato, I have adopted Wolin's interpretation as defended in his *Politics and Vision* (2004). I focus on Wolin's interpretation because he is chiefly concerned with the notion of conflict in Plato, as I am. I appeal to it because of its intellectual affinity with the interpretative line advanced in this thesis, because, as with Hobbes and Rousseau in previous chapters, they are interlocutors that speak directly to Kant's problem as presented in this thesis.

According to Wolin, Plato is most paradigmatically a thinker for whom political theory is tasked with radically transforming the human condition into something closer to an ideal. This transformation is intended to cleanse the foundations of human

terms of political systems or regime types, but more generally in terms of the novel and emerging notion of the state. Moreover, the meaning of 'conflict' in this tradition is, as I have argued thus far, limited to the conflict of *human nature*. Cf. Skinner (2009).

interaction of conflict. Using Athenian democracy as his case study, Plato sought to “transform a diseased polity into a thing of beauty and health”. His account in the *Republic* could be interpreted based on three claims: (i) that conflict and frictions are equivalent to what is base, contingent, and disordered in our nature;²²³ (ii) that ‘order’ stands for the subordination of what is un-ruled and disordered to knowledge of what is good and perfect; and (iii) that Plato’s theory of the forms is meant to ground this transformation.²²⁴ Following this programme, the central task of the ideal Republic is the eradication of conflict in order to make room for a system of classes, ruled by their roles and guided by their virtues.²²⁵

This *political* response to the problem of conflict is developed in Plato by an appeal to a set of ideals which in turn take geometry and beauty as paradigms of perfection. As he states in Book VI of the *Republic*, he who theorises about the city and its happiness must have “its outlines drawn by the painters who use the divine patterns”.²²⁶ Just as politics is a science for Hobbes, for Plato, politics is akin to geometry in the way it seeks to establish the necessary conditions capable of shaping harmony out of disorder. The political cost of this is, of course, high and questionable.²²⁷

What is relevant for our purposes, however, is the direct connection that exists between an understanding of the nature of conflict and the type of political response this understanding seems to demand. In this sense, I agree with Wolin in reading Plato as a paradigmatic, albeit extreme example of someone for whom “the nature of politics was to be viewed as manipulatable, as a bundle of forces from which order could be fashioned”.²²⁸ For Plato, conflict could not be harnessed or channelled by means of legislation or institutions appropriate to its character. Neither could conflict be contained within a political system that allowed for the presence of some residual frictions. For Plato, conflict had to be eradicated outright. In offering this radical

²²³ Cf. Plato’s analysis of the types of soul and regime-types in Book 8 and 9 of *The Republic*.

²²⁴ Wolin (2004), p. 30.

²²⁵ On Plato’s city–soul analogy, see B. Williams (1999).

²²⁶ *The Republic*, Book 6, 500e.

²²⁷ Think here of the most extreme criticism to Plato’s political rationalism in Popper (2013).

²²⁸ Wolin (2004), p. 30.

solution to the problem, Plato allows us to see, in a most extreme form, how our stance on conflict defines our approach to politics.

Hobbes

That conflict is at the heart of Hobbes's project is evident, yet his views are hard to pigeonhole. In Hobbes' philosophy, the conflict which results from human nature plays a dual role. Its negative role lies in its capacity to generate diffidence, competition and war when the law is absent. However, Hobbes acknowledges conflict's positive role to the extent that it provides the instrumental reasons for entering the state.

There are two aspects of Hobbes' political philosophy that require him to think, unlike Plato, that conflict should not be completely eradicated. The first difference is Hobbes' commitment to some form of political liberalism, according to which the unavoidable frictions of competition and social strife remain as necessary conditions for gaining the benefits of civilisation, which only a Commonwealth can ensure. This commitment to liberalism is also manifested in Hobbes's understanding of individual freedom as the space where the law is silent. The law, says Hobbes, must "determine what the representative may lawfully do in all cases where the letters themselves are silent". The remit of the law is therefore not all-encompassing: it leaves significant spheres where conflict can, potentially, run free. (*Leviathan*, Chap. 22)

The second difference to Plato has to do with Hobbes's theory of human psychology and human motivation. In Chapter 3, I discussed how the Hobbesian passion for glory, and its central role in our psychological makeup, is an ever-present source of social discontent. Social perception is driven by opinion, "and in the well governing of opinions consisteth the well governing of men's actions in order to their peace and concord." (*Leviathan*, Chap. 18) The governing of men's opinions, and for that matter of their actions, is the programmatic task undertaken by Hobbes. The point here, however, is that conflict is entrenched in our nature, and as such, may be contained but never eradicated. As Hobbes is keen to remind us, he who goes to sleep "locks his doors; when even in his house he locks his chests; and this when he knows

there be laws and public officers, armed, to revenge all injuries shall be done him.” (*Leviathan*, Chap. 13) This *ever-present tendency towards conflict* is well grounded in Hobbes’s reasoning, and is a threat which remains even after political authority has been established. As Hobbes states in Chapter 28 of *Leviathan*:

For those men that are so remissly governed that they dare take up arms to defend or introduce an opinion are still in war; and their condition, not peace, but only a cessation of arms for fear of one another; *and they live, as it were, in the procincts of battle continually.* (my emphasis)²²⁹

Against the background of these assumptions, Hobbes develops his political solution to the problem of human conflict. He appeals to the mechanisms of persuasion and the exercise of strong authority to enable a project of socialisation, requiring heavy ideological machinery on the part of the sovereign. Hobbes also had in mind the proliferation of religious doctrines and the radical political tendencies that were taking a hold of his time. His solution is directed at controlling the focal points from which conflict arises, namely, the sources of ideological influence.

In this way, Hobbes advances a solution which aims at *containing* conflict within the precinct of the state. The political ruler must have both the means and the power to ‘nudge’ our thoughts and actions in ways which are conducive to peace. As Kateb explains, “it is not a matter of inducing belief for the sake of civil peace, but of

²²⁹ Milton also appeals to the idea of “procinct” in his *Paradise Lost*, when he says:

Reflecting blaze on blaze, first met his view.
War he perceived, war in procinct, and found
Already known what he for news has thought
To have reported. Gladly then he mixed
Among those friendly Powers who him received
With joy and acclamations loud, that one,
That of so many myriads fallen yet one,
Returned not lost. On the sacred Hill.

Sixth Book, line 20. Milton, J. (1909).

In his essay ‘Leviathan: A Myth’ (1975), Oakeshott comments on the intellectual relation between Milton and Hobbes as “custodians of the dream” of a world of disorder, that could be transformed into one of order. According to Oakeshott, this myth “received at the very moment when Hobbes was writing *Leviathan* a fresh, if somewhat eccentric, expression [also found] in the two epics of Milton” (Oakeshott (1975), p. 161).

regulating belief so that it does not become a pretext for civil war”.²³⁰ The emphasis which Hobbes places on the inevitability of conflict calls for certain responses – these are provided, in my view, by the ideological characteristics we see attributed to the figure of the sovereign in his theory. When the sovereign judges “what opinions and doctrines are averse, and what conducing to peace”; when he examines “the doctrines of all books before they be published”; and when he is entrusted with the power to prevent “discord at home, and hostility from abroad”; then, he is addressing the sources of conflict from their roots. Through this approach, Hobbes is in fact offering a particular solution to a long-standing problem in the tradition (*Leviathan*, Chap. 18).

It is possible to see in this Hobbesian strategy the ultimate realist solution to the ultimate realist problem: we are quarrelsome, selfish, and glory-seeking beings, so a power over and above us must tame these passions by means of coercion.²³¹ In this brief summary, I hope to have shown that Hobbes’ position is more complex and subtle. This is because two conclusions follow from my interpretation. First, Hobbes’s political solution to the problem of conflict is *remedial*: it purports to address the empirical deficiencies of a condition where political authority is absent. Second, this approach acknowledges that conflict can never be fully eradicated from our social predicament – that it can, at best, be *contained* within the ideological mechanisms Hobbes ascribes to the sovereign. To provide a metaphor: Hobbes’s picture of politics is akin to a fenced-off enclosure in which the individual can develop and evolve, but within certain limits.²³²

²³⁰ Kateb (1989) ‘Hobbes and the Irrationality of Politics’, p. 368.

