Kant on Political Obligations

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Abstract:

This chapter outlines key interpretive traditions in the existing scholarship on Kant's theory of political obligations and discusses how women and minority scholars in the field have transformed it through their analyses of situations confronting people whose lives are characterized by serious and systemic oppression. I propose that these discussions give us reason to rethink the assumption in much philosophical theory—namely, that the question of whether or not political obligations exist in a particular society can be answered with a simple "yes" or "no."

Introduction[1]

In the first section of this paper, I sketch the central interpretive and philosophical moves that distinguish existing Kantian approaches to the question of why we are obligated to obey a public legal and political authority. Although the liberal participatory democratic position appears impossible to square with Kant's own texts, as he does not think democracy is a requirement for the existence of political obligations, a clear advantage of this position is that

[1] Thanks to George Klosko and James Warren for patience and scholarly generosity during the process of writing of this text.

it speaks not only to the importance of legal, constitutional issues but also to good politics—which Kant is very concerned with. Kant is also concerned with how to make the a priori principles of right apply in good ways to human life on planet Earth—or what he calls "moral anthropology." Kant brings these concerns into his text by means of examples that illustrate his way of applying the a priori principles of right either to general human phenomena or to particular political circumstances. This—perhaps somewhat unsurprisingly—is also where Kant makes his most serious mistakes; his examples often simply channel his own prejudices and those of his society. How to make space for good politics and human life in Kantian theories of justice drove Hannah Arendt's, John Rawls's, and Jürgen Habermas's attempts to develop Kant-inspired theories of justice, even though they did not utilize Kant's "Doctrine of Right." Outlining some of these issues in Kantian theories of justice is the main concern in the second section of the paper.

In the third section, I discuss why some of us who are working on what I call the philosophy of the isms (racism, [cis]sexism, ableism, heterosexism, etc.) believe that even if we make all the aforementioned philosophical moves, we end up with a theory of justice that is insufficiently complex given the political realities—general conditions and histories—facing us. Such a theory also requires Kantian analyses of conditions that track serious intersectional oppression. Why and how, for example, are women who are neither legally protected against rape (in marriage) nor legally permitted to own private property obligated to obey state laws? And how do the arguments change if these women are, for instance, of color, disabled, LBTQIA+? Incorporating these concerns into our theories requires us to engage the many thinkers our tradition has historically excluded; rethink the distinction between the state of nature and civil society when evaluating political obligations in actual, historical states; and also theorize situations from which there are no good ways out. Considerations of the kinds explored in sections 2 and 3 explain why some of us maintain that Kant's a priori

theory of political obligations cannot be the last word on how to analyze political obligations in our inherited, oppressive historical states.

1. Kant and Kantians on A Priori Principles of Right

"The highest political good," Kant argues in the "Doctrine of Right," is "perpetual peace" (MM 6: 355).[2] Establishing perpetual—"universal and lasting"—peace, Kant proposes, is the final end of "the doctrine of right within the limits of mere reason," and such perpetual peace "alone [is] that condition in which what is mine and what is yours for a multitude of human beings is secured under *laws* living in proximity to one another … under a constitution." This constitution he defines as the "republicanism of all states, together and separately" (MM 6: 354), that is, both (nation-)state-level and international republican constitutions. Ultimately, Kant thinks, it is impossible to establish a "universal *association of states* (analogous to that by which a people become a state)" because it is impossible to establish anything beyond "*provisional*" justice in the international sphere (MM 6: 350). Therefore, it is only possible to establish "*conclusive*" right domestically, not internationally. However, "the political principles directed toward perpetual peace … are not unachievable," and hence it is our duty to strive for a continual "*approximation*" to it.

[2] All references to Kant's works are given by means of an abbreviation for the work in question as well as the Prussian Academy Pagination. The practical philosophy texts referenced, and abbreviations used, in this chapter are: (1788) *Critique of Practical Reason* (CPrR); (1793) "On the Common Saying: that may be Correct in Theory, but It Is of No Use in Practice" (TP); (1797) "The Doctrine of Right" in *The Metaphysics of Morals* (MM); and (1797) "On a Supposed Right to Lie from Philanthropy" (SRL). All these texts are reprinted in Kant (1996). I also cite Kant's (1798) *Anthropology from a Pragmatic Point of View* (A) as translated by Robert B. Louden (Kant [1798] 2007).

