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On the Permissible Use of Force in a Kantian Dignitarian Moral and Political Setting, or, *Seven Kantian Samurai*

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Abstract

On the supposition that one's ethics and politics are fundamentally *dignitarian* in a broadly *Kantian* sense—as specifically opposed to *identitarian* and *capitalist* versions of *Statism*, e.g., neoliberal nation-States, whether democratic or non-democratic—hence fundamentally *non*-coercive and *non*-violent, then is self-defense or the defense of innocent others, using force, *ever* rationally justifiable and morally permissible or obligatory? We think that the answer to this hard question is *yes*; correspondingly, in this essay we develop and defend a theory about the permissible use of force in a broadly Kantian dignitarian moral and political setting, including its extension to non-violent civil disobedience in the tradition of Martin Luther King, Jr; and perhaps surprisingly, we also import several key insights from Samurai and Martial Arts ethics into our theory.

Keywords: ethics, politics, political philosophy, dignitarianism, Statism, identitarianism, Kant, Kantian ethics, Martin Luther King, Jr; non-coercion, non-violence, civil disobedience, Samurai ethics, Martial Arts ethics.

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The opening sequence [of Akira Kurosawa's *Seven Samurai*] with [the masterless samurai] Shimura has shown a gratuitous action [of rescuing a peasant child], one for which he expects neither reward nor acclaim. The laborer, and now Mifune, have indicated that one need not expect to find generosity, gratitude, or other such civilized luxuries among the peasants. At the end, therefore, when the three remaining samurai are ignored by the farmers, who are, obviously, only waiting for them to leave (and in a scene carefully prepared since it was just those three—Shimura, Kato, and Kimura—who were present when the leader asks Kato:

> *"Tired of fighting?), Shimura … say[s]:*
> Shimura: *And again we lose.*
> Kato:…*?*
> Shimura:*We lose. Those farmers… they're the winners.*[1]
> *If one's heart is not righteous, neither is his sword.*[2]

I. Introduction: Coercion and the State

As Kant and Max Weber have famously pointed out,[3] States possess a territorial monopoly on the (putatively) legitimate control of the means and use of coercion; and as philosophical and political anarchists have also somewhat less famously (or even downright infamously) pointed out, States are also inherently authoritarian.

By *coercion* we mean:

> either (i) using violence (for example, injuring, torturing, or killing) or the threat of violence, in order to manipulate people

> against their will according to certain predefined purposes of the coercer (*primary coercion*),
>
> or (ii) inflicting appreciable, salient harm (for example, imprisonment, termination of employment, or large monetary penalties) or deploying the threat of appreciable, salient harm, even if these are not in themselves violent, in order to manipulate people against their will according to certain predefined purposes of the coercer (*secondary coercion*).

So all coercion is a form of *manipulation*, and proceeds by following a variety of strategies that share the same core characteristic: treating people as mere means or mere things. Correspondingly by *authoritarianism*, we mean the doctrine that telling people to obey commands and do things is legitimated merely by virtue of the fact that some people (the purported authorities) have *told* them to obey those commands or do those things—"it's right just because we say it's right!"—and are *also* in a position to enforce this by means of coercion, not on any rationally justified or objectively morally defensible grounds.

So authoritarianism and coercion per se are different, because although all authoritarianism requires coercion, nevertheless the converse is not the case: coercion can occur without authoritarianism—e.g., if you're threatened or attacked by some random thug on the street.

Now all States are *coercive* insofar as they claim the right to compel the people living within their boundaries to heed and obey the commands and laws of the government, in order to realize the instrumental ends of the State, *whether or not* those commands and laws are rationally justified or morally right on independently ethical grounds.In turn, all States are also *authoritarian* insofar as they claim that the commands and laws issued by its government are right *just because* the government says that they're right and possesses the power to coerce, *not* because those commands or laws are rationally justified and morally right on independent ethical grounds.

In view of the necessary connection between States and coercion, and also in view of the ever-present possibility of coercion per se, then the following hard question arises: on the supposition that one's ethics and politics are fundamentally *dignitarian* in a broadly *Kantian* sense, hence fundamentally *non*-coercive and *non*-violent, then is self-defense or the defense of innocent others, using force, *ever* rationally justifiable and morally permissible or obligatory?

We think that the answer to this hard question is *yes*; correspondingly, in what follows in this essay, we develop and defend a theory about the permissible use of force in a broadly Kantian dignitarian moral and political setting.But before we get to the philosophical main event of the essay in section V, and especially to the (perhaps surprising) key role of *Samurai* and *Martial Arts* ethics in our theory, we'll need to spell out some essential background notions and argumentation.

II. Exiting the State and Capitalism: Four Steps

In a recent book, *Kant, Agnosticism, and Anarchism*,[4] one of us (RH) has spelled out and defended a radical political doctrine he somewhat long-windedly calls

existential Kantian cosmopolitan anarcho-socialism; and in a recent essay,[5] he's also tried to recapitulate and re-describe, concisely, the basic ideas contained in this doctrine, as a four-step process he calls *exiting the State and capitalism*.Here are three contemporary dictionary definitions of capitalism:

> An economic and political system in which a country's trade and industry are controlled by private owners for profit, rather than by the state. (Oxford)
>
> An economic, political, and social system in which property, business, and industry are privately owned, directed towards making the greatest possible profits for successful organizations and people. (Cambridge)
>
> An economic system characterized by private or corporate ownership of capital goods, by investments that are determined by private decision, and by prices, production, and the distribution of goods that are determined mainly by competition in a free market. (Merriam-Webster)