²³¹ Part of this unqualified realist reading of Hobbes is explained by the fact that we tend to focus on the arguments of *Leviathan*, and to neglect the arguments of *Behemoth*. This later work represents Hobbes’s mature understanding of political breakdown, full of realism yet filtered with nuances about human psychology and human motivation. As Holmes explains, *Behemoth’s* account of civil war describes “the way human beings behave – not the way they might behave under ideal conditions, but the way they actually did behave in England between 1640 and 1660”, with all the complexities and particularities proper of human history. Cf. Holmes (1990), p. 120.

²³² As we will see in Part II, Kant also appeals to an image of bodies in motion in order to explain the way in which political interaction occurs. He also, at times, talks about constraining something in our nature, but from the perspective of his teleological writings. He refers in *Perpetual Peace* to “the malevolence of human nature, which can be seen unconcealed in the free relations of nations (whereas in a condition under civil laws it is greatly veiled by the government's constraint)”. It is also interesting to note here how Kant, just like Hobbes, thinks of the “malevolence of human nature” as being at its peak in the international sphere between competing states, similar to the condition of nature, which according to Hobbes persists between nations even if it is resolved at the domestic level [PP 8:355].

[N]ot to bind the people from all Voluntary Actions, but to direct and keep them in such motion, as not to hurt themselves by their impetuous desires, rashness of indiscretion, as Hedges are set, not to stop the Travellers, but to keep them in the way. (*Leviathan*, Chap. 30)

3. The dialectic of conflict and politics in Kant

I have so far reconstructed elements of the evolution of the notion of conflict in political thought. I explored this notion in terms of a ‘dialectic’ between two chief claims: a claim about the nature and role of conflict on the one hand, and a claim about the purpose of political authority in light of this ineluctable fact of conflict, on the other. Furthermore, I illustrated ways in which an intellectual connection emerged between conflict and politics, generating one of the most fundamental problems modern political theory addresses.

In this section, I focus on Kant and the first of the two issues involved in the dialectic: the nature and role of conflict. As I have previously argued, taking a stance on the nature and the role of conflict structurally influences the way we define the purpose of political authority. I address this latter, independent problem of the purpose of politics for Kant in Part II. We must first address the issue of conflict. This is for two reasons. The first is to make use of the historical and theoretical background given in previous sections, and to apply it to Kant’s thought. The second reason is to prepare the ground for my discussion of Kant’s politics in Part II. I do this by identifying a certain tendency in the secondary literature on Kant’s moral philosophy; this tendency illustrates that a lack of consensus regarding Kantian politics is often due to profound disagreement surrounding Kantian morality. Assumptions about Kant’s ethics (and specifically about the *moral* conflict that takes place within the human will) seem to be extended as legitimate assumptions about his politics, and the conflict that arises in that sphere.

To demonstrate this, I focus on Korsgaard, who provides us with a clear example of interpreters who suggest that individual moral agents experience a kind of conflict of will that must be resolved. At first glance, this approach seems useful, since

it accords conflict a central, philosophical role when thinking about Kant philosophy. Although Korsgaard correctly identifies an experience in the human *will* as the *locus* of conflict for Kant, her interpretation implies a solution whereby the “civil war” between our passions and our reason i.e., the *source* of this conflict, must be eradicated, or at least contained, under a model of “volitional unity” and “integrity”.²³³ This model, I conclude, rightly adopts a *moral version* of the dialectic involved in the tradition, i.e., the dialectic between conflict and an authoritative solution, but it commits Kant to an ideal solution based on a value of personhood, unity, and integrity. This solution, in my view, is alien to Kant’s way of understanding conflict as (i) constitutive of, and (ii) incapable of being fully eradicated from, human agency, under the guise of a radical sense of personal unity.

Another reason why I engage with Korsgaard’s interpretation of Kant is that she identifies Plato as a precursor to this model. Although I find an assimilation of Plato with Kant problematic, it does allow us to draw certain political implications.

Kant’s version of political conflict

Against the background of this intellectual tradition, Kant can be read as taking up two different positions regarding the issue of conflict: on the one hand, he diverges from the tradition in terms of what is established as the *locus* of conflict. As we saw when moving from Plato to Hobbes above, the locus of conflict was identified in human nature, and specifically in our passions and inclinations and in their variously favourable and adverse combinations.²³⁴ In contrast, Kant maintains that the locus of

²³³ Korsgaard (1999) ‘Self-Constitution in the Ethics of Plato and Kant’, pp. 28–29.

²³⁴ As I have previously mentioned in Chapter 2, Kant defends a version of this approach in his political teleology. I explored the issue in detail by means of a defence of my account of the ‘Counteracting mechanism’ of nature. This mechanism of nature works *with and through* the mixed bag of our human nature to achieve the ends of our vocation. Kant shares with this intellectual tradition of the eighteenth century that this alchemical mixture of the passions can sometimes create good out of bad. However, I also argued that Kant leaves open the possibility that what results from this teleological process of nature can be also bad and harmful to the species in the form of wars, devastations, famines, etc. In this sense, the ends of our vocation are subject to the indeterminacy is constitutive of the process of unsocial sociability. As Kant says, nature comes to our aid to arrange these forces in our nature “in opposition to one another in such a way that one checks the destructive effect of the other or cancels it, so that the result for reason turns out as if neither of them existed at all and the human being is constrained to become a good citizen even if not a morally good human being” [PP 8:366]. An insightful account of this way of thinking about the passions can be found in Francis

conflict lies in the human will. In my interpretation, which I have defended in Chapter 3, the conflict of the will in Kant is a conflict regarding the way our will relates to law. Given equality of agency based on the fact that we are all beings endowed with a will to choose and to act against the will of another, our will as choice must be subjected to an external law; otherwise it will remain a threat to the equally arbitrary use of choice of other individuals.

Kant's understanding of conflict therefore leads him to depart from the intellectual tradition I have here portrayed. What he does share with it, however, is the way in which conflict is systematised in relation to politics. Whilst for Kant, the locus of conflict is the human will rather than human nature, he assumes alongside Plato, Augustine, Machiavelli, and Hobbes that it must be possible to solve it – or in Kantian terms, it must be possible to rightfully legislate conflict by appealing to political authority. But what makes this conflict particularly *political*? I discussed in Chapter 1 how conflict, for Kant, is also a central concern in moral experience, and that he calls for a kind of resolution by means of the prescription of law by reason [*Wille*]. As I mentioned in the Introduction, the type of conflict I am trying to systematise here is distinctively *political* in at least two senses:²³⁵ it is focused on the (i) external character of actions, instead of the internal motivations of the agent, and (ii) it is relational, in contrast to the limited, first-personal experience of moral conflict. Once we step beyond our inner moral life, we stand in an unavoidable relationship with others.

First, conflict is political for Kant due to its external nature. It manifests itself in the external character of our actions, and consequently in the way these actions, and the choices that ground them, affect the sphere of agency of others. When focusing on our

Bacon. For Bacon, opposition is the key to finding resolution and equilibrium, both in science, in ethics, and most importantly, in politics: “how affections are kindled and incited... how they do fight and encounter one with another... How (I say) to set affection against affection and to master one by another... For as in the government of states it is sometimes necessary to bridle one faction against another, so it is in the government within” (quoted in Hirschman (1977), p. 22). Cf. Chapter 2, sec. VI, ‘The counter-acting mechanism’.