By analogy, the highest personal end for human beings is "happiness distributed in exact proportion to morality" (CPrR 5: 110). This ideal, however, is not realizable in a human life, where accidents and bad behavior exist. Hence, for us, the highest good is to pursue happiness within the constraints of morality, or the "union and harmony" of happiness and morality (TP 8: 279), with the aim of deserving to be happy. The highest good, whether personal (the best life) or political (perfectly just legal and political institutions everywhere on planet Earth), cannot, in other words, be realized, but we are nonetheless obligated by our own practical reason to strive toward it.[3] What can be established, however, are conclusively rightful relations domestically—and this requires the establishment of a public legal and political authority founded on a set of a priori principles of justice securing rightful, external freedom. Establishing a public legal-political authority founded on the a priori principles of right is not to establish a fully just society—what is right ("recht") is not coextensive with what is just ("gerecht")—but even establishing constitutional legal and political principles of freedom that ground the public authority is very difficult to do, including because it is not how actual, historical constitutions come into existence.

When elaborating on the actual, historical establishment of republican rule of domestic constitutions in historical time, Kant echoes Rousseau's concern that actual states result from relatively powerful people inventing "specious reasons to lead" desperate others to join them (Rousseau [1775] 2011, 79). These powerful people were both the "most capable of anticipating the abuses" likely to occur in states and the most likely to be the ones undertaking and "profiting from them." Kant similarly argues that this republican rule of states cannot be "derived from the experience of those who have hitherto found it

[3] To prove that reason is not tricking us here—making us strive for the unrealizable—Kant thinks we must prove that we can postulate God and the immortal soul. Engaging this argument of Kant's takes me beyond our purposes here.

[establishing a constitution] most to their advantage"; indeed, "all [actual] examples [of establishing states] … are treacherous" (MM 6: 355). Because of this lack of actual historical examples of truly rightful constitutions, the kind of constitution necessary for perpetual peace must be "derived a priori by reason from the ideal of a rightful association of human beings under public laws as such"—and, so, by "metaphysics" (MM 6: 355). Indeed, Kant argues, anyone who claims, commonsensically, that "'the best constitution is that in which power belongs not to human beings but to the laws'" reveals an implicit awareness that the only way to determine the best kind of constitution justice requires is by argument. And only a metaphysical a priori argument can identify the principles of right constitutive of any constitution that can enable perpetual peace. The result is an idea of rightful constitutions one can use to critique actual constitutions.

For the reasons indicated above, much of Kant's main, systematic work in legal and political philosophy—"Doctrine of Right"—aims to derive the a priori principles of freedom constitutive of the best (republican) constitution. On this account, Kant argues, perpetual peace in historical time cannot result from "revolution"—the "violent overthrow of an already existing defective constitution"—because revolution involves "an intervening moment in which any rightful condition would be annihilated" (MM 6: 355). Perpetual (rightful) peace at the domestic level can only result from reforming existing, historical constitutions into increasingly republican ones that realize the a priori principles of freedom. Scholars who have engaged Kant's "Doctrine of Right" and his other political writings—from Julius Ebbinghaus (1953) and Mary Gregor (1963) to Arthur Ripstein (2009) and Sharon Byrd and Joachim Hruschka (2010) as well as those in between and after—have attempted to establish exactly what Kant's metaphysical theory of the a priori principles of right—his theory of innate, private, and public right—is, which includes figuring out Kant's theory of political obligations. And like much Kant scholarship, the political theories

resulting from these attempts are attributed to Kant as his own. Kant is read as variously defending (absolutist) legal positivist, participatory democratic, liberal republican, or libertarian positions. Because Kant's political texts—especially his "Doctrine of Right"—are difficult to read, they can be read to seemingly support any of these very different philosophical positions. However, regardless of which position a scholar attributes to Kant, their theory also assumes the apparent advantages and disadvantages of the particular (interpretive or philosophical) position relative to the others. This means that developing a strong Kantian theory of political obligations, regardless of which theory of political obligations you attribute to Kant, requires engaging the apparent, relative strengths and insights of the other positions—both interpretively and philosophically.