It's not our purpose here to provide a critical analysis of the concept of capitalism; hence we're prepared to grant for the purposes of argument that the weak disjunction of these three definitions captures the basic features of the social institution of capitalism *as we currently understand it*.Then the basic three-part rationale behind the philosophical recommendation to undertake the four-step process of exiting the State and capitalism is

> (i) that the social institution of capitalism emerged in Europe during the 16th and 17th centuries, *within* the larger and essentially more complex social institution of the early modern Hobbesian and Lockean liberal nation-State,
>
> (ii) that the *alienation*, *commodification*, and *wage-slavery*, so famously described by Marx, that naturally flow from capitalism, are simply the early modern liberal equivalents of the *fear*, *obedience*, and *semi-slavery* that characterizes the large-scale protection racket system of the earliest States, and
>
> (iii) that capitalism is essentially a social-institutional sub-system within the State, hence capitalism can be explained as a set of anthropological, historical, material, and structural complexifications and transformations of fundamental elements of States and their associated doctrine of Statism.

From this point of view, capitalism is essentially a State sub-system *for controlling human work (aka "labor"), by controlling the means and products of production*, and also *for accumulating property and money far beyond what is required for the satisfaction of true human needs*.

Therefore, the State is an historically and metaphysically necessary condition of the emergence and existence of capitalism, and to exit the state is thereby to exit capitalism.

The first step of exiting the State and capitalism is the ethical recognition of the rational unjustifiability and immorality of *regarding and treating people merely as*

means, and/or regarding and treating them as mere things, in general, and also of *coercion* in particular; and that ethical recognition also inherently carries with it another ethical recognition, namely of our universal moral obligation *to treat all people with sufficient respect for their dignity*.

To be sure, even within an explicitly broadly Kantian ethical and political framework, at least *prima facie*, there is some playroom for different conceptions of what "sufficient" means here, in the phrase *with sufficient respect for their dignity*.

Correspondingly, it is prima facie plausible to argue that in certain cases,

> (i) someone's autonomy can be violated, *without* also violating their dignity, e.g., if that person has to be protected against themselves, as per Plato's example in the *Republic*,[6] in which you are rationally and morally justified in refusing to hand someone a weapon if you are convinced by good evidence that they were insane, and also, conversely, that in certain other cases,
>
> (ii) someone's dignity can be violated *without* thereby violating their autonomy, for example, if someone freely chooses to debase themselves, as per the notorious "German cannibals" case in 2002,[7] in which the violation of someone's dignity is self-inflicted.

Nevertheless, in reply, it can be more plausibly argued that autonomy and dignity are *essentially connected*.

In the example from the *Republic*, then, it is more plausible to say that no choice is *genuinely* autonomous if it has been made by someone who is insane, whether temporarily or permanently; hence refusing to let a temporarily insane person carry a weapon is sufficiently respectful of their autonomy and dignity alike.

And in the German cannibals case, it is more plausible to say that we need to make a sharp distinction between *free* choice-and-action, which can be either morally right, morally wrong, or morally neutral, and *autonomous* choice-and-action, which is free choice-and-action for *morally right* reasons.[8]

We can clearly see that the German man who wanted to be killed-and-eaten *freely* chose to be killed-and-eaten by his accomplice-cannibal. In so doing, he freely chose and acted for *morally wrong* reasons, and thus he freely chose and acted *immorally*, for which he was morally *responsible*, and thereby he failed sufficiently to respect his own autonomy and his own dignity alike.

Of course, there is a third type of case that we can recognize: someone may freely choose to sacrifice himself for what he regards as a greater good.This may cost him his life in the process of doing so, but the result is the same as in the German cannibalism case: the person dies.

Nevertheless, we would have trouble calling such an act *immoral* if it happens for reasons that retrospectively make the act *heroic* or *noble*; conversely, a soldier who dies in fighting for a lost cause or in service of a dictatorial regime may also sacrifice himself, but we would also perhaps say that he died in vain. The last variation is complex, as the soldier may have sacrificed himself for the wrong reasons; he might have been told by a cynical field commander that his "sacrifice would not be in vain."

In this case, one is being used as a mere means, and is also an unknowing *accomplice* in the violation of one's own dignity; and if so, one is the victim of someone else's cynicism.

The second step of exiting the State and capitalism is the ethical recognition of the rational unjustifiability and immorality of *authoritarianism*, as defined in section I above.

The third step is the intellectual, emotional, practical, and more generally *existential* recognition of the *contingency* of global capitalism and the rise of States alike, and their essential openness to *radical social-institutional change or revolution, devolution, deconstruction, reconstruction, and new construction*.

In other words, the rise of States and capitalism is not the outcome of an inevitable, natural, and teleological process—an outcome that should unquestioningly be accepted—but instead it is crucially dependent on historical accidents, rational human choices, and the targeted use and abuse of power.

This third step, in turn, when it is added to the first two steps, is equivalent to what, in *Religion Within the Boundaries of Mere Reason*, Kant calls the *revolution of the hear*t or *revolution of the will* that is the essential gateway to exiting the State and thereby exiting *capitalism* too, and also thereby exiting our intellectual, emotional, practical, and more generally our existential *immaturity*, and entering a *universal, cosmopolitan ethical community*.[9]

In this connection, our self-incurred immaturity is as much the result of the hegemonic ideology of capitalism, as it is the result of the hegemonic ideology of Statism. The full moral and political potentials of humanity, and the full satisfaction of our true human needs, are equally stunted and frustrated by capitalist competition and commodification on the one hand, and by authoritarian coercion on the other; and the tightly circular operation of omnipresent capitalist competition, authoritarian State structures, and non-stop exposure to repetitive mass-media, creates the conditions under which autonomy, critical thinking, coming to one's senses and independent reasoning are stunted and prevented, if not outright destroyed.

