

RAISING A QUESTION - COERCION AND TOLERANCE IN KANT'S POLITICS

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1. It is well known that for Kant a course of action is permissible only if it can be endorsed by the categorical imperative procedure, as described in the *Groundwork for the Metaphysics of Morals* (1785). According to this method of testing maxims, it is clear that the maxim of *coercion*, or bending another's will to your own, is impermissible because it cannot be universalized.

Yet, by the time of his later, more political works, such as *Theory and Practice* (1793), *Toward Perpetual Peace* (1797) and the *Metaphysics of Morals* (1797), Kant seems routinely to accept the *necessity* of coercion, for example, in moving persons out of the State of Nature, in addition to enforcing laws and other juridical duties in the resulting state. He seems to view the motivation for coercion, in these cases, as unproblematic.

On the other hand, however, the necessity for *toleration* in political life is also obvious on Kant's account. In her essay "The Use of Public Reason,"¹ Onora O'Neill argues that the requirement of toleration, ultimately, amounts to a requirement that establishes the means for open and honest communication between members of society. As a result, I argue that a problem space opens up around the question of whether coercion ought to be prohibited outright by Kant, since it undermines the freedom and respect that is required for the possibility of autonomous agents in a life governed by moral principles. Put simply, O'Neill's arguments for the requirements of reason in the moral sphere run counter to the seeming permissibility of coercion in the political sphere, and it is this tension that I propose to investigate here.

Reasoning about coercion can be tricky. O'Neill nearly always talks about "coercion and deceit" in the same phrase, as if they run hand in hand. She argues that the maxim of coercion cannot be universalized, since it would contradict itself. As O'Neill explains it,

The maxim of coercing another has as its universalized counterpart the maxim that all coerce others; but if all coerce others, including those who are coercing them, then each party both complies with others' wills (being coerced) and simultaneously does not comply with others but rather (as coercer) exacts their compliance. *A maxim*

of coercion cannot coherently be universalized and reveals moral unworthiness (OON 96, emphasis added).

The same reasoning holds for deceit:

...a maxim of falsehood [is impermissible] in communication among a plurality of rational beings, or beings who are becoming rational. *For if falsehood became the maxim of "communication" among such beings, comprehension itself would cease, and so also the possibility of communication* (OON 45, emphasis added).

2. So much for deceit. Reasoning along these same lines, O'Neill ultimately discusses *toleration* as a similar kind of publicity requirement that maxims in a social setting must meet. This publicity requirement just *is* the state of reason in its public use. I propose that the tension between the concepts of coercion and toleration in Kant's political philosophy is really linked to another, more basic set of problems about the State of Nature in Kant—namely the question of whether moral life—or life lived in accordance with the principles of morality—is possible at all in the State Of Nature, along with the question of where moral life stands after the State of Nature has been abolished, particularly in *Perpetual Peace*. After all, *The Metaphysics of Morals* is divided into two parts, and the difference between the Doctrine of Virtue and a Doctrine of Right is that in the former duties *cannot* be coerced (I cannot force you to love your fellow man, for example), whereas in the second (the Doctrine of Right) obeying duties *can* be coerced (for example, promises in contracts, laws of the state, etc).²

This issue seems at first to be a rather simple question about the relationship between moral and political life in Kant's practical philosophy. The question goes like this: Which comes first for Kant, the moral or the political life? This breaks down into two, non-exhaustive but nonetheless interesting questions: (a) do morals in the State of Nature make it possible to exit the State of Nature, which Kant says it is our duty to do, thereby making republican politics possible? Or (b) do morals and moral life only become possible after the state is established?

I start here because there seems to be a sharp distinction in Kant between coercion being permissible or not; but the boundary is not very clearcut. The case of the State of Nature is a prime example. A few can coerce the many in order to exit the State of Nature, and this is perfectly acceptable according to Kant—but when does it *stop* being justified, and when is it replaced by the publicity requirement? Or is it ever replaced? Clearly coercion and toleration must learn to coexist in the state, but how does this work?