Many (early) modern theories of justice explore the question of political obligations by asking which problems ineliminably exist in our world such that establishing public legal and political institutions becomes the solution to them. And to do this, they typically distinguish between the "state of nature" and "civil society," where the former refers to an imagined or hypothetical condition prior to establishing the public authority and the latter to the condition realized by it. Hence, when they theorize the state of nature, they try to explain why—given the kinds of beings we are—human beings establish public legal and political institutions—why, in other words, establishing public legal and political institutions solves problems we cannot solve when we interact as private individuals in a pre-state condition. Three important theorists preceding Kant in this tradition—namely Hobbes, Locke, and Rousseau—offer radically different theories for why this is.

Hobbes ([1651] 1996) argues that the state of nature is a state of war, and in this condition, there is no distinction between justice and injustice, right and wrong; there is only violence. Establishing the "Leviathan"—an absolute public legal-political authority that rules through law—is, according to Hobbes, the solution to problems found in the state of nature,

and no one has a right to resist inclusion in civil society. Locke ([1689] 1988) challenges Hobbes by arguing that justice exists in the state of nature by way of the laws of nature; for instance, war results from someone failing to interact with others as commanded by the laws of nature—and so their own reason. Contra Hobbes, Locke argues that individuals have natural political authority or a natural executive right, while the public authority only has artificial political authority, and this artificial authority is established by the people living in a territory authorizing the public authority, by actual (explicit or implicit) consent, to legislate, apply, and enforce their individual rights against one another—as specified by the laws of nature—on their behalf; nothing more and nothing less. If the public authority fails to act within this trust, people have a right to return to the state of nature or replace the government, which is to say that they have a right to resume their executive right by engaging in revolution.

Rousseau ([1755] 2011), arguing against both Hobbes and Locke, provides a new type of account of the state of nature, according to which humans beings can be thought of as *originally* natural wanderers. Once these wanderers settled in society, he further hypothesizes, there arose an unruly social stage—a condition between the state of nature and civil society—which gave rise to the powerful, as quoted above, persuading the desperate others to enter into civil society. Rousseau ([1762] 2011] also argues people must actively participate in the legislative process (through democratic or deliberative self-governance) for the public authority to be legitimate in its exercise of coercion. Saying "I agree"—even fully consensually and uncoerced, as Locke demands—to the establishment of the public authority is insufficient, in other words, for the laws to be legitimate. Legitimacy requires that citizens actively participate in the legislative process; only in this way can the public authority become the means—the general will—through which citizens govern themselves and thereby solve the problems found in the state of nature in a way that gives rise to political obligations.

Kant has the clear advantage of coming after these brilliant, systematic theories have been worked out.[4]

For some interpreters, Kant capitalizes on this advantage simply by choosing one of the theories and then working its core features into his philosophical system by grounding it on what he calls the Universal Principle of Right ("Any Action is *right* if it can coexist with everyone's freedom in accordance with a universal law" [MM 6: 230]) and each person's innate right to freedom ("*Freedom* [independence from being constrained by another's choice], insofar as it can coexist with the freedom of every other in accordance with a universal law, is the only original right belonging to every human[5] being in accordance by virtue of their humanity" [MM 6:237]). Some interpreters then emphasize places, like the above (MM 6: 355), where Kant argues that the state *secures* people's rights before emphasizing that, according to Kant, no one has a right to revolution (MM 6: 320-323). This, they argue, clearly indicates that Kant is following in the philosophical footsteps of Hobbes's legal positivism, even though, some argue, Kant rejects Hobbes's absolutism. I believe the first interpretation of Kant's "Doctrine of Right" of this kind is found in Gregor's (1963) *Laws of Freedom*.

Others start by arguing that Kant's account of individuals rights—his account of "innate," "private," and "provisional" right in the state of nature—clearly shows that he fundamentally disagrees with Hobbes and instead agrees with Locke's libertarianism, even though he is not agreeing with Locke that we have a right to stay in the state of nature (as it is too dangerous). The most thoroughly worked out interpretation of this kind is, in my view, found in Sharon B. Byrd and Joachim Hurschka's (2010) *Kant's Doctrine of Right: A*

[4] For more on each of these theories and for the points covered in the next two paragraphs, see Varden (2024b).

[5] I've changed Mary Gregor's translation to make it gender neutral here, as this is how the text appears in the original German.