Therefore, and correspondingly, the revolution of the heart and will that finally brings about our existential maturity demands an emancipation in multiple dimensions.And the fourth and final step of exiting the State and capitalism consists in the *concrete, specific details* of what the process of exiting the State, capitalism, and our self-incurred existential immaturity, and entering a universal, cosmopolitan ethical community *would actually look like*. For better or worse, one of us has taken his best shot at providing those details in a recent book, *Kant, Agnosticism, and Anarchism,*[10] especially sections 2.8, 2.9, and 2.10, and part 3, aspirationally entitled, *Utopia Now*.

III. Dignitarianism *versus* Identitarianism

For the purposes of our argument in the rest of this essay, we'll assume the prima facie truth of the following two theses, as starting points:

> (i) a broadly Kantian *dignitarian* ethics[11] and politics[12] are rationally justified and at the very least morally acceptable, perhaps even morally right, and

(ii) the *coercive authoritarianism* of States, especially in States organized around *identitarian* politics, is rationally unjustifed and morally wrong.

Now dignitarianism, and especially the broadly Kantian version of it, says

(i) that everyone, everywhere, has absolute, non-denumerable, non-instrumental, innate moral value, aka *dignity*, simply by virtue of their being persons (i.e., conscious, caring, cognizing, self-conscious rational animals with a further capacity for free will), and that dignity is—or at the very least, can be regarded as—a fundamental, irreducible, and therefore *primitively given* feature of persons that cannot either be erased by any bad actions or bad habits of character, or sanctified by any good actions or good habits of character, and

(ii) that everyone, everywhere ought to treat themselves and everyone else with sufficient respect for their dignity.

By a diametrically sharp and indeed mutually exclusive contrast, identitarianism says

(i) that people are defined primarily in terms of their falling under a certain social group-type and/or their social group-allegiance (e.g., race, ethnicity, gender-&/or-sex, sexual preference, national origin or citizenship, language, economic class, social roles of all kinds, social institutions of all kinds especially including religions, etc., etc.)[13]—thus, e.g., one identifies him/herself by reference to these group-types or group-allegiances as "an Afro-American man," or "an Asian-American trans-woman," and so-on,

(ii) that special moral virtues and special positive moral value, or goodness, are attributed to all members of that social group and to that social group itself, call it *the We,* and

(iii) that special moral vices and special negative moral disvalue, or badness, are attributed to members of certain *other* social groups and to those groups themselves, who are then collectively intensely distrusted, or even excoriated-and-vilified, as *the Other*.

As a direct consequence of (iii), the creation of the Other leads to intense or even obsessive fears that the We will be corrupted, infiltrated, and miscegenated by the Other culture, members of which are then perceived to exist both covertly inside (as carriers of disease, or impurities) and also overtly outside (as invasive threats surrounding the We) Our culture.

Indeed, a characteristic and indeed essential feature of this creation of the Other is that the members of that group be caricatured and even represented as "sub-human" in the morally pregnant sense of being sub-*persons*, and more generally as being thoroughly *inferior* to the We.

To be sure, this diametrically sharp and also—just like the contrast between Statism and broadly Kantian dignitarianism—mutually exclusive contrast between identitarianism on the one hand, *especially* when it's combined with the coercive authoritarianism of States, and broadly Kantian dignitarianism on the other, oversimplifies the real-world and philosophical situation somewhat, in three important ways.

IV. Three Simplifications

First, as regards the concept and fact of dignity itself, we need a fully worked-out and well-supported metaphysical and epistemological theory of dignity, which shows *how* dignity is at once a fundamental and irreducible property of persons, and also immediately given to us.

Using Kant's distinction between

> (i) *constitutive* (that is, true or veridical and existentially committed) representations, and
>
> (ii) *regulative* (that is, merely conditional or hypothetical and suppositional) representations,

let's call this *a constitutive theory of dignity*.

In addition to holding a constitutive theory of dignity, we can also consistently hold that rational human agents naturally act *as if* dignity were at once a fundamental and irreducible property of persons and also immediately given, and that this regulative assumption at least partially defines us as rational human agents. Regulative representations—like constitutive ones—can be existentially committed. One may, for instance, appeal to the regulative potential of such representations in matters that are thoroughly existential and/or moral.

Let's call that *a regulative theory of dignity*.

Notice that it's *also* conceptually and logically possible to hold a regulative theory of dignity *without* holding a constitutive theory of dignity.[14]

Second, as regards dignitarianism, there is the profoundly important real-world issue of clearly and distinctly specifying the class of actual minded animals that possess dignity by virtue of their being persons. One crucial sub-issue in this connection is whether or not there's an adequate metaphysical definition of *personhood*.

Another closely-related crucial sub-issue is whether or not there's an adequate metaphysical criterion of *personal identity*, over time or at a time.

The issue of personal identity, in turn, naturally invites further questions, for example, whether or not *temporary or permanent mental illness* suspends or terminates personhood, and therefore suspends or terminates dignity. Relatedly, the question arises whether *all* human animals are in fact persons and possess dignity, or whether *some* human animals are not in fact persons with dignity, for example, fetuses, babies with anencephaly, human animals with serious cognitive deficits or in persistent vegetative states, late-stage Alzheimer's victims, etc.

And if we zoom out to a global perspective, we may also ask the question whether *only* human animals can be persons and possess dignity, or whether on the contrary, animals of *other species* can also be persons and possess dignity. And closely related to the latter sub-issue is whether or not, even if some human or non-human animals are *not* persons with dignity, at least some of them can be temporarily or permanently *conventionally* granted the pragmatic/practical equivalents of personhood and dignity, as "associate members of the realm of ends."

These are all *metaphysical* issues surrounding persons and their dignity.

