

The Kantian Paradox

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a) Introduction

The success of Western cultural, political and especially economical development during the last two centuries not surprisingly led to the domination of the Western political tradition throughout the world. The Western political thought and its individualistic nature is particularly well embodied in the doctrine called liberalism. Liberal values, such as the priority of the individual to the state, became so ingrained into our thinking that they became the criterion of how most of us judge our and other political regimes. This paper attempts to bring into awareness the grounds of some widely shared beliefs about what it means to live in a modern political society.

b) What is liberalism?

It is very difficult to analyze a doctrine which is associated with so many and very often so diverse meanings that sometimes one is almost the direct opposite of the other, as, for example, is the case with libertarianism and welfare liberalism. The meaning of “liberalism”, according to Ronald Beiner, can be associated with the following: “(1) liberalism as a political doctrine, referring to the liberal urge to circumscribe the authority of the state as a legislator of morality; (2) liberalism as a social order which I have elsewhere named the “regime of the modern bourgeoisie”; and (3) liberalism as a philosophical ranking of priorities (...).”¹

In this paper we will be concentrating on the political theory of Kant, who is often considered to be one of the most important contributors to liberalism. We start by analyzing the key concept of Kantian moral theory: the categorical imperative. Then we proceed to Kant’s justification of a political system. Finally, we try to situate Kantian ethics within the framework of Foucault’s “objectifications of the subject”. The “Kantian paradox” lies in his conception of an autonomous individual: on the one hand Kant postulates that the freedom of the individual is the *summum bonum*, on the other – that

¹ Ronald Beiner, *What liberalism means; The Communitarian Challenge to Liberalism* (Cambridge University Press), p. 192-193.

this freedom is realized through obeying the moral law. We argue that the “moral law” and the state are inseparable. Hence in a certain way Kant associates the freedom of the individual to what Foucault would call “power structures”.

c) *The categorical imperative*

Kant’s philosophy can be divided into two parts: theoretical and practical. In the former Kant attempts to solve the problem how the world is constituted and how a subject can understand it. The latter aims at finding what a moral action is. Here we are concentrating on Kant’s practical philosophy which is centered around the famous phrase “that I can also will that my maxim should become a universal law.”²

In evaluating moral value of an action, Kant takes into account the motivation rather than the effect. According to him, for every action there are some beliefs, called maxims, which underlie it. Maxims, in their own turn, are based on imperatives. Kant distinguishes between two kinds of imperatives: hypothetical and categorical. A hypothetical imperative presupposes that action should lead to some contingent (usually material and beneficial) effect. Eating food in order not to be hungry would be an example of it. When one’s maxim is based on a categorical imperative, then, on the contrary, one is not expecting any beneficial outcome from it. The only reason for performing such action is the fulfillment of the duty. Kant argues that only actions performed according to the maxims based on categorical imperatives count as moral.

In Greek philosophical tradition, and especially in Aristotle’s *Nicomachean Ethics*, morality is often associated with the agent’s attunement with “nature” or *logos*. For Greeks a morally perfect person is the one who has trained her desires in such a way that she would prefer to do a virtuous action rather than a base one. This training mostly consists in the understanding that only virtuous actions can lead to *eudaimonia*. Kantian understanding of morality is different. Categorical imperative requires that the duty has to be performed for its own sake rather than for the sake of happiness.

Why does Kant say that only the actions performed in accordance with categorical imperative count as “moral” and others do not? Kant derives the moral law from two principles, which ultimately “rest on an analysis of what is involved in our ordinary everyday thinking about morality”.³ These principles are: a) “The moral law must bind all rational beings as such, regardless of their preferences and inclinations”⁴; b) “The only good without qualification is a good will”⁵. From the first principle Kant derives the universality of the law and from the second – its categorical character.

From the two principles stated above, it is quite obvious that the law must be universal. However, it is not very clear why it has to be categorical. The categorical character of the law is essentially an answer to the question of ends. If a hypothetical imperative could be considered as a possible source of morality,

² Immanuel Kant, *Grundlagen*; p. 17.

³ Ralph C. S. Walker, *Kant. The Arguments of Philosophers*, (Routledge & Kegan Paul, London); p. 152.

⁴ Ralph C. S. Walker, *Kant. The Arguments of Philosophers*, (Routledge & Kegan Paul, London); p. 152.

⁵ Ralph C. S. Walker, *Kant. The Arguments of Philosophers*, (Routledge & Kegan Paul, London); p. 152.

then the “moral action” should be performed for the sake of some “morally valuable” ends. Thus a hypothetical imperative presupposes the existence of such “morally valuable” ends. However, Kant would say that there are no ends which would be “morally valuable” in themselves apart from the good will. Since every human being has a potential for the good will, therefore the only adequate end for an action is humanity itself. For Kant, acting “for the sake of good will” would amount to acting according to the categorical imperative.