Commentary. Lastly, some argue that Kant's argument that to be free and equal means that we have a right to vote (MM 6: 314), clearly shows that his theory is best understood as defending liberal participatory democracy in ways philosophically similar to Rousseau. On this account, the public authority creates a new, public way of reasoning—constitutive of realizing a general will—that is different in kind than even the virtuous reasoning of private individuals, and all citizens must participate in this public reasoning together. The interpretive pioneer here, I believe, is Ingeborg Maus (1992).

Each of these interpretations is textually plausible, and of course, they each inherit the philosophical strengths and weaknesses of Hobbes's, Locke's, and Rousseau's positions. There is also a fourth interpretation, however, which we may call the liberal republican interpretation. Although Julius Ebbinghaus (1953) does not mention Kant by name, it seems fair to say that he was the first to elaborate this type of position. To many of us, however, it's become known through the work of Ernest Weinrib (1995, 2003) and Arthur Ripstein (2009). On this approach, Kant—as he is quoted to say in the introduction above—provides an a priori argument for the need for the state. On the liberal republican interpretation, it is significant that Kant argues that even perfectly "well-disposed" ("gutartig") and "right-loving" ("rechtliebend") private individuals want to establish a public authority (civil society) because doing so is the means through which we can realize rightful relations (MM 6: 312; see also 305-308). Only the public authority can provide security (or assurance), as Hobbes claims the state must do, but in contrast to Hobbes, Kant argues that doing so is necessary, even assuming well-disposed and right-loving private individuals, because establishing rightful assurance—a public threat of violence that backs up the laws—is constitutive of establishing the rule of law such that the a priori laws of freedom actually regulates interactions in the empirical world (in space-time). Further, individuals can govern their interactions in the state of nature in accordance with individuals' right to freedom and their

related private rights—property, contract, and family right—vis-à-vis one another, as Locke claims, but in contrast to Locke, Kant argues that when they do, they only enable "provisionally" and not "conclusively" rightful relations (MM 6: 255-257). The problem is that in the state of nature, each person "follows its own judgment," which means that "when rights are *in dispute*, there would be no competent judge to render a verdict … [with] rightful force" (MM 6: 312). In other words, in addition to the problems of assurance, there are problems of indeterminacy regarding how to legally specify and apply a priori principles of rights that private individuals cannot in principle overcome regardless of how virtuous they. These are problems of *reasonable* (and not unreasonable) disagreement that track that there is no one objective way to value empirical things. For these reasons, only laws that are posited, applied, and enforced by a public authority enable conclusively rightful relations or rightfully enforceable rights.

Liberal republican interpreters also view Kant as challenging Locke's view that the rights of the state are coextensive with the rights of private individuals because the state must posit, apply, and enforce both private *and* public law (corresponding to Kant's account of innate, private, and public right). And some public laws are made necessary by the establishment of a public monopoly on coercion and citizens' dependence on systems to exercise their freedom in civil society. For example, although individuals do not have a right or duty to redistribute means in response to need, the state does; poverty is a problem of systemic injustice on this account. And insofar as our exercise of freedom becomes dependent on systems, such as economies (for access to goods) and financial systems (legal tender), the state must legally regulate these systems so as to ensure that they treat all participants as free and equal. Finally, though a minimally just state is not necessarily a democracy (MM 6: 338-339; A 7: 330-331), as Rousseau claims, Kant agrees with Rousseau (and disagrees with Locke) that the public reasoning of the state (and its officials) is not

identical to the private reasoning of virtuous and good individuals. On the one hand, virtue (internal freedom) and right (external freedom) are not the same; the duty not to lie, for example, is a perfect duty of virtue, but even though we are legally responsible for the bad consequences of our lies, lying as such is not a crime. On the other hand, right comprises not only innate and private right, but also public right—and, so, the public authority's reasoning is more complex than that of a private person. The constitution of the republic therefore—the one that issues political obligations on citizens—is one that embodied the principles of innate, private, and public right. Added to this, in turn, are the principles of "*right for a state of nations*" and "*cosmopolitan right*," where the former refers to international relations and the latter to interactions in international spaces and to right tracking individuals, such as refugees, who find themselves outside of their own state.