But there are also further and equally profoundly important *epistemic* issues about precisely *how* the personhood and dignity of ourselves and others is primitively given to us; about the *criteria* for knowing persons and their dignity, or failing to know them; about precisely how the personal identity of ourselves and others is given to us, whether primitively or derivatively; about the criteria for knowing personal identity or non-identity; how dignity is instantiated in the real world; and so-on.

Third, as regards identitarianism, in virtually all real-world cases, at least initially, there is also a more-or-less *neutral group* between the We and the Other.

A good contemporary example in a minor, non-Statist key, taken from gender-&/or-sex identitarianism, is the initially neutral-group status of males by birth who later transitioned by choice to the gender-&/or-sex status of women, aka "trans-women," thus falling somewhere between the radical feminist We and the male misogynist Other. Nevertheless, identitarianism inherently demands the binary opposition of We/Other: at the end of the day, it tolerates no third (or fourth, or fifth, etc.) alternatives or shades of grey.

Hence eventually the We-group forces the binary issue for the neutrals, such that *either* you're with Us *or* you're against Us. In the case of gender-&/or-sex identitarianism, this has produced the hotly (and occasionally even violently) contested schism between radical feminists and trans-people.[15] In any case, once the issue of being *either* with Us *or* against Us has been forced, that point, the members of the neutral group

> either (i) join the We or exile themselves into the camp of the Other *of their own accord*,
> or (ii) *are coerced into* joining the We or exiling themselves into the camp of the Other.

For the purposes of (ii), if the We *also* possesses a Statist or State-like territorial monopoly on the means and use of coercive power, then it almost inevitably creates a special, highly visible team of exceptionally violent "enforcers" to intimidate the members of the neutral group into compliance, for example, the SA or *Sturmabteilung* under the Nazis.

A more recent example can be found in contemporary Hong Kong.

Protesters against the growing influence of mainland China on the Hong Kong region have been violently attacked;[16] the Chinese government denied involvement, but the attacks were clearly government-orchestrated.

In this way, the We secures its domination over the neutral group *by tightening the thumbscrews*, and thereby gradually imposing more and more stringent demands on all those who have not confessed allegiance.

In a strange mirroring of the emergence and rise of German fascism during the Weimar Republic in the 1920s and early 30s, but also the communist witch-hunts during the McCarthy era in the 1950s, the contemporary world is also experiencing the widespread emergence and rise of neo-fascism inside neoliberal democratic States.And this, in turn, is a magnified reflection of the insecurities of a culture that is at once *closing its mind* and also *a captive mind*.[17]

Not altogether coincidentally, the world has also been kept in a constant state of artificially-induced fear after the terrorist attacks in the USA on 11 September 2001, effectively closing the mind of the West to the possibility of dialogue or cooperation; and at the same time, an artificially induced nostalgia and yearning for a mythical pre-lapsarian *Pax Americana* that never existed, effectively captures the Western mind for the purposes of neo-fascism, which thrives precisely because (among its other defining features) fascism is deeply reactionary.

In Europe, the 9/11 attacks accelerated the rise of a smoldering anti-immigrant political current. This discontent has been successfully harnessed by nationalist parties who—without exception—profess a deeply defensive, traditionalist and close-minded vision for the future of Europe.

And from the standpoint of the emergent and rising neo-fascist groups who now seek to control the governments of neoliberal democratic States, the State is taken to be aligned with the Other, and therefore as simultaneously both corrupting, infiltrating, and miscegenating the emergent, rising We *from within* the State and also invasively threatening the same emergent, rising We *from outside* the State.

For example, in contemporary Europe, various identitarian xenophobic &/or racist groups regularly accuse centrist neoliberal democratic governments of imposing Islamized/multiculturalist agendas on the nationalist, nativist European cultures—e.g., Austrian, British, French, Finnish, German, Hungarian, Norwegian, Russian, etc., etc.—that define some or another emergent, rising We.

Obviously, for the purposes of this essay, we can't do anything other than acknowledge the existence of all these issues, and also to indicate that, for better or worse, one of us (RH) has taken his best shot at addressing them in *Deep Freedom and Real Persons*,[18] *Kantian Ethics and Human Existence*,[19] and *Kant, Agnosticism, and Anarchism*.[20]

V. The Philosophical Main Event: On the Permissible Use of Force in a Non-Coercive, Non-Violent, Broadly Kantian Dignitarian Moral and Political Framework

So in any case, with all of those important preliminaries in place, we now finally turn to the philosophical main event of this essay.

The sharp and indeed mutually exclusive distinction between an identitarian, Statist ethics and politics, on the one hand, and a dignitarian ethics and politics on the other, raises the vitally important question of how we should think

about *the use of force* from the standpoint of *any* dignitarian ethics and politics that has a specifically *Kantian* grounding.[21]

And the two basic claims we want to make are that from *this* standpoint and within *this* framework

> (i) not only are there permissible and sometimes even obligatory uses of what we call *minimal sufficiently effective, last resort, defensive, protective, and preventive moral force*,
>
> (ii) but also there are permissible and sometimes even obligatory uses of *civil disobedience*.

Perhaps the most obvious objection to a broadly Kantian dignitarian ethics and politics is this one:"Supposing that a broadly Kantian dignitarian ethics and politics were to be enacted, then how then could its proponents ever defend and protect innocent people against the bad acts of bad people, or prevent these bad acts from happening?"

Or, phrased slightly differently:

"How would a broadly Kantian dignitarian ethics and politics ever be able to survive the brutality of the real world? Does it have ethical and political *staying power*, such that it can be preserved over a realistically long period of time?"

And here's our reply.

