

### **Chapter III: The Ethical Realm**

Unfortunately, war and its inevitable horrors seem to be an unavoidable part of international relations in much the same way crime seems to be an unavoidable part of human communities. However, there is a glaring qualitative difference between the actions of a common urban criminal and the soldier or politician who commits morally reprehensible acts as the representative of an internationally recognized government. The former is bound by the authority of a nation to which she has at least given tacit consent to limit her actions through the enforcement of its laws. Often, the latter has not made such an agreement with the international community, and the authority of many international treaties and laws are highly disputed. The international arena is often a lawless state of nature. However, both intra-national and international law can be joined together in ethics, which they both attempt to make actual.

Ethical systems grant authority to laws by attempting to provide unchanging and metaphysically absolute rules for human interaction. This is true regardless of whether the ethical system is culturally relativistic, like hedonist Utilitarianism, or absolute, like Kant's system based upon reason alone. Each system asserts a fundamental law, which the entire system rests upon. For instance, relativism asserts, "there are no absolute laws," but this is nonetheless an absolute law that cannot be violated within the system. Human law is simply the application of what is perceived to be right; it is merely applied ethics. A legal right is simply a legislated guarantee based upon the authority of an ethical system. In order to understand Kant's thought on law, his ethics must be followed back to their source.

Where does the legal concept of right arise from? What authority grants that there is even such a beast as a natural human or national right? What exactly is freedom, or a free action? A political theory resting upon how a universal law can exist and just as importantly how human beings can come to know this from their seemingly empirically limited positions must be grounded upon a thorough metaphysics. Kant's political philosophy rests upon his moral philosophy, which is based upon "a priori principles" found not within human "anthropology" but in the realm of "freedom."<sup>1</sup> Without an understanding of Kant's fundamental assertions, his political philosophy would be incomplete and offer no real argument.

Kant's great and enduring contribution to philosophy in the field of ethics is unquestionable. Kant is able to unify the two very different views of Empiricism and Rationalism into a comprehensive and logical whole. But most importantly he raises humanity out of the vicious jaws of determinism and the horrors of religious zealotry. He accomplishes this by postulating humanity's freedom to act against its destructive and divisive inclinations through obedience to rational laws made by the individuals themselves. However, this freedom is not a wild path that allows for individuals to do whatever they want, it is a call to Duty that is based on the exercise of one's will. No longer would ethics be of the sole proprietorship of the church or religious authorities that told humanity what God wanted them to do.

Humanity is no longer considered just billiard balls bouncing from one collision to the next, nor are we the helpless pawns of some unfathomable God. But in order to prevent humanity from existing in a world where one's moral duty has no chance of

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<sup>1</sup> Kant. Metaphysics. 10. P.A. 6:217.

perfection through the combination of morality and *happiness*, Kant feels it necessary to postulate the existence of an immortal soul. This then necessitates a God and a religion to serve the ethical masses in order to help them achieve the ‘highest good’ by insuring ultimate justice.<sup>2</sup> This postulate of an ultimate Judge is perhaps the corner stone to Kant’s entire moral, ethical, and political project, but this will be addressed in depth in Chapter IV.

In order to fully understand Kant’s political philosophy, his intimately connected ethical and religious philosophy must be explored, which serve as foundational pieces to his *Theory of Right*. Kant feels it necessary to clearly define a moral system that is free of empirical influences and that rests solely on a “pure moral philosophy”.<sup>3</sup> Pure moral philosophy is based on a priori principles, which are what the intellect uses to structure the empirical world, and without them nothing can be known. More clearly stated, we use these concepts to interrogate nature with specific questions, which yield specific answers because of the limited scope of our questions. If we have no a priori concept, then we cannot get an answer from the empirical world, because we lack the proper knowledge to ask a question. A very crude analogy would be if one has no concept of what a horse is and sees men riding on them for the first time. They could assume that the man and horse are one, because they lack the proper questions to ask of nature, i.e., what is the animal underneath the man. The concepts of man and horse are not a priori, but the analogy serves the purposes of demonstrating that certain key conceptions must

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<sup>2</sup> Kant, Immanuel. Religion Within the Limits of Reason Alone. Trans. Greene, T. & Hudson, H. New York: Harper, 1960. (89). “We can already foresee that this duty will require the presupposition of another idea, namely, that of a higher moral Being through whose universal dispensation the forces of separate individuals, insufficient in themselves, are united for a common end.”