For the reasons indicated above—interpretive and philosophical—I find the liberal republican interpretation of Kant's a priori theory of right most convincing. And although Kantians of this kind differ with regard to the question of which a priori principles of right that have to be present in the grounding legal-political institutions of an actual states, they do tend to agree that there is a minimum threshold that must be met before political obligations exist. Like many fellow Kantians today also think, however, I believe there are limits to the philosophical work this liberal republican theory, so understood, can do with regard to helping us develop good Kantian theories of justice in general and of political obligations in particular. In fact, I think Kant himself thought so, and I think that we need to replace some of Kant's own interpretive moves if we are to arrive at a minimally convincing account of political obligations in the actual, historical states we live in, states that are characterized by brutal histories or realities of state-facilitated or organized oppression. These are the topics of the next two sections.

2. Kant and Kantians on Moral Anthropology and Politics

Hannah Arendt (1982) argues a theory of justice cannot be reduced to a theory of right—what is legally right or permissible (German: "recht") is narrower than what is just (German: "gerecht")—because justice needs to incorporate the fact that we are human beings who live in historical societies with complicated histories on planet Earth. For Arendt, this means that explorations of justice require a theory of "the human condition" (Arendt [1958] 1998)—or what we may also call a philosophical anthropology or an account of human nature—as well as a theory of politics. Right only aims to identify the a priori principles of rightful external freedom—the republican constitution—and this does not capture all the concerns that need to be incorporated in a more complete theory of justice. In my view, Kant fundamentally agrees with this. Kant is clear that justice is not reducible to right. In the introduction to *The Metaphysics of Morals*, for example, Kant argues that "the counterpart" of the a priori doctrines of right and virtue that constitutes *The Metaphysics of Morals*" or "the other member of the division of practical philosophy as a whole… [is] moral anthropology" (MM 6: 217). Moral anthropology, he continues,

> "deal[s] with the subjective conditions in human nature that hinder people or help them in *fulfilling* the laws of a metaphysics of morals…. It cannot be dispensed with, but it must not precede a metaphysics of morals or be mixed with it; for one would then run the risk of bringing forth false or at least indulgent moral laws, which would misrepresent as unattainable what has only not been attained just because the law has not been seen and presented in its purity (in which its strength consists) or because spurious or impure incentives were used for what is itself in conformity with duty and good

A doctrine of right is therefore not all that is needed for a more complete theory of justice. Also needed is a moral anthropology, which deals with our human nature.

In addition, in his essay "On a Supposed Right to Lie from Philanthropy," Kant proposes that we need a "principle of politics" to capture how to move from "a *metaphysics* of right (which abstracts from all conditions of experience) to a principle of *politics* (which applies these concepts to cases of experience)" (SRL 8: 429). Now, insofar as Kant does any of this (incorporating moral anthropology or applying the principle of politics) in the "Doctrine of Right," he characteristically does so by example; he moves quickly from an a priori principles to illustrate the account via examples of human phenomena or historically prominent events. It is also relatively uncontroversial to say that it is here that many of us cringe because his examples tend to channel his own prejudices toward dehumanized social groups, such as women and gendered or sexual minorities.

For reasons of space, we cannot go into much detail here. Instead, simply note that even though Arendt, Habermas, and Rawls primarily used Kant's (meta-)ethical theories as inspiration for their theories of justice, they can be seen as trying to make Kantian a priori principles apply to the human condition or political conditions or questions. For example, Arendt's *The Human Condition* ([1958] 1998) and her *Critique of the Power of Judgment*–inspired *Lectures on Kant's Political Philosophy* (1982); Rawls's construction of the original position in his *A Theory of Justice* ([1971] 1999) or his fact of reasonable pluralism in *Political Liberalism* (1996); and Habermas's ([1981] 1984, [1981] 1987) theory of communicative action can all be seen as trying to develop theories of justice that unify Kant's metaphysical a priori theories with the conditions of human life and politics (in general or in liberal democracies in particular). Moreover, once Kant's "Doctrine of Right started to receive serious attention in the scholarship (from the 1990s onward), some Kant scholars searched for ways to combine the insights of these contemporary thinkers with Kant's