Although all coercion is rationally unjustified and immoral, nevertheless *minimal sufficiently effective, last resort, defensive, protective, and preventive moral force* is *morally permissible*, precisely because its fundamental aim is to support and sustain human dignity. Correspondingly, we will contextually define "minimal sufficiently effective, last resort, defensive, protective, and preventive moral force" as follows:

> A rational human agent *X* is using minimal sufficiently effective, last resort, defensive, protective, and preventive moral force if and only if *X*, as a last resort, only either uses the smallest sufficiently effective level of violence or threat of violence, or deploys the smallest sufficiently effective threat of appreciable, salient harm, in order to defend against, protect against, or prevent, *X* her/himself, or someone else, being coerced, or having their human dignity directly violated.

In view of that, when innocent people are threatened, or about to be harmed, by bad people, we not only *morally can* but also *morally should* protect and defend those innocent people against those bad people, and prevent this harm from happening, when we're in a crisis situation and as a last resort, by using minimal sufficiently effective, defensive, protective, and preventive moral force.

The upshot, put in much simpler terms, is that if some would-be coercive thug tries to punch you and/or innocent oppressed others into submission, and

the *only* minimally sufficient way of defending against, protecting against, and preventing, harm to yourself and/or the innocent oppressed others in that context, is to punch the thug, then that's permissible and perhaps even obligatory—but that's *not* coercion, instead it's simply the defense and protection of one's own dignity, and the prevention of violations of dignity of those who cannot defend themselves.

Nevertheless, whenever that kind of force is used, one always has to be *hyper-careful* not to cross over the line between non-coercive force and coercive force, and fall into the original Statist state of sin (although, of course, Statists aren't the *only* ones who coerce), even in the name of "social justice."

For example, in the hypothetical case we just mentioned, if some would-be coercive thug tries to punch you and/or innocent oppressed others into submission, and the only minimally sufficient way of protecting yourself and/or the innocent oppressed others is to punch the thug, then that's permissible and perhaps even obligatory; but *then it would be strictly impermissible to go on and shoot or strangle the thug, or to arrange to have him executed "humanely" by lethal injection, or even to arrange to have him tortured while many people watched on TV and experienced high levels of sanctimonious, vengeful, vicarious enjoyment*.

Of course, in order never (intentionally or knowingly) to cross the line between non-coercive force and coercive force, we will need to know, *far more precisely*, what "crisis situation," "last resort," "protective," and "preventive" all mean, not only generally but also as applied to a wide variety of different kinds of contexts, although we're not going to attempt that fairly strenuous task in this essay.

But we will note that in a given real-world context, in which an attacker is already launching an attack, there's rarely if ever enough time to try out an appropriate array of different kinds or levels of force, or an appropriate array of different kinds of weapons, so longstanding experience, training, and skill, and various context-sensitive rules-of-thumb, will simply have to take over.

For example, in the hypothetical punching case, if you are fairly certain that the would-be coercive thug will try it again and again, even despite his being punched by you on the first round, you might have to break his arm or his leg in order to incapacitate him.

Indeed there is an argument, used for example in a classical text on Samurai ethics by the Okinawan karate master Choki Motobu and his Japanese student Hironori Othsuka,[22] for consistently using *more* force than seems initially necessary.

The idea is to make the first defensive strike count, so that the first cycle of force—for example, trading punches and kicks—does not escalate into a progressively worse series of cycles of force, thereby spiralling downward into uncontrollable danger and violence. So, on this view, to incapacitate an enemy *initially* is what it means to protect oneself *adequately*. The downward spiral of violence is, as it were, stopped dead in its tracks, *before* it becomes uncontrollable.

In these connections and also in relation to classical samurai culture, we've often thought about Akira Kurosawa's amazing film *Seven Samurai* when trying to formulate a set of working principles for the permissible or even obligatory

non-coercive use of force; and there are also, as we've already indicated in passing, several classical texts on Samurai ethics and Martial Arts ethics that provide further important and directly relevant ideas and proposals.[23]

All things considered, the crucial things, it seems to us, are the emphases on

> (i) the use of force *only* in crisis-situations and as a last resort,
> (ii) defense, incapacitation, protection, and prevention, never coercion (hence never aggression or cruelty or the purely punitive uses of force),
> (iii) minimally sufficient effectiveness, which would naturally involve some genuine or even great competence or skill in the actual use of the means of force, and
> (iv) rigorous spiritual discipline and training, as vividly cinematically exemplified by the seven Samurai in *Seven Samurai.*

Martial Arts training is especially focused on (i): that is, the permissible or obligatory use of force and a crisis situation *are one and the same*, because they constitute the point at which the Samurai has already done everything in his power to prevent this from happening.

Moreover, as Kurosawa brilliantly points out via the Shimura character, *the Samurai always lose whenever they win*, that is, only the farmers (the oppressed, mortally threatened, innocent people) really win, and the Samurai simply have to face up to this "human, all-too-human" fact with humility, irony, and a tragic sense of life, affirm it, internalize it, and live accordingly.

This line of thought is deeply existentialist, because the pain and suffering of martial arts training, the continuous, rigorous discipline involved, and the trauma of having to incapacitate someone else, induce an *existential crisis*.

The person defending himself or another must face up to this crisis, grapple with it, and ultimately accept responsibility for the consequences of the actions he's performed.This responsibility cannot be shrugged off, because there is no one else to hold responsible.

Thus the responsibility bestowed by martial arts upon an individual constitutes, as it were, the deepest and most penetrating look into the existential mirror.Therefore, this fundamentally existential dimension must be directly incorporated into the set of working principles guiding the permissible or even obligatory non-coercive use of force.In Martial Arts practice, the discipline required for handling one's skill responsibly is woven into *partner exercises*.