²³⁵ When I say that political conflict is not moral, I do not mean that it is not capable of having a political morality of its own. The contrast I am drawing here is one between individual morality on the one hand and political morality on the other. This distinction tracks the division between Kant's theory of Right and his theory of Ethics. I assume both spheres fall under the general rubric of ‘morality’, broadly understood. For an extended discussion of this debate cf. Willaschek (1997).

political interaction, Kant maintains that we should focus on how our actions affect others as opposed to our intentions. For this, the realm of right is concerned with “the *legality* of an action”, in contrast to its “*morality*”. This “external use of choice”, as Kant refers to it, involves conflict to the extent that it triggers a relation between agents. Life in common is conflictive since it takes place within the context of the “external and indeed practical relation[s] of one person to another” [DofR 6:214, 230].

This brings me to the second defining feature of political conflict in Kant, namely its relational nature. In contrast to the self-regarding and intrapersonal experience of morality, the fact that we are agents embodied with the equal capacity for choice [*Willkür*] inevitably places us within a system of relations with others. Kant’s model of political willing is entrusted with the task of the rightful ordering of these relations, as discussed in Chapter 4. Meanwhile, this “reciprocal relation” is defined in terms of the relation of one’s “power of choice to others’ power of choice and not immediately to objects of the power of choice” [DofR 6:233; *Notes to the Metaphysics of Morals*, 23:227].

I find the richness of Kant’s analysis of conflict compelling. In some ways, he makes an important step in understanding the *nature* of conflict from the perspective of the tradition we have discussed so far. As suggested in the introduction, the meaning of Kantian politics comes to light once Robinson Crusoe encounters Friday.²³⁶ If we were to remain in isolation, the experience of political conflict would never arise.

Having qualified Kant’s specific understanding of the nature of conflict, I want to show how close he is to the tradition of political thought I sketched at the beginning of this chapter. I argue that Kant’s way of thinking about political conflict, namely as something both external and relational, commits him to three assumptions also made by this tradition, namely, that conflict is (i) unavoidable, (ii) intelligible, and (iii) solvable.

²³⁶ I borrow the idea from Hruschka (2003), p. 210.

I have provided reasons why conflict is unavoidable according to Kant,²³⁷ some of which follow from its external and relational nature discussed above. The principal thing to bear in mind here, however, is to avoid the idea that the unavoidability (arising from the reciprocal relations between agents) is a result of mere physical proximity. The moral necessity of establishing political authority, and hence to require a solution to the problem of conflict, has nothing to do with the fact that “we cannot avoid living side by side with all others”. It is a constitutive requirement of agency, and not an empirical fact about physical life in common, which makes politics necessary, and conflict unavoidable.

The second assumption is that conflict is intelligible. For conflict to be a concern of our political theorising it must be comprehensible to us. But what is it that we are meant to comprehend? Kant’s answer is straightforward: what conflict renders intelligible, through its various manifestations in clashes of interests, property claims and judgments is the fact of our equality of agency. What our will as choice makes manifest is the extent to which our actions provide evidence of this radical claim to equality of choice. This is why conflict is intelligible and also why it is unavoidable.

The final assumption is that conflict is *solvable*. I have claimed that Kant is working in the spirit of a long tradition when he endorses this claim. It is worth noting that when he speaks of a ‘solution’ to the problem of conflict, Kant is explicitly referring to the state. He states that “the problem of establishing a state, no matter how hard it may sound, is *soluble* even for a nation of devils” [PP 8:366]. He goes on to qualify this solution, by saying that it is “the last to be solved by the human race”, and therefore “the most difficult of all tasks” [IUH 8:23]. Public Will is Kant’s particular version of this solution, and is one of the many alternatives available in the tradition.

I suggest that we should consider Kant as a clear, albeit unique, representative of this tradition. However, even if he takes part in this paradigm of thought by discussing the issue of conflict and its nature, he departs from the kind of political solution endorsed by other representative figures. This solution, championed by Plato and

²³⁷ Chapter 3, sec. IV, ‘The problem of the state of nature as a problem of the will’.

Hobbes, assumes that *if* conflict is solvable, it should be either constrained within the precincts of absolute sovereignty, or eradicated from the social structure of the polis. In contrast, my interpretation of Kant sees conflict as *constitutive* of agency. It follows logically from this claim that conflict cannot be eradicated, since it is constitutive of us as equal agents with a will. Neither can it be constrained: it has nothing to do with the empirical aspects of our nature manifested in our passions and inclinations.

Interestingly, the centrality of conflict in Kant has led to opposing conclusions. Some commentators who, like me, also focus on Kantian understandings of conflict hold that the centrality of conflict requires its eradication or containment. Hans Saner, for example, maintains that Kant's thought "proves time and again to be the turn from diversity to unity". As a "peacemaker" both in metaphysics and in politics, Saner goes on, Kantian politics asks: "[H]ow is it possible, despite the antagonistic forces of the passions that always work in politics, to unify the state-building will" and achieve "long lasting peace".²³⁸ This search for a unity and harmony arising from conflict and antagonism is shared by Patrick Riley, for whom the process of going from a state of "empirical politics" to the "sublimely metaphysical" idea of a perfect Republic requires "the sublimation of conflict."²³⁹ This sublimation tastes of alchemy, echoing the solution of harnessing the passions found in the tradition.²⁴⁰

I find it difficult to derive from Kant's account of public willing, the ideal of a condition of peace and unity in which all sources of friction have been eradicated or sublimated. To be sure, Kant's political teleology, especially his theory of peace encourages us to strive towards this admittedly unattainable ideal of "the highest political good, perpetual peace" [PP 6:355]. However, as I have tried to argue in this thesis, Kant's political teleology presents a different line of argumentation from the assumptions of his *political philosophy*.²⁴¹ However, I argue that the conflation between these two lines of argumentation have to do with deeply entrenched assumptions

²³⁸ Saner (1973), pp. 4, 41.

²³⁹ Riley (1983), p. 123

²⁴⁰ Cf. Section I of Part I of this chapter.

²⁴¹ For an extended discussion on the difference between Kant's teleological arguments about Nature's 'will', and his later development of a strictly external and political model of willing refer to Chapter 2.

regarding Kant's moral philosophy, and the way these assumptions permeate our independent approach to his politics. On the specific issue of conflict, it is Kant himself who gives support to this impression when he speaks of the conflict of the human will as requiring a radical resolution, as the type a teleological orientation of human nature and its vocation would demands. In the *Critique of Practical Reason*, Kant explains how reason [*Wille*] can take control of the human will [*Willkür*] and produce "mastery over one's inclinations, hence of independence from them, and so too from the discontent that always accompanies them" [CPrR 5:119]. This mastery over the unruly conflict of our sensuous nature is comparable with "the liberation of the will from the despotism of desires" [CJ 5:431–2].

This talk of "mastery" and "liberation" from "despotism" seems to lead to the idea that Kant is after the elimination of conflict in *all* of its manifestations, both moral and political. The rest of this chapter is aimed at debunking this idea. In this sense, we are left with the task of establishing how these assumptions about conflict and its resolution in morality are woven into an account of the political legislation of conflict. I reserve this task for Part II of this chapter. First, I want to close this section by focusing on one particular example of this tendency, as defended by Christine Korsgaard in her 'Constitutional Model' of conflict resolution.

A moral version of the dialectic: conflict versus volitional unity

For Korsgaard, conflict is a chief element of moral experience. To *act* morally is to adopt a specific "deliberate standpoint". This standpoint requires a certain kind of unity of the person, specifically, a conception of the self that it is only possible to embody by undergoing a process of self-constitution.²⁴² This model of action "starts off from the experience of inner conflict". This experience, Korsgaard informs us, is similar to one of *combat*. To engage in combat, we must act against something or someone. In this case, it is a battle against those inclinations and reasons for action which undermine the unity which is required by the deliberative standpoint.

²⁴² For my own criticisms on this value of personhood in the context of Kant's ethics see Chapter 1, sec. III, 'The will and the autonomy of reason'.