<sup>3</sup> Beck, Lewis. The Great Philosophers: Kant Selections. “Editors Introduction: Foundations of the Metaphysics of Morals,” New Jersey: Prentice, 1988. (237).

be in place before any information can be acquired from the empirical world. A priori concepts serve as foundations upon which all other information may be structured and understood.

Kant finds this pure approach by separating the laws that govern the universe, i.e., the “laws of nature”, which are determined by simple cause and effect relationships governing ordinary matter, or the empirical realm, from the “laws of freedom,” which a rational and reasoning, sentient being controls.<sup>4</sup> This freedom comes from the very essence of what reason means. It is the action of logically deliberating, without any outside “influences” to determine its choice, otherwise choices in response to outside considerations would be based upon a mere “impulse.”<sup>5</sup>

Kant further refines this foundation in order to avoid problems in other ethical systems that he has encountered. Kant sees that other moral philosophy, as the product of “jack-of-all-trades” who cater to the public’s “taste” to produce “primitive” systems that confuse the empirical with the rational.<sup>6</sup> The main purpose of the separating-off of pure reason from empirical distractions is to make a system that holds for all “rational beings” and not just humanity.<sup>7</sup> The importance of this move is not geared out of concerns for other beings within the universe, but in order to ground moral laws that would transcend human empirical experience. If it is wrong to lie or murder, than it must be grounded in

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<sup>4</sup> Kant, Immanuel. The Great Philosophers: Kant Selections. “Foundations of the Metaphysics of Morals,” ed. Beck, Lewis. New Jersey: Prentice, 1988. 244. P.A. 4:387.

<sup>5</sup> Kant. Foundations. 286-7. P.A. 4:448. “Now I affirm that we must necessarily grant that every rational being who has a will also has the Idea of freedom and that it acts only under this Idea. For in such a being we think of a reason which is practical (i.e., a reason which has causality with respect to its object). Now we cannot conceive of a reason which, in making its judgments, consciously responds to a bidding from the outside, for then the subject would attribute the determination of its power of judgment not to a reason but to an impulse. Reason must regard itself as the author of its principles, independently of alien influences; consequently as practical reason or as the will of a rational being it must regard itself as free.”

<sup>6</sup> Kant. Foundations. 245. P.A. 4:388.

<sup>7</sup> Kant. Foundations. 245. P.A. 4:388.

“a priori concepts of pure reason” in order to avoid temporal “circumstances” or “human nature” from dictating its truth value.<sup>8</sup> Things that are dependent upon the empirical may be of practical use, but they are not morals proper because they can change with circumstances and peoples’ nature. Something does not become moral by simply conforming to the law; it is moral because it is done out of respect for the law. Anything that is dependent on humanity’s empirical nature for its origins is very “corruptible” because of humanity’s many different “inclinations;” thus by determining the moral law to be firmly grounded in a priori concepts, its “purity and genuineness” are insured.<sup>9</sup>

Kant asserts that the only thing that can truly be called good “without qualification” in this world is a “Good Will.”<sup>10</sup> This is interesting because it clearly shifts the focus away from human valuations of things in this world and sets Good on a higher, more transcendent, level that is above the empirical level of human inclinations and temporal circumstances. He clearly shows that anything we might deem as good can always be corrupted, such as wealth, happiness, cleverness, etc., because one who lacks a good will can misuse each of these. Kant further points out that this ‘goodness’ is not found in the consequences of an intended action, but it is found solely in the “willing” alone.<sup>11</sup>

The conception of the willing alone as ‘good’, leads Kant to show that the good is not “happiness” because the will is controlled by “reason,” whereas “instinct” alone would serve a better purpose for providing happiness.<sup>12</sup> This is easily seen when moral

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<sup>8</sup> Kant. Foundations. 245. P.A. 4:388.

<sup>9</sup> Kant. Foundations. 246. P.A. 4:390.