Taking responsibility for the well-being of one's partner (not opponent!) is a powerful tool for becoming acquainted with the existential burden, moral content, and moral form of this responsibility.Now we'll shift gears and accelerate forward, by extending our broadly Kantian dignitarian view on the permissible use of force to Martin Luther King Jr's famous doctrine of *civil disobedience*,[24] according to an eight-step argument, occasionally supplemented by explicative comments.

That there is a close connection between, on the one hand, moral and political issues concerning the permissible use of force, and on the other hand, moral and political issues concerning civil disobedience, should not be

surprising. As we've argued, the use of force in a broadly Kantian dignitarian moral and political setting carries with it not only stringent rational and moral constraints, but also serious existential responsibility. So it's obvious that *not* every public demonstration employing force is going to meet these robust requiremements.

Therefore, we'll spell out how our account can be clearly and smoothly extended to civil disobedience, as follows.

> (i) By *violence*, we mean *the use of actually or potentially destructive force*, and by *nonviolence* we mean *the refusal to use actually or potentially destructive force*.
>
> (ii) Violence with respect to people is rarely if ever rationally or morally justified; indeed, *except in crisis-situation, last-resort cases of self-defense against violent attack or in order to protect the innocent from violent attack*, universal non-violence with respect to people is rationally justified and morally obligatory.

It is crucial to note here that unlike coercion, which is *strictly and unconditionally* rationally unjustified and immoral, violence with respect to people is only *generally* rationally unjustified and immoral, *under the assumption that we are not encountering a crisis-situation, last-resort case.*

But if we *are* encountering such a case, then violence with respect to people *is* rationally justified and morally permissible or even obligatory, *and this is part-and-parcel of our moral and political policy of non-violence.*

Indeed, in connection with (ii), we could say that the moral and political policy of non-violence concretely emerges in the following simple formula:

> I *can* hit you, if you *do* hit me: hence both of us will experience pain and suffer; and as long as you *do not* hit me, then I *will not* hit you.[25]

This is, as it were, a "barbed pacifism."

> (iii) Nevertheless, sometimes it is not only permissible, but even rationally justified and morally obligatory, to be non-violent with respect to *people* yet also violent with respect to *private property*, if the relevant private property represents a basic and widespread source of violations of respect for universal human dignity–e.g., if it's private property owned by big-capitalist conglomerates or corporations, that expresses and implements an inherently oppressive social system, such as the symbiotic combination of *racism, big capitalism, and the coercive authoritarianism of the State (for example, of the police and the legal justice system of mass incarceration)*–and the purpose of the violence with respect to private property of this kind is solely to change this inherently oppressive social system into something fundamentally better, in that it sufficiently respects universal human dignity.[26]
>
> (iv) Martin Luther King Jr (henceforth MLK), argues that massive non-violent (with respect to people) civil disobedience

> is required in order to effect fundamental, lasting social change for the better in inherently oppressive social systems, and also that this non-violent civil disobedience can include "direct action" such as the disruption of the daily operations of the inherently oppressive symbiotic social system of racism, big capitalism, and the coercive authoritarianism of the State, perhaps even including violence with respect to private property owned by big-capitalist conglomerates or corporations.[27]
>
> (v) Although MLK does not explicitly draw this distinction, there is nevertheless a basic difference between

(va) *coercion*, which (as we spelled it out above) is either (va1) imposing or threatening to impose violence on people (primary coercion) or (va2) imposing or threatening to impose salient although non-violent harms on people (secondary coercion), in order to compel those people to do various things, or heed various commands or demands, in order to bring about the purely consequentialist or instrumental—that is, either egoistic and privately beneficial, or non-egoistic and publicly beneficial, e.g., Utilitarian—ends of the coercer, and (vb) *non-coercion*, which is the *refusal* to engage in coercion.

This refusal, it should be noted, is something that is morally and politically essentially different from merely *refraining* from engaging in coercion or violence with respect to people for purely consequentialist/instrumental reasons of any kind, whether egoistic and privately beneficial or non-egoistic and publicly beneficial.

> (vi) Since coercion treats other people as mere means or mere things, and not as persons with dignity, it violates sufficient respect for human dignity, as well as harming them in various ways; hence all coercion is rationally unjustified and immoral, *even if* it is beneficial either for oneself (egoism) or many people (e.g., Utilitarianism).

This especially applies to cases in which coercion is or would be beneficial to oneself, if we focus again on the Samurai: if one falls into coercion in order to help oneself, it is a reliable sign that one's spiritual training has failed. And in this way, if one's spiritual training has held up, as for example the seven Samurai's spiritual training has, then they are *the warriors who always lose*: they are the ones who have to do a job they see as necessary, but not necessarily—and indeed in all likelihood—neither nice, nor pleasant, nor rewarding for themselves.

They have to live with the knowledge of what they had to do in a crisis-situation, last-resort case, and that is the tragic part of it: to be prepared to be *violent,* even if it's rationally justified and morally permissible or obligatory, hence fully consistent and coherent with their moral and political policy of *non-violence*, exacts a heavy existential cost.

> (vii) So *only* non-violent (with respect to people—*except* in crisis-situation, last-resort cases), non-coercive civil disobedience is rationally justified and morally acceptable for the purposes of

> effecting fundamental social change for the better in inherently oppressive social systems, and only non-violent (with respect to people—*except* in crisis-situation, last-resort cases), non-coercive civil disobedient "direct action" or "disruption" is fully consistent with MLK's overall moral and political philosophy, and with a broadly Kantian dignitarian ethics and politics.

Civil disobedience in the morally permissible or even obligatory sense, then, is the refusal to heed, or the direct violation of, rationally unjustified and immoral commands or laws of the State, for the sake of sufficiently respecting universal human dignity; or preventing States and/or corporations from continuing to harm universal human dignity.