This conflict takes place within us as a kind of “civil war”. As long as you remain on the battlefield, you experience “a human soul in ruins” which is “unable to act”.²⁴³ What I find most revealing about this picture is the way Korsgaard thinks of this constitutional model of the soul: for her, it is a version of a model of human action more generally, and as one shared by both Plato and Kant. What these two philosophers share, notwithstanding their radical differences, is the sense in which “deliberative action by its very nature imposes unity on the will”,²⁴⁴ and makes us “unify [ourselves] into a person”.²⁴⁵

I concede that the above reconstruction fails to do justice to the details of Korsgaard’s Constitutional model. However my interest here is limited to illustrating how Korsgaard’s approach is a clear example of those who maintain that conflict (at least in its moral version) must be fought against and resolved, if we are to arrive at unity and personal integrity. Korsgaard sees the clearest appearance of this “volitional unity” in Plato’s *Republic*.²⁴⁶ As a work in political philosophy, and assuming Wolin’s interpretation of Plato presented earlier in the chapter,²⁴⁷ we can begin to see the political implications this model might have. For one, it is easy to see the political flavour of some of these Korsgaardian notions when she speaks of “combat”, “war”, “legislation”, “constitution”, and “unity”. But even more to the point, this model of *moral* constitution can be writ large in the *political* constitution of the state (think here of Plato’s city-soul analogy). We can only speak of a state properly when it has been “defined by its constitution and deliberative procedures”. We have a state, says Korsgaard, “only where the citizens have constituted themselves into a single agent. They have, that is, adopted a way of resolving conflict, making decision, interacting with other states, and planning together an on going future”.²⁴⁸

What I think Korsgaard is doing here is drawing an analogy between (i) the way an individual constitutes herself into a *person*, through properly ruling over her

²⁴³ Korsgaard (1999), p. 28.

²⁴⁴ *Ibid.*, p. 7.

²⁴⁵ *Ibid.*, p.27.

²⁴⁶ *Ibid.*, p. 28.

²⁴⁷ See Part I, sec. II, ‘Eradication and containment: conflict in Plato and Hobbes’.

²⁴⁸ Korsgaard (2009), p. 114.

inclinations, and combating “inner conflict”, and (ii) the way the state constitutes itself into a “single agent” with the equivalent requirements of ordering its conflicts and internal frictions. It is uncertain whether Korsgaard is explicitly interested in drawing out these political implications of her theory, but I suggest that these implications are present. Plato’s presence in the argument seems to hint at this conclusion, particularly when Korsgaard interprets Plato’s ideal republic as a city engaging in “deliberative actions”. This city “is not just a place to live, but rather a *kind of agent* which performs actions and so has a life and a history”.²⁴⁹

Part II of the chapter will explore how these assumptions about Kant’s moral philosophy have had a defining influence in the way some commentators interpret his politics. I will present my own interpretation of what I call ‘Kant’s political minimalism’. I defend a portrait of Kant’s politics that on the one hand, retains the centrality of conflict, and on the other, remains faithful to its political implications. Conflict makes politics a fragile business, but it is also necessary to bring and keep us together.

§ § §

Part II: Kant’s vision of politics

Introduction

In Part I of this chapter, I developed the argument in two stages: First, I sketched the contours of a tradition in the history of political thought which maintains that conflict is central to our political theorising. I explained how for this tradition, the question of the *purpose* of a flourishing human life was replaced by the question of the *means* available to the state to harness, repress, coerce or counteract the passions of human nature. By focusing on Plato and Hobbes, we engaged with two political solutions to the problem of conflict, namely, its eradication and its containment within the strict structures of the

²⁴⁹ Korsgaard (1999), p. 7, my emphasis.

polis or the state. In the second stage of my argument, I turned to Kant, who I claimed endorsed a view of conflict as (i) unavoidable, (ii) intelligible, and (iii) solvable. I specified how these assumptions underlie his approach to *political* conflict as external and relational. I concluded by appealing to a particular interpretation of *moral* conflict in Kant to demonstrate how assumptions about his moral philosophy commit Kant to the view that conflict must be eradicated, or at least contained and sublimated. I suggested this interpretative tendency underlies some interpretations of Kant's politics, and it is to this we now turn.

It is the aim of the rest of this chapter to defend the view that Kant holds a 'minimalist' conception of politics, based on the equally minimal requirements of his account of political willing. My claim is that the conditions which make political willing *possible*, and the demands which these conditions present to us as agents, do not depend on the eradication of conflict from our political interaction. Furthermore, the possibility of political willing is not predicated on the progressive moralisation of our political institutions. This *political* form of willing emerges, instead, from two basic commitments: first, that conflict is a central and constitutive feature of agency; and second, because we are beings endowed with a will, we are capable of *willing* a system, i.e. a Public Will, capable of coercing the limits that make equal agency possible. This, in short, is the conclusion of this thesis.

My argument in Part II is divided in two sections: first, I engage with a set of authors who read Kant's politics through the lenses of his political teleology and moral philosophy. I identify an interpretative thread that renders politics instrumental to morality, and which thereby obscures Kant's distinctive account of public will. This approach rests upon three claims: (i) that political life must aim at a condition akin to the kingdom of ends; (ii) that our moral vocation requires the eradication of conflict and frictions; and (iii) that in order to be a fully moral-cum-political community, we must become collective legislators of our own laws. Second, I offer a series of images which Kant employs to illustrate his views about political life and a political system, for the purposes of explaining why I think Kant's politics should be defined as 'minimalistic' in its requirements. I argue that the images of free bodies in motion, and the way Kant

sees this as analogous to the political interaction of individuals, stands in contrast to the moralised picture of politics I diagnosed above. This background will lead to my Conclusions section, where I systematise the conditions of possibility of political willing, which I have progressively defended throughout this thesis.

1. Politics as a kingdom of ends

It is common to find commentators committing Kant to the view that in order to achieve *both* the metaphysical and political ideals of his philosophy, the problem of conflict needs to be approached head on. “All of Kant’s philosophising”, says Saner, “is a removal of contradictions, controversies, and debates... It is a political removal of antagonisms, a conquest of the state of nature and of war”.²⁵⁰ This approach tends to be expressed through an appeal to some of Kant’s ethical notions, most prominently that of the kingdom of ends. This notion, as an ideal of co-legislation of ends in harmony, assumes the possibility of the eradication of conflict. For example, a representative of this approach says that, for Kant, “the achievement of unified external willing via universal reciprocal coercion is thus the developed *juridical analogue* of the intellectually unified willing of pure intelligences in the moral kingdom of ends”.²⁵¹

In Part I, I suggested by focusing on Korsgaard’s ‘Constitutional Model’ of agency that this tendency to assimilate certain assumptions about Kant’s moral philosophy, and in particular, assumptions related to his description of the experience of moral conflict, distort his account of political willing. In this section, I want to take up this problem again to establish how this connection between morality and politics is further developed. More precisely, I argue that this connection is more clearly drawn by taking the idea of self-legislation from Kant’s moral philosophy and to treat it as his model of political legislation. This argumentative move is most commonly carried out via an appeal to the Kantian notion of the Kingdom of Ends. From this perspective, politics is seen not as independent of morality, but at its service.

²⁵⁰ Saner (1973), p. 307.

²⁵¹ Hunter (2012), pp. 185–6.