<sup>10</sup> Kant. Foundations. 248. P.A. 4:393.

<sup>11</sup> Kant. Foundations. 249. P.A. 4:394.

<sup>12</sup> Kant. Foundations. 250. P.A. 4:395.

duty requires one to exchange one's life for that of another in need, because one's happiness is not served by self-sacrifice. This attainment of purpose that is founded upon reason is Kant's concept of duty. Kant defines duty by clearly showing that it is not doing the 'right thing' for ulterior motives, or from natural inclination.<sup>13</sup> Moral worth comes from the denial of personal inclinations in service to one's duty alone.

Kant lays out three main propositions in order to define what moral worth is. The first is that "an action must be done from duty", secondly its "moral worth" is based solely upon its "determined maxim" and not upon its intended outcome, and thirdly "duty is the necessity to do an action out of respect for the law [of reason]."<sup>14</sup> These propositions clearly point out that the 'good' does not exist in the empirical realm, but in the a priori concepts of the will. And this is where the 'laws of freedom' clearly begin their formation. The will determines through reason alone what is its duty. At the time of its actions, the a priori concepts have already been formed and it is not concerned with the consequences that it introduces into the empirical realm of cause and effect. And finally, it has an obligatory nature to act out of necessity for the law (an ought-ness), but it is still an act of freedom as evidenced by how many times humanity chooses to act out of inclinations instead. It should be pointed out that these commands are free choices, because they are self-legislated. The choice to follow the moral law is clearly up to the individual and not forced by some promises from a religion of reward or retribution, nor are they due to inclinations.<sup>15</sup>

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<sup>13</sup> Kant. Foundations. 252. P.A. 4:399.

<sup>14</sup> Kant. Foundations. 253. P.A. 4:400.

<sup>15</sup> Kant. Foundations. 267. P.A. 4:420. "I connect a priori, and hence necessarily, the action with the will without supposing as a condition that there is any inclination [to the action] (though I do so only objectively, i.e., under the Idea of a reason which would have complete power over all subjective motives). This is, therefore, a practical proposition which does not analytically derive the willing of an action from

Kant's political philosophy draws from this sense of moral duty, but attempts to create a legal system that may be ethical without actually making one ethical. Whereas moral duty is self-legislated and thus free, legal duty is enforced by fear of punishment if it is not followed. But, here is the crucial point of intersection between the one's ethical and legal duty. One may choose to observe one's legal duty, because of its ethical authority, thereby making it a free action. Or, one may simply be a slave to one's inclinations and obey out of fear. The important separation between law and morals is simply to note that being ethical always entails freedom, whereas rightful law merely enforces one's outward actions to be in accordance with ethics without actually making anyone free or ethical. However, law seems to be aimed at coercing one's actions to be truly ethical and not just right, even if fear of punishment is the only motivator. The issue I am raising here is that ethical actions are most assuredly what law is after. If Kant's right is concerned with creating a society where one may be moral by creating laws that insure everyone's action conform to ethical standards, then are the motivations of the individual of such paramount importance? Equating ethics with morality creates the confusion. Ethics seem to be after universal laws that govern human interactions from a community's stand-point, whereas morality is after laws from the individual's stand-point. There is police saying that states if it walks like a duck, looks like a duck, talks, and acts like a duck, then it's a duck. It simply means that if one is involved in criminal activity and has all the outward appearances of a criminal, then that person is a criminal. Likewise, if one's actions are completely ethical, then it seems odd to argue that there is something more. This is not to argue for functionalism; it is simply to make

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some other volition already presupposed (for we do not have such a perfect will); it rather connects it directly with the concept of the will of a rational being as something which is not contained within it.”

the point that ethics is concerned with actions. Motivations may be considered more or less praiseworthy, but ethics are primarily concerned with the systematic whole of the individual and her community. To focus solely on the individual's motivations is to entirely miss the whole point of ethics, which is to establish rules to govern one's actions for the purpose of a peaceful society. In fact, to argue that ethics is more than what one actually does seems to necessitate a God who can judge one's soul. This judging of the individual's heart is the true measure of morality, whereas ethics is concerned with one's interactions with others.

