**Themes in Kant’s Moral and Political Philosophy**

**Lecture 2: The state of nature**

**1. Theories of the state of nature**

**Hobbes:**

The state of nature is “no place for industry, because the fruit thereof is uncertain; and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; and which is worst of all, continual fear, and danger of violent death; And the life of man, solitary, poor, nasty, brutish, and short.” (*Leviathan* XIII.9).

“To this war of every man against every man, this also is consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice

have no place there” (*Leviathan* XIII.13).

**Locke:**

“Though [the state of nature] be a state of liberty, yet it is not a state of license… The state of nature has a law of nature to govern it, which obliges everyone: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions.” (*Second Treatise* II.6).

“I easily grant, that civil government is the proper remedy for the inconveniences of the state of nature, which must certainly be great, where men may be judges in their own case…” (*Second Treatise* II.13).

**Rousseau:**

“The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before.” (*Social Contract* I.6).

**2. Kant: the problems of the state of nature**

unilateral choice: “A unilateral will cannot serve as a coercive law for everyone with regard to possession that is external and therefore contingent, since that would infringe upon freedom in accordance with universal laws” (MM 6:256)

indeterminacy: “The indeterminacy, with respect to quantity as well as quality, of the external object that can be acquired makes this problem (of the sole, original external acquisition) the hardest of all to solve” (MM 6:266)

assurance: “I am…not under obligation to leave external objects belonging to others untouched unless everyone else provides me assurance that he will behave in accordance with the same principle with regard to what is mine” (MM 6:255).

**3. The civil condition**

“So it is only a will putting everyone under obligation, hence only a collective general and power will, that can provide everyone with this assurance. ⎯ But the condition of being under a general external (i.e., public) lawgiving accompanied with power is the civil condition.”

(i.) Addressing unilateral choice: The omnilateral will

(ii.) Addressing indeterminacy: A judiciary that makes decisions about right

(ii.) Addressing assurance: A powerful sovereign who enforces the law

**Reading:**

Primary: *Doctrine of Right* §§8-9, 15, 41-42.

Hobbes, *Leviathan* §§13-14.

Locke, *Second Treatise of Government* §§2-3.

Rousseau, *Social Contract* §§2-6.

Secondary: Ripstein, *Force and Freedom* ch. 6.

Flikschuh, “Reason, Right, and Revolution: Kant and Locke”

Ludwig, “Whence Public Right? The Role of Theoretical and Practical

Reasoning in Kant’s *Rechtslehre*”

Pippin, “Mine and Thine? The Kantian State”

Höffe, “Even a nation of devils needs the state: the dilemma of natural

justice”

Sinclair, “The Power of Public Positions: Official Roles in Kantian

Legitim acy”