On this approach, political institutions are instrumental to the moral improvement of the individual and of the species. If this form of human perfectibility were to be possible, interpreters conclude, “there would be no Kantian politics to study”.²⁵² I believe, though, that this ‘politics in the service of morality argument’ prevents us from seeing Kant’s account of Public Will in its own terms. Moreover, it hinders us from making sense of Kant’s efforts to justify a model of political legislation, as one of *subjection* to the law, rather than one of co-legislation.²⁵³ Consequently, Kant’s moral notions develop into “a normative blueprint for a moral-political order”.²⁵⁴

Patrick Riley, for example, develops the details of this instrumental relation between politics and morality. For Riley, “Kantian public legal justice is instrumental to morality in two senses”:

[I]n a slightly weaker sense, it simply creates conditions for the safe exercise of a good will; in a somewhat stronger sense, it legally enforces certain ends that ought to be (e.g., no murder), even where good will is absent and only legal motives are present. But, whether in a weaker or stronger sense, politics remains the instrument of the sole ‘unqualified’ good.’²⁵⁵

I find there to be problems with both the weak and strong understandings of Kantian politics. I address these concerns by focusing on three versions of this approach: Andrew Reath’s, Lea Ypi’s, and Allen Wood’s, with an emphasis on the *social and historical* perspectives adopted by their respective readings.

These approaches share a commitment to two ideas, illustrating the connection they think exists between politics and morality in Kant: (i) the notion of autonomy as the unique capacity to be subject “*only to laws given by himself but still universal*”; (ii) Kant’s “fruitful notion” of a Kingdom of Ends, an ideal according to which rational beings are both members and sovereigns of a “systematic union” of ends through common laws. [G 4:440, 433, 443; emphases in the original]. Part of what makes these

²⁵² Riley (2015a), p. 345.

²⁵³ For a defence of this model of subjection in Kant’s account of public willing see Chapter 4, sec. IV, ‘How does Public Will *will*: a model of subjection’.

²⁵⁴ Flikschuh (2010), p. 121.

²⁵⁵ Riley (2015a), p. 343.

notions attractive is their capacity to speak to a political model of direct democracy, or of collective legislation, where the gap between the will of the people on the one hand, and the law emanating from it, on the other, is finally bridged.²⁵⁶

In order to see how these ideas take shape as an interpretation of Kant's politics, I should note that authors such as Reath and Ypi do not *explicitly* engage with the systematic concerns which drive my thesis, namely concerns regarding Public Will and political legislation. However, what they *do* explicitly express are their considered views on the social, political and teleological *implications* of Kant's ethics. What I want to suggest is that in adopting this approach, these authors endorse a model of collective self-legislation which is alien to Kant's view. Even more importantly, in line with my emphasis on the role of conflict, such a model requires the progressive eradication of conflict by teleological means.²⁵⁷ This latter claim is more clearly defended in Wood.

According to Reath, Kant's notion of autonomy leads to a conception of a realm of ends in which "autonomy is exercised by enacting principles that could serve as law for a community of agents". Reath says that he is interested in exploring the idea of a "consensus implicit in the idea of a Realm of Ends". He expands on this idea of

²⁵⁶ This problem is directly related to the issue of political representation. In a discussion on the role of Parliament during and after the Civil English Wars, Henry Parker developed one of the most detailed and literal defences of popular sovereignty. For Parker, the "whole universality" of the people must be virtually represented by Parliament since "the real body of the people is too bulky and awkward to be capable of acting for itself". Rousseau avoids this problem by advocating models of popular sovereignty in small states –like Geneva-, where the collective body of the people could gather and come into literal being as a unitary body in parliamentary debates. Parker's solution, in contrast, was to appeal to the virtual representation of the body of the people. As Quentin Skinner explains, the suggestion is that "what invests these assemblies with their sovereign right is that they constitute a representation –an image or likeness- of those who have authorised them." The trick, Parker thought, is to "reduce in an artful way the real body of the people", such that Parliament becomes "virtually the whole kingdom itself". Parker (1642) in Skinner (2018), pp. 203–5; 351–2. A humorous example of this view is captured in Lord Cornbury. As colonial governor in New York and New Jersey of the Crown, because "he was acting as a representative of Queen Anne, he is said to have considered it his duty to open State Assemblies wearing female dress." The joke, Skinner thinks, lies not in his incapacity to impersonate the part, but rather in his misunderstanding of what it means to represent someone. Cf. Skinner (2018), p. 203.

²⁵⁷ I explored this teleological reading of conflict in Chapter 2, by means of the 'Harnessing Model'. An extreme version of this model of 'harnessing' is present in Kant's argument for the discipline of reason, as it appears in the Critique of Judgment. I do not think that the full eradication of all contradictions by reason is Kant's aim in the earlier teleological essays. However, from the perspective of the discipline of reason, a dilemma arises. As Fackenheim explains, the more we develop our reason, "the more it seems to increase the rage and fury of human conflict". To escape this "fearful development", man must progressively employ his reason "not to serve instinct but to master it" (Fackenheim (1956), pp. 394–5).

consensus, by appealing to Kant's discussion of the verdict of reason in the first *Critique*. What is revealing about this strategy is that in the *Critique*, Kant does not refer to individual agents but rather to "the agreement of *free citizens*, each of whom must be able to express his reservations, indeed even his *veto*, without holding back" [CPR A 739/B 767, my emphasis]. This talk of agreement between "citizens", public vetoes, and "community of agents", in my view, strongly indicates a *political* approach to an otherwise ethical discussion.²⁵⁸

Reath's aim is to draw attention to the social dimension of Kantian autonomy, but the question still remains of what role Kant's Public Will plays here and how this "community of agents" gives itself the law. Reath does not provide an answer to this question. He instead highlights "the deeply egalitarian aspect of Kant's conception of the form that authority must take place among agents with autonomy". Kantian autonomy ultimately takes shape in the "active participant[s] [of] a public life".²⁵⁹ An ethical-cum-political authority, Reath concludes, is exercised among equal agents with the capacity for critical reason.

What is clear from these brief remarks is how authority, broadly understood, is defined in terms of the autonomous, self-imposed legislation of laws that have been critically and publicly scrutinised by human reason. We see here a clear illustration of how basic Kantian notions can be employed beyond the remit of Kant's moral philosophy.

Lea Ypi is another interesting representative of this approach. Ypi asserts that the relationship between the moral and the political must be read through the teleological orientation of Kant's views on progress. Ypi defends an alternative, teleological assimilation of autonomy and self-legislation within the context of Kant's account of reason. The Kantian Kingdom of Ends is interpreted by Ypi "as a concrete historical imperative". The realisation of this imperative requires "conscious human actions that seek to progressively realise the coordination and continuation of moral

²⁵⁸ Reath (2006) *Agency and Autonomy in Kant's Moral Theory: Selected Essays*, p. 174.

²⁵⁹ *Ibid.*, p. 193.

efforts”. These actions and efforts are understood in line with the architectonic and systematic unfolding of reason itself.²⁶⁰

On Ypi’s account, political institutions – the ones which only the constitution of a Public Will makes possible – are regarded as *evidence* of our historically driven task to progressively achieve the proper ends of our vocation. This teleological conception of politics prioritises the pursuit of morality as a collectively oriented enterprise. For Ypi, the task becomes one of seeing “men and women who devote their entire lives to shape institutions and practices that embody that freedom”. In so doing, we come to understand “how morality binds us”.²⁶¹ I have flagged how on this account there is no *direct* reference to self-legislation as the appropriate model of legislation of these “institutions and practices”. However, I think we have reasons to infer from Ypi’s “historical imperative” that individuals in this picture will have an active, direct, and non-mediated role in shaping institutions, which politically accords with the imperative to bring about the Kingdom of Ends.

In a similar vein to Ypi, Riley emphasises the importance of this historical task, and explicitly connects it with the political task of Kantian republicanism. Just as Ypi endorses the instrumentality of politics for moral purposes, Riley concludes that for Kant “one ‘ought’ to move on to a universal Kingdom of Ends or (failing that) at least to universal republicanism and eternal peace”.²⁶² Even if we accept that these strictly *political* ends are subordinate to moral ends, it is remarkable that there is no discussion regarding the kind of will, or the appropriate model of public legislation, required for these political ends. Despite its significance, Public Will remains only in the background of this discussion.