If a soldier sacrifices her life in order to save her comrades can one argue that her action was not courageous because it was actually selfish and done out of fear? By focusing on the individual one misses the entire point of ethics; ethics concerns interactions within a community. It is one's actions that are of paramount importance, and one's motivations only really matter if there is some sort of heavenly tribunal to weigh one's eternal soul. Humans are often motivated by a complex set of competing desires, which quite possibly only God could sift through in order to determine the moral worth of an individual. Ethics looks to the actual actions and not the inner motives of a person. One is ethical, if one's actions are ethical. However, Kant's ethical theory must be further explored before such an issue can be fully raised. I have simply noted that law and ethics are not so easily separated, unless the focus is solely upon the individual and not the community that she is a part of. Law may be separated from morality, but law cannot be separated from ethics. Law is a creation of the political realm; politics are merely a subset of ethics, because politics address the way human interactions 'should'

be. However, ethics and morality will be used as synonymous terms for the remainder of Kant's philosophy, in order to fairly lay out his view.

Kant's legal philosophy is concerned with right actions, which are distanced from ethical actions. However, the doctrine of right is granted its authority by his ethics, but the enforcement of an ethically grounded right would appear to demand of law more than simple protection of property rights alone. Law may need to weigh which ethical laws it can practically enforce, but nonetheless law is aimed at enforcing ethical actions and not at simply protecting one's freedom. There is a major difference between the former and latter objective of law. The enforcement of ethical actions is aimed at the betterment of a community, whereas the protection of one's rights is aimed at the betterment of the individual alone.

Kant's version of ethics, or his conception of the meaning of ought, revolve around what one may or may not do, which is consistent with his political philosophy of exercising one's freedom within a society. However, this formulation of the ethical ought is not the same as questioning what one must or must not do. The concept of 'may' is an individualistic term in that it is an outward term from the self toward the almost foreign object of the community. The concept 'must,' by contrast, arises out of one's duty to a pre-established community; it is a viewpoint that changes the entire emphasis of the concept of ought. A duty to a community views a human as inseparable from the community, whereas a self-interested ought entails no duty outside of one's duty to oneself. Although Kant addresses duty to an ethical community in his religious philosophy, the individual supercedes the community.

Kant's conception of 'ought' revolves around the one's ability to freely choose to follow the ethical law through the use of one's will. He points out that a will can still be considered good even though it acts without concern for outcomes by introducing the idea of a "universal law."<sup>16</sup> To determine the moral worth of one's actions, actions should be thought of as universal laws, like natural laws such as gravity, in that they are inescapable and binding on all. This idea can be demonstrated by asking a simple question such as, "Is it okay to lie and promise to repay a loan that I need now, even though I have no intentions of ever repaying it?" If lying became a universal law, then everyone would be necessarily bound to lie. If everyone lies, then no promises can exist because promises are based on trust. Thus, the "maxim" to make lying a universal law in order to get out of a promise, "necessarily destroy[s] itself."<sup>17</sup> It should be emphasized that this instance of universality does not fail because of any consequences, but because it could never come to be and therefore, it is in violation with reason. It is simply a logical contradiction. This becomes the crux of the Categorical Imperative, which formally states, "Act only according to that maxim by which you can at the same time will that it should be a universal law."<sup>18</sup>

Since one cannot use Categorical Imperative without it applying equally to oneself, Kant has not only wrestled the dignity of freedom away from the old slave masters, but he has also purchased respect for humanity. This is because any "rational being" necessarily thinks of itself as an end and not as a mere "means" to an end.<sup>19</sup> More clearly stated, no one wishes to be used without his or her permission for another

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<sup>16</sup> Kant. Foundations. 245. P.A. 4:389.

<sup>17</sup> Kant. Foundations. 255. P.A. 4:403.

<sup>18</sup> Kant. Foundations. 268. P.A. 4:421.