analysis in the "Doctrine of Right." For example, Paul Guyer (2000) and Sarah Holtman (2018) integrate ideas found in Rawls with Kant's ideas in the "Doctrine of Right." Barbara Herman (2022) tries to remedy Kant's prejudicial failures in the Doctrine of Right by developing a casuistical method that keeps human rights at the center of her analysis and develops a theory of imperfect judicial duties, both of which, if successful, would be one way to complement the a priori accounts of, for example, Ripstein and Byrd and Hruscha with a revised account of moral anthropology and politics. In contrast, beginning with *Sex, Love, and Gender* (Varden 2020), I propose that a better way forward is to pursue the human condition route Arendt proposes, which I do by developing Kant's theory of human nature into a philosophical anthropology that can, in close conversation with works by women and LGBTQIA+ philosophers, speak to general or specific, contingent human phenomena, histories, and questions of politics. This approach is, of course, compatible with much of what Guyer and Holtman argue for, with Herman's account of imperfect judicial duties, and with various a priori analyses of other Doctrine of Right approaches.

3. Kant and Kantians on the Isms

To understand contemporary Kantian theories of justice – in general and on political obligations – stand today, it is also centrally important to appreciate that as women and minorities finally managed to fight their way into academia, Kant scholarship started to change as their theories of justice began to reflect their lives and struggles. Trailblazers included Sidney Axinn, Annette Baier, Marcia Baron, Bernard Boxill, Robin S. Dillon, Emmanuel Chukwudi Eze, Susan Feldman, Barbara Herman, Thomas E. Hill Jr., Sarah Holtman, Ursula Pia Jauch, Eva F. Kittay, Pauline Kleingeld, Jane Kneller, Christine Korsgaard, Rae Langton, Susan Mendus, Charles Mills, Susan Moller Okin, Onora O'Neill,

Herlinde Pauer-Studer, Robin M. Schott, Else Wiestad, Holly L. Wilson.[6] These pathbreaking thinkers opened the Kantian doors a little wider for women and minorities—and many of us have followed their lead and tried to open it wider by holding Kant accountable for his serious with regard to women and minorities or by developing improved Kantian approaches to the many isms we inherit—racism, sexism, ableism, heterosexism, cisism, and so on. In fact, today, it seems fair to say, Kant scholarship is one area of academia where the philosophy of the isms is also starting to flourish. For example, these topics are the focus of works by Lucy Allais, Matthew C. Altman, Elvira Basevich, Robert Bernasconi, Elizabeth Brake, Marilea Bramer, Sarah Clark Miller, Allegra De Laurentiis, Lara Denis, Oliver Eberl, Carol Hay, Dilek Huseyinzadegan, Frank Kirkland, Huaping Lu-Adler, Nuri Sánchez Madrid, Inder Marvah, Mari Mikkola, Linda Papadaki, Jordan Pascoe, Irving Singer, Jennifer K. Uleman, Inés Valdez, and, of course, much of my work speaks to these topics too.

If we zoom in on the topic of political obligations in light of this literature, a first thing to point out, in my view, is that it is implausible to argue that all types of resistance—even violent resistance—is to engage in revolution. When, say, Frederick Douglass and Sojourner Truth were breaking de facto US law by escaping their enslavers, it simply does not make sense to say that they were engaged in revolution. Alternatively, when LGBTQIA+ folk around the world lie about their gender or sexuality to the public authority to avoid imprisonment or death for being themselves, it again simply does not make minimal sense to argue that they are engaged in revolution. But how do we describe what they are doing, and how do we theorize the question of political obligations under conditions of serious, systemic injustice? In my work from *Sex, Love, and Gender* onward, I have started to explore the idea that once we turn our attention away from the question of why we need a public authority and what the (minimally) ideal versions of these public legal and political institutions look like, it

[6] For an overview over the entrance of women into philosophy, see Varden (2020).

is useful to give up the distinction between the state of nature and civil society and utilize Kant's ideas of "barbarism," "despotism," "anarchy," and "republic" to describe how, in actual societies, we may find pockets of exclusion (anarchy), oppression (despotism), violence (barbarism), and rightful relations (republic) within otherwise anarchic, despotic, barbaric, or republican societies. Sometimes, for example, we can find ourselves in an overall republican society, but within it operate pockets of anarchy, despotism, or barbarism which are sanctioned, facilitated, or organized by the state's legal and political institutions. When this is the case, the violence that is undertaken to protect oneself insofar as one finds oneself in such a pocket is not engaging in revolution, but it is also not correctly described as simply doing the right thing. Instead, building on an argument I started to develop in Varden 2010, if one needs to use violence or deception to keep oneself and others safe from such unjust exclusion, oppression, or violence, one does not wrong anyone in particular (a material wrong)—as the attackers are the ones doing the wronging—but one is doing wrong in the highest degree (a formal wrong) in that one is forced to lie or use violence against others to keep oneself safe and doing so is inconsistent with treating them with dignity. This, I argue, adds to the burden of living under conditions of serious, systemic oppression, and it is consistent with arguing that as real opportunities arise, one must work to improve one's inherited public legal and political institutions so that right and justice – and, so, political obligations – can start to exist in more areas of one's life.