3. According to Kant, there are three steps in the development of political life for human persons: to begin with, we start in the State of Nature, which, as Kant says in the *First Critique*, is "a state of

injustice and violence, and one must necessarily leave it in order to submit himself to the lawful coercion which alone limits our freedom...[so] that it can be consistent with the freedom of everyone else.”³

(a) Our first *move* is from the State of Nature to the Civil Society, which Kant accepts as being potentially but not necessarily despotic, and ideally republican. Here Kant says:

In accordance with reason there is only one way that states in relation to one another can leave the lawless condition, which involves nothing but war; it is that, like individual human beings, they give up their savage (lawless) freedom, accommodate themselves to public coercive laws, and so form an (always growing) *state of nations* (*civitas gentium*) that would finally encompass all the nations of the earth (PP 357).

(b) Next is the development from individual states or civil societies into what Kant calls a League of States—a flexible union of states willing to work together to solve common problems between free and autonomous individuals and states.

(c) And finally, third—the emergence from a League of States to what Kant calls a Cosmopolitan State of States, which Kant says is an idea or Ideal dictated by the demands of reason.

I shall be concerned here with questions of coercion and tolerance mainly in the first of these steps: the convergence from the State of Nature and its maturity in either the despotic or the Republican social polity. Here the issue of coercion is vexing, and comes down to a kind of “which comes first” question: (First) is the establishment of a republican government (out of a State of Nature) *prior* to life in a moral realm (which then has the possibility of becoming a Realm of Ends)? Put another way, is a Civil Society a pre-requisite to a life governed by moral principles; or (second) is moral life a precondition for getting *out* of the state of Nature and into a State (even before any League of States is established)?

Before I go on, a note about what I mean by asking “which comes *first*, morality or the state.” This is an ambiguity that is best addressed immediately. I could be talking about *temporal* priority, or I could be talking about *conceptual* priority—priority in justification. If we are talking about simple temporal priority, then clearly morality is not a precondition for the establishment of the political condition or the laws of right. In fact, the opposite is true: Kant believes that sound political systems help to lead the way to morality.

However, if the issue is priority in justification, then there is an interpretation upon which morality is conceptually prior, because the laws of the state must be compatible with the laws of morality. Even coercion in the state must be compatible with individual autonomy.

But in the State of Nature this is not always the case.

4. A large part of the difficulty lies in discerning when coercion is justified, and for how long. According to Kant, the maxim of coercion is clearly permissible in the political sphere, but not in the moral one. Insofar as the political encompasses the moral (that is, so long as our lives, guided by moral principles, take place under the rubric of the political order) do these two come into conflict? Should we just conceive of the two realms as having separate “rules” regarding coercive behavior, where the political sphere has permission to enforce public laws, etc., and the moral life is “private” and immune from such interference? We could leave it at that—or should we work harder to come to an understanding of Kant’s text which allows us to incorporate both, and achieve in the political sphere the Idea of the Realm of Ends which Kant clearly has in mind here? As O’Neill asks, “Do we have no option but to accept the authority of reason? If so, isn’t reason’s authority also ultimately based on coercion or polemic, contrary to the suggestions Kant makes?” (OON 18)

But separating public and private will not solve our problem because even ‘private’ acts of morality become public as soon as they are committed—for this is precisely the point of the Categorical Imperative: to universalize the point of view of a single agent, allowing her to see the effects of her act on society as a whole. Even lying or committing suicide has social ramifications—indeed it is in imagining them as *social* that we are able to conceptualize them as moral (or immoral) at all.

This explanation also helps to make sense of Kant’s description when he says that:

...a state is not (like the land on which it resides) a belonging (*patrimonium*). It is a society of human beings that no one other than itself can command or dispose of...and to annex it to another state...is to do away with its existence as a moral person and to make a moral person into a thing, and so to contradict the idea of the original contract, apart from which no right over a people can be thought (PP 344).

Along these same lines, in another example Kant says that there can be no standing armies because

being hired to kill or be killed seems to involve a use of human beings as mere machines and tools in the hands of another (a state) and this cannot be reconciled with the right of humanity in our own person (PP 345).

Obviously getting out of the State of Nature only requires that a few (not all) be virtuous, and these persons are permitted to use coercion in order to quit the state of nature—but where does their justification for coercion come from? I shall suggest that Kant has in mind as an answer to this question their identities or natures as freely legislating moral agents (who clearly cannot be treated as objects), even though only a minority of persons are actually guided by moral principles in the State of Nature. However this may not solve the problem of *which* of the persons in the State of Nature have the authority to use coercion and *how* they get that authority: do they maintain it even after exiting the State

of Nature? Presumably what happens next is either (A) the introduction of a despotic leader who provides a social situation which is still better than the State of Nature, or (B) the design of a republican government in which most, but still not all, of its members are autonomous moral agents, capable of toleration and public discourse, although still subject to social sanction, in a structure similar to the Realm of Ends as Kant describes in the *Groundwork*.