<sup>19</sup> Kant. Foundations. 273. P.A. 4:428-9.

person's designs. This is a very interesting point, because it seems to imply that not even a Perfect Divine Being can morally treat any rational creature as merely an end for its own designs, which poses a significant problem for any religion, even a Natural one such as Kant's. It also raises questions of how a doctrine of right can allow for a sovereign to use her citizens as soldiers if they choose not to fight for her, based upon some ethical duty they believe supercedes her desires. Furthermore, asserting that humans have an inherent dignity by virtue of their moral natures seems to contradict the notion that any human might be considered one's property. One does not choose to be born a woman or as a servant from a lower social class. Society has merely assigned unnatural roles, which Kant's political views enforce through ethically authorized laws. If a person is an end in itself, then Kant's view of humans within a quasi-hierarchy of property leads to this apparent ethical/legal dilemma. This hierarchy appears to be the result of his religious philosophy, where an ethical society is ordered under a divine perfect legislator, namely God.

With the idea of morality being one's exercise of freedom to choose to follow self-legislated universal maxims, Kant feels it necessary to give a reason why one would necessarily want to be moral. In fact, without this motive to be moral, one's intellectual capacities may just as well be used for the sole purpose of bettering oneself at the expense of others. One might just as well say, "Rationality be damned, I will do what I must in order insure my own happiness." The course one takes in order to achieve one's betterment may even conform to the categorical imperative, but completely fail to capture the essence of an ethical life. For instance, capitalism has established a free market, and many laws have been structured around the ideas of open access to the market. These

laws are universally applied to all who interact within this particular form of commerce, but these laws are more non-interference maxims versus a type of law enthused with a care or compassion for the players in this game. Kant's individualistic approach to ethics makes matters of care and compassion totally unnecessary, because reason and not emotion makes an action moral.<sup>20</sup> His ethics, like the laissez-faire approach to economics, is concerned with the individual and not the community with its many interactions. Ethics is concerned with the interactive whole of human relations and not merely the subject. There can be no true subject/object distinction because of this. For instance, does it make sense to speak of the ethics involved in a community of one? Can the lone inhabitant of a desert island be ethical or unethical? No, ethics requires interactions between different people. Although one is either blamed or praised for one's actions, one is acting as part of a systematic whole. Ethics is concerned with this whole.

Furthermore, one might simply choose to be immoral; contradictions in one's will do not insure an unpleasant life. History has shown that many times the 'immoral' have lived fantastically pleasant lives. Thus, a pragmatic argument as to why one should want to be moral would fail. In fact, without a strong motive for a moral life, no authority for universal laws can be given besides simple majority and force. Kant's subtle move at this point, in order to guarantee the authority of a universal law, leads down the path to religion and pure cultural historical influence.

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<sup>20</sup> Kant, Immanuel. Cambridge Texts in the History of Philosophy: Kant, Groundwork of the Metaphysics of Morals. Trans. Gregor, Mary. Cambridge: Cambridge, 1996. 11. P.A. 4:398. "To be beneficent where one can is a duty, and besides there are many souls so sympathetically attuned that, without any other motive of vanity or self-interest they find an inner satisfaction in spreading joy around them and can take delight in the satisfaction of others so far as it is their own work. But I assert that in such a case an action of this kind, however amiable it may be, has nevertheless no true moral worth but is one and the same footing with other inclinations . . ."

As rationally empirical beings we are of two natures, one being that of the “world of sense” and the other being the realm of freedom, the “intelligible world.”<sup>21</sup> This nature of the intelligible world has a priori concepts that necessitate our actions through the will. One of these necessitating concepts is to seek, what Kant calls, the “highest good,” which is the logical end for religion.<sup>22</sup> Kant’s conception of the highest good and religion shall be explored in chapter IV, but for now morality is the only path toward achieving this goal. The highest good is a combination of virtue, or simply being moral, and happiness. However, this combination becomes a possibility when one is first virtuous, because happiness is the result of being virtuous by allowing one to be worthy of it.<sup>23</sup> This is not to say that one cannot be undeservedly happy, but the highest good only occurs when virtue and happiness are combined. This end point is where the foundations for an authoritative universal law truly lie, because the empirical world raises the problem of virtue and happiness rarely combining.