Kant focuses his interest not on actual but rather on hypothetical people (not to be confused with the hypothetical imperative). According to him, it is the consent of the hypothetical people which defines morality. This definition of morality also applies to the actual people, whose imperfect desires are likely to be in conflict with the judgement of the “moral” people. Kant therefore claims that morality exists prior to the individual desires and preferences. Let us concentrate on the Kantian idea of the hypothetical individual. It should be obvious that Kant does not assume that the existence of such individuals is necessary to find out which actions are moral and which are not. In other words, if one wants to find out what morality is, one should not set out looking for a perfect man in order to obtain the answer. The moral law is common to all the people. What one needs to do in order to find out it, is to think in a specific mode, namely, the mode the moral person would think.

When Kant talks about hypothetical people, he is not talking about people as such but rather about a certain mode of reflection. Let us call it the “ideal mode of reflection”. In order to reflect in the way which would lead to the realization of morality, one needs to make certain assumptions about what the essential features of human nature are. In the “ideal mode of reflection”, agent’s thought is based only on these assumptions. Let us illustrate what we mean by an example. Consider a human being X. Under normal circumstances, X has the capacity to reason. Assume that X also has an inclination towards watching TV. In the “ideal mode of reflection” X would probably have to suspend his inclination towards watching TV. However, he does not have, or, in fact, must not suspend his capacity to reason, for if he did, he would not be able to reflect in the “human” way at all. From this example we see that an implicit assumption about human nature has been made, namely, that the capacity to reason is essential to human nature while watching TV is not.

In establishing the validity of the moral law, Kant is arguing from the position that there is such a thing as human nature. The two human properties essential for his argument are equality and “good will”. While it is clear what Kant means by “equality”, the concept of the “good will” is somewhat obscure. It looks like Kant considers “good will” to be the human faculty governing agent’s choice to act in a “good way”. This acting in a “good way” would probably consist in fulfilling one’s duties for oneself and for others.

It is not very clear, however, what the justification for duties is. Kant himself would argue that the ultimate justification for a duty rests within the “good will”. To perform a duty is to perfect one’s “good will”.⁶ If one wants to perfect one’s “good will”, then obviously there exists a state to which this “good will” has to be perfected. Therefore Kant presupposes some kind of a teleological scheme. What determines the Kantian *telos* of a human being? One of the most influential political philosophers of the last century John Rawls says: “Kantian constructivism hopes to invoke a conception of the person implicitly affirmed in that culture, or else one that would prove acceptable to citizens once it was properly presented and explained.”⁷

Rawls considers the Kantian conception of the human nature to be inseparable from a certain set of cultural, political, historical and economical circumstances which constitute a political system. Thus, according to Rawls, the *telos* of a Kantian person is to a large, if not absolute, extent determined by her political environment. This is a radical statement against one of Kant’s fundamental assumptions, namely, that the conception of the human nature is universal and prior to any spatiotemporal contingencies such as a political system. In the next part of the paper we will discuss the Kantian conception of the state and individual’s relation to it.

d) On Kantian justification of a political system

In justifying a political system, Kant proceeds by addressing the problem of human freedom with a socio-economical context. Since a political system delimiting the human freedom would in a sense be doing damage to the absolute good, Kant sees this kind of a political system unjustified. However, he provides an alternative conception of a political system, which does not delimit but rather promotes the human freedom. Kant sees the socio-economical world primarily as a collection of individuals, each of whom might have a distinct worldview and a distinct understanding of how to lead his/her life. From this perspective a political system occupies a secondary place in the socio-economical world, in which the primary place is already reserved for an individual. Kant hence tries to justify political system by appealing to human nature alone. If there is any such thing as the “common good” of the state, it consists not in the advancement towards some kind of transcendent objective, such as Augustinian “city of God” or Hegelian self-discovery of the absolute, but rather in the full realization that there is no such objective. Kant therefore justifies the political institutions not by the divine law or its equivalent but by social contract.

⁶ Ralph C. S. Walker, *Kant. The Arguments of Philosophers*, (Routledge & Kegan Paul, London); *The Moral Law*.

⁷ John Rawls, *Kantian Constructivism in Moral Theory*, *Collected Papers*, ed. Samuel Freeman, (Harvard University Press); p. 306.

Some remarks need to be made regarding Kantian social contract. Under an alternative interpretation of the social contract proposed by Thomas Hobbes, individuals agree to give part of their natural rights to political institutions (or, in his own terminology, Leviathan) so that the political institutions would ensure their survival. The survival instinct is a rather basic characteristic, common to almost all the human beings, so Hobbes' social contract, although it seems to be made on rather primitive grounds, is quite democratic. Kant has a different understanding of the social contract. The social contract, according to him, is made by autonomous individuals. As we have seen from the previous part of the paper, autonomy presupposes a rather thick a priori conception of the human nature. In justifying political institutions, Kant proposes the division of the people into ones that fit the description of the autonomous person and ones that do not.