I close my discussion by focusing on Wood’s version of this approach. Wood’s interpretation is particularly important to me for three reasons: First, there is a point of contact between Wood’s interpretation and my own, namely, our shared interest in the role of conflict in Kant’s system in general. Moreover, I believe Wood is correct in

²⁶⁰ See Ypi (forthcoming), *The Architectonic of Reason*, p. 141.

²⁶¹ *Ibid.*, p. 157.

²⁶² Riley (2015a), p. 334.

placing Kant's interest in conflict against a broader concern about our historical development by calling for a "historical urgency to all Kant's ethical concerns". This relation between conflict and history in my view, is a beneficial one, as it increases our sensitivity to the political implications of Kant's thinking. I suspect, however, that Wood's appeal to history relies on teleological underpinnings to a greater extent than the interpretation advanced by myself. Wood's account and mine share another common interest, namely, that of establishing how conflict ought to be addressed on Kant's view (although we arrive at different answers to this question).

Before examining the differences between our accounts, I will summarise Wood's account. Taking moral philosophy as his starting point, Wood defines Kant's ethics as a "radical moral philosophy aimed at abolishing conflict".²⁶³ This radical project is grounded in a teleology of history. For Kant, this history develops in epochs, starting with the "epoch of nature" and finishing with the "epoch of freedom", in which men, and not nature, establish their own "autonomous ends". According to reason's "conscious and collective plan", the natural antagonism between human beings "will gradually be overcome, vanquished by reason's free concord".²⁶⁴

But, how does politics fit into this picture? For Wood, there is a tension between politics and morality, since politics belongs to the "epoch of nature", and morality is found only in the "epoch of freedom". These two conflicting realms are bridged by history. The philosophy of history acts as a pacifier for the tension Wood thinks exists between these two realms. When Wood does refer directly to politics, he notes the tension which arises between Kant's version of "classical liberalism" and his commitment to a progressive moral philosophy. The solution to this tension is achieved by a teleological approach to morality, for which politics is just a stage. As Wood concludes: "whereas right is to *control* social conflict in the interest of nature's ultimate purpose, morality is to *abolish* it in order to actualise the final human ends".²⁶⁵

²⁶³ Cf. Wood (1999), p. 244ff.

²⁶⁴ Wood (1991) 'Unsocial Sociability: The Anthropological Basis of Kantian Ethics', p. 343. Cf. *Anthro* 7: 322.

²⁶⁵ *Ibid.*, p. 344. For a moderate version of the use of Kant's teleology see Muthu (2014), pp 70–71, 93–95.

In Part I, I offered systematic reasons why conflict in Kant cannot be controlled or abolished, but instead only regulated under universal law. However, I want to raise a further set of criticisms of the above view. First, I believe that Wood interprets conflict in Kant as a problem in human nature, thereby losing sight of Kant's distinctive approach to conflict as a problem of the will in the absence of law [*stato iniusto*]. Instead, Wood sees the "historical urgency" of conflict as located in our passions, and in their "empirical social significance".²⁶⁶

This brings me to the second point of disagreement between Wood and myself. The fact that Wood understands conflict empirically and as a condition in our nature which is malleable and able to be controlled explains why he reads Kant's political philosophy as involving the "historical task of *controlling it externally* by achieving peace with justice, through cosmopolitan republicanism".²⁶⁷ A very different picture of Kantian politics emerges from this set of assumptions: if conflict is defined as the empirical consequences of our passions, political authority is assigned the role of controlling these tendencies. To be clear, the present dissertation does not defend such a view.

Finally, there is a problem with the instrumental connection Wood draws between the role of Kant's philosophy of right in controlling conflict, and the role of our moral vocation to achieve "the final end of *abolishing [conflict] altogether*, through realising the ethical community or realm of ends". I refer to the connection as 'instrumental' because following the teleological progression of the epochs of man, the political control of conflict is a prior and necessary requirement for a conflict-free world in the Kingdom of Ends.

Unsurprisingly, although each account has a different point of departure, Wood, Reath and Ypi all arrive at the same conclusion. The Kantian ideal of the kingdom of ends as a sphere free from conflict, whether political or moral, is, at least from the perspective of these interpretations, an ideal which rests upon three pivotal assumptions. First, there is an instrumental relationship between Kant's politics and his ethics.

²⁶⁶ Wood (1991), pp. 344-5.

²⁶⁷ *Ibid.*, p. 345, my emphasis.

Second, political conflict is something which must be eradicated, or at least controlled, if the moral aims of our vocation are to be achieved. Finally, the Kingdom of Ends reduces Kant's philosophy of right to facilitating the conditions for our moral vocation. The conjunction of these three assumptions ignores the distinctiveness of Kant's account of Public Will, as one which responds directly to the conditions of our *political agency*, and to the challenges involved in our life in common. In short: these various approaches, though interesting in their own right, are flawed to the extent to which they fail to integrate Kant's complex and official account of Public Will. Both the value of autonomy and the historical task of bringing about progressive political institutions indicate an attempt to introduce the normativity of ethical notions into a political ideal. As such, these interpretations of Kantian politics face serious problems.

To conclude: I can make little sense of a conflict-free world in Kant – at least once we accept that public willing has a specific role to play in his political thought. An understanding of Kant's philosophy as aimed at “abolishing conflict altogether” fails to recognise (a) what it means to have a will, and therefore (b) what it means to be an agent in a world where others have equal claims to choice. What would political life be reduced to if the ideal of a world free of all conflicts were, indeed, attainable?

To demonstrate that Kant does indeed have a *political* picture of our life in common, I will examine some images he uses to convey his views of a political system. Kant's political picture retains the centrality of conflict, and remains independent of the view that the pursuit of moral ends depends upon establishing a conflict-free world.

2. Kant's political minimalism

There are a number of revealing passages in Kant's texts in which he outlines his view on political life by means of particular analogies. I have argued that Kant's account of politics, as a problem in *willing*, places him in a unique position within the tradition of political thought that stretches from Plato to Rousseau. This is even more evident when we ask: what does this picture of politics as public willing *demand* from the individual? I argue that, in contrast to the Rousseauian model of moral perfectibility on

the one hand, and the ideological containment of the passions and human nature of Plato and Hobbes on the other, Kant's demand for political willing are *minimal*. I will develop in the rest of this section what exactly I mean by Kant's political minimalism, as an argument leading to my conclusion in this thesis.

In the *Prolegomena*, Kant draws an analogy between relations of right and the interactive relations of forces in physics in order to demonstrate how both operate according to the idea of mutual influence and reciprocity:

There is an analogy between the legal relation of human acts and the mechanical relation of human forces. I can never do anything to anybody without giving him the right to do the same to me under the same conditions; likewise no body can act on another with its moving force without causing the other to act reciprocally by the same amount. Right and force are quite dissimilar things, but in their relation there is complete similarity. [Prol 4:358]

In a similar vein, Kant compares Newton's law of the conservation of energy in a collision to "the relations of right to those of the body" in his *Notes on Ethics*, where he states that "every body is in a state of rest towards all others except insofar as each is moved by other" [*Notes on Ethics* 19:128]. What is important to note here is how these ideas, originally developed in writings devoted to metaphysics and to ethics, appear again in Kant's systematic work on politics. In the *Doctrine of Right*, we read that "reciprocal coercion" is analogous to the "possibility of bodies moving freely under the law of the *equality of action and reaction*" [DofR 6:233]. It has been one of the main claims of this thesis that Kant's account of political willing is what makes this kind of freedom under law *possible*.

I find these analogies deeply illuminating. Our task, here is to systematise the picture of politics Kant derives from these analogies. I argue that there are three basic ideas furnishing this picture: (i) politics should be understood as a system which *enables us* to influence and affect one another through the free exercise of agency; (ii) politics requires a system which can rightfully *limit* our sphere of action (given that we are bodies endowed with forces, capable of affecting the will of others through our choices). Finally, and most crucially, (iii) this system is a system of freedom of agency

under law. This law is the following: “act externally that the free use of your choice can coexist with the freedom of everyone in accordance with a universal law” [DofR 6:231].