As prefigured in the parenthetical material mentioned in step (vii) of the argument we just spelled out, it *might* turn out that when massive non-violent, non-coercive civil disobedient "direct action" or "disruption," including some violence with respect to private property, for example, trampling on someone's flowers or grass, or spray-painting some cars or office windows, but essentially a *peaceful demonstration*, is permissible or even obligatory, and actually taking place, then the government will suddenly shift into "elite panic" mode, send in the riot police, and/or SWAT teams, and/or troops, and use primary coercion.

And in that case, the otherwise essentially peaceful and *non-violent* demonstrators *might* also have to use minimal sufficiently effective, last resort, defensive, protective, and preventive moral force, possibly even including *violence with respect to people*.

VI. Conclusion: Back to Our Seven Kantian Samurai

Finally, by way of conclusion, let's return again briefly to our seven Kantian Samurai. One can easily imagine a sequel to *Seven Samurai* in which the three remaining masterless Samurai, with four new recruits, not only permissibly but even obligatorily, engage in massive, non-violent, non-coercive civil disobedience against the Shogunate, leading the peasants in open rebellion. And in fact, in an excellent but little-known 1946 film by Kurosawa, *No Regrets For Our Youth*, this theme is explored in a 20th century context. More specifically, *No Regrets* is about non-violent civil disobedience by university students in Kyoto against the Shōwa regime in Imperial Japan during the 1930s, and its plot-line was jointly inspired by the 1933 Takigawa incident[28] and also by the Hotsumi Ozaki spy case,[29] in which a Japanese journalist was hanged for treason by the Japanese government in 1944.

So we can easily further imagine our seven Kantian Samurai smoothly transported forwards in time into the basic plotline of *No Regrets For Our Youth*, because the existential crisis of the moral choice they had to make is a timeless theme. Whenever coercive, violent social institutions emerge, individuals who are committed to a broadly Kantian dignitarian ethics and politics must make, at the very least, existentially-*laden* choices and at the very worst existentially *tragic* choices, in order to defend, protect, and preserve their own dignity and that of others, especially innocent others. Our conclusion, then, is that even though people who are committed to a broadly Kantian dignitarian ethics and

politics are *fundamentally* non-coercive and non-violent people, they are also *far from* being defenseless, passive, or quietist.

Notes:

1. (Richie, 1998, p. 103).
2. (Otsuka, 1997, p. 14).
3. See (Kant, 1996); and (Weber, 1994, p. 310).
4. (Hanna, 2018c).
5. (Hanna, 2019).
6. See (Plato, 1997, p. 975 = *Republic*, book I, 331c).
7. See, e.g., (BBC News, 2002).
8. In fact, Kant failed to distinguish between free will and autonomy in *Groundwork of the Metaphysics of Morals*. And when this failure is added to the highly plausible thesis that moral responsibility requires freedom, it has the disastrous implication that no one is ever morally responsible for choosing-and-acting immorally. To be sure, taking together the *Critique of Practical Reason* and *Religion within the Boundaries of Mere Reason*, Kant was finally able to provide the equivalent of an adequate free will/autonomy distinction, and thus preserve the responsibility-requires-freedom thesis—but unfortunately, his presentation of the distinction is not perspicuous. For a clearer version, see (Hanna, 2018a).
9. See, e.g., (Hanna, 2017).
10. See (Hanna, 2018c).
11. See, e.g., (Hanna, 2018b).
12. See (Hanna, 2108c).
13. Note that many of the parameters used to group or label individuals are already defined by States or other State-like institutions *prior to birth*. For example, as an individual, one has no say at all about which group they are being born into, or which criteria of group identity are deemed relevant by States or other State-like institutions at the time of their birth.
14. Indeed, one of us (OP) defends this latter option. It would lead too far afield here to explicate all the details. However, one may for instance defend the thesis that dignity is a property of persons that can, on pragmatic/regulative grounds *alone*, taken to be true. The real question then becomes how dignity is instantiated or manifested in the world of actions and choices, and what effects it has on individuals and social institutions.
15. See, e.g., (Wikipedia, 2019a); (Lewis, 2019); and (Compton, 2019).
16. See, e.g., (Ramzy, 2019).
17. See (Milosz, 1955).
18. See (Hanna, 2018a).
19. See (Hanna, 2018b).
20. See (Hanna, 2018c).
21. There are of course other *non*-Kantian conceptions of dignity: for example, those that flow specifically from *honor-cultures*. Here, dignity means something like "composure" or "face." Consider, e.g., the story about dignity told in the *Hagakure* (Tsunemoto 2005, p. 173–175). A high-ranking prisoner is about to be executed, and his status gave him the right to be beheaded by someone of comparable rank. At the last moment, the designated executioner gives the job to someone of a lower rank, causing the prisoner to lose his composure or face and become hysterical, pleading for his life. This moment was his "loss of dignity"—i.e., his loss of composure or face—and *not* the fact that he was about to be executed and literally lose his head. What is at work here is a completely

different picture of what "dignity" means, and it is basically incompatible with any Kantian viewpoint.