Works Cited

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

Arendt, Hannah. 1982. *Lectures on Kant's Political Philosophy*. Edited by Ronald Beiner. Chicago: University of Chicago Press.

Ebbinghaus, Julius. 1953. "The Law of Humanity and the Limits of State Power." *The Philosophical Quarterly* 3 (10): pp. 14–22.

Gregor, Mary J. 1963. *Laws of Freedom*. Oxford: Basil Blackwell.

Guyer, Paul. 2000. *Kant on Freedom, Law, and Happiness*. Cambridge: Cambridge University Press.

Habermas, Jürgen. (1981) 1984. *Theory of Communicative Action*, vol. 1, *Reason and the Rationalization of Society*. Translated by Thomas A. McCarthy. Boston, MA: Beacon Press.

Habermas, Jürgen. (1981) 1987. *Theory of Communicative Action*, vol. 2, *Lifeworld and System: A Critique of Functionalist Reason*. Translated by Thomas A. McCarthy. Boston, MA: Beacon Press.

Herman, Barbara. 2022. *The Moral Habitat*. Oxford: Oxford University Press.

Hobbes, Thomas. (1651) 1996. *Leviathan*. Edited by Richard Tuck. Cambridge: Cambridge University Press.

Holtman, Sarah Williams. 2018. *Kant on Civil Society and Welfare*. Cambridge: Cambridge University Press.

Kant, Immanuel. (1798) 2007. *Anthropology from a Pragmatic Point of View*. In *Anthropology, History, and Education*, edited by Robert B. Louden and Günter Zöller, pp. 227–429. New York: Cambridge University Press.

Kant, Immanuel. 1996. *Practical Philosophy*. Edited and Translated by Mary J. Gregor. Cambridge: Cambridge University Press.

Locke, John. (1689) 1988. *Two Treatises of Government*. Edited by Peter Laslett. Cambridge: Cambridge University Press.

Maus, Ingeborg. 1992. *Zur Aufklärung der Demokratietheorie. Rechts- und demokratietheoretische Überlegungen im Anschluss an Kant*. Frankfurt: Suhrkamp.

Rawls, John. (1971) 1999. *A Theory of Justice*. Rev. ed. Cambridge, MA: Harvard University Press.

Rawls, John. 1996. *Political Liberalism*. New York: Columbia University Press.

Ripstein, Arthur. 2009. *Force and Freedom: Kant's Legal and Political* Philosophy. Cambridge, MA: Harvard University Press.

Rousseau, Jean-Jacques. (1755) 2011. *Discourse on the Origin and Foundations of Inequality among Men*. In *Jean Jacques Rousseau Basic Political Writings*, 2nd ed., translated and edited by Donald A Cress, pp. 27-92. Indianapolis: Hackett.

Rousseau, Jean-Jacques. (1762) 2011. *On the Social Contract*. In *Jean Jacques Rousseau Basic Political Writings*, 2nd ed., translated and edited by Donald A Cress, pp. 153-252. Indianapolis: Hackett.

Varden, Helga. 2010. "Kant and Lying to the Murderer at the Door… One more Time: Kant's Legal Philosophy and Lies to Murderers and Nazis." *Journal of Social Philosophy* 41 (4): pp. 403-421.

Varden, Helga. 2020. *Sex, Love, and Gender: A Kantian Theory*. Oxford: Oxford University Press.

Weinrib, Ernest. 1995. *The Idea of Private Law*. Cambridge, MA: Harvard University Press.

Weinrib, Ernest J. 2003. "Property and Poverty in Kant's System of Rights." *Notre Dame Law Review* 78: pp. 795–828.