To put this more systematically: for Kant, politics involves (i) a system of mutual influence (ii) with required limits on the equal scope of agency, which (iii) operates via subjection to a universal law. This, I argue, outlines an altogether different and distinctive view of the *role* of political authority within the context of the exercise of free agency. In Part I, I defended Kant’s endorsement of a dialectic which views political authority as the means to bring about conflict’s resolution. This specific role of political authority is best understood in Kant’s description of a system of right, as a space for the “equality of action and reaction” under law.

I have characterised this version of Kantian politics as ‘minimalist’. By ‘minimalist’ I mean two things: on the one hand, Kant makes minimal demands upon the individual to become part of this system of reciprocal equality. I expand upon this in the next section where I present the conditions Kant thinks are necessary to achieve this system. For now, suffice it to note that these minimal requirements follow from the analogies discussed above. On the other hand, Kantian politics is ‘minimalist’ in that it lowers the stakes of political cohesion from an idealised view based on strong bonds and shared commonalities to a view in which diversity in choice and willing. As I mentioned in the Introduction, Kant departs from both a ‘common good view’ of politics, and from a ‘teleological view’, which makes politics subordinate to the teleological aims of reason and of our moral vocation.

More specifically, what I have in mind here is a contrast between Kant and the demanding requirements of Rousseau’s views on what willing in accordance with the general will requires. In Chapter 4, I discussed the difference between Rousseau’s notion of ‘generality’ and Kant’s version of what is ‘public’ in willing. There I argued that for Rousseau, a moral transformation in the way we *are* is required in order to will what is general and demanded by the common good. In contrast, Kant does not base a system of right on this kind of transformation. Even more significantly, this *ethical* transformation would run counter to the concern for externality, which underlies Kant’s

account of public willing. The differences between Rousseau's and Kant's accounts are instructive, as they provide us with an even clearer picture of Kant's thought. Compare, for example, Kant's analogy of politics with a system of bodies moving freely in space. Rousseau, for his part, draws upon a medical analogy (or rather, disanalogy): while doctors, he says, believe that ulcers can be treated separately in the body of the sick, one must not think that a body politic can be made healthy by treating each of its 'ulcers' individually. Politics involves "purifying the whole of the blood that produces all of them".²⁶⁸ This transformation, a process of purification, requires "changing human nature; of transforming each individual who by himself is a perfect and solitary whole into a part of a larger whole from which that individual would as it were receive his life and his being".²⁶⁹ Moreover, this change in human nature presupposes that these "natural forces" in us "are dead and destroyed, [so] the greater and more lasting are the acquired ones... the more solid and lasting is the institution".²⁷⁰

Kantian politics does not feature this type of political and ethical transformation. As long as we *limit* our actions in the way the law requires, what it *takes to will together*, from a Kantian perspective, is minimal in its demands. As Wood says, conformity to right "may be motivated entirely by non-Kantian considerations, such as rational self-interest, the Hobbesian quest for peace, or obedience to the divine will... This is a large advantage of Kant's theory of right, as applied to a society in which many people are not Kantians".²⁷¹ I would also add that Kant's theory has a definite advantage over more demanding views of *politics*, such as the one we found in Rousseau, albeit the enormous influence the latter has had in our political theorising.

²⁶⁸ Rousseau (1969) *Émile*, in *Oeuvres Complètes*, p. 851.

²⁶⁹ This process of transformation by means of purification can also be seen in Wolin's interpretation of Plato. For Wolin Plato's political philosophy possessed knowledge of "a true pattern for the whole life of the community", it would be able to "transform a diseased polity into a thing of beauty and health" (Wolin (2004), p. 30). See my own discussion of Plato in light of these assumptions in Part I of this chapter, sec. II 'The dialectic of conflict and politics in Kant'.

²⁷⁰ Rousseau (2012), Book II, chapter 7. This is what Michael Sandel would call a "constitutive community" in contrast to a "sentimental community" [cite], because it is a community that makes each person into what she really is. Interestingly, Korsgaard also uses this idea of 'constituting oneself' in her 'Constitutional model' of agency. As we saw, this results in the search for a kind of authentic, agential unity she attributes to both Kant and Plato. I suspect Rousseau would be a fair representative of this way of thinking about agency in general, and political agency specifically. Cf. Chapter 5, Part I, sec. III 'The dialectic of conflict and politics in Kant; Sandel (1982), pp. 111–32.

²⁷¹ Wood (2002), p. 10.

Conclusion: The Conditions of Possibility of Political Willing

The principal aim of this thesis has been to trace the development of Kant's account of *political willing*. I have argued that Kant's distinctive way of considering politics as a problem of the *will* presents systematic challenges to his political philosophy. This approach to politics as willing, further positions him as a distinctive representative of a tradition in political thought going from Plato to Rousseau. I addressed some of these challenges by focusing on five stages of this development:

In Chapter 1, I presented a reconstruction of Kant's account of *moral* willing by examining three aspects of his theory: (i) law-governedness; (ii) causality; and (iii) autonomy. These elements furnish Kant's understanding of reason [*Wille*] as *prescribing* universal law to the human will [*Willkür*], in contrast to the idea of an act of *self-legislation* on the part of the agent. Opening my discussion with Kant's moral philosophy allowed me to draw the necessary distinction Kant thinks exists between internal and external models of legislation of the will, and further enabled me to take a first step out of the realm of Kantian moral philosophy into the sphere of Kantian politics.

Chapter 2 focused on Kant's political teleology. I defended the view that teleology, as a theory of purposes and ends, allowed Kant to explore some embryonic thoughts regarding the possibility of an external and coercive kind of will, capable of ordering conflict. I systematised this idea through my 'Harnessing model' of conflict resolution. This model worked by means of two mechanisms: (i) the 'nature wills it so' mechanism and (ii) the 'counteracting' mechanism. Nature, as a teleologically informed agent, embodied the characteristics Kant sought to attribute to a distinctively political will, thereby raising a question about the status of human freedom against the teleological interference of Nature in human affairs.

Chapter 3 left my concerns about individual morality and the teleology of nature behind, to focus on Kant's strictly political interests. I defended a particular reading of the Kantian state of nature, which is in contrast to Hobbes' paradigmatic account. I developed an interpretation of the kind of *moral wrong* Kant think arises in this 'natural' state, a wrong which in turn required the moral necessity of a duty to enter the state. This moral wrong is a conflict of the will in the absence of law, and not a conflict about human nature. The lawlessness of the human will in the absence of public legislation raises an existential threat [*stato iniusto*] against others, requiring the establishment of public law.

Following on from this analysis, Chapter 4 dealt with Kant's idea of Public Will, as his unique resolution to the problem of conflict diagnosed in the state of nature. I argued that this had to be a different *kind* of will, one capable of embodying the moral features which the individual human will lacks, namely, an omnilateral perspective and the coercive power to put all others under an obligation. This form of public legislation does not depend upon a model of collective legislation, but rather upon Kant's account of subjection under law, akin to the subjection of individual subjects under the power of a commander.

In the final chapter of this thesis, I focused on the intellectual tradition which, in my view, better illustrate the concerns at the heart of Kant's politics. What Kant takes from this tradition of political thought is the idea that conflict is (i) central to our political theorising and (ii) open to resolution. Though this dialectic between conflict and its political resolution appears as a problem in Kant's works, I argued that we ought to resist the tendency to assimilate Kant with the solutions of, for example, Plato and Hobbes, for whom conflict can be eradicated or contained under the power of political authority. I suggested that Kant's political minimalism, and his account of political willing does not expect, far less demand, the eradication of conflict from human interaction. In contrast, it is a view of politics that keeps conflict right at the centre.