Kant's use of abstract terms makes his arguments not very clear when it comes to the content of the autonomous person. However, when it comes to the form of thought, it seems that Kant is not very different from Aristotle. The key ethical idea of both of them is the separation of the ordinary people, whose judgments "do not count", and the "moral" people, whose judgments, on the contrary, do count. For Aristotle, the criterion of separation is *phronesis* (practical reasoning) or *sophia* (theoretical reasoning).⁸ For Kant, this separation is based on the autonomy, or the realization of the moral law. So not only Aristotle, but also Kant agrees that there are some things which possess intrinsic moral value. Thus some Aristotelian features are characteristic of Kantian liberalism. Consequently, because of the separation between the "ordinary" and the "moral", Kantian liberalism does not fully realize the liberal ideal of the moral sovereignty of all the people. The locus of Kantian source of morality is the autonomous human reason.

The above discussion can easily be related to Foucault's concept of "dividing practices". Foucault claims that "dividing practices" is one of the three ways of defining the human nature. The other would be "scientific classification" and "subjectification" or "self-scrutiny".⁹ Here we are interested only in the "dividing practices". In one of his famous passages, Foucault talks about the isolation of the lepers from the rest of the society in the Middle Ages. This isolation, according to Foucault, is a way of

⁸ Aristotle, *Nicomachean Ethics*, VI 8-11, X 6-8.

⁹ *The Foucault Reader*, ed. by Paul Rabinow, (Pantheon Book, New York); p. 8.

“objectifying the subject”. The power structure divides people into certain classes. This division is based on certain characteristics which the people possess. In the case of the lepers, this characteristic would be the disease. The lepers would somehow be considered less human.

Some Kantians might argue that the division of people into “autonomous” and “non-autonomous” is essentially different from the division into “lepers” and “non-lepers”. While the latter division is clearly imposed by the power structures, the former is not. The argument that the Kantian division is not a “dividing practice” could be based on the fact that Kant appeals to some kind of principle of “human reason” rather than to an accidental characteristic.

The Kantian way of discovering the “principles of human reason” rests on at least two fundamental assumptions. The first is that the “ideal mode of reflection” is possible and the second – that the agents in such a mode would necessarily make a unanimous decision about the moral principles. The first assumption as it stands does not seem to be problematic. However, it begs a question how is one to decide what abstractions need to be made in order to achieve the “ideal mode of reflection”.

Is there an objective way to determine the so-called essential properties of human nature? A usual way of finding essential properties of a collection of objects is taking the intersection of the properties of these objects. For example, if we have the collection A consisting of objects x and y, x having the properties m, n and y having the properties n, l, then the essential properties of the objects belonging to A would be the intersection of the sets m, n and n, l. The conclusion thus is that the essential property of the objects belonging to A is n. If one has a more strict conception of an essential property, one could extend the definition. m is an essential property of the objects $x_1, x_2 \dots x_n$ belonging to A if and only if m belongs to $x_1, x_2 \dots x_n$ and for every object y which does not belong to A, m does not belong to y. However, if we try to determine the essential human properties in such a way, we will probably get nothing, since there are people who are unable to reason etc. Therefore it seems that the only way to get these essential properties is to assert them. Such an assertion is essentially not different from Foucault’s “dividing practices”.

e) Conclusion

As we have already noted, Rawls considers political system to be the grounds for the assertion of the essential properties of the Kantian individual. On the other hand, it seems that the political systems themselves should be intended to help to cultivate the human nature, which somehow exists a priori. In our argument we tried to show that Kant associated a priori human nature with a rather thick conception of morality. Kant has a rather peculiar view of a political system which somehow “promotes” individual freedom. From another perspective, a Kantian political system is nothing but a form of oppression. This oppression could be called an “invisible oppression”, since its people are not primarily oppressed by institutional orders but by the a priori notion of the moral law.

References:

- [1] Immanuel Kant, *Grundlagen*.
- [2] Ronald Beiner, *What liberalism means? Communitarian Challenge to Liberalism*, (Cambridge University Press).
- [3] *The Foucault Reader*, ed. Paul Rabinow, (Pantheon Books, New York).
- [4] John Rawls, *Kantian Constructivism in Moral Theory*, Collected Papers, ed. Samuel Freeman, (Harvard University Press).
- [5] Ralph C. S. Walker. *Kant. The Arguments of Philosophers* (Routledge and Keagan Paul, London).