22. See, e.g., (Otsuka, 1997); and (Motobu, 1995).
23. See, e.g., (Munenori, 2006); (Miyamoto, 2006); (Motobu 1995); and (Otsuka 1997).
24. See, e.g., (King, 2018).
25. Notice that this formula is plausible even if one does not subscribe to a broadly Kantian dignitarianism. E.g., on Utilitarian, or otherwise non-egoistic and publicly beneficial consequentialist grounds alone, one can argue (i) that reducing the overall amount of pain and/or suffering in the world is a moral obligation, and (ii) that preventing violence does this. In such cases, the defender will not be hit, and the attacker will (if he ignores the warning) either be hit the minimum number of times, or, (if he heeds the warning) not be hit at all.
26. It should be noted in this connection that there is a slippery slope of cases. If, for instance, the protesters are identitarian coercive moralists, imposing their ethical and political agenda on others, and doing this essentially for public attention and/or egoistic gratification, then this does not count as civil disobedience. One can think here also about examples of animal rights activists, who – in extreme cases – have picked out individual farmers as targets for coercive, violent protests. It would lead us too far afield to work out a complete theory here, but for now, it suffices to say that *not* all groups who claim that they are "on the right side" are *therefore* right.
27. See (Hanna, 2019); and (Hanna, 2018c).
28. See, e.g., (Wikipedia, (2019c).
29. See, e.g., (Wikipedia, 2019b).

References:

Abernethy, I. (2006) *Bunkai-Jutsu*. Trans. I. Abernethy, Cockermouth: Neth.

BBC News. (2002) "Man Held For German 'Cannibal Killing'." (12 December 2002). Available online at url= <http://news.bbc.co.uk/2/hi/europe/2569095.stm>.

Compton, J. (2019) "'Pro-Lesbian' or 'Trans-Exclusionary'? Old Animosities Boil Into Public View." *Nbc News* (14 January 2019). Available online at url= <https://www.nbcnews.com/feature/nbc-out/pro-lesbian-or-trans-exclusionary-old-animosities-boil-public-view-n958456>.

Hanna, R. (2019) "Statism, Capitalism, and Beyond." (June 2019 Version). Available online at url= <https://www.academia.edu/39591836/statism_capitalism_and_beyond_june_2019_version_>.

Hanna, R. (2018a) *Deep Freedom and Real Persons: A Study in Metaphysics*. The Rational Human Condition, Vol. 2. New York: Nova Science. Also available online in preview at url= <https://www.academia.edu/35801857/the_rational_human_condition_2_deep_freedom_and_real_persons_a_study_in_metaphysics_nova_science_2018_>.

Hanna, R. (2018b) *Kantian Ethics and Human Existence: A Study in Moral Philosophy*. The Rational Human Condition, Vol. 3. New York: Nova Science. Also available online in preview at url= <https://www.academia.edu/36359647/the_rational_human_condition_3_kantian_ethics_and_human_existence_a_study_in_moral_philosophy_nova_science_2018_>

Hanna, R. (2018c) *Kant, Agnosticism, and Anarchism: A Theological-Political Treatise*. The Rational Human Condition, Vol. 4. New York: Nova Science. Also available online in preview at url= https://www.academia.edu/36359665/the_rational_human_condition_4_kant_agnosticism_and_anarchism_a_theological-political_treatise_nova_science_2018.

Hanna, R. (2017) "Exiting The State and Debunking The State of Nature." *Con-Textos Kantianos* 5. Available online at url= <https://www.con-textoskantianos.net/index.php/revista/article/view/228>.

Kant, I. (1996) "The Doctrine of Right." Trans. M. Gregor. in I. Kant, *Immanuel Kant: Practical Philosophy*. Cambridge: Cambridge Univ. Press. pp. 363-506 (Mm 6: 203-372).

King Jr, M.L. (2018) "Nonviolence and Social Change." *Jacobin* (4 April 2018). Available online at url = <https://www.jacobinmag.com/2018/04/martin-luther-king-jr-nonviolence-direct-action>.

Lewis, S. (2019) "How British Feminism Became Anti-Trans." *New York Times* (7 February 2019). available online at url= https://www.nytimes.com/2019/02/07/opinion/terf-trans-women-britain.html

Milosz, C. (1955) *The Captive Mind*. Trans. J. Zielonko. New York: Vintage Books.

Miyamoto, M. (2006) *Book of Five Rings*. Trans. T. Cleary. Boston/London: Weatherhill.

Motobu, C. (1995) *Okinawan Kempo*. Ontario: Master Publishing.

Munenori, Y. (2006) *The Book of Family Traditions on the Art of War*. Trans. T. Cleary. Boston/London: Weatherhill.

Otsuka, H. (1997) *Wado Ryu Karate*. Trans. S. Ishida. Ontario: Master Publishing.

Plato (1997) "Republic." in J. M. Cooper and D. M. Hutchinson (Eds.) *Plato. Complete Works*. Indianapolis, in: Hackett Publishing. pp. 971-1223.

Ramzy, A. (2019) "Mob Attack at Hong Kong Train Station Heightens Seething Tensions in City," *New York Times* (22 July 2019). Available online at url= <https://www.nytimes.com/2019/07/22/world/asia/hong-kong-protest-mob-attack-yuen-long.html>.

Richie, D. (1998) *The Films of Akira Kurosawa*. 3rd Edn. Berkeley, Ca: Univ. of California Press.

Tsunemoto, Y. (2005) *Hagakure: The Book of The Samurai*. Trans. W.S. Wilson. Tokyo: Tankobon.

Weber, M. (1994) "The Profession and Vocation of Politics." in P. Lassman and R. Spiers (Eds.), *Weber: Political Writings*. Cambridge: Cambridge Univ. Press. pp. 309-369.

Wikipedia. (2019a) "Feminist Views on Transgender Topics." Available online at url= <https://en.wikipedia.org/wiki/feminist_views_on_transgender_topics>.

Wikipedia. (2019b) "Hotsumi Ozaki." Available online at url= <https://en.wikipedia.org/wiki/hotsumi_ozaki>.

Wikipedia. (2019c) "The Takigawa Incident." Available online at url= <https://en.wikipedia.org/wiki/takigawa_incident>.