In my concluding remarks, I aim to piece together Kant's account of political willing into a cohesive whole. I systematise the claims so far discussed in this thesis by

emulating Kant's own way of thinking about human experience in terms of 'conditions of possibility'.²⁷² To put it in terms familiar to readers of Kant, I want to engage with the following question: *what are the conditions which make political willing possible?*

Kant's narrow answer is, of course, the idea of Public Will. But as this thesis has attempted to show, this question can only be understood by addressing a constellation of related issues to Public Will. My claim is that in order to answer the question of 'what it takes to live together', we must examine the distinctive way Kant thinks about: (i) the nature and role of political conflict, (ii) the reciprocal exercise of agency by beings who are endowed with a will to choice and action [*Willkür*], (iii) politics as a system which facilitates the conditions for these practical relations, and, most importantly, (iv) the role of Reason [*Wille*] as the source of lawfulness which grounds this form of *political willing*.

A unique feature of Kantian methodology is that it sees experience in terms of conditions of possibility. There are two advantages to this approach: First, it allows us to deliberate about complex social and political phenomena without having to draw on first principles.²⁷³ In contrast to Hobbes, for example, for whom political conclusions result from the inference of "good reckoning",²⁷⁴ Kant does not view the state as a logical necessity derived from principles, but rather as a *moral* necessity, which facilitates *political life in common*. Second, it acknowledges that no human experience is the result of a single explanation. Political experience, in particular, is viewed from this perspective as the result of an amalgamation of conditions complexly woven together to shape the field of experience of the "external and indeed practical relations

²⁷² What I intend to emulate here is Kant's method of 'recursive justification' in the broader context of his practical philosophy. To be sure, this method highlights the first-personal perspective of all of Kant's practical questions. The question I am proposing here, however, could not be answered from the perspective of a single agent. As I argue in the main body of the thesis, the answer to this question results from Kant's multi-faceted and complex analysis of political agency. However, I believe that considering 'political willing' in terms of its 'conditions of possibility' is a deeply useful, and Kantian, way of thinking about politics. For an excellent discussion on Kant's methods of justification, see Flikschuh (2017), pp. 42–50; Cf. also Ameriks (2003).

²⁷³ It is O'Neill who has offered the most refined analysis of the way reason in Kant finds its own vindicating principles by means of self-critique. O'Neill is keen to emphasise the anti-dogmatic stance of this kind of methodology, particularly against Cartesian rational certainty. For Kant's method of reason and critique in his practical philosophy see O'Neill (2012).

²⁷⁴ On the difference between good and bad reasoning, or 'reckoning', see *Leviathan*, Chapter 5 on 'Reason and Science'.

of one person to another, insofar as their actions, as deeds, can have (direct or indirect) influence on each other” [DofR 6:230].

More specifically, Kant’s understanding of the conditions of possibility of us *willing together* a system of law is rooted in his understanding of what it means to be an agent amongst other agents. It is this deeply relational aspect of Kantian politics that (i) raises the kind of conflict that makes agency a *problem* for us and (ii) makes the solution to this problem *a priori* and *morally necessary*. This kind of necessity, as argued in Chapters 3 and 4, is moral in the sense that it assigns an inescapable duty to us, i.e., a duty to enter the state and to subject our individual freedom to a universal law. To put it slightly differently: in order to make sense of the fact that we are agents endowed with a will to choose and to act [*Willkür*], we *ought* to guarantee the conditions that make this form of political agency possible. The unity of these conditions falls under Kant’s notion of Public Will. This normative subjection of the human will [*Willkür*] to Public Will as Practical Reason [*Wille*] becomes embodied in the institutions of the state and enacted through the power of positive laws.

I have identified and defended a series of conditions of political willing throughout this thesis. In this way, they form an overall view which is difficult to express in a one-go narrative. However, assuming that the reader is now familiar with the overarching arguments of this thesis, I will close my dissertation by offering a systematised version of my interpretation. I will refer in the course of this interpretation to the specific chapters in which these ideas have been thoroughly developed.

To return to our question: *what are the conditions that make political willing possible?*

- I. ***That we are beings capable of being determined by universal law, based on the lawful relation that exists between the human will or Willkür, as capacity for choice, and the will as practical reason, or Wille.*** Practical reason [*Wille*] was here interpreted as a causal power capable of *prescribing* universal and necessary laws. This form of universal legislation is possible to the extent that

human beings are capable of acting in accordance with the *representation* of these laws which they take *as their own*. Though these laws are not self-legislated, their obligatoriness lies in the autonomy of reason itself. [Chapters 1 & 4]

- II. *There is a systematic difference between a moral and political legislation in Kant.*** Moral legislation is grounded in an account of internal lawgiving whereby the moral law is *prescribed* by reason [*Wille*] to the human will [*Willkür*]. The agent experiences this internal form of determination of her will as an imperative. Political legislation, in contrast, requires as a condition external lawgiving through a will which is appropriately constituted, i.e., a public, omnilateral will. Individual agents, as members of a political community, fall under a model of *subjection* to law, experienced through the impositions of positive laws. [Chapters 1 & 4]
- III. *Political conflict is open to lawful ordering by means of a will that is public and capable of exerting a power of coercion.*** Moreover, political conflict is for Kant: (i) unavoidable, due to the basic fact of equal agency; (ii) intelligible in its manifestations; and (iii) solvable by means of the power of political authority to set limits on the scope of freedom of each and place everyone under an obligation. [Chapters 4 & 5]
- IV. *An account of political willing must be independent of a teleological orientation.*** A political teleology operates at the level of the species, based on an appeal to Nature as a teleologically informed agent. Kant's account of political willing is derived from the constitutive features of agency at the individual level. This account of political willing is based on the capacity of a different *kind* of will, free from teleological trappings, to will universal law omnilaterally. This law is established by means of the coercive power of this kind of Public Will. For this reason, the source of lawfulness of a system of right cannot be outsourced to Nature. The form of public willing upon which this system is based has to emerge from the constitutive requirements of

agency. These requirements state that in order for equal agency to be possible, one must “act externally that the free use of [my] choice can coexist with the freedom of everyone in accordance with a universal law”. [Chapters 2 & 4]

- V. ***To establish a condition of right where freedom as coexistence has been made law, we ought to leave the state of nature as a matter of duty, and resolve the moral wrong of the “stato iniusto” of our lawless will.*** This duty is based on one of the most fundamental claims of Kant’s practical philosophy, namely, that we are able to act in accordance with our duties since *ought* implies *can*. Political authority is a *moral necessity* because it results from a requirement of agency, and not from the empirically contingent needs of human nature. The conflict in the state of nature which triggers the moral necessity of the state is rooted in a *wrong* in the condition of our will. Our will remains in a “*stato iniusto*”, a form of lawlessness, until public law is established. This condition is a threat to everybody’s equal right of choice and action, independently of other empirical defects of the state of nature. [Chapter 1 & 3]
- VI. ***Political authority in the form of a Public Will is based on the subjection of our lawless will to external law.*** The inadequacy of unilateral willing is overcome by the omnilateral character of public legislation. This form of public legislation does not require the collective and direct legislation of the law by individuals. A condition in which we are both legislators of the law and subject to the law – such as that of the Kingdom of Ends – is a *moral* ideal, which is found only within the strict limits of Kantian moral philosophy and his philosophy of history. [Chapter 4 & 5]
- VII. ***Kant’s political minimalism does not require the moral transformation of the individual.*** This ethical requirement assumes uniformity in *what* is willed, based on a notion of the common good. Kant instead accepts the diversity in *what* is willed, as long as these choices are limited by others equal right to choice and action, under universal law. [Chapters 4 & 5]

§ § §

I conclude that Kant's unique approach to politics as a problem in willing, is based on his commitment to the centrality of conflict in political life. Kant's vision of politics thereby emerges from his acceptance of conflict as an ineludible fact of human interaction. As I have tried to show in this thesis, *political willing* is essentially a way of living together, by limiting our agency in a manner similar to the way forces interact in Newtonian-space.

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