Religion is needed in order to grant authority to why everyone ought to be ethical. In fact, Kant’s religious philosophy is where ‘may’ transitions into ‘must.’ This conceptual change in the term ‘ought’ is not supposed to be qualitative change, but it is. The necessity for religion to ultimately ground Kant’s ethics turns his entire ethical philosophy into degrees of must. The categorical imperative may be thought of as free self-legislation, but it is grounded on and entirely motivated by an outside must, namely God as the ultimate Judge. Kant’s ethics are then grounded entirely upon one’s own self-interest. One obeys because eventually one’s actions will either be rewarded or punished.

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<sup>21</sup> Kant. Foundations. 291. P.A. 4:454.

<sup>22</sup> Kant. Immanuel. The Great Philosophers: Kant Selections. “Critique of Practical Reason.” ed. Beck, Lewis. New Jersey: Prentice, 1988. 309. P.A. 5:117

<sup>23</sup> Kant. Critique. 310. P.A. 5:119.

Kant's conception of right and morality ultimately become synonymous in nature. One seeks out the highest good not for the community, but for the rationality of the endeavor. It is reasonable to obey the ethical law, because it profits one in the end. Seeking to profit from one's ethical actions is definitely a consequentialist approach to ethics and would thereby contradict Kant's entire ethical project. However, if the highest good is "impossible" to achieve and thus false, then the moral law is false by virtue of it being "inseparably related" to the highest good.<sup>24</sup>

In order to solve this problem Kant addresses the issue of an immortal soul that necessarily leads to a Supreme Judge to insure that virtue and happiness do combine in eternity. In fact, without this "gracious Deity" to insure the prospects of the highest good, humanity is caught in a "practical irrationality."<sup>25</sup> His ethics receive all of their power and validity by being tied to a religion where a God judges one's actions after death. This is the key link in Kant's ethical and political theory, which holds everything together. It is the motivator, the catalyst that starts the entire chemical reaction for his project to fuse together, and without it relativism is just as good an option.

The attainment of the highest good is only possible through perfect conformity to the moral law, but this is impossible within this lifetime. This perfect conformity, or "holiness", can only be attained through an "endless progress," which is a "postulate of pure practical reason."<sup>26</sup> Thus in order to solve half of the highest good problem, Kant

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<sup>24</sup> Kant. Critique. 306. P.A. 5:114. "Since, now, the furthering of the highest good, which contains this connection in its concept, is an a priori necessary object of our will and is inseparably related to the moral law, the impossibility of the highest good must prove the falsity of the moral law also. If, therefore, the highest good is impossible according to practical rules, then the moral law which commands that it be furthered must be fantastic, directed to empty imaginary ends, and consequently inherently false."

<sup>25</sup> Wood, Allen. Cambridge Companion to Kant. "Rational Theology, Moral Faith, and Religion," ed. Guyer, Paul. Cambridge: Cambridge, 1992. 404.

<sup>26</sup> Kant. Critique. 311. P.A. 5:122.

asserts the existence of an immortal soul. However, this does not insure that the highest good can be achieved. Therefore, pure practical reason leads Kant to postulate a “supreme cause” that combines “nature” (the empirical) with the “moral”, and this ultimate cause or “will” is “God.”<sup>27</sup> This creator, of both the empirical world and the realm of freedom, morality, insures that the highest good can be achieved as an ultimate Judge and Law-Giver.<sup>28</sup> This last postulate has completed the foundation for Kant to begin his *Religion Within the Limits of Reason Alone*. The importance of exploring Kant’s religious philosophy lies in the fact that without it Kant’s ethics lack all legitimate power to motivate or require an individual to be ethical. Without his religious philosophy, his ethics are mere suggestions, but not mandates. God is needed in order to avoid Kant’s ethics collapsing into a type of utilitarian ethics. Without a supreme power to ground Kant’s ethics, the only argument available for why one should be moral would be to achieve some type of profit for the individual or society.

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<sup>27</sup> Kant. Critique. 312. P.A. 5:124.

<sup>28</sup> Kant. Religion. 7. “But if, now, the strictest obedience to moral laws is to be considered the cause of the ushering in of the highest good (as end), then, since human capacity does not suffice for bringing about happiness, an omnipotent moral Being must be postulated as ruler of the world, under whose care this [balance] occurs. That is, morality leads inevitably to religion.”