5. I close with a suggestion—an observation regarding the analogy between the correctly chosen (republican) form of government, and Kant's early descriptions of the rational Ideal of the Realm of Ends. I propose that Kant's description of the ideal State in *Perpetual Peace* is intimately linked with his notions of the ideal Realm of Ends, which he articulates as early as the *Groundwork* (1785). This image is present consistently throughout Kant's corpus—and, if recognized as such, should make Kant's later descriptions of political life both familiar and even friendly for us as readers. In his political philosophy, Kant's republican ideal—the State of States that is required by practical reason—is not a new idea, but rather a natural outgrowth of his earliest writings on the ideal union of multiple coexisting rational agents. As he says in the *Groundwork*:

By a *realm*⁴ I understand a systematic union of various rational beings through common laws...[I]f we abstract from the personal differences of rational beings...we shall be able to think of a whole of all ends in systematic connection, (a whole both of rational beings as ends in themselves and of the ends of his own that each may set himself), that is, a realm of ends...⁵

In addition, O'Neill's discussion of what I have referred to above as the "publicity requirement" sits well with my observation that all of Kant's descriptions of the Realm of Ends in the moral philosophy (especially the *Groundwork*) could also be descriptions of the correctly chosen (republican) form of government (and vice versa). The public use of reason literally *is* another description of what Kant calls, much earlier in this philosophy, the Realm of Ends. As Kant makes clear,

A rational being belongs as a *member* to the realm of ends when he gives universal laws in it but is also himself subject to these laws. He belongs to it *as sovereign* [*als Oberhaupt*] when, as lawgiving, he is not subject to the will of any other. A rational being must always regard himself as lawgiving in a realm of ends possible through freedom of the will, whether as a member or as sovereign. (G 434)

If this is right, then a polity that looks like Kant's ideal State is, importantly, almost indistinguishable from the description of the Realm of Ends that Kant describes in his moral philosophy: a harmonious

union of wills, guided by the principle of reciprocal benevolence, that Kant characterizes in the *Metaphysics of Morals* as “a great adornment... [of] the world.”⁶ This reciprocal benevolence and respect, attained once the State of Nature has been left behind, along with the publicity requirement, is only possible in a state in which members treat one another as free and equal, with respect and the taking of others’ ends as one’s own. Indeed, this requirement that we adopt others’ ends as our own is a *duty*, as Kant makes clear—a duty which enables individuals to enter into Civil Society, and to quit the State of Nature once and for all:

It is a duty to oneself as well as to others not to *isolate* oneself (*separatistam agre*) but to use one’s moral perfections in social intercourse (*officium commercii, sociabilitas*). While making oneself a fixed center of one’s principles, one ought to regard this circle drawn around one as also forming part of an all-inclusive circle of those who, in their disposition, are citizens of the world...(MdS 473).

Notes

¹ O'NEILL, O. (OON) *Constructions of Reason*. Cambridge: Cambridge University Press, 1990.

² See KANT, I, *Toward Perpetual Peace (PP)* in.: *The Cambridge Edition of the Works of Immanuel Kant—Practical Philosophy*. Transl. Mary Gregor, Cambridge: Cambridge University Press, 1996, Ak. 381.

³ KANT, I, *The Critique of Pure Reason (KrV)*, transl. Paul Guyer and Allen Wood. Cambridge: Cambridge University Press, 1998, A752/B780.

⁴ Gregor has “kingdom” here for *Reich*; both here and in the following I use “Realm”.

⁵ KANT, I. *Groundwork of the Metaphysics of Morals (G)* in.: *The Cambridge Edition of the Works of Immanuel Kant—Practical Philosophy*. Transl. Mary Gregor, Cambridge: Cambridge University Press, 1996, 433.

⁶ KANT, I. *The Metaphysics of Morals (MdS)* in.: *The Cambridge Edition of the Works of Immanuel Kant—Practical Philosophy*. Transl. Mary Gregor, Cambridge: Cambridge University Press, 